

**CITY OF GRAND HAVEN
519 WASHINGTON AVE.
GRAND HAVEN, MICHIGAN
REGULAR CITY COUNCIL MEETING
April 25, 2022**

CALL TO ORDER

The April 25, 2022 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., Grand Haven, MI

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

Absent: None.

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Rev. Dr. Troy Hauser-Brydon, provided an invocation; following this, Mayor McNally led those assembled in the Pledge of Allegiance.

APPROVAL OF CONSENT AND REGULAR AGENDAS

22-143 Moved by Council Member Fritz, second by Council Member Lowe to approve the regular and consent agenda as amended. On a roll call vote this motion carried with all five members voting in support.

- Item O from the consent agenda was removed and placed on New Business as item F.

CALL TO AUDIENCE

1. Mark King, 1847 Colfax, West Michigan Historical Alliance, introduced himself and offered to answer any questions relating to the Feast of the Strawberry Moon.
2. Patty Nelson, 1820 Highland Court, supports the creation of a Sustainability & Energy Commission.
3. Brittany Goode, 426 N 6th St., spoke in support of the creation of a Sustainability & Energy Commission and hopes to be considered as a member.

4. Doug Vance, the Copper Post, 100 Washington, relayed the results of a survey he conducted of merchants open for business last Thursday regarding paid parking. His discussions concluded there was not support for paid parking among the merchant community. Vance supports alternate revenue sources and has several suggestions, including the conversion of Harbor Island into a RV Park.
5. Ryan Cotton, 515 Park Ave., shared that the C3 Spiritual Community will be working with City Staff to clean up three City Parks on May 21. Cotton also reported that the BLP has taken budgetary requests under consideration similar to those proposed to the City Council at the recent budget work session. Cotton also spoke in support of the creation of a Sustainability & Energy Commission.
6. Jim Hagen, 400 Lake Ave., spoke in opposition to the diesel plant buy/sell agreement. Hagen expressed displeasure with the process for the changes to the agreement without the City going back to the community, including the inclusion of condos on the current proposal. Hagen also expressed concerns that the reported wealth of project backers is mitigated by the use of a LLC in the agreement.
7. Jeremy Swiftney, 519 Washington, Grand Haven Main Street, reported on his engagement with the downtown community regarding paid parking downtown. Swiftney clarified that conversations are still ongoing with members of the downtown community.
8. Rick Kroll, 1700 Robins Rd. #603, spoke in support of allowing adult-use marijuana permitting in the City of Grand Haven.
9. Joyce Workman, 7 N. 7th, thanked the City Council for placing Cycle Back to Centertown on the agenda.
10. Jim Patterson, 15142 Echo Ct, Elks Lodge trustee, voiced opposition to the cost for placing concrete barriers and use of parking spaces in front of the Elks Lodge for outdoor seating this summer. Patterson listed the benefits the Elks Lodge have provided to the community, to the tune of \$2,000,000 over the last century. Patterson is sympathetic to municipal budgets, but asks for consideration of reduced fees for nonprofits.

CONSENT AGENDA

22-144 Motion by Council Member Lowe, seconded by Council Member Fritz to approve the consent agenda. On a roll call vote this motion carried with all five members voting in support.

CM McLaughlin inquired about the pricing structure for the marina charter fishing license agreement. Pat McGinnis responded that the structure presented in this contract has greatly increased the number of on time payments from licensees.

Mayor McNally requested that the City Council receive a plan for the layout and boundaries of the Main Street Social District Commons Area, with regards to the first block of Washington when it is ready.

CM Cummins provided some insight into the numerous fee waivers requested for special events on the consent agenda. Cummins shared that staff are working on modifications to the special event policy to standardize fees for special events and that his understanding is that policy updates that address fees will be considered by the City Council this fall for events next year. However, it would be problematic to change course at this point for organizations with events proposed for 2022. Cummins also provided clarification on the lead service line item, sharing that the item will be paid for by a state grant, rather than City funds.

22-145 Motion by Council Member Lowe, seconded by Council Member Fritz to approve the City Council Meeting Minutes of the special meeting (as corrected), closed session, and regular meeting held on April 11, 2022. This motion carried as part of the consent agenda.

