**CITY OF GRAND HAVEN**
**519 WASHINGTON AVE.**
**GRAND HAVEN, MICHIGAN**
**REGULAR CITY COUNCIL MEETING**
**MONDAY, MARCH 7, 2022**

## CALL TO ORDER

The Regular Meeting of the Grand Haven City Council was called to order at 7:33 p.m. by Mayor Catherine M. McNally in the Council Chambers of City Hall, 519 Washington Ave., Grand Haven, MI.

## ROLL CALL

**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; Finance Director, Amy Bessinger

## INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Dr. Jared Cramer, St. John's Episcopal Church delivered the invocation; following the invocation the Mayor led those assembled in the Pledge of Allegiance.

## APPROVAL OF CONSENT AND REGULAR AGENDAS

**Moved by Council Member Fritz, seconded by Council Member Cummins to approve the ~~to approve the~~ agenda.** No vote was taken on this item, but no objections were raised when the City Council moved to public comment.

**22-063** **Moved by Council Member Cummins, seconded by Council Member McLaughlin to add one item to the agenda,** "Consideration by City Council of a resolution that all City Departments, including the Board of Light and Power, use the City Attorney and his firm, Dickinson Wright, for all legal matters and services. Houghtaling Wasiura can continue to be used for ordinance prosecution. All resolutions and parts of resolutions insofar as they conflict with this resolution are rescinded." The addition to the agenda was approved with four-members voting in favor and one-member voting in opposition. Yes: Cummins, McLaughlin, Fritz, Lowe. No: McNally.

## PUBLIC COMMENT

Six members of the public provided public comment:

1. Jared Cramer, 11571 Oak Grove, pastor at St. John's Episcopal Church, spoke in support of the approval of a special event request to hold the PRIDE Worship service at Lynne Sherwood Waterfront Stadium.

2. Jocelyn Tolliver, 1815 Far Hills Ct., spoke in support of the approval of her Girl Scout Gold Award project and the associated application to host "Addressing (dis) ABILITY," an event to bring more awareness and education to the community about the barrier free Imagination Station playground.

3. Renee Ogle Page, 211 S Harbor Dr., Captain Custard, spoke in support of the renewal of the lease at Riverview Boardwalk Shops in Bicentennial Park

4. Jeremy Swiftney, 519 Washington, Grand Haven Main Street, asked for a delay in the consideration of identifying 301 North Harbor Dr., commonly referred to as Chinook Pier, as a Permanent Vendor Location, because the Main Street / DDA board is planning to have a discussion on the topic later in the week.

5. Doug Vance, 100 Washington, The Copper Post, spoke in opposition of the events and activities downtown that reduce available parking spaces. Vance also shared that over the last four years, the Copper Post has paid City of Grand Haven over $300,000. Vance stated that the Copper Post is already at capacity during the summer and that the parking issue must be addressed to maintain business downtown.

6. Jim Hagen, 400 Lake, spoke about the City Manager report from the last meeting and newspaper articles from MLive regarding the diesel plant. Hagen urged that the City Council to complete parking and traffic studies and follow the recommendations of the Planning Commission.

**PRESENTATIONS**

**Presentation of Draft FY2022/23 Fee Schedule**

Amy Bessinger, Finance Director provided an overview of the Draft Fee Schedule.

Key Points of this Presentation:

- Highlighted new fees proposed and fee changes
- Information on how the Fee Schedule connects to the rest of the Budget

CM Lowe and CM McLaughlin asked staff to review fees that may put an increased burden on residents.

**Presentation of Cemetery Operations–Revenue vs. Expenditures;**

Derek Gajdos, Public Works Director provided an overview of cemetery operations and budgeting

Key Points of this Presentation:

- Overview of services provided associated with the cemetery
- Explanation of the fee philosophy, revenue, and justification for subsidization from the general fund
- Explanation of the expenditures, including burials, lawn maintenance, irrigation costs, and tree abatement
- Long Term Planning and options, including an upcoming expansion of the cemetery, and increase in infrastructure needs.

CM McLaughlin asked if long term options can be provided to the City Council with information that includes how the cemetery can operated without subsidies.

