

**CITY OF GRAND HAVEN
519 WASHINGTON AVE.
GRAND HAVEN, MICHIGAN
REGULAR CITY COUNCIL MEETING
FEBRUARY 21, 2022**

CALL TO ORDER

The Regular Meeting of the Grand Haven City Council was called to order at 7:30 p.m. by Mayor Cathy McNally in the Council Chambers of City Hall, 519 Washington Ave.

Present: Council Members Karen Lowe, Ryan Cummins, Kevin McLaughlin, Mike Fritz, and Mayor Cathy McNally.

Absent: None.

Others Present: City Manager Patrick McGinnis; City Clerk Kelly M. Beattie; Assistant City Manager Ashley Latsch; Director of Public Works Derek Gajdos; Main Street / DDA Executive Director Jeremy Swiftney; Streets and Utilities Manager Matt Wade; and Community Affairs Manager Char Seise

INVOCATION/PLEDGE OF ALLEGIANCE

Maj. William Holman, Grand Haven Salvation Army, provided an invocation; following this, Mayor McNally led those assembled in the Pledge of Allegiance.

APPOINTMENTS TO BOARDS & COMMISSIONS

22-040 Moved by Council Member Fritz, seconded by Council Member Cummins the City Council approved the appointment of Sally Creason to the Musical Fountain Committee with a term expiring June 30, 2024. Motion carried unanimously.

APPROVAL OF CONSENT AND REGULAR AGENDAS

22-041 Moved by Council Member Fritz, second by Council Member Cummins to approve the regular and consent agenda as amended as amended. This motion carried unanimously.

- Items D, F, G, and K were removed from the consent agenda and placed in new business.
- One item of new business was added to the agenda relating to the appointment and swearing in process for members of boards and commissions.
- The continuation of the work session was added to the agenda following public comment.

CALL TO AUDIENCE

Nineteen members of the audience provided public comment:

1. Doug Vance, 100 Washington Ave., The Copper Post, shared that there are 11 housing units above the Copper Post and expressed concerns over parking for employees and tenants.
2. August Oliver Shampine, 509 N. Lake Ave., Spring Lake, spoke in support of opening recreational marijuana businesses in Grand Haven. Shampine also advocated for a survey relating to recreational marijuana sales. Shampine also advocated for education to combat substance abuse and expressed frustration with his efforts to communicate with local elected officials.
3. Jim Hagen, 400 Lake Ave., spoke in opposition to the proposed closure of Washington St. for outdoor dining. Hagen is concerned over the removal of 22 parking spots and about traffic flow on Washington and surrounding streets.
4. Steve Burch, 132 Dale Ct., requested help from the City Council in resolving issues regarding snow and sand removal on Harbor Drive. Burch asked for City Council support in working with Department of Public Works to clear the sidewalks.
5. Irene Rutherford, 125 Dale Ct., shared her recollection from 20 or 25 years ago regarding the creation of Harbor Drive. Rutherford recalled the decision at that time to build a sidewalk, sharing a statement from the Mayor at that time that the City would always plow the sidewalk along Harbor Drive.
6. Bill Rutherford, 125 Dale Ct., spoke about concerns of pedestrian safety along Harbor Drive, and hopes that the sidewalk will be cleared.
7. Tim Riley, 2 Washington Ave., Kirby House, spoke in support of the outdoor dining proposal.
8. Cara Galbavi, 128 Columbus, Cara Galbavi Law, Chair of the Main Street/ DDA, spoke in support of the outdoor dining proposal.
9. Anneke Burch, 132 Dale Ct. Spoke in support of clearing the sidewalk along Harbor Drive and thanked whoever was responsible for the bike racks in the area.
10. Mary Janusz, 10 Washington Ave., Calico Cat, spoke in opposition of the proposed outdoor dining on Washington, citing concerns of storefront access, traffic flow, open containers, and security and policing.

11. Geri McCaleb, 1235 Slayton Ave., spoke in opposition to outdoor dining on Washington. McCaleb also questioned the focus on recreational marijuana business licenses, because she could not recall any members of the City Council campaigning about recreation marijuana.
12. Field Reichardt, 317 Lakeview, Spring Lake, encouraged the City Council look for creative solutions for the power system and encouraged the council to look forward by acting locally while thinking globally.