22-146 Motion by Council Member Lowe, seconded by Council Member Fritz to approve the bills memo in the amount of \$377,246.32. This motion carried as part of the consent agenda.

22-147 Motion by Council Member Lowe, seconded by Council Member Fritz to ratify a resolution recognizing Jennifer Howland. This motion carried as part of the consent agenda.

22-148 Motion by Council Member Lowe, seconded by Council Member Fritz to approve a resolution recognizing Amy Bessinger. This motion carried as part of the consent agenda.

22-149 Motion by Council Member Lowe, seconded by Council Member Fritz to approve the temporary use permit application for a smoothie hut and tables and chairs upon approval to September 30, 2022 at 233 Washington Ave (Sherwood Forest). This motion carried as part of the consent agenda.

22-150 Motion by Council Member Lowe, seconded by Council Member Fritz to approve a five-year license agreement, from April 1, 2022 to October 31, 2027, with Jarrod Seaberg, to operate a charter fishing business from the Grand Haven Municipal Marina and authorize the mayor and clerk to sign the necessary documents. This motion carried as part of the consent agenda.

22-151 Motion by Council Member Lowe, seconded by Council Member Fritz to approve the recurring special event application, "Waterfront Walk for Hospice," to be held at Lynne Sherwood Waterfront Stadium, on Saturday May 7, from 9:00 a.m. to 11:00 a.m., and consideration to waive the park rental fee in amount of \$500. This motion carried as part of the consent agenda.

22-152 Motion by Council Member Lowe, seconded by Council Member Fritz to approve the recurring special event application, "Sounds of Summer Concert Series," to be held, on Tuesdays, in Bolt Park, from June 21 through August 2, and consideration to waive \$350 in park rental fees, and reduce the electric utility fee to \$25 weekly. This motion carried as part of the consent agenda.

22-153 Motion by Council Member Lowe, seconded by Council Member Fritz to approve the recurring special event application, "Praise by the Pier," to host Sunday night concerts at Lynne Sherwood Waterfront Stadium, from June 19 through August 28, consideration to waive the park rental fee of \$6,000 and reduce the electricity fee to \$25 weekly. This motion carried as part of the consent agenda.

22-154 Motion by Council Member Lowe, seconded by Council Member Fritz to approve the recurring special event application, "Free Friday night concert series," to be held at Lynne Sherwood Waterfront Stadium, from June 16 through September 2, allow amplified sound, consideration to waive \$6000 in park rental fees and reduce the electric fee to \$25. This motion carried as part of the consent agenda.

22-155 Motion by Council Member Lowe, seconded by Council Member Fritz to approve the recurring special event application, "Feast of the Strawberry Moon," on Harbor Island, on June 10 and June 11, from 8:00 a.m. to 5:00 p.m., allow camping and consideration to waive \$2,500 in park rental fees. This motion carried as part of the consent agenda.

22-156 Motion by Council Member Lowe, seconded by Council Member Fritz to approve the new special event application, "East End Party," to be held in East End Park and the Wastewater Treatment Plant on Thursday, July 14, 2022, and allow amplified sound. This motion carried as part of the consent agenda.

22-157 Motion by Council Member Lowe, seconded by Council Member Fritz to approve the recurring special event application, "Battle on the Boardwalk," to be held at Lynne Sherwood Waterfront Stadium, on August 25–26, from 8:00 a.m. to 5:00 p.m. with a rain date of August 27, and consideration to waive the event fees of \$1,585. This motion carried as part of the consent agenda.

22-158 Motion by Council Member Lowe, seconded by Council Member Fritz to approve the recurring special event application, "YMCA Summer Day Camp and Sports Camp, to be held in Mulligan's Hollow Park and ball diamond green space, from Monday June 6 through Friday, August 19, and allow amplified sound. This motion carried as part of the consent agenda.