CM Lowe asked about tree abatement and irrigation. Gajdos commented that mowing/trimming are the majority of costs, but irrigation and tree abatement round out the top three costs. Lowe also asked if there is philanthropy solution to fund the Cemetery. McGinnis commented that a large amount would be needed, but he likes the idea of coming back with some proposals.

CM Fritz supports a combination of options, but would like to hear recommendations from the cemetery board.

**CONSENT AGENDA**

**22-064 Motion by Council Member Fritz, seconded by Council Member Cummins to approve the consent agenda.** This motion carried unanimously.

CM Cummins asked about tree planting. Todd Brand responded that the proposed tree planting is outside of the Fulton St. project, but the trees removed from the Fulton St. project will be considered next year. Cummins also commented that the art instillations are a positive for the community and reassured the community that fee waivers are being looked at over the next several months.

Mayor McNally asked about the biodiversity of trees, asking if redbuds were an appropriate tree for this project. Todd Brand responded with a justification for using redbuds in this project.

CM Fritz said public art sculptures will be positive for the community. Fritz also spoke in support of the efforts of Brilliance and their long-term support of the community. Fritz is also proud of the proposed project from Jocelyn Tolliver and is supportive of the PRIDE worship service. Fritz closed by saying the 60th anniversary for musical fountain will be a good draw for the community.

**22-065 Motion by Council Member Fritz, seconded by Council Member Cummins to, approve the City Council meeting minutes of the City Council special joint meeting held on February 15, 2022 and the special and regular meetings held on February 21, 2022.** This motion carried unanimously as part of the consent agenda.

**22-066 Motion by Council Member Fritz, seconded by Council Member Cummins to, approve the bills memo in the amount of $1,630,576.61.** This motion carried unanimously as part of the consent agenda.

*Items listed in red were omitted from the minutes initially approved by the City Council. Consequently, the resolutions are numbered out of sequence. *

**22-173 Motion by Council Member Fritz, seconded by Council Member Cummins to approve a resolution to remove Mr. Paul Brooks from his position on the Grand Haven Board of Review due to unavailability for service.** This motion carried unanimously as part of the consent agenda.

22-174 **Motion by Council Member Fritz, seconded by Council Member Cummins to approve an agreement for property assessment administration services with Ottawa County for a three-year period (FY2022/23, FY2023/24, FY2024/25) with a three-year optional extension at an initial cost of $169,400 for the first year and authorize the mayor and clerk to execute the necessary documents.** This motion carried unanimously as part of the consent agenda.

22-175 **Motion by Council Member Fritz, seconded by Council Member Cummins to accept the bid and approve the contractors service agreement for Tree Planting 2022, With MTH Landscaping, 240 W. Cooper Rd. Sandusky, MI 48471 in the amount of $27,000 and authorize the mayor and clerk to execute the necessary documents.** This motion carried unanimously as part of the consent agenda.

22-176 **Motion by Council Member Fritz, seconded by Council Member Cummins to approve a resolution to increase the authorized purchase amount of $167,888.62 to add an additional $2,850.00 for an increased surcharge to West Michigan International of Grand Rapids, MI for the purchase of a 5-ton dump truck in the not to exceed amount of $170,738.62.** This motion carried unanimously as part of the consent agenda.

22-177 **Motion by Council Member Fritz, seconded by Council Member Cummins to approve the Grand Haven Memorial Airport Fixed Base Operator's Agreement with E2 Technologies for a one-year term with up to four, one-year extensions and authorize the mayor and clerk to execute the necessary documents.** This motion carried unanimously as part of the consent agenda.

22-178 **Motion by Council Member Fritz, seconded by Council Member Cummins to approve the placement of up to ten outdoor sculptures for a two-year period along Linear Park and to request the assistance of the MSDDA Preservation and Place Committee to help oversee future installation of outdoor public art in Grand Haven.** This motion carried unanimously as part of the consent agenda.

22-179 **Motion by Council Member Fritz, seconded by Council Member Cummins to approve a license agreement with Sun Sports Rentals LLC, of Grand Haven, MI to operate the City Beach vending space and perform restroom maintenance and upkeep during the 2022 summer season with a total seasonal rental rate of $4,000 and authorize the mayor and clerk to execute the necessary documents.** This motion carried unanimously as part of the consent agenda.

