

August 7, 2017

Mayor Brown called the sixteenth meeting of the eighty-fourth Harbor Springs City Council to order at 7:00 p.m. in the City Council Chambers at City Hall, 160 Zoll Street, Harbor Springs, Michigan.

1. Roll Call and Verification of Quorum

City Council:

Present: William M. Brown Jr., Matthew Bugera, John L. Cupps, Jeffrey V. James, and Pringle Pfeifer

Absent: none

City Clerk Whitaker stated that a quorum was present.

Also Present: City Manager Thomas C. Richards, City Attorney James T. Ramer, Police Chief Kyle Knight, DPW Director Lucas VanderZee, and City Clerk Nick Whitaker

2. City Clerk / Comptroller / Treasurer

A. Approval of Minutes

Minutes for the July 17, 2017 regular City Council Meeting were presented for approval. No corrections were made. A motion to approve the minutes as presented was entertained.

# 8495 – Motion by James, second by Cupps, to approve the minutes of the July 17, 2017, regular City Council Meeting as read.

Ayes – 5

Nays – 0

Motion carried.

B. Approval of Bills

The bills on the following vouchers, as listed below, have been examined. It has been recommended that they be approved for payment from the following funds:

| <u>Voucher number</u> | <u>Description</u> | <u>Payment</u>            | <u>Fund</u> | <u>Amount</u> |
|-----------------------|--------------------|---------------------------|-------------|---------------|
| 8520                  | A/P                | Trust Payouts<br>12/31/16 | Trust       | \$650,969.94  |
| 8521                  | Wire               | MPPA 7/18/17              | Electric    | \$34,479.07   |
| 8522                  | Wire               | MPPA 7/28/17              | Electric    | \$31,164.06   |
| 8523                  | Payroll            | P.P.E. 7/23/17            | General     | \$49,265.59   |
|                       |                    |                           | Major St.   | \$1,270.50    |
|                       |                    |                           | Local St.   | \$359.47      |
|                       |                    |                           | Historical  | \$884.88      |
|                       |                    |                           | Electric    | \$11,253.55   |
|                       |                    |                           | Water/Sewer | \$4,833.13    |
|                       |                    |                           | Waterfront  | \$7,395.15    |
|                       |                    |                           | Equipment   | \$2,532.48    |

| Voucher number | Description | Payment                      | Fund        | Amount         |
|----------------|-------------|------------------------------|-------------|----------------|
| 8524           | No Council  | Accounts Payable<br>8/1/2017 | General     | \$12,292.41    |
|                |             |                              | Major St.   | \$5,027.99     |
|                |             |                              | Local St.   | \$256.77       |
|                |             |                              | Historical  | \$43.29        |
|                |             |                              | DDA         | \$3,250.00     |
|                |             |                              | Electric    | \$66,127.97    |
|                |             |                              | Water/Sewer | \$12,495.45    |
|                |             |                              | Waterfront  | \$4,430.45     |
|                |             |                              | Equipment   | \$3,993.79     |
| 8525           | Wire        | MPPA 8/2/17                  | Electric    | \$27,923.80    |
| 8526           | A/P         | Trust Payouts<br>12/31/16    | Trust       | \$1,283,462.44 |
| 8527           | Council     | Accounts Payable<br>8/7/2017 | General     | \$15,796.81    |
|                |             |                              | Major St.   | \$2,100.00     |
|                |             |                              | Local St.   | \$2,100.00     |
|                |             |                              | Electric    | \$3,074.54     |
|                |             |                              | Water/Sewer | \$141,018.39   |
|                |             |                              | W.T. Water  | \$11,326.76    |
|                |             |                              | Waterfront  | \$3,856.74     |
|                |             |                              | Equipment   | \$2,857.98     |

BE IT RESOLVED that claims on vouchers 8520 through, and including, voucher number 8527 as checked by the Finance Committee, in the amount of \$2,395,843.40 be allowed for payment, and the Mayor and the City Manager are hereby authorized to execute warrants to be drawn on the following funds:

|             |                       |
|-------------|-----------------------|
| General     | \$77,354.81           |
| Major St.   | \$8,398.49            |
| Local St.   | \$2,716.24            |
| Historical  | \$928.17              |
| DDA         | \$3,250.00            |
| Electric    | \$174,022.99          |
| Water/Sewer | \$158,346.97          |
| W.T. Water  | \$11,326.76           |
| Waterfront  | \$15,682.34           |
| Equipment   | \$9,384.25            |
| Trust       | \$1,934,432.38        |
| Totals      | <u>\$2,395,843.40</u> |

# 8496 – Motion by Bugera, second by Pfeifer, to approve the bills in the amount of \$2,395,843.40

Ayes – 5

Nays – 0

Motion carried.