22-159 Motion by Council Member Lowe, seconded by Council Member Fritz to approve the new special event application, "Cycle Back to Centertown," to take place on May 7, in parking lot #13 and two parking spaces on 7th Street for food trucks, with the event time of 10:00 a.m. to 4:00 p.m. This motion carried as part of the consent agenda.

22-160 Motion by Council Member Lowe, seconded by Council Member Fritz to approve a resolution to place delinquent invoices in the amount of \$2,564.21 for sidewalk repair (\$156.25), additional rental inspections (\$40.00), annual snowmelt maintenance (\$782.46), delinquent water/sewer bills (\$92.52), and delinquent BLP electric bills (\$1,492.98) on the 2022 property tax bills with an 8% penalty as Single Lot Special Assessment Roll 599, in accordance with Section 31-13 of the City's Code of Ordinances. This motion carried as part of the consent agenda.

22-161 Motion by Council Member Lowe, seconded by Council Member Fritz to approve a resolution to tentatively award the contract for construction of the proposed water system improvements project for the Citywide Booker Lead Service Line Replacement Project to Wadel Stabilization of Hart, Michigan in the revised amount of \$2,999,697 and authorize the Mayor and Clerk to execute the necessary documents. This motion carried as part of the consent agenda.

22-162 Motion by Council Member Lowe, seconded by Council Member Fritz to approve a resolution to amend the boundaries of the Main Street Social District Commons Area to include Washington Avenue at times when the street is closed and expansion is approved by the Director of Public Safety and City Manager. This motion carried as part of the consent agenda.

PRESENTATIONS

Proclamation Recognizing Amy Bessinger

Mayor McNally presented a proclamation to Amy Bessinger thanking her for her decade-and-a-half of service to the City of Grand Haven.

Economic Development Contract

Elizabeth Butler, Development Director for the Chamber of Commerce, delivered a presentation to the City Council. This presentation included the following key points:

- Participating Units of Government
- Look Back at the last 3 years
 - Saying in contact with businesses
 - Events and Webinars
 - Meetings
 - Financial Assistance
 - City of Grand Haven Business Grants
 - Referrals
- What's Happening Right Now (Overview of current actions)
- Thank you and time for questions.

CM McLaughlin asked about SBA 7(a) and 504 loan programs. Butler responded that these programs are done though Great Lakes Commercial, adding that the Chamber connects business owners with Great Lakes Commercial, but does not assist with completing the paperwork.

CM McLaughlin also inquired about the effectiveness of the SCORE program. Butler responded that the SCORE program (retired volunteers who mentor businesses) is successful.

CM Lowe asked how AI is applied to the work of the Chamber. Butler responded that Chamber connects companies with contacts in the AI industry, with an emphasis on finding the right level of technology to support a company.

CM Cummins asked about the process for which the Chamber recommends locations within its area to various businesses. Butler responded that businesses typically already have a location in mind, but from time to time companies ask for suggestions for a good location to open a business and the Chamber attempts to offer several possibilities.

Mayor McNally asked about Chamber efforts that included taking employers to Michigan Tech to recruit. Butler responded that businesses do have jobs to offer or other ways to grow the talent pool.

NEW BUSINESS

22-163 Motion by Council Member Fritz, seconded by Council Member Cummins to approve a Broker Services Agreement with Brown and Brown of Central Michigan to provide third party health insurance administrative services in the amount of \$66,000 per year for a three-year contract term and authorize the mayor and clerk to sign the necessary documents. On a roll call vote this motion carried with all five members voting in support.

CM Lowe and CM Cummins spoke in appreciation of the cost savings achieved by this agreement.

22-164 Motion by Council Member Fritz, seconded by Council Member Cummins to approve the three-year Economic Development Services Contract, to run from October 1, 2022 through September 30, 2025, with the Chamber of Commerce of Grand Haven, Spring Lake and Ferrysburg with first year investment of \$26,447.82 and authorize the mayor and clerk to sign the necessary documents. On a roll call vote this motion carried with all five members voting in support.

CM McLaughlin expressed a desire for the community to have a fulltime economic development person that focuses only on Grand Haven.

