

**CITY OF GRAND HAVEN
519 WASHINGTON AVE
GRAND HAVEN, MICHIGAN
REGULAR CITY COUNCIL MEETING
MONDAY, DECEMBER 20, 2021**

The Regular Meeting of the Grand Haven City Council was called to order at 7:32 p.m. by Mayor Cathy McNally in the Council Chambers of City Hall.

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; Community Affairs Manager Char Seise; Director of Public Works Derek Gajdos; and Community Development Manager Jennifer Howland.

INVOCATION/PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Joseph O'Neill, Nortonville Gospel Chapel and was followed by the Pledge of Allegiance as led by Mayor McNally.

APPOINTMENTS TO BOARDS & COMMISSIONS

21-375 Moved by Council Member Fritz, seconded by Council Member Cummins to appoint Kevin McLaughlin to the Harbor Transit Multi Modal Transportation System Board, with a term expiring June 30, 2023. This motion carried unanimously.

PRESENTATION

A. APWA Award.

Derek Gajdos announced the City of Grand Haven received the American Public Works Association 2021 Infrastructure Award in the category of projects over \$1,000,000 and provided highlights of the relevant improvements.

B. Linda Browand Special Tribute

Mayor McNally presented a State of Michigan Special Tribute to Linda Browand in recognition of her 31 years of service to the City of Grand Haven.

C. Clint Holt Retirement Recognition

Mayor McNally presented a resolution of appreciation to Captain Clint Holt in recognition of his 28 years of service to the City of Grand Haven. Mayor McNally then gave personal remarks of thanks to Captain Holt. Captain Holt thanked the City Council and the administration for support over his decades of service.

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APPROVAL OF CONSENT AND REGULAR AGENDAS

21-376 Moved by Council Member McLaughlin, seconded by Council Member Lowe, to approve the consent and regular agendas, as amended. (Consent Agenda Items D, G, & F were removed from the proposed consent agenda and added to New Business.) 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 were nine members of the public who provided public comment.

1. Amy Frain, with the Seventh Day Adventists called in to announce she is available for questions later on.
2. Laura Grace, 208 N. 2nd St., spoke on zoning changes that would affect Old Town and spoke in opposition of zoning changes that would increase the number of duplexes used as rental properties.
3. Walter Davis, 209 S. 3rd St., spoke on climate crisis actions and urged the declaration of climate crisis by the City Council as well as the establishment of a commission to address the climate crisis.
4. Debi Hulverson, 212 N. 6th St., spoke in support of the zoning moratorium on the agenda and supports the reversal of the zoning changes that reduce lot sizes and allow duplexes.
5. Sheila McNally, 100 Franklin Ave., spoke in support of the zoning change moratorium giving supports to the comments by Laura Grace and Debbie Halverson.
6. Thomas Stevenson, 2nd St., spoke in support of the moratorium and rollback of zoning ordinance changes, then spoke in opposition of new large developments in the community.
7. Jim Hagen, 400 Lake Ave., spoke in support of a plan to use Harbor Island as a market space; in opposition of letter of intent on the agenda relating to the diesel plant; and called to attention that a survey shows a change of Right of Way that would reduce setbacks on waterfront property and hopes that this will be addressed in upcoming proposals.
8. Chuck Rycenga, 310 S. Harbor, spoke on parking inadequacy especially as related to new developments; and the issue of inadequate policing during the height of the summer in his neighborhood.

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9. Josh Brugger, 626 Slayton Ave., a representative of the Ottawa County Economic Development and Brownfield Coordination Committee, spoke in opposition of the moratorium; on the benefits of only allowing ownership and long-term rentals; and encouraged changes to be made at the Council level rather than the planning commission.

WORK SESSION CONTINUED

The work session was continued at 8:13 p.m.

CM Cummins commented he was surprised that the City received only one proposal; enjoyed some of the elements in the overall aesthetic, but thinks there is significant opportunity for improvement and appreciates that there will be opportunities for change to develop a structure that will be viable for generations to come.

Mayor McNally reminded the City Council that the City went through a RFP process and questioned moving forward with significant changes without opening the process back up. McNally also commented that she is not convinced that putting buildings on the project location is the way forward and would like the engagement to also present the option on using the space as a green space rather than only offering development-based options.