Via phone

13. Joyce Workman, 7 N 7th St., Vintage Freen Antiques spoke in support of the proposed outdoor dining on Washington. Workman ensured the Council that the plan was brought forward by the Main Street / DDA and was worked on for 6 months
14. Joe Spalding, Riley St., Holland, spoke in support of cities opening up the streets for non-automobile use. Spalding also spoke regarding cannabis legalization and the potential for increased revenue if the city allows adult use marijuana businesses. Spalding also shared climate concerns regarding needing to travel long distances to shop at marijuana businesses.
15. Jim Avery, 12 Washington Ave., a representative of the Toasted Pickle, spoke in support of the proposed outdoor dining plan. The Toasted Pickle would be interested in expanding this plan to include the block with the Toasted Pickle, because of the benefits to the business and customers.
16. McKenzie Blaszak, 140 Crescent Dr., spoke in support of clearing the sidewalks along harbor drive to allow for safe exercise.
17. Jeffery Miller, 1120 S Harbor Dr., spoke in opposition regarding the draft Mayoral response to grand haven energy organization. Miller expressed concerned regarding a lack of oversight of the BLP by the City Council. Miller also supports an independent study regarding sustainability concerns.
18. Todd Neil, 1644 Franklin Ave., spoke in support of adult use marijuana, but expressed concerns that surveys can chose their audiences and therefor the response.
19. Kelly Larson, 114 Washington, Fortino's, spoke in support of the outdoor dining along Washington Ave.

CONTINUATION OF THE WORK SESSION

Ryan Kilpatrick answered questions regarding the presentation he gave earlier in the evening. CM Cummins asked about short term rental bills pending in the state legislature. Kilpatrick stated his organization is opposed to state preemptions regarding short-term rentals.

Special Event Permit Update

Char Seise, Community Affairs Manager, provided a presentation regarding Special Event Fees. This presentation covered several topics, including:

- An overview of the special events policy
- Requirements for applications
- Shared costs that are inherent in hosting a special event
- Details on the application review process
- Information regarding recommendations for changes in the special event policy

Char Seise then asked for feedback and suggestions from the City Council

Mayor McNally asked about the recommended fee waivers. Pat McGinnis responded with information about the proposed waiver price structure and how the subsidization of special events has occurred over the years.

CM Fritz expressed support for fee waivers, because special event organizations reinvest in the town and special events improve the community. Fritz also asked if a six-month rolling deadline would be sufficient to review an application. Seise expressed that opening applications only in January allows her time to be prepared and make any needed adjustments.

CM McLaughlin asked about fee waivers and inquired about what it would cost of all fees are waived. Seise did not have an estimate of the cost to waive all fees, but stated she would get need to report back with a number. McLaughlin recommends running the policy by the Main Street / DDA Director and community members. McNally added that it would be helpful to include event organizers.

CM Lowe asked what immediate items would make easier this year and asked that Seise bring those items forward.

CM Cummins spoke about the value of spaces. Cummins supported balancing the income that special event fees can provide compared to the community benefit of offering waivers, suggesting, as an example, a more nuanced fee waiver. Cummins also brought up the suggestion of variable application costs based on application date as relative to the event.

Mayor McNally, expressed gratitude for the presentation, including the explanation of the process and related history regarding special event applications.

CONSENT AGENDA

22-042 Moved by Council Member Fritz, seconded by Council Member Cummins, to approve the Consent Agenda. This motion carried unanimously.

22-043 Moved by Council Member Fritz, seconded by Council Member Cummins, to approve the City Council meeting minutes for the special joint meeting on January 31, 2022; special meeting on February 7, 2022; regular meeting on February 7, 2022; special

meeting on February 10, 2022; and closed session on February 10, 2022. This motion carried unanimously as part of the consent agenda.

22-044 Moved by Council Member Fritz, seconded by Council Member Cummins, to Approve a contract with Wolverine Fireworks, Kawkawlin, MI, for the 2022 4th of July firework show in the amount of \$23,000, with a rain date of July 5, 2022, and authorize the mayor and clerk to execute the necessary documents. This motion carried unanimously as part of the consent agenda.

22-045 Moved by Council Member Fritz, seconded by Council Member Cummins, to approve the bills memo in the amount of \$1,139,789.68. This motion carried unanimously as part of the consent agenda.

22-046 Moved by Council Member Fritz, seconded by Council Member Cummins, to accept the bid for carpet at the Community Center and approve the contractors service agreement with TED Design LLC, DBA/Johnson Commercial Interiors, Grandville, MI, in the amount of \$17,994.80 and authorize the Mayor and Clerk to execute the necessary documents. This motion carried unanimously as part of the consent agenda.

22-047 Moved by Council Member Fritz, seconded by Council Member Cummins, to approve a special event request to hold the Coast Guard Craft Fair in Central Park on Friday, August 5, from 9:00 a.m.–6:00 p.m., and Saturday, August 6, from 9:00 a.m.–5:00 p.m. This motion carried unanimously as part of the consent agenda.