### 3. Citizen Comments

Harbor Springs Farmer's Market Master, Cyndi Kramer, provided an update to the activities at the Market. Kramer stated that the Market is in its eighth year in the downtown location and vendors are reporting record sales, few complaints have been received, and with the help of City Manager Richards the issues have been addressed. Kramer further reviewed the schedule

for operations for the remainder of the year and provided an update on signage and vendor parking.

City resident, Linda Demmer, stated that she came to comment on the boardwalk, it was decided that she would hold her comments until later in the meeting when the topic is discussed.

#### 4. City Manager's Section

##### A. Ordinance 405 – Rezoning Bay Street Parcels

City Manager Richards reviewed the Planning Commission's recommendation for the rezoning of seven properties on Bay St. from RM to R2. City Manager Richards briefly reviewed the proposed change and what it would mean for those homeowners, who were all in support of the change, further stating that the change would allow for different setbacks for those properties. No objections were made by Council and a roll call vote was entertained.

#8497 - Motion by James, second by Cupps, to adopt Ordinance 405 as written, for the rezoning of seven properties on Bay St. from RM to R2.

Ayes – Cupps, Pfeifer, Bugera, James, Brown  
Nays – 0

Motion carried.

##### B. Ordinance 406 – Modifying Parking Requirements for Commercial Use in the CBD

City Manager Richards reviewed the history behind Council's original recommendation to abolish off-street parking requirements for businesses in the Central Business District. City Manager Richards reviewed some of the language in Ordinance 406, which would eliminate off-street parking requirements for businesses within the Central Business District, provided the businesses have not increased their space by ten percent, and are not new buildings. Some discussion followed, no objections were made, and a roll call vote was entertained.

#8498 - Motion by Cupps, second by James, to approve Ordinance 406, as written, eliminating off-street parking requirements for businesses in the Central Business District.

Ayes – Pfeifer, Bugera, Cupps, Brown, James  
Nays – 0

Motion carried.

##### C. Proposed Donation – Wolverine Statue/Monument

City Manager Richards stated that the donor, Douglas Radliffe North, was not available to attend tonight's meeting, as planned. Radliffe North previously contacted the City with a proposal to donate a sculpture to the City. Some discussion followed, but no action was taken.

##### D. Glenn Drive – Consideration of Proposed Signage and Truck Restrictions

City Manager Richards reviewed his prior briefing and the background of the original correspondence related to truck traffic on Glenn Dr. The proposed changes to the signage on Glenn Dr. was reviewed and discussed; the proposed six replacement signs would more clearly direct drivers to M-119 and meet current standards for visibility and reflectivity. Discussion followed about the signs, their sizing, and proposed locations, no objections were made.

# 8499 – Motion by Cupps, second by Pfeifer, to replace six street signs directing drivers to M-119

Ayes – 5  
Nays – 0

Motion carried.

Additional discussion was had about truck traffic on certain roadways, the stone wall surrounding the Holton property at 405 Glenn Drive, which is located in the right of way, and right of way footage requirements. City Attorney Ramer briefly reviewed the details about the deed and size of the property owned by the City, which is Washington St., as well as the question of the Holton's property line, which is currently being researched, and will be reported on at the meeting in September.

#### E. Proposed "Lights Out" Event – Consideration of Participation

City Manager Richards stated that the City has previously participated in the "Lights Out" event and explained the purpose of the event, which is to promote dark sky initiatives. City Manager Richards further reviewed the anticipated cost to the City and potential ramifications should the City choose to participate. Discussion followed about how the City would evaluate which lights should be turned off during the event, the safety concerns over the reduced lighting, and the precedent it could potentially set. Mayor Brown stated he was uncomfortable with the idea, Pfeifer agreed. Member Cupps stated that the City has previously participated and there have not been any problems. Discussion continued and a motion to approve the City's participation was entertained.

