

**CITY OF GRAND HAVEN
GRAND HAVEN, MICHIGAN
REGULAR CITY COUNCIL MEETING
MONDAY, DECEMBER 6, 2021**

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

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

Absent: None.

Others Present: City Manager, Patrick McGinnis; City Clerk, Kelly M. Beattie; Assistant City Manager, Ashley Latsch; Community Affairs Manager, Char Seise; Director of Public Works, Derek Gajdos; Facilities and Grounds Manager, Todd Brand; Public Safety Officer, Mike Williams

INVOCATION/PLEDGE OF ALLEGIANCE

The invocation was given by Patrick McGinnis and was followed by the Pledge of Allegiance as led by Mayor McNally.

APPOINTMENTS TO BOARDS & COMMISSIONS

A. None

PRESENTATION

A. Resolutions of Appreciation to former Mayor Robert Monetza and former Council Members Mike Dora and Dennis Scott. Mayor McNally delivered a statement in appreciation of public servants and other members of the community involved in community services. The Mayor then presented individual resolutions of meritorious public service to the former Mayor Robert Monetza and former members of the City Council Mike Dora and Dennis Scott. All three recipients were present to receive and gave brief remarks expressing their gratitude.

Mike Smith, Executive Director of the Coast Guard Festival presented former Mayor Robert Monetza, former Council Members Mike Dora and Dennis Scott, Current Council Members Ryan Cummins and Michael Fritz, and City Manager Patrick McGinnis medals in appreciation of their assistance in the 2021 Coast Guard Festival. Commander Smith then offered tokens of gratitude Mayor McNally and Council Members Karen Lowe and Kevin McLaughlin

APPROVAL OF CONSENT AND REGULAR AGENDAS

A. 21-353 Moved by Council Member **Cummins**, seconded by Council Member **Fritz**, to approve the consent and regular agendas, as amended. This motion carried unanimously.

GENERAL BUSINESS/CALL TO AUDIENCE

Mayor McNally made a call to the audience, allowing audience members to address Council on any issue. There was one member of the public who provided public comment.

Aaron Smith of 491 Nathans Way, Grand Haven, MI - Spoke in support of a zoning and licensing ordinance amendment for the operation of adult-use (recreational) marijuana businesses in the City of Grand Haven.

WORK SESSION CONTINUED

This meeting did not include a continued work session.

CONSENT AGENDA

A. 21-354 Moved by Council Member **Fritz**, seconded by Council Member **McLaughlin**, to approve the minutes for the Special Work Session, Special Meeting, and Regular Meeting of November 15, 2021. **This motion carried unanimously.**

B. 21-355 Moved by Council Member **Fritz**, seconded by Council Member **McLaughlin**, to approve the bills memo in the amount of \$919,593.93. **This motion carried unanimously.**

C. 21-356 Moved by Council Member **Fritz**, seconded by Council Member **McLaughlin**, to approve a resolution of appreciation of appreciation in recognition of former Mayor Robert Monetza and Council Members Mike Dora and Dennis Scott. **This motion carried unanimously.** (Attachment A)

D. 21-357 Moved by Council Member **Fritz**, seconded by Council Member **McLaughlin**, to approve a proclamation declaring April 29, 2022, as Arbor Day in the City of Grand Haven and authorize the Mayor and City Clerk to execute the necessary documents. **This motion carried unanimously.** (Attachment B)

E. 21-358 Moved by Council Member **Fritz**, seconded by Council Member **McLaughlin**, to approve a resolution awarding 2021-22 Citywide Manhole Rehabilitation Project to Municipal & Contractors Sealing Products, Inc. of Cincinnati, Ohio in the not to exceed amount of \$119,889.87. **This motion carried unanimously.**

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F. 21-359 Moved by Council Member **Fritz**, seconded by Council Member **McLaughlin**, to approve the purchase of one Ford Police Interceptor in the not to exceed price of \$37,440.10 from Preferred Ford of Grand Haven, MI. **This motion carried unanimously.**