22-180 **Motion by Council Member Fritz, seconded by Council Member Cummins to approve the Coldwell Banker Woodland Schmidt Easter Egg Hunt, to be held in Central Park on Saturday, April 16, 2022, from 11:00 a.m. to 12:00 p.m. (for a total use time of 3 hours, including set up/tear down), to authorize the closure of 4th St., and to waive the $500 park rental fee.** This motion carried unanimously as part of the consent agenda.

22-181 **Motion by Council Member Fritz, seconded by Council Member Cummins to approve a special event request to hold the Earth Day event in Central Park and on City Streets on Saturday, April 23, 2022, from 12:00 p.m. to 4:00 p.m., and to waive the park rental fee in the amount of $500.** This motion carried unanimously as part of the consent agenda.

**22-067 Motion by Council Member Fritz, seconded by Council Member Cummins to, approve Brilliance Publishing's request to hold World Book Day book distribution in Central Park on Sunday, April 24, 2022, from 12:00 p.m. to 5:00 p.m. (total park use time or 10 hours, with set up/tear down), and to waive the $750 park rental fee.** This motion carried unanimously as part of the consent agenda.

**22-068 Motion by Council Member Fritz, seconded by Council Member Cummins to, approve the My Gold Award event, "Addressing (DIS) Ability," to be held, May 22, 2022, from 12:00 p.m. to 2:00 p.m., at the imagination station and to waive $175 in fees.** This motion carried unanimously as part of the consent agenda.

**22-069 Motion by Council Member Fritz, seconded by Council Member Cummins to, approve a special event request to hold the Person Overboard Rescue Event on Saturday, June 18, 2022, from 1:00 p.m. to 3:00 p.m., at Lynne Sherwood Waterfront Stadium and to waive the park rental fee of $300.** This motion carried unanimously as part of the consent agenda.

**22-070 Motion by Council Member Fritz, seconded by Council Member Cummins to approve a special event request to hold the Queen's Cup event to be held June 24–26, 2022, at the Grand Haven Municipal Marina & seawall, with activities at Lynn Sherwood Waterfront Stadium and green space behind the Grand River Sailing Club, and to waive fees in the amount of $1,315.** This motion carried unanimously as part of the consent agenda.

**22-071 Motion by Council Member Fritz, seconded by Council Member Cummins to, approve a special event request to hold the PRIDE Worship service at Lynne Sherwood Waterfront Stadium on Sunday, June 26, 2022, from 10:00 a.m. to 1:00 p.m., and to waive the park rental fee in the amount of $500**. This motion carried unanimously as part of the consent agenda.

**22-072 Motion by Council Member Fritz, seconded by Council Member Cummins to, approve a special event request to hold the Sand Sculpture Contest at the City Beach on August 13, 2022, from 9:00 a.m. to 2:00 p.m., and to waive the $500 park rental fee.** This motion carried unanimously as part of the consent agenda.

**22-073 Motion by Council Member Fritz, seconded by Council Member Cummins to, approve a special event request to hold the Musical Fountain 60th Anniversary Event at Lynne Sherwood Waterfront Stadium on Saturday, August 27, 2022, from 7:00 p.m. to 10:00 p.m., and to waive $900 in special event application fees.** This motion carried unanimously as part of the consent agenda.

**22-074 Motion by Council Member Fritz, seconded by Council Member Cummins to, approve a license agreement renewal with Renee Page, of Grand Haven, MI, for the seasonal rental of the Riverview Boardwalk Shops in Bicentennial Park at a rate of $10,950 and authorize the mayor and clerk to execute the necessary documents.** This motion carried unanimously as part of the consent agenda.

**22-075 Motion by Council Member Fritz, seconded by Council Member Cummins to, approve the 5th Street and Washington Traffic Signal Removal Contract with the Michigan Department of Transportation in the not to exceed amount of $4,520 and authorize the mayor**

**and clerk to execute the necessary documents.** This motion carried unanimously as part of the consent agenda.

**PUBLIC HEARING**

Mayor opened public hearing at 8:30 p.m. regarding 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.