# 8500 – Motion by James, second by Cupps, to authorize the City's participation in the "Lights Out" event on Friday, August 11, 2017.

Ayes – 3 Bugera, Cupps, and James  
Nays – 2 Brown and Pfeifer

Motion carried.

#### 5. Manager's Report

City Manager Richards reviewed his Manager's Report and briefed Council on the following:

- "Wolverine" sculpture public art donation proposal presentation delay;
- Council Candidates for the November Election, John Cupps, Jeff James, and John Lio;
- Hot Dog Cart removal from waterfront area, without notice from the cart owner/operator;
- audit presentation planned for August 21, 2017;
- update on local internet failures the week of July 4, 2017, caused by demand for data beyond the typical amount, as reported by Charter;
- Forest Beach Water Main replacement project completion, which was completed under budget;
- possible by-law changes pertaining to attendance and conflict of interest policies for the City's Boards and Commissions;
- replacement of election equipment and training for staff and election workers;
- removal and replacement of tree at 246 E. Main St., and additional donation of a tree by the Isermann's, of which Council had no objections;
- MDOT relocation of speed limit sign on M-119 due to visual obstruction;
- update on Wayfinding project signage bids for construction and installation of signs;
- update on janitorial/cleaning service and requests for proposals;
- status of DPW building insulation project;
- request for handicapped parking and proposed traffic control order by Chief Knight in front of the Demmer residence; and

- Upcoming Boards and Commissions Meetings
  - Harbor Commission – Wednesday, August 9, 2017 4:00 p.m.
  - Zoning Board of Appeals – Wednesday, August 9, 2017 5:30 p.m.
  - Planning Commission – Thursday, August 17, 2017 at 6:00 p.m.
  - DDA/PSD Board – Thursday, September 7, 2017

6. Appointments

Mayor Brown re-appointed Madeline Heinz to a three year term on the Zoning Board of Appeals with a term expiring August 2020.

7. Old and New Business

Mayor Brown asked his constituents to support him in recommending that the DDA and Planning Commission be challenged to determine the best use of the Spring St. lot, other than just paving it for parking. Member Pfeifer supported his request and no other objections were made.

Mayor Brown discussed options for the replacement of the boardwalk and proposed the City investigate the costs for replacing maintaining its wood structure with stairs versus concrete with ramps. City Manager Richards clarified the previous proposal and discussed timeline of when the boardwalk was originally built (in the mid 1960's) and then replaced (in the mid 1980's). Linda Demmer of 257 E. Third, expressed her concerns about the design and structure of the boardwalk and presented some of her ideas for replacement, she does not recommend paving the boardwalk but does agree that it needs replacing. City Manager Richards further explained the typical method for engineering design and bidding of projects.

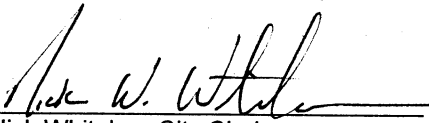
Mayor Brown opened the floor for any additional comment. Comment was made about the new voting equipment and it was asked if the ballot containers would also be replaced or properly secured. City Manager Richards responded, stating that the container would also be replaced.

8. Next Meeting

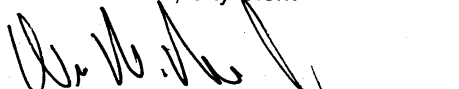
City Manager Richards stated the next regular City Council Meeting is scheduled for 7:00 p.m., Monday, August 21, 2017.

9. Adjournment

With no further business, Mayor Brown adjourned the meeting at 7:54 p.m.

  
\_\_\_\_\_  
Nick Whitaker, City Clerk

Approved: August 21, 2017

  
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William M. Brown Jr., Mayor

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**ORDINANCE NO. 405**

An ordinance to amend Chapter 50 of Title V of the Code of the City of Harbor Springs, by adding a new Section 50.401(28) therein.