CM Lowe commented on the significant resources that went into this proposal. Lowe also questioned if the process should move forward or if there the parameters of the proposal should be adjusted first.

CM McLaughlin commented that the low number of responses to RFPs or invitations to bid leaves room for improvement.

CM Fritz supports moving forward with the current proposal, but listening to residents is key. Fritz also commented that the proposal reflects a lot of what the public wanted while the proposal was being developed.

Patrick McGinnis provided speculation on what causes a low number of bids or proposals in response to questions from the City Council. Proposed more public engagement focused on the current proposal, including more involvement from the City Council, boards and commissions.

Scott Geerlings of the proposal team suggested open houses with the community before any proposal revisions to the City.

The work session was closed at 8:36 p.m. and the regular meeting resumed.

CONSENT AGENDA

The Consent Agenda was approved by a motion by Council Member McLaughlin, seconded by Council Member Fritz. This motion carried unanimously.

21-377 Moved by Council Member McLaughlin, seconded by Council Member Fritz, to approve the minutes of the Closed Sessions of November 15, 2021 and December 6, 2021 and the Regular City Council meeting held on December 6, 2021. This motion carried unanimously.

21-378 Moved by Council Member McLaughlin, seconded by Council Member Fritz, to approve the bills memo in the amount of \$ 613,757.58. This motion carried unanimously.

21-379 Moved by Council Member McLaughlin, seconded by Council Member Fritz, to approve a resolution of recognition of the retirement of Clint Holt. This motion carried unanimously.

21-380 Moved by Council Member McLaughlin, seconded by Council Member Fritz, to approve the Winterfest Special event, to be held Friday, January 28th and Saturday, January 29th in the Harborfront Parking Lot, from 3:00 pm-10:00 pm each day, allowing consumption of alcohol and amplified sound and authorize the Mayor and City Clerk to execute the necessary documents. This motion carried unanimously.

21-381 Moved by Council Member McLaughlin, seconded by Council Member Fritz, to approve the submission of a Fiscal Year 2021 HUD housing counseling and education grant. This motion carried unanimously.

21-382 Moved by Council Member McLaughlin, seconded by Council Member Fritz, to approve the Distributor and Manufacturer Settlement Participation Agreements with McKesson, Cardinal Health, AmerisourceBergen and Janssen Pharmaceuticals, in order to be eligible to receive funding from the nationwide Opioid Settlement. This motion carried unanimously.

21-383 Moved by Council Member McLaughlin, seconded by Council Member Fritz, to approve an agreement with Van Stensel Appraisal in the amount of \$3,000 for a commercial appraisal of the Diesel Plant. This motion carried unanimously.

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NEW BUSINESS

21-384 Moved by Council Member McLaughlin, seconded by Council Member Cummins, to approve a resolution to adopt an ordinance to allow regular and special meetings of the City Council to be held at alternate locations as established by resolution of the City Council. (Votes Yes: McLaughlin, Fritz, Lowe, McNally, Vote No: Cummins.) – **FIRST READING**

CM Lowe asked if this change was based on the pandemic.

Mayor McNally commented that this change would also allow the council to meet in other locations in the event of an emergency. McNally also suggested simply listing a single or multiple other alternative locations.

CM Cummins asked about City Attorney Review and the spirit of the Charter. Cummins was supportive of an ordinance that lists alternative locations.

Patrick McGinnis explained the intent of the ordinance change was to allow the City Council to hold meetings in other locations, without regard for the pandemic. McGinnis commented that he would check the language before the second reading.

Kelly Beattie shared with the council that as an ordinance, this is the first reading and would need to be brought back again at a future meeting to be adopted.