G. 21-360 Moved by Council Member **Fritz**, seconded by Council Member **McLaughlin**, to approve a resolution to release Just Goods from their license agreement at the Grand Trunk Depot, effective February 1, 2022. **This motion carried unanimously.**

H. 21-361 Moved by Council Member **Fritz**, seconded by Council Member **McLaughlin**, to approve a resolution to sell two surplus trolleys for \$1,000 each to Lake Effect Kitchen, Grand Haven, MI, and The Surf Shop, Grand Haven, MI, for future use as mobile commercial food/retail trucks to be operated in accordance with all other local, state and federal regulations and authorize the Mayor and City Clerk to execute the necessary documents. **This motion carried unanimously.**

NEW BUSINESS

A. 21-362 Moved by Council Member **Fritz**, seconded by Council Member **Cummins**, to approve a resolution to award a Professional Service contract for Utility and Roadway Asset Management Plan to Abonmarche, Benton Harbor, MI, in the not to exceed amount of \$338,000 and authorize the Mayor and City Clerk to execute the necessary documents. **This motion carried unanimously.**

Derek Gajdos provided a brief overview of the benefits of a Utility and Roadway Asset Management Plan, and explained the proposal was recommended by the City's Capital Improvement Reprioritization Committee.

CM McLaughlin inquired if the Department of Public Works was sufficiently staffed to handle the staff time necessary for this plan. Derek Gajdos responded that the DPW was ready.

CM Lowe inquired if the plan was beneficial to receive grant money and inquired how the plan will be updated. Derek Gajdos responded that the plan would be beneficial in applying for grant funds and that he believed DPW had the necessary software to keep the plan updated.

CM Cummins voiced concerns about the ROI on the plan and how long before the plan will require a total overhaul. Derek Gajdos responded that staff has the expertise to perform work listed in the plan, keep the plan updated, and report on plan metrics, but external expertise is needed to create the plan initially. DPW is in the process of determining the lifespan of the plan.

CM Lowe requested that the City Council be kept updated with reports based on established metrics. Derek Gajdos expressed that regular updates or reports would be possible.

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B. 21-363 Moved by Council Member **McLaughlin**, seconded by Council Member **Fritz**, to approve an introductory resolution to amend Article VII, Stormwater Drainage, of Chapter 37, Utilities, of Part II of the City of Grand Haven Code of Ordinances. **Motion carried unanimously.**

Derek Gajdos spoke on the ordinance update, and how the update interacts with the the Michigan Department of Environment, Great Lakes, and Energy (EGLE) permit the City holds stating that this change must be adopted by April 1, 2022 or the City will lose the discharge permit the City currently holds.

CM McLaughlin inquired about the section of the proposed ordinance referencing escrow deposits. Derek Gajdos stated that escrow deposits are rarely used, but stated there is a storm water permit with a small fee.

CM Lowe inquired as to the origin if the draft ordinance. Derek Gajdos responded that the initial draft of the ordinance was developed by the Lower Grand River Organization of Watersheds (LGROW) and is in compliance with EGLE standards.

CM Cummins inquired about the upcoming open house related to this ordinance. A Public Open House at the Grand Haven Community Center, located at 421 Washington Avenue, on Thursday December 16 from 4:00 p.m. to 5:00 p.m. to discuss the upcoming changes to the City's Stormwater Ordinance.

C. 21-364 Moved by Council Member **Fritz**, seconded by Council Member **Cummins**, to approve a resolution to approve a bond resolution for the Lead Service Line Replacement Program through the State of Michigan's Drinking Water State Revolving Fund (DWSRF) and authorize the Mayor and City Clerk to execute the necessary documents. **This motion carried unanimously.** (Attachment C)

Derek Gajdos provided a summary of why and how this program will fund lead service line replacements.

Mayor McNally, in clarification, stated that this is part of a State of Michigan program that will greatly increase the funding for lead service line replacement in the form of a forgivable loan, and that the process would result in the forgiveness of the funding loaned to the City if the process is adhered to.