22-165 Motion by Council Member Cummins, seconded by Council Member McLaughlin, to approve an introductory resolution to amend Section 40-411.02.D, Section 40-411.02.G, Section 40-411.03 and Figure 4-14 of the Grand Haven Zoning Ordinance to amend the side yard setback and number of stories for nonresidential uses in the NMU, Neighborhood Mixed Use District. On a roll call vote this motion carried with all five members voting in support.

22-166 Motion by Council Member Fritz, seconded by Council Member McLaughlin to approve an introductory resolution to amend Section 40-402.01, Section 40-402.02, Section 40-408.02.C, Section 40-409.02, Section 40-410.02, Section 40-411.02.C, Section 40-411.02.E, Section 40-412.02, Figures 4-9, 4-10, 4-11, 4-13, 4-15a, and 4-16 of the Grand Haven Zoning Ordinance to increase lot width, lot area, and side yard setbacks in the S, E, OT, NMU AND OS Districts and to require a special land use permit for two unit dwellings in the E, OT, and OS Districts. On a roll call vote this motion carried with all five members voting in support.

Mayor McNally provided an overview of the zoning changes in this amendment.

CM McLaughlin, Fritz, and Cummins thanked the Planning Commission and Jennifer Howland for reviewing and drafting the changes in this ordinance.

CM Cummins also stated that this amendment represents a compromise and allows for incremental changes.

22-167 Motion by Council Member Cummins, seconded by Council Member Fritz to approve an increase in seasonal wages for the remainder of the Fiscal Year 2022/23 as presented in the revised wage scale. On a roll call vote this motion carried with all five members voting in support.

Mayor McNally asked the community for help in finding seasonal employees, noting that the cycle of employment was interrupted by COVID-19.

Derek Gajdos stated that the City is having difficulties finding seasonal employees and that several job offers have been rejected by candidates citing higher wages from competing organizations.

CM McLaughlin stated that some places in town have signs out for \$20/hr. and hopes the proposed wages are sufficient.

CM Lowe asked if the current vacancy rate of 50% for seasonal employees is typical at this time of year. Derek Gajdos responded that positions are typically fully staffed by this time.

CM Cummins read a section of the memo related to this item, "We simply ask that everyone please be patient with our service deliveries in this unique labor market."

POSTPONED Motion by Frits, seconded by McLaughlin to approve the new special event application, "Digitally Visual Music Entertainment," to be held at Lynne Sherwood Waterfront Stadium, on Saturdays, up to six times throughout the summer on the following dates, May 11, 21, 28; July 11, 23; and September 10, and to allow amplified sound.

Several members of the City Council had remaining questions about this even; Char Seise responded that the applicant would likely be available for questions if this was postponed to the May 2 meeting.

22-168 Motion by Council Member Fritz, seconded by Council member McLaughlin to postpone the consideration of the new special event application, "Digitally Visual Music Entertainment," until May 2. On a roll call vote this motion carried with all five members voting in support.

UNFINISHED BUSINESS

POSTPONED Motion by Council Member McLaughlin, seconded by Council Member Fritz to approve an amendment to the approved Planned Development for Noto's at the Bil-Mar, located at 1223 South Harbor Drive (parcel #70-03-29-312-004), to construct a conference room/bridal lounge addition and second story deck and enclose an existing three-season patio.

*Council Member Lowe withdrew from the dais, because of a stated conflict of interest. *

22-169 Motion by Council Member McLaughlin, seconded by Council Member Fritz to approve an abstention from Council Member Lowe on the voting on the Noto's Planned Development amendment. This motion was approved by a vote of four members of City Council. Yes: Cummins, McLaughlin, Fritz, McNally. Abstained: Lowe.

22-170 Motion by Council Member Cummins, seconded by Council Member Fritz to postpone to June 20 with direction to the Noto's to either obtain approval from the 2007 litigants for the 2022 improvements, or revise the 2022 improvements to obtain that approval, or explain to the Council why approval of the 2022 improvements is not required after approval of the 2018 improvements was required per the 2007 litigation. If this is obtained prior to June 20, they may come back to a sooner meeting for consideration. This motion was approved by a vote of four members of City Council. Yes: Cummins, McLaughlin, Fritz, McNally. Abstained: Lowe.