21-385 Moved by Council Member Fritz seconded by Council Member Cummins, to approve a capital plan amendment, utilizing \$60,000 \$35,000 of the 2021 levied Community Center Millage to implement the approved strategic plan elements, including new exterior signage, a-beverage-and-snack-kiosk, new AV equipment and creation of marketing and branding materials. (Council Member Fritz, seconded by Council Member Cummins introduced an amended to reduce the amount from \$60,000 down to \$35,000 and strike the words, “a beverage and snack kiosk”, this amendment carried with four of five votes in favor of the amendment. (Votes Yes: Fritz, Lowe, Cummins, McNally, Votes No: McLaughlin)) The amended motion carried with four of five votes in favor of the amended motion. (Votes Yes: Fritz, Lowe, Cummins, McNally, Votes No: McLaughlin)

Char Seise updated the City Council on the anticipated costs that lead to the \$60,000 ask, stating that the Community Center is not asking for additional money, but is asking for the reallocation of money from the millage. Seise added that James Porenta, Chair of the Community Center Board, was also in attendance.

CM Cummins questioned the revenue generation capabilities of the improvements and supported finding tenants before making certain improvements. Cummins is supportive of an RFP for this process.

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CM Lowe spoke in support of an incremental improvement plan starting with the marketing and branding components rather than adopting everything listed in the resolution. Spoke in support of selling naming rights, but does not think selling naming rights is the immediate next step.

CM McLaughlin supported spending funds on marketing, but not other items until receiving requests from tenants. McLaughlin also asked about the reasons Abonmarche picked a different location than the Community Center to lease.

Mayor McNally asked how much of the capital improvements millage money remains. Noted that the Community Center needs to improve revenue generation. Asked what the rental fees and leases have generated and what an example of a wedding would cost. McNally also spoke in opposition to selling naming rights and spoke in opposition of unpaid internships.

CM Fritz inquired about the AV equipment at the Community Center.

Char Seise responded to City Council questions and spoke about the viability of the Community Center. In response to revenue generation from tenants and event rentals, Seise stated that MCC payed between \$80,000 and \$90,000 annually as a tenant; Weddings generally ranged between \$1,600 and \$2,000. Seise also provided an overview of the AV equipment currently at the Community Center.

Patrick McGinnis responded to City Council questions that Abonmarche found another place that was a more suitable to their needs.

21-386 Moved by Council Member McLaughlin, seconded by Council Member Fritz, to approve a resolution to approve a bridge letter of intent to establish mutual intent to work with CL/Lakewood diligently and exclusively to bring about an adaptive re-use of the Diesel Plant building at 518 S Harbor and authorize the Mayor and City Clerk to execute the necessary documents. This motion carried with four of five votes in favor of motion. (Votes Yes: Fritz, Lowe, Cummins, McLaughlin; Votes No: McNally)

CM McLaughlin Supports this letter of intent, because CL/Lakewood responded to a RFP in good faith and that the process is continuing, noting that this letter allows the City to walk away.

CM Lowe does not support the inclusion of the phrase, “diligently and exclusively” in the letter. Lowe commented that this letter appears to skip steps, and states that there is a lot to get through including the appraisal and review by the Planning Commission which will include addressing issues that appear to be non-confirming.

Patrick McGinnis responded to Council questions that this letter is simply to provide some level of comfort for CL/Lakewood, but this letter is non-binding and can be terminated at any time.

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Mayor McNally commented that CL/Lakewood is a valuable partner, but does not think the City is ready to move forward with an event center at the location and opposes this letter. McNally does not feel the City should move forward without an appraisal. McNally also wants to talk to the BLP before committing and does not support the letter before discussion with the BLP.

CM Fritz spoke in support of the letter, because it does not cost anything. Fritz pointed out that CL/Lakewood is one of two developers who is committed to preserving the building.

CM Cummins looks forward to a conversation with the BLP board and thinks that there are opportunities for the BLP to take advantage of office space, but thinks this should be a joint discussion. Thinks the simple letter of intent is a good way to move forward.

21-387 Moved by Council Member Fritz, seconded by Council Member McLaughlin, to approve a resolution to extend a temporary moratorium for three months (January 19, 2022 through April 19, 2022) initially authorized by action of the City Council on July 19, 2021, on acceptance of new lot split applications for residential lots in the S, E, OT, and NMU zoning districts and new two unit dwelling applications in the S, E, OT, and OS zoning districts unless the applicant proposes to divide an existing single-family dwelling into a two-unit dwelling. This motion carried unanimously.