22-048 Moved by Council Member Fritz, seconded by Council Member Cummins, “to hold the Jingle Bell Parade on December 3, 2022, from 6:00 p.m.–7:00 p.m., on city streets and to hold a tree lighting ceremony in Central Park immediately following the parade. This motion carried unanimously as part of the consent agenda.

22-049 Moved by Council Member Fritz, seconded by Council Member Cummins, to accept the FY 2021 HUD housing counseling grant award in the amount of \$28,135 and authorize the Mayor and Clerk to execute the necessary documents. This motion carried unanimously as part of the consent agenda.

Following the approval of the Consent Agenda, the City Council took a 5-minute recess at 9:13 pm, returning at 9:18 p.m. All members were present when the recess ended.

NEW BUSINESS

22-050 Moved by Council Member Fritz, seconded by Council Member Lowe, to approve a revised hosting agreement with Etna Supply to support remote water meter ready operations utilizing the new Sensus Analytics Software at a cost of \$40,110 for fiscal year 21/22, \$36,340 for fiscal year 22/23 and annual increases of 5% thereafter and authorize the Mayor and Clerk to execute the necessary documents. This motion carried unanimously.

Matt Wade shared the benefits of the software upgrade. This update will replace a system that has been in use since 2014.

CM Cummins asked if this is a budgeted from the water fund. Wade responded that it is budgeted.

CM Lowe asked if the old software will be sunset. Wade responded that this will be a full transition and the software is from the same company.

Moved by Council Member Cummins, seconded by Council Member McLaughlin, to approve closure of Washington Avenue, from Harbor Drive to 1st Street, for outdoor dining and Social District enhancement provided fire lanes are recognized and adjustments are made for special events as directed by the Department of Public Safety and permit parking lane closures only for outdoor dining on side streets in Centertown and other locations as approved by the Directors of Public Works and Public Safety and the City Manager. (this motion was amended and passed as amended as Resolution 22-052)

22-051 Motion by Council Member Lowe, seconded by Council Member Fritz to amend the proposal by designated end date as September 30 and to allow the Director of Public Safety and the Director Public Works to have discretion on closing toasted pickle parking spaces as was done in 2020 and 2021. This motion carried unanimously.

22-052 Moved by Council Member Cummins, seconded by Council Member McLaughlin, to approve the amended closure of Washington Avenue, from Harbor Drive to 1st Street, for outdoor dining and Social District enhancement provided fire lanes are recognized and adjustments are made for special events as directed by the Department of Public Safety and permit parking lane closures only for outdoor dining on side streets in Centertown and other locations as approved by the Directors of Public Works and Public Safety and the City Manager. This motion carried unanimously

Jeremy Swiftney shared an overview of the recommendations from the Main Street /DDA Board, sharing that the overall goal was to create a gathering space.

CM Fritz, asked how long this proposal had been under consideration. Swiftney replied that this has been under review since summer of 2021. Fritz expressed concerns that some business owners in the affected area were not involved in the discussion and asked if businesses will be charged for participation. McGinnis responded that there is an item in the fee schedule stating that barricades include a cost, but there is was nothing for space rental last year.

CM McLaughlin asked if there is a way to address the concerns of individual businesses. Swiftney responded that there are ways to address concerns and added that restaurants have a very different operational rules this year compared to last year.

CM Cummins asked for the City to revisit adding fees for use of public space relevant to this proposal and asked if this area would be managed as a common social district area or individual

liquor controlled areas. Swiftney responded that this could be a combination of both, but he needs additional time to address this concern. However, Swiftney did mention that to include the road, additional approvals would be required.

CM Lowe expressed concerns about parking in the area and supported charging businesses for the use of parking spaces.

Mayor McNally expressed concern about access to storefronts, possible disturbances from live music, and lack of communication with all businesses and residents. McNally spoke in support of providing access to storefronts that runs the entire length of storefronts. Swiftney responded that there is an email list business owners and members of the public can sign up for, but there is not direct mailing to each unit.

Moved by Council Member Fritz, seconded by Mayor McNally, to direct the Planning Commission to consider whether recreational (adult use) marijuana sales should be permitted in Grand Haven, and develop a recommendation for City Council that, if affirmative, includes amendments to the Zoning Ordinance that identify appropriate areas and criteria for such sales. Planning Commission is further directed to return its recommendation only after it has had sufficient time to thoroughly address the issues involved. **This motion failed with two members voting in support of the motion and three members voting in opposition. Yes: Fritz, McNally. No: Lowe, Cummins, McLaughlin**

Mayor McNally asked for this to be on the agenda, because she believes the Planning Commission was operating on guidance other than the instructions the City Council provided.