Jim Hagen, 400 Lake, voiced concerns over parking, recommended that the location have better marking for parking spaces.

**The Mayor closed the public hearing. 8:32 p.m.**

Motion by Council Member McLaughlin, seconded by Council Member Cummins to approve an introductory resolution 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.

CM Cummins asked for a general overview of the proposed changes. Jennifer Howland highlighted the requested changes.

Mayor McNally asked if the space could be used as a dwelling unit and how it is zoned. Howland commented that the area can only be accessed by entering through the restaurant and added that the location is zoned as a Planned Development.

CM Lowe asked about zoning variances at the location. Howland responded that there are no requested or required variances, because it is zoned as a Planned Development.

Mayor McNally asked about the enclosure of porch. Tom Noto, owner, responded that patrons prefer more space, and this configuration would allow people more space between tables.

CM McLaughlin expressed concerns about bands on the deck. Noto responded that music has been inside and that there are no plans for bands on the balcony. McLaughlin also expressed concerns about trash at the location. Noto responded that there is pickup 3 days a week for trash, 2 days a week for cardboard.

CM Fritz asked about people parking on the sidewalk and asked about parking lot plan from the last approval of the Planned Development.

CM Lowe asked if this is in compliance with the consent judgement against the location. Howland stated this is in compliance with the consent judgement.

Mayor McNally asked how seating capacity is enforcing for Planned Developments. Howland responded that enforcement is driven by complaints and reports, there is no active enforcement.

CM Cummins asked the planned use of the deck and when the use of the deck would end at night. Noto commented that events usually end around 11:00 p.m. and there is no interest from his point for uses passed midnight.

**22-076 Motion by Council Member Fritz, seconded by Council Member McLaughlin to excuse Council Member Lowe from voting on this question due to a conflict of interest.** This motion to excuse carried with Fritz, Cummins, McLaughlin, and McNally voting in support.

**22-077 Motion by Council Member McLaughlin, seconded by Council Member Cummins to approve an introductory resolution 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.** This motion carried with four-members of the City Council voting in favor and one-member abstaining. Yes: Fritz, Cummins, McLaughlin, McNally. Abstain: Lowe

**NEW BUSINESS**

**22-078 Motion by Council Member McLaughlin, seconded by Council Member Fritz to approve the VFW Ribfest, to be held on two consecutive days, Friday, May 27, from 5:00 p.m. to 12:00 a.m. and Saturday May 28, from 10:00 a.m. to 1:00 a.m., allow the closure of First Street, allow amplified sound from 7:00 p.m. to 12:00 a.m., and allow consumption of alcohol.** This motion carried unanimously.

CM Fritz spoke in support of this event.

Mayor McNally voiced concerns that this overlaps with the closure of Washington, but spoke in support of the event.

Motion by Council Member Fritz, seconded by Council Member Cummins to identify 301 North Harbor Dr., commonly referred to as Chinook Pier, as a Permanent Vendor Location per Section 26-3 of the Grand Haven Code of Ordinances.

**22-079 Motion by Council Member Cummins, seconded by Council Member Fritz to postpone until the next regular meeting of the City Council, the consideration by city Council of a resolution to identify 301 North Harbor Dr., commonly referred to as Chinook Pier, as a Permanent Vendor Location per Section 26-3 of the Grand Haven Code of Ordinances.** This motion carried unanimously.

Mandy Anderson, Lake Effect Kitchen, spoke in support of utilizing Chinook Pier as a location for food trucks.

CM Fritz spoke in support of an open bid process. McGinnis spoke about the perm location vendor, process.
CM Lowe asked if Chinook Pier is part of the downtown district. McGinnis responded with the boundaries of the downtown district.

No member made a motion to approve a recommendation to City Council to approve Varnum LLP as special legal counsel to the BLP to provide legal services pertaining to electric utility

matters for the Board of Light & Power as determined necessary by the BLP to include Labor and Employment practices. – **Item not considered, no motion was made, City Council moved on to the next agenda item.**

Motion by McLaughlin Seconded by Fritz to appoint two members of the City Council, _____ and _____, to the Master Plan Steering Committee.
*OR*
Consideration by City Council of a resolution to hold special meetings of the City Council at the Community Center, 421 Columbus Ave., Grand Haven, MI 49417 at 7:00 p.m. on the third Tuesday of each month March 2022 through October 2022. (March 15; April 19; May 17; June 21; July 19; August 16; September 19; and October 18) for the purpose of discussing the master plan. These meetings will be held as part of the Master Plan Steering Committee meetings.