Mayor McNally provided an update from the City Attorney, stating that her understanding from the City Attorney's opinion is that any present or future improvements should seek the approval of all interested parties listed in the consent judgement.

CM McLaughlin commented that the recent attorney opinion has swayed his opinion away from voting yes, but would support postponement over denial.

CM Cummins stated that the review and approval of this amendment has not been handled in the best way, noting that City Council received additional information from the City Attorney before the meeting today. Cummins apologized to everyone involved and asked about the process of approval if this item was voted down tonight vs postponed. McGinnis responded that a denial would start everything over, a postponement would allow time for the Noto's to satisfy the terms of the consent judgement.

22-171 Motion by Council Member Lowe, seconded by Council Member Fritz to direct staff to provide a recommendation on the creation and structure of a Sustainability & Energy Commission, a citizen commission under the city charter and responsible to the City Council. On a roll call vote this motion carried with all five members voting in support.

Council Member Lowe hoped that this commission would be able to assist with putting together a Community Energy Plan. This resolution is written in a way to receive staff recommendations on how to structure the commission.

CM McLaughlin agreed with the importance of the structure a commission would provide to make a recommendation to the City Council. McLaughlin also asked about the Environmental and Natural Resources Committee. McGinnis responded that the ENRC meets infrequently, but added that to be successful any advisory group requires staff support to follow-up.

CM Cummins appreciates that this resolution includes a staff review of the various methods available to set up advisory groups, including options available by the Charter or those available through ordinance.

Mayor McNally reminded everyone about the staff time used to support boards and commissions.

22-172 Motion by Council Member McLaughlin, seconded by Council Member Fritz to introduce a buy-sell agreement with CL/Lakewood to transfer ownership of the Diesel Plant Property at a sale price of \$1 million for the redevelopment of the property as a restaurant and event center and authorize the Mayor and Clerk to execute the necessary documents. On a roll call vote this motion carried with all five members voting in support.

CM Lowe asked about the maintenance costs on the building. McGinnis responded that costs were about \$50,000 per year. Lowe also asked about the closing and construction timeline. McNally responded that the 3 years to finish construction would be sequenced, but that her understanding is that it would likely wouldn't take 3 years.

CM McLaughlin stated his concerns that the appraisal and offers came in higher than this agreement, adding that the low sale price should be considered if the developer asks for any tax incentives from the City.

CM Cummins appreciates efforts to include historic preservation language in this agreement, adding that the developer has not request a planned development or zoning variance.

Mayor McNally asked about language relating to buildings and outdoor places as it relates to zoning. McNally also commented that the City is not getting the most money out of this deal possible, but this will add diversification to the water front.

REPORTS BY CITY COUNCIL

CM Fritz reported that the installation of fiber optic boxes appears to be creating a washout around town. Fritz specifically identified a site on 3rd street. Fritz also offered congratulations to

Detroit Tiger Miguel Cabrera on his 3,000th hit, adding that he was lucky enough to be at the game to witness it. Fritz also reported that the book fair was well attended and thanked everyone involved. Fritz closed his remarks by recommending SeeClickFix and offering a report that business owners do not support paid parking.

CM Cummins reported that the issue of adult-use marijuana has been sent to the Planning Commission and that no decision has been made by the City Council. Cummins added that he hopes the Planning Commission will take the time to get it right. Cummins also thanked the Department of Public Works for inviting him and the Mayor for a recent DPW appreciation potluck. Cummins also reported on the success of the Earth Day weekend beach cleanup and insights provided by a recent GHSP Tour.

Mayor McNally reported on a recent DNR meeting that included discussion about summer operating hours for state park. The state park will close the parking lot entrance at 10 p.m., restrooms at 10:30 p.m., but park goers do not need to leave until 11 p.m. McNally also thanked the volunteers who participated in cleanup efforts related to Earth Day.

REPORT BY CITY MANAGER

Regulatory Ordinance

McGinnis reported on an attorney opinion/draft ordinance for adult-use marijuana permitting. McGinnis stated that a draft will be ready for the City Council at the end of May or in June.