WHEREAS, the Planning Commission of the City of Harbor Springs has studied the existing provisions of the Zoning Code pertaining to the certain properties at 420 E. Main St., Tax Parcel (51-15-13-226-029), 451 Bay St., Tax Parcel (51-15-13-226-037), 481 E Bay St., Tax Parcel (51-15-13-226-039), 463 E Bay St., Tax Parcel (51-15-13-226-040), 467 E Bay St., Tax Parcel (51-15-13-226-068), 469 E Bay St., Tax Parcel (51-15-13-253-101) and 471 E Bay St., Tax Parcel (51-15-13-253-102), and the consideration of a request by one of the property owners to rezone said properties from RM (Multiple Residential District) to R-2 (Two-Family Residential District); and,

WHEREAS, the Planning Commission determined that rezoning said property as requested would be desirable; and,

WHEREAS, the Planning Commission conducted a public hearing on July 20, 2017, on the proposed amendment to the Harbor Springs Zoning Code to rezone said property; and,

WHEREAS, after said public hearing, on July 20, 2017, the Harbor Springs Planning Commission recommended the adoption of the zoning provisions contained in this Ordinance; and,

WHEREAS, the City Council has studied this matter, accepts the recommendation of the Planning Commission, concurs therewith, and finds that adoption of the within Ordinance is necessary for the health, safety and welfare of the City of Harbor Springs,

NOW, THEREFORE, THE CITY OF HARBOR SPRINGS ORDAINS:

**Section 1**

Chapter 50 of Title V of the Code of the City of Harbor Springs is hereby amended to add a new Section 50.401(28) to read as follows:

“(28) The following properties shall be rezoned from RM (Multiple Residential District) to R-2 (Two-Family Residential District): 420 E. Main St., Tax Parcel (51-15-13-226-029), 451 Bay St., Tax Parcel (51-15-13-226-037), 481 E Bay St., Tax Parcel (51-15-13-226-039), 463 E Bay St., Tax Parcel (51-15-13-226-040), 467 E Bay St., Tax Parcel (51-15-13-226-068), 469 E Bay St., Tax Parcel (51-15-13-253-101) and 471 E Bay St., Tax Parcel (51-15-13-253-102).”

**Section 2**

The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by a court of competent jurisdiction, the remaining portions of said ordinance shall remain in force.

**Section 3**

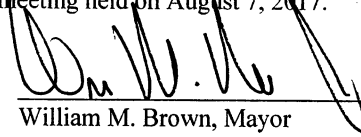
This ordinance shall take effect ten days after its adoption and publication.

**Section 4**

A copy of this Ordinance may be purchased or inspected during normal business hours at City Hall, 160 Zoll Street, Harbor Springs, Michigan.

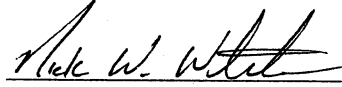
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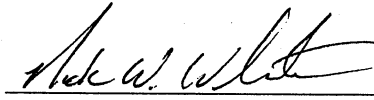
William M. Brown, Mayor



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Nick W. Whitaker, City Clerk

I hereby certify that the publication of Ordinance Number 405 was made in the August 9, 2017, issue of the *Harbor Light*, a weekly newspaper published and circulated in the City of Harbor Springs.



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Nick W. Whitaker, City Clerk

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**ORDINANCE NO. 406**

An ordinance to amend Chapter 50 of Title V of the Code of the City of Harbor Springs, by amending Sections 50.301(4)(a), 50.301(4)(b), 50.1202(3), 50.1202(3)(a) and 50.1202(8)(d) therein.

WHEREAS, the Planning Commission of the City of Harbor Springs has studied the existing provisions of the Zoning Code pertaining parking within the CBD, and to a proposal suggested by the City Council to eliminate the requirement of any non-residential permitted use or special land use located in an existing building in the CBD to provide parking in the CBD; and, to permit expansions of existing buildings by up to 10% of the floor area without providing additional parking, provided, any new buildings, or expansion of existing buildings by more than 10% of the floor area would require the provision of parking; and,

WHEREAS, the Planning Commission determined that changes to the Zoning Code were desirable; and,

WHEREAS, the Planning Commission conducted a public hearing on July 20, 2017, on the proposed amendment to the Harbor Springs Zoning Code, including that which is contained in this Ordinance; and,