CM Cummins provided a detailed history of the zoning ordinance changes referenced in this resolution for the benefit of the City Council. The culmination of the lengthy process which included significant community involvement was a report that, among other things, identified the areas of the city most appropriate for two-unit dwellings. Cummins also stated that survey results indicated the biggest concerns in the community are: affordability, availability, short-term rentals. Cummins closed his comments by stating that two-family dwellings can be beneficial, but asked if reduction in sizes relating to splits can be removed from the zoning ordinance while preserving the two-unit dwelling portion without needing to go back to the Planning Commission.

CM Fritz commented that the new lot sizes for splits is unnecessary, but that two unit dwellings can be incorporated to a neighborhood tastefully and he is supportive of two unit dwellings if done in a way compatible with the neighborhood.

Mayor McNally supports two unit dwellings, but does not support the combination of reduced lot sizes and making two unit dwellings by-right. McNally asked staff about the history of two-unit zoning. McNally also brought up the cost of new construction and its incompatibility with affordability. McNally also asked about a total roll back of the zoning code and hopes this moratorium will lead to more discussions with the community now that this issue is more visible.

CM Lowe thanked Cummins for the history he provided. Lowe then spoke about the inaccessibility of the language in zoning changes. Hopes that there would be a way to project

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changes to avoid unintended consequences. Lowe also commented that the historic district ordinance is very weak and does not feel that the Planning Commission is aware of this, but added that neighbors typically only care about the primary facade.

Jennifer Howland responded that she is aware that it is challenging to share with non-planners the changes in zoning ordinances. Commented on unintended consequences, and shared that two-unit dwellings must already meet architectural standards. Howland will take the comments and questions of the City Council to the Planning Commission to get the recommendation of the commission.

21-388 Moved by Council Member Cummins, seconded by Council Member Fritz to approve the Grand Haven Jeepfest non-profit fundraiser for Kenzie's BE Cafe, on Saturday, May 14, 2022 from 8:00 am - 3:00 pm and authorize the Mayor and City Clerk to execute the necessary documents. This motion carried unanimously.

Mayor McNally questioned what policies or standards exist for events such as this. McNally also expressed concern about shutting down the downtown main district on a principal business day. Asked staff for recommendations on how to score and judge the applications.

CM Cummins supports the approval of this event, because the event requires little work on the part of the DDA or City, but there is the possibility to spur economic activity in retail and resultants.

CM Lowe shared the sediment that guidelines, including seasonally variable guidelines, would be helpful.

CM McLaughlin shared that he feels the fee structure will be looked at again, because of the commonness of granting a fee waiver.

Erin Lyon, owner of the Jumpin' Java Coffee House in downtown Grand Haven who is preparing to open Kenzie's BE Café next year, spoke with the council about the decisions that went into planning this event, including choices of date, location, and the level of business.

21-389 Moved by Council Member Fritz, seconded by Council Member McLaughlin, to approve the Grand Haven Seventh Day Adventists request to host the Messiah's Mansion Exhibit on Harbor Island, from July 15th through July 24th, with tours taking place from 1:00 pm-7:00 pm, and waive the park rental fee in the amount of \$5,000 and authorize the Mayor and City Clerk to execute the necessary documents. Council Member Cummins, seconded by Council Member Fritz made a motion to postpone this motion until the next meeting of the City Council, the motion to postpone passed unanimously.
POSTPONED UNTIL JANUARY 3

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Mayor McNally expressed concern about the waving of fees and requested information about the background of waving fees.

Char Seise answered questions about fee waivers. Seise stated that to her knowledge no one has paid the fees to use Harbor Island park.

CM Lowe commented that this is a large time commitment and that it is a time of the year and again inquired about the fee waivers in-general.

Patrick McGinnis in response to City Council questions and comments explained that this is a longer event than other special events and shared that he cannot recall a time that the City has not waived the fee for a non-profit event. McGinnis added that the fee waiver is currently a total case by case biases

CM McLaughlin asked if the costs are covered by the fees for DPW even when fees are waived. McLaughlin and Fritz also suggested that the airport may be a more appropriate location.