Coast Guard Festival

McGinnis reported that the Coast Guard Festival will make a presentation during the May 2 council meeting; if additional information is desired there is a proposed special council meeting with the Coast Guard Festival for May 17 at 2:00 p.m.

Washington Beechtree Parking Assessment

McGinnis reported the Sewer Authority would be open to using some property owned by the sewer authority to expand public parking. This would cost about \$10,000 per spot, the City may request business owners contribute to funding through a special assessment. Fritz thanked McGinnis for reaching out to business owners first.

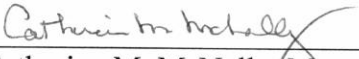
SECOND CALL TO THE AUDIENCE

1. Dale Fry, 1014 Columbus St., spoke regarding the introduced zoning ordinance update. Fry hopes that future zoning updates will include an explanation that is easier for the community to understand. Fry also suggested a residency requirement for rental housing, possibly requiring a relative of the owner stay on premise. Fry concluded by suggesting 10% affordable housing and mixture of uses.
2. Rick Krogan, 1700 Robins Rd., brought up the issue of adult-use marijuana and asked for clarification on the topic and decisions made thus far from the City Government. Krogan also encouraged decisions based on evidence rather than ambiguity of morality. Krogan also raised the issue of government funding from penal code violations, and inquired about possible solutions to disagreement with the City Council, including the recall process.

3. Jim Hagen, 400 Lake Ave., encouraged the City Council to require solar power on major renovations or new development projects.
4. Laureen Birdsall, 2663 44th St SW, Wyoming, MI, an attorney representing of an interested party in the Noto's consent judgement, introduced herself to the City Council and the Noto family.
5. Tony Noto, 1223 S Harbor Sr., thanked the City Council and stated that Noto's will seek support from the Highland Park Association and other interested parties regards to satisfying the terms of the Consent Judgement for the requested planned development amendment.
6. Warren Feyt, 14639 Lakeshore Dr., spoke in opposition to continued expansion of commercial buildings along the lakeshore. Feyt also thanked the City Council for taking the time to think through decisions especially with regards to balancing natural resources and development.

ADJOURNMENT

After hearing no further business, Mayor McNally adjourned the meeting at 9:58 p.m.



Catherine M. McNally, Mayor



Kelly M. Beattie, City Clerk

CITY OF GRAND HAVEN
OTTAWA COUNTY, MI

RESOLUTION 22-161

**A RESOLUTION TO TENTATIVELY AWARD
A CONSTRUCTION CONTRACT FOR WATER SYSTEM IMPROVEMENTS**

WHEREAS, the City of Grand Haven wishes to construct improvements to its existing water distribution system; and

WHEREAS, the water system improvements project formally adopted on **June 21st, 2021** will be funded through the State of Michigan's Drinking Water State Revolving Loan Fund (DWSRF) program; and

WHEREAS, the City of Grand Haven has sought and received construction bids for the proposed Citywide Booker Lead Service Line Replacement Project, and has received a low bid in the amount of \$2,999,697.00 from **Wadel Stabilization Inc.**; and

WHEREAS, the Public Works Director and Abonmarche Consultants, Inc. have recommended awarding the contract to the low bidder and executing a future agreement with **Wadel Stabilization** to do so.

NOW THEREFORE BE IT RESOLVED, that the City of Grand Haven tentatively awards the contract for construction of the proposed water system improvements project for the Citywide Booker Lead Service Line Replacement Project to **Wadel Stabilization**, contingent upon successful financial arrangements with the DWSRF.

CERTIFICATE

I, the undersigned duly qualified City Clerk of the City of Grand Haven certifies the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Grand Haven City Council held on April 25, 2022.

/s/ Kelly Beattie

Kelly Beattie

City Clerk

April 25, 2022

Notes

This motion carried as part of the consent agenda. A motion to adopt the consent agenda was made by Council Member Lowe, seconded by Council Member Fritz.

Record of Vote

Yes: Lowe, Cummins, McLaughlin, Fritz, McNally

No: None

Abstain: None

Absent: None