CM Cummins asked how to communicate to the public that this is not a traditional bonding process despite the Notice of Intent not referencing the forgiveness process. CM Cummins also asked about what happens if the City is unsuccessful in acquiring forgiveness. Derek Gajdos responded that the City would be able to pay the bonds back with revenue from the water system.

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CM McLaughlin asked what the forgiveness requirements are. Derek Gajdos addressed the documentation requirements.

CM Lowe asked about the interaction between this and the inventory of the lead service line replacement. Derek Gajdos provided a quick overview of the benefits and interaction with the inventory underway.

Mayor McNally sought clarification on the inventory of lead lines and the number in the City. Derek Gajdos provided clarification that the inventory is still in inventory process but thinks there about 1,800 lines that need to be replaced based on the initial inventory.

D. 21-365 Moved by Council Member **Lowe**, seconded by Council Member **Cummins**, to approve a resolution to approve the Second Supplemental Bond Resolution, as recommended by the Board of Light and Power at their meeting held November 29,2021, to issue Revenue Bonds in an amount not to exceed \$25,000,000 to fund the disassembly and demolition of the City's existing Sims plant and conducting environmental and general remediation and mitigation of the existing site; acquisition and installation of automated meters; construction or renovation of a system substation on Harbor Island; additional substation improvements to the Board's Osipoff, North, and Sternberg substations and certain distribution circuit upgrades, and other improvements to the System included in the Board's Capital Plan and authorize the Mayor and City Clerk to execute the necessary documents. **This motion carried unanimously.** (Attachment D)

David Walters, General Manager of the Grand Haven Board of Light and Power (BLP) addressed the council and highlighted the recommendation from the Grand Haven Board of Light and Power.

CM Cummins provided thanks to staff involved and inquired about Huntington Bank Council Fees. David Walters responded that Huntington will cover the Council fees for Huntington Bank.

CM Cummins additionally inquired about a provision of the bond, the sale of property from the system and asked to have general remediation defined in this process. Kester So, Bond Council from Dickinson Wright responded that this provision was included, because the bond is a revenue bond, and that the revenue generating assets of the system need to be protected. Kester So, provided some thoughts on general remediation.

CM Lowe – Expressed that the capital plan shared with City Council would be useful to share with the community and inquired about possible discrepancies in between the adoption copy and the *General Manager's Report*. Lynn Diffell, BLP Accounting & Finance Manager and Patrick McGinnis addressed the questions from CM Lowe to her satisfaction.

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CM McLaughlin asked about the financial plan provided to the provided to City Council and thought the information was useful. David Walters explained the capital planning process, other budgeting process for the BLP, and the document shared with City Council through CM Cummins. CM McLaughlin further asked about the possible future acquisition of property by the BLP. David Walters also shared projected facility needs for BLP staff.

CM Fritz inquired about BLP facility use needs and shared personal concerns and concerns from the community. David Walters reports that community center would be inadequate based on initial analysis and projected future staffing levels.

Mayor McNally shared community sentiment that responsible management of space and funds. David Waters responded that BLP is on year five of an eight-year transition from generation to distribution only, but explained BLP needs improvement at sharing financial management information with the public and further reiterated needs for a change in BLP facilities.

E. 21-366 Moved by Council Member **McLaughlin**, seconded by Council Member **Cummins**, to approve a resolution to request the State of Michigan Department of Natural Resources to maintain Grand Haven State Park hours until 11:00 p.m. between Memorial Day and Labor Day *to support the quality of life of all grand haven residents*, local tourism, and the regional economy. (A Motion was made by CM Cummins, seconded by CM McLaughlin to amend this resolution as suggested by Mayor McNally to include the italicized language, the amendment was approved by unanimous consent) **This motion, as amended, carried unanimously.** (Attachment E)

Mayor McNally – Reported on Michigan Department of Natural Resources (DNR) plans to close the park at 10:00 p.m. Mayor McNally announced her intent to communicate the intent of the resolution in the form of a letter to the DNR rather than a copy of the resolution barring any objections.

CM Fritz expressed the importance of the sunset view on the life of residents and of regional tourism. MC Fritz further volunteered to be a part of discussions moving forward germane to this resolution.