City Council discussed the disadvantages of having a large number of members of the City Council at steering committee meetings, and the general consensus is that it would be more appropriate to limit the participation of the City Council in this part of the process.

**22-080 Motion by Council Member Fritz, seconded by McLaughlin, to amend the motion to read "to appoint two members of the City Council, Council Member Cummins and Mayor McNally, to the Master Plan Steering Committee**." This amendment carried unanimously.

**22-081 Motion my Council Member McLaughlin, seconded by Council Member Fritz, to appoint two members of the City Council, Council Member Cummins and Mayor McNally, to the Master Plan Steering Committee**. This motion carried unanimously.

**22-082 Motion by Council Member Cummins, seconded by Council Member Lowe to adopt a resolution that all City Departments, including the Board of Light and Power, use the City Attorney and his firm, Dickinson Wright, for all legal matters and services. Houghtaling Wasiura can continue to be used for ordinance prosecution. All resolutions and parts of resolutions insofar as they conflict with this resolution are rescinded.** This motion carried with four members voting in favor and one-member voting in opposition. Yes: Fritz, Lowe, Cummins, McLaughlin. No: McNally

CM Cummins shared the history of the Board of Light and Power and the organizational structure put in place by the City Charter. Cummins also shared concerned that there are conflicting legal opinions at times from unapproved use of attorney services other than the City Attorney.

CM McLaughlin supports this motion, stating that Dickinson-Wright is well equipped to handle legal matters.

Mayor McNally voiced concerns that this was introduced at the last minute and that no notice was provided to the BLP on this action. McNally also added that from a policy standpoint this is too narrowly drawn. McNally asked the intent of this action. Cummins responded that the BLP request to expand the scope of the work of Varnum LLP spurred his instruction of this action.

**UNFINISHED BUSINESS**

**22-083 Motion by Council Member Mclaughlin, seconded by Council Member Lowe to approve a City Council 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.

City Council agreed to update the letter to include signatures for all members of City Council before sending the response.

**REPORTS BY CITY COUNCIL**

CM Fritz asked that everyone reflect on what is happening in Ukraine, sharing that his family connection with Ukraine and Slovakia.

CM McLaughlin reported that the City Council takes fees charged to residents seriously, Council is looking at every avenue for addressing budget deficits before coming to the community for additional revenue.

CM Cummins requested a quarterly update from businesses in the community, possibly in collaboration with the Chamber.

Mayor McNally received an email from Grand Rapids Community College, inviting the City to tour facilities Holland with the possibility of securing facilities in Grand Haven.

**REPORTS BY THE CITY MANAGER**

None.

**SECOND CALL TO THE AUDIENCE**

Five members of the public provided comment:

1. Mike Westbrook, 423 Lafayette, BLP Vice-Chair, spoke with dissatisfaction on how the BLP request for attorney services was handled at this meeting.

2. Jay Whitelaw, 104 Poplar Rdg., expressed concerned about the perception of lack of transparency regarding the BLP. Whitelaw also spoke in support of the engagement of an outside consultant regarding environmental issues on Harbor Island.

3. Jim Hagen, 400 Lake, recommended the City Council engage with restaurant owners regarding the price of the permanent location vendors permits.

**Via Phone**

4. Carolyn Taylor, 15177 Ferris, spoke in support of taking the time to explore the ways recreational marijuana is managed in communities outside of Michigan, including California and Colorado.

5. Joy Gaasch, Grand Haven Chamber of Commerce, spoke in oppositions to the proposed changes to the special event fees which would require $50 for setup on city property for special events. Gaasch shared the specific example of Art Festival, stating that the $50 charge

would be problematic to the festival.

**ADJOURNMENT**
There being no further business to come before the City Council, the Mayor adjourned the meeting at 9:45 p.m.

Catherine M. McNally, Mayor

Kelly M. Beattie, City Clerk