CM Cummins asked to include in the minutes that it is uncommon for the Mayor to second a motion, but it is well within the rights of the Mayor. Cummins believes the instructions the Planning Commission received from staff align with the direction from the City Council. Cummins also stated that the Planning Commission is welcome to request more time to provide a response. Cummins also provided an overview of the process used for consideration of the medical marijuana business ordinance.

CM Lowe commented that the issue was referred to the Planning Commission, because of the Planning Commission's prior experience with the medical marijuana licensing ordinance and because the Planning Commission is the right citizen board to provide advice on this topic.

Mayor McNally asked if this is not the right way to provide direction or clarification, what would be the correct way. Cummins responded that no additional direction or clarification is needed and that he believes that staff is following the legislative intent.

CM McLaughlin shared that the text amendments to the zoning ordinance were the charge to the Planning Commission. McLaughlin believes staff properly laid out what the role of the Planning Commission was, but it is possible the Planning Commission has chosen to ignore it.

CM Fritz prefers the wording of the resolution now under consideration, because it does not include a deadline. Fritz spoke in support of the Planning Commission providing a good

recommendation and wants to provide time for consideration. Cummins responded that he too would support an extension in the time needed if the Planning Commission requested an extension.

CM Lowe expressed her concerns that this request came from the Mayor rather than the Planning Commission and cautioned the attendance of City Council at boards and commissions meetings.

Moved by Council Member Fritz, seconded by Council Member Cummins, to approve a resolution in support of providing reasonable accommodations under the Americans with Disabilities Act for Elected Officials and members of Boards and Commissions. (POSTPONED)

22-054 Moved by Council Member Fritz, seconded by Council Member Cummins to postpone the consideration of a resolution in support of providing reasonable accommodations under the Americans with Disabilities Act for Elected Officials and members of Boards and Commissions until March 7. This motion carried unanimously.

CM Lowe expressed concerns about transparency as related to the BLP, stating that access to recording of public meetings should be available for at least 6 months, full agenda packets should be made public before a meeting, and reaffirmed a prior request to the BLP to provide equal and immediate access to documents for all board members, not just the chair and vice-chair. McNally asked if CM Lowe is requesting an amendment or postponement to this motion.

Mayor McNally shared background about this resolution, including the background of a request from a member of a commission who made a request to the Mayor for an accommodation that would allow the member to continue participate in meetings. Beattie shared additional background information on this resolution.

CM Cummins expressed the desire for a City Attorney review of the Attorney General Opinion.

CM McLaughlin also believes the City Council should in the future address the issues Lowe addressed in regards to the BLP.

22-055 Moved by Council Member McLaughlin seconded by Council Member Cummins, to approve a revised request of the approved (12/20/2021) Kenzie's Be Cafe special event request, to add into the event, amplified sound and commercial Jeep vendors, interspersed throughout the Jeeps, on Saturday, May 14, 2022, from 8:00 a.m.–3:00 p.m. This motion carried unanimously.

Mayor McNally asked for clarification about the need for amplified sound. The event organizer addressed this concern, stating that the amplified sound would be used for announcements.

22-056 Moved by Council Member Fritz, seconded by Council Member McLaughlin, to approve two special event requests from Merchant and Maker to be held in the green space of Chinook Pier and the parking lot, on Saturday, July 9 and Saturday, August 13, from 9:00 a.m.-3:00 p.m. This motion carried unanimously.

Mayor McNally shared concerns the cost was low and that the insurance box was not checked. Seise addressed these concerns.

Moved by Council Member Fritz, seconded by Council Member Cummins, to authorize a mayoral response to a letter dated January 10, 2022, from Field Reichardt, Grand Haven Energy Organization, regarding a request of City Council to undertake an independent study to evaluate the Grand Haven Board of Light and Power's long range energy plan. (Postponed Indefinitely by resolution 22-057)

22-057 Moved by Council Member Fritz, seconded by Council Member Cummins to indefinitely postpone the motion to authorize a mayoral response to a letter dated January 10, 2022, from Field Reichardt, Grand Haven Energy Organization, regarding a request of City Council to undertake an independent study to evaluate the Grand Haven Board of Light and Power's long range energy plan. This motion carried unanimously.

CM Cummins supports a sustainability plan, after resolving pension and budget issues, but hopes that this year sustainability and energy planning will occur regionally and include local governments, community members, and others.

CM Lowe reviewed and summarized the requests from GHEO and supports a broader sustainability and energy plan, but wanted to reassure the community that their message in the past petition was received and understood.