WHEREAS, after said public hearing, on July 20, 2017, the Harbor Springs Planning Commission recommended the adoption of the zoning provisions contained in this Ordinance; and,

WHEREAS, the City Council has studied this matter, accepts the recommendation of the Planning Commission, concurs therewith, and finds that adoption of the within Ordinance is necessary for the health, safety and welfare of the City of Harbor Springs,

NOW, THEREFORE, THE CITY OF HARBOR SPRINGS ORDAINS:

**Section 1**

Chapter 50 of Title V of the Code of the City of Harbor Springs is hereby amended by amending Section 50.301(4)(a) and 50.301(4)(b) to read as follows:

“(a) Except as provided in subparagraphs (b) and (c) and (d) below, whenever a use or an activity requiring off-street parking is created through new construction, increased floor area, intensity of activity or number of boat berthing slips, or by structural alteration, or by adding to the cubic content of a building or increasing the intensity of activity in some other manner, off-street parking spaces shall be provided and maintained as required in Article 18 for such new construction or change.

(b) Except as provided in subparagraph (c) below, existing buildings, as defined in Section 50.201(21), may be utilized to their capacity through structural alteration or rebuilding (excluding basements and additions) for the permitted uses occupying such building on the effective date of the Ordinance adopting the Harbor Springs Zoning Code of 1990 (the “Effective Date”), and shall be exempt from providing off-street parking spaces. Uses requiring an equal or lesser number of parking spaces may be substituted for the principal use of record on the Effective Date, without providing off-street parking spaces. When the basements thereof are converted to uses requiring parking spaces, or when uses requiring more spaces than the use of record on the Effective Date are substituted, then off-street parking spaces for the addition or the change difference shall be provided and irrevocably reserved and recorded in accordance with the standards of Article 18 of this Chapter;



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(c) In the CBD (Central Business District) only, off-street parking shall not be required for commercial uses in existing buildings. For new construction, or, additions to buildings in excess of ten percent (10%) of the building's floor area, the off-street parking requirement for commercial uses shall be seventy-five percent (75%) of the requirement specified in Article 18 of this Chapter for the specific use proposed.

(d) For residential uses in the CBD (Central Business District), the number of off-street parking spaces shall be provided on-site in accordance with the requirements for single family residential dwelling units provided in Article 18 of this Chapter, provided for residential dwelling units containing less than 900 square feet, only one (1) parking space need be provided."

Section 2

Chapter 50 of Title V of the Code of the City of Harbor Springs is hereby amended by amending Section 50.1202(3) and Section 50.1202(3)(a) to read as follows:

**"Restaurants, Full Line, and Restaurants, Specialty.** Off street parking for such Restaurants shall not be required as provided in Article 18 of this Code. A Full Line Restaurant may be approved as a Special Land Use if such Restaurant satisfies the following conditions:

(a) The Full Line Restaurant is located in an existing building. If an addition is constructed for the Restaurant use in excess of ten percent (10%) of the floor area of the existing building, additional parking must be provided on a basis of the Full Line Restaurant parking standard."

[subparagraphs (b) through(d) of Section (3) are unchanged]

Section 3

Chapter 50 of Title V of the Code of the City of Harbor Springs is hereby amended by amending Section 50.1202(8)(d) to read as follows:

"(d) a building which has been converted from a commercial to single-family use may be reconverted to its immediate prior commercial use, and any requirement for off-street parking would not be required."

Section 4

The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by a court of competent jurisdiction, the remaining portions of said ordinance shall remain in force.

Section 5

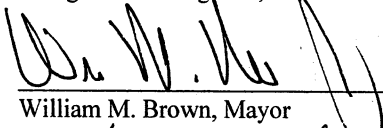
This ordinance shall take effect ten days after its adoption and publication.

Section 6

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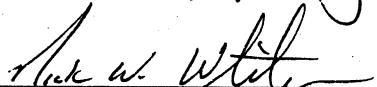
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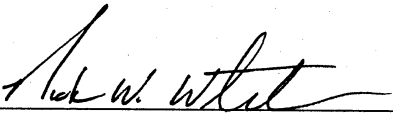
William M. Brown, Mayor



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Nick W. Whitaker, City Clerk

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Nick W. Whitaker, City Clerk

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