F. 21-367 Moved by Council Member **McLaughlin**, seconded by Council Member **Cummins**, to approve a resolution to direct staff and the Planning Commission to consider amendments to the Zoning Ordinance and Regulatory Ordinance to allow for recreational marihuana sales and to bring a recommendation to the City Council by April 18, 2022. **This motion carried with three votes in favor and two votes against.** Aye: Cummins, Lowe, and McLaughlin; No: Fritz and McNally

CM McLaughlin spoke in support of the resolution asking for recommendations citing possible economic benefits for businesses in the city.

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CM Lowe referenced the voter approval of Proposal 18-1 (adult-use marijuana legalization), and is interested in seeing recommendations of the impact of adult use businesses in the city. CM Lowe further states that her support of this is based on community desire.

CM Cummins referenced the lack of issues with currently operating medical marijuana businesses and is interested in seeking the recommendation from Planning Commission for an updated recommendation now that medical businesses have operated in the city.

CM Fritz commended on the positive effect for residents by having medical marijuana available in the community, but spoke in opposition to adult-use businesses in the city.

Mayor McNally spoke in opposition of adult-use marijuana businesses in the city, including raising the issue of the wording of the proposal 18-1 and how some may have supported decriminalization without supporting business in the City of Grand Haven.

Patrick McGinnis commented that the timeline for staff and the planning commission for the review and recommendation process.

G. 21-368 Moved by Council Member **Fritz**, seconded by Council Member **Cummins**, to approve a resolution providing consent of the governing body of the City of Grand Haven to extend the Local State of Emergency through December 31, 2021, pursuant to Emergency Management Act 390 of 1976, to provide the option to conduct vital governmental business and public meetings via electronic remote means in compliance with the Michigan Open Meetings Act, MCL 30.410 and that this resolution be filed with the emergency management division of the Department of State Police. **This motion carried unanimously.**
(Attachment C)

Mayor McNally referenced the amount of COVID-19 cases among City staff, and residents of the City and County. Mayor McNally reiterated that this expires at the end of the year.

CM Fritz spoke in support of the motion, because it will allow boards to have a quorum during the current increase of COVID-19 cases locally.

CM Lowe questioned if there would be unintended consequences related to other possible mandates. Patrick McGinnis stated that this would only relate to public meeting under the Open Meetings Act.

The City Council Announced the City Council will meet physically on December 20 and Mayor McNally made a staff request to attempt to set up a way for members of the public to call in for public comment.

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H. 21-369 Moved by Council Member **Fritz**, seconded by Council Member **Cummins**, to approve four one-year municipal marina seasonal slip agreements for Jim Brown, Jason Carpenter, John Wolf and Rhonda & Daniel Breese and approve five two-year municipal marina seasonal slip agreements for Mike Dykstra, Rachell & Matt VanderLee, Bryan Voss, Roger & Melanie Jansen, and Gene & Caroline Merz and authorize the Mayor and City Clerk to execute the necessary documents. **This motion carried unanimously.** (Attachment E)

Char Seise provided an overview of the current waiting list and how slip are selected for approval by the City Council

Mayor McNally asked how the slips were advertised and if there was any thought given to delineating slips between City residents and non-residents. Char Seise highlighted the advertising process and responded her opinion is the City made a reasonable effort to informed the community. Char Seise responded with a breakdown of current slips to address the resident vs non-resident question, noting that these 10 would be the only current seasonal non-commercial slips.

I. 21-370 Moved by Council Member **Fritz**, seconded by Council Member **McLaughlin**, to approve 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 City Clerk to execute the necessary documents. (CM Cummins made a motion to postpone this item to the second meeting in January, seconded by McLaughlin the motion to postpone carried with four votes in favor and one against. Aye: Cummins, McLaughlin, Fritz, McNally; No: Lowe) **POSTPONED**.

Mayor McNally expressed concerns about the percentage the law firm would garner.

CM Lowe expressed support for the motion but asked about reservations from other members of the City Council.

Patrick McGinnis reported that this firm came to note, because the Board of Light and Power used the same firm for the same issue.