CM McLaughlin believes this should be part of the sustainability and energy plan.

CM Frtiz supports postponing this, but agrees it is an important issue to address.

Mayor McNally believes the GHGO deserves a formal answer, but the request is primarily focused on BLP business. McNally asked how the City Council should respond offering a few suggestions.

CM Lowe expressed concerns over BLP transparency.

CM Cummins suggested a letter reflect the City's desire to work regionally on a sustainability and energy plan, but be clear that this will likely not take place until this summer. McNally asked if Cummins if he would draft a letter. Cummins agreed.

22-058 Moved by Council Member McLaughlin, seconded by Fritz to approve a resolution to administer of Oaths of Office at the next Regular City Council meeting following confirmation of Mayoral appointment to Boards and Commissions. This motion was adopted with three members voting in favor and two members voting in opposition. No: Fritz and McNally. Yes: Lowe, Cummins, and McLaughlin

CM Lowe shared her concerns and why she proposed this change to the City Council.

CM Cummins mentioned that oaths of office have never been administered prior to votes to his knowledge.

Mayor McNally spoke in opposition to this change.

UNFINISHED BUSINESS

22-059 Moved by Council Member McLaughlin, seconded by Council Member Cummins, to retain the firm of Eisenstein Malanchuk to pursue possible insurance coverage for financial liability on Harbor Island resulting from past City operations there and authorize the mayor and clerk to execute the necessary documents. This motion carried unanimously.

22-060 Moved by Council Member McLaughlin, seconded by Council Member Cummins, to approve final resolution to amend Sec. 2-13 of the City of Grand Haven Code of Ordinances to allow City Council to hold regular or special meetings at alternative locations provided the location is set in advance by Council Resolution, is posted on the City website and on social media and is explained in all notices of any meeting proposed to be held at an alternate location. This motion carried unanimously.

REPORTS BY CITY COUNCIL

Mayor McNally spoke in support of walk the beat.

REPORT BY CITY MANAGER

Pat McGinnis asked to address Harbor Drive snow removal. Derek Gajdos shared information about historic levels of service about the section that has received numerous complaints from members of the community. Gajdos shared that removal of snow and sand is possible but will be very expensive and time consuming and would require service cuts in other areas. Gajdos estimates clearing this section would take 4-12 hours, when it takes about 36 hours to clear the whole city currently.

McGinnis expressed concerns about the costs relating to the City maintaining ownership of the Diesel Plant. McGinnis also shared some suggestions for how to move forward, and the related costs in maintaining the agreement. McGinnis recommended proceeding with the developer who currently has a buy /sell agreement adding that he plans to put this on the agenda at a future meeting incorporating ways to address City Council suggestions and questions.

McGinnis also addressed adult-use marijuana regarding the planning commission and pending legal opinion. McGinnis also asked if a survey is requested regarding adult-use marijuana. City Council did not support a survey for the Planning Commission regarding adult-use marijuana.

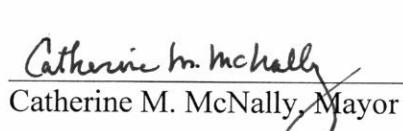
SECOND CALL TO THE AUDIENCE

Seven members of the public provided public comment.

1. Jim DeVries, 1514 Beechtree Commons, expressed frustration that pressing issues (the BLP, Harbor Island, pension funding, city budget, downtown development) of the City are being put aside while the City Council is spending much time to address adult-use marijuana.
2. Jack Demarr, 130 Crescent Dr., spoke in support of continuing to explore the ability to clear Harbor Drive for next year.
3. Jim Hagen, 400 Lake Ave., shared that Great Blue Research did a survey for the BLP that is now available online and shared some information from this survey.
4. David Mann, 515 Howard Ave., spoke in support of reprioritization of resources to clear the Harbor Drive. Mann also suggested using revenue from adult-use marijuana to fund Harbor Drive concerns.
5. Field Reichardt, 317 Lakeview, spoke in support of making an effort to secure the new ice breaker budgeted for by the Coast Guard for the local station.
6. Jamie Cooper, 518 Friant, read the City DEI statement and spoke in support of marijuana as a viable medicine, adding that the tax revenue from marijuana businesses could be useful.
7. Rebecca Neil, 1644 Franklin Ave., frustrated with City staff escalating issues. Neil objected to the how discussions are framed and language used. Neil shared that she is open to talk to members of the City Council to provide input from the community.

ADJOURNMENT

After hearing no further business, Mayor McNally adjourned the meeting at 11:48 p.m.



Catherine M. McNally, Mayor



Kelly M. Beattie, City Clerk