Derek Gajdos commented that the length of the event would greatly increase cause the cost of turf management at the location, but that DPW fees are covered by the fee schedule.

CM Fritz commented that the event spanned a great amount of time and hoped that the applicant may consider decreasing the length of the event to something closer to three days.

21-390 Moved by Council Member Fritz, seconded by Council Member McLaughlin, to approve The Salvation Army's 100th Year Anniversary Celebration, to be held in Central Park, on Saturday, September 17, 2022 from 2:00 pm- 3:00 pm, and waive the park rental fee in the amount of \$100 and authorize the Mayor and City Clerk to execute the necessary documents. (The amount of this waiver is \$100, the amount of \$500 was mistakenly put on the agenda materials, the City Council acknowledged the mistake prior to their vote.) This motion carried unanimously.

Mayor McNally spoke in support of this, commenting that the fee seemed high.

Char Seise informed the council that the fee was misrepresented in the agenda materials, and that the actual amount of the fee waiver would be \$100.

UNFINISHED BUSINESS

21-391 Moved by Council Member Lowe, seconded by Council Member Fritz, to approve of a final resolution to amend Article VII, Stormwater Drainage, of Chapter 37, Utilities, of Part II of the City of Grand Haven Code of Ordinances. This motion carried unanimously. Second Reading

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21-392 Moved by Council Member Lowe, seconded by Council Member McLaughlin, to approve a final resolution to execute a partial termination of the 1937 Right of Way and partial termination of the 1946 Easement encumbering Robinson Landing Subdivision as requested by the Michigan Community Capital and authorize the Mayor and City Clerk to execute the necessary documents. This motion carried unanimously.

Mayor McNally asked about BLP support for this resolution as well as clarifying questions as copies of the legal documents with the agenda material listed the name of the former mayor.

Patrick McGinnis commented that the general manager of the BLP supported this resolution.

Derek Gajdos stated that updated copies of the documents will be available prior to signing.

REPORTS BY CITY COUNCIL

CM Lowe shared a report on adult-use marihuana. The report covered several topics, including: an overview of Proposal 18-1; Proposal 18-1 support in the 2018 election and the actions-to-date; market shifts are causing communities to reexamine this issue of medical vs adult-use; other factors causing City Council to reexamine adult-use marihuana, including the excise tax, and surrounding communities; marihuana availability; and information in available studies providing the pros and cons of adult-use businesses in a community.

CM Cummins congratulated new Council Members for finishing out their first calendar year on the City Council and shared his gratitude for staff responsiveness.

CM Fritz wished everyone happy holidays and a Merry Christmas. Fritz also applauded new members for listening to the public. Spoke in support of putting adult-use to the people as a ballot question. Fritz closed by asking people to enjoy the holidays and enjoy time with their families, but be cautious with the new COVID-19 variant.

CM McLaughlin wished everyone a Merry Christmas and Happy New Year

Mayor McNally spoke against the current push lead by a local business owner for adult-use marihuana. McNally restated that Proposal 18-1 was passed to decriminalize marihuana, but that the proposal did not provide distinction or separation for recreational sales in the community. Mayor McNally joined CM Fritz in calling for a local ballot initiative. McNally closed her report by commenting on community values.

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REPORT BY CITY MANAGER

Patrick McGinnis stated that the *Annual Report* will be available on the City website, in future years the report will be more concise. McGinnis also invited the City Council to attend the diesel plant appraisal process kick-off.

GENERAL BUSINESS/CALL TO AUDIENCE

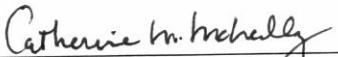
Mayor McNally made a call to the audience, allowing audience members to address Council on any issue. There were two members of the public to provide comment.

Erin Lyon spoke in opposition of a ballot question on zoning for adult-use marihuana

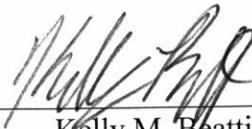
Jim Hagen spoke in support of a ballot question on zoning for adult-use marihuana

ADJOURNMENT

There being no further business to come before the City Council, the Mayor declared the meeting adjourned at 11:08 p.m.



Catherine M. McNally, Mayor



Kelly M. Beattie, City Clerk