UNFINISHED BUSINESS

A. 21-371 Moved by Council Member **Lowe**, seconded by Council Member **McLaughlin**, to approve a resolution to approve the appointment of Mayor Pro-Tem. **Council Member Ryan Cummins was elected Mayor Pro Tem unanimously.**

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Council Member Lowe nominated Cummins for the office of Mayor Pro Tem, McLaughlin Seconded this nomination.

CM Lowe stated her reasons for nominating Cummins expressing her gratitude for his attention to detail and Cummins' commitment to diversity, equity, and inclusion, and thanked Fritz for his many years of service.

B. 21-372 Moved by Council Member **Fritz**, seconded by Council Member **McLaughlin**, a final resolution to amend Section 40-402.01, Section 40-402.02, Section 40-403.02, Section 40-404.02.C, Figure 4-2, Section 40-405.02.E, Figure 4-4, Section 40-412.C, and Figure 4-16 of the Grand Haven Zoning Ordinance to adjust residential density, lot area and lot width in certain zoning districts. **This motion carried unanimously.**

Mayor McNally provided a high level overview of why these changes are being made and pointed out this change rolls back some changes made in January, but not all and hoped that a closer look can be taken at what was not rolled back and why.

REPORTS BY CITY COUNCIL

CM Fritz called on the community to report any threats similar to the recent tragedy in Oxford, MI. CM Fritz also expresses his person condolences to the families of this recent event. CM Fritz also provided a reminder to the community that Pearl Harbor Remembrance Day is approaching and expressed his gratitude for service members and veterans. CM Fritz also report the Jingle Bell Parade was enjoyable and welcomed the participation of new council members and other members of the community. CM Frtiz closed his report voicing his support of the University of Michigan Football team.

CM McLaughlin thanked Jeff Hawk, Joseph Boyle, Matt Wade, Todd Brand, Derek Gajdos and other members of public safety and the department of public works for the work they put into their jobs. CM McLaughlin also voiced his support for monthly newsletter in the future. CM McLaughlin also reported on affordable housing discussions with community land trust, wants the public to know he is commitment to this issue. CM McLaughlin closed by acknowledging the responsibility of elected officials to remain servants of the community

CM Cummins thanked the council for support in becoming Mayor Pro Tem. CM Cummins thanked the former Mayor Pro Tem Fritz and welcomed the new City Clerk Kelly Beattie. CM Cummins reported he felt more information and better communication about parking in the city would be helpful. Cummins also thanked staff support of Jingle Bell Parade. CM Cummins closed by reporting construction is causing issues with local businesses, and encourages support of local businesses, including those that may be disadvantaged by the construction.

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CM Lowe and Mayor McNally did not provide reports this meeting.

REPORT BY CITY MANAGER

A. Chinook Pier Redevelopment Proposal Evaluation

Patrick McGinnis reported a single proposal was received and will share the proposal publically, and will include the proposal submitters in for a December 20 work session to present their proposal.

City Council Members expressed concerns about this proposal, but did not object to a presentation at the December 20 work session.

B. Water Service Line Replacement Material

Derek Gajdos reported on the benefits of replacing service lines with copper and not plastic.

GENERAL BUSINESS/CALL TO AUDIENCE

Mayor McNally made a call to the audience, allowing audience members to address Council on any issue. There were no members of the public to provide comment.

CLOSED SESSION

B. 21-373 Moved by Council Member **McLaughlin**, seconded by Council Member **Cummins**, to go into closed session at 10:41 p.m. for a personnel evaluation, pursuant to 15.268 Closed sessions; permissible purposes, Sec. 8 (a) of the Open Meetings Act. **This motion carried unanimously.**

B. 21-374 Moved by Council Member **Fritz**, seconded by Council Member **Cummins**, to come out of closed session at 11:33 p.m. **This motion carried unanimously.**

ADJOURNMENT

There being no further business to come before the City Council, Mayor McNally declared the meeting adjourned at 11:34 p.m.

Catherine M. McNally
Catherine M. McNally, Mayor

Kelly M. Beattie
Kelly M. Beattie, City Clerk