



## Village of Spring Lake

### Council Work Session Minutes

March 11, 2019

7:00 p.m.

102 West Savidge Street (Upstairs Conference Room)  
Spring Lake, MI 49456

President **Powers** called the meeting to order at 7:00 p.m.

#### 1. **Commercial Redevelopment District**

Council and the DDA have been discussing the need to establish a Commercial Redevelopment District in order to encourage reinvestment in the downtown area. It is unknown how many, if any, property owners would apply *and* qualify for a tax abatement, but staff is aware of at least one large development that is anticipating submitting an application. Staff has completed the necessary processes required to hold the public hearing that would establish the district.

**Burns** explained that the notices have been mailed so a Public Hearing would be held next week.

**Hanks** asked if there was any downside to creating a Commercial Redevelopment District. **Burns** said that the tax abatement could be viewed as a downside, but the upside was that this incentivized developers to invest when they normally would not, and the Village would eventually be capturing the full value of the development. **Burns** said this would also incentivize job creation, investment, sustainability, environmental management, stormwater management, and solar use. **Council** discussed their thoughts on this and agree to move forward.

#### 2. **Fireworks Ordinance**

Last fall, the State amended legislation regarding fireworks. It is now necessary for local jurisdictions to amend their ordinances. Grand Haven Township was generous enough to lead the cause on this issue and share their ordinance so that all five communities can work from the same starting point. A public hearing is required to adopt this ordinance amendment.

**Burns** explained that she could not speak to the City of Grand Haven's decision at this time, but the other 3 communities along with the Village

were all looking at drafting essentially the same language as the State, shortening the amount of days and time frame that fireworks would be allowed.

### **3. Rental Registration Regulatory Ordinance**

This issue was intended to be acted on by Council at their February meeting. However, due to a publication issue, the public hearing had to be postponed until March. No further discussion is necessary at this time and a public hearing has been scheduled for March 18, 2019.

**Burns** explained that this was the regulatory piece that outlined how to go about applying for, and receiving, the rental registration certificate.

### **4. Local Watercraft Control (LWC)**

Spring Lake Township Supervisor John Nash has been working with DEQ to address complaints related to no wake rules on Spring Lake. A resolution must be passed by all three jurisdictions (SLT, SLV, Ferrysburg) in order to correct deficiencies. Spring Lake Township will be considering a resolution at their March 11, 2019 meeting.

**Burns** explained that this had to do with buoy placement related to the no wake rules on Spring Lake. **Duer** asked what the changes were because it didn't sound like anything was really changing. **Burns** said she would get a map that would show what was being done but basically outlined where buoys would be placed. **Petrus** said from what she read, the buoys have moved off from where they should be because GPS was not being used with placement. **Council** agreed to put this resolution on the Consent Agenda.

### **5. Business of the Year Nominations**

It's that time of year again when the Chamber awards a "*Business of the Year*" in each of the NW Ottawa Communities. The DDA will contemplate this issue at their March 14<sup>th</sup> meeting and submit their recommendation to Council at the March 18<sup>th</sup> meeting.

**Burns** said that Weiss Chiropractic has done so much and been so involved in the community that she recommended them for the Business of the Year. **Council** agreed Weiss was a great choice.

## 6. RMJ Ordinance

Council has discussed this ordinance, ad nauseum. It has also been placed before the DDA Board & the Planning Commission for consideration. Further discussion is not necessary at the work session. A public hearing will be held at the regular Council Meeting on March 18, 2019.

**Burns** said they did not have to have anymore discussion on this, but it would be on the next agenda and Sheriff Kempker was going to give a presentation, along with Fire Chief Sip and DDA Director Angela Stafford-Butler. **Burns** shared that if Council didn't "act" on this and someone made an investment with the intention that it would be allowed, and then the rug was pulled out from under them, there could be a lawsuit. **Duer** said it was way too premature not to opt out, there was not enough information. **Petrus** said there was a lot of work to do. **Hanks** said she felt it needed to be communicated as a "*we are making this decision for now*" for the sole purpose of evaluating again once there was enough information. **Burns** said there were a number of communities that had adopted a resolution that said they would revisit this ordinance after the State had the details worked out and she would provide a copy for Council consideration.

## 7. RMJ Regulatory Ordinance

A public hearing will be held at the regular Council Meeting on March 18, 2019.

## 8. FOIA Appeal

The Village received a FOIA request that was denied based on the legal opinion that the documents requested did not qualify as "public documents". The denial was appealed to the Village President and must now be contemplated by Council. Should Council uphold the denial, the next action by the requestor would be to file a lawsuit in circuit court.

**Burns** explained that she was the Vice-Chair of the Michigan Municipal Executives Ethics Committee. A city manager from the other side of the State filed a FOIA request for documents that were emails between herself and other Ethics Committee members because he had been turned into ICMA for a potential ethics violation. **Burns** said Attorney Jeff Sluggett recommended denial on the grounds that these emails were exempt because they were not Village business. **Burns** said she would create a file

of the emails for Council to review. **Council** said they would support Burns request to deny the FOIA request.

#### **9. Memorandum of Understanding (Grant Funds for Sewer Authority)**

Spring Lake Township applied for, and subsequently received, funding for the force main and sewage treatment plant upgrades. They've been generous enough to share their grant with the other 4 Northwest Ottawa communities. Prior to receipt of the funding, it was necessary to approve a Memorandum of Understanding on how the grant funds will be disbursed.

**Burns** reported this was already completed and this was for informational purposes only; no action required.

#### **10. Cutler Street Water Main Replacement (Wally Delamater)**

S. Cutler Street currently has a 2" galvanized water main that serves five properties, including Mill Point Park (restrooms & irrigation). The water main is a dead-end and does not have a hydrant for flushing purposes. Given the age and undersized line and the fact that the street will be open during installation of the force main, it makes sense to update the water main at this time. Due to time constraints, staff authorized the engineering to commence, but Council would need to approve the expenditure for the actual construction.

**Delamater** explained that when the issue of this 60-year-old 2" water main issue, that had been repaired many times, was discovered they determined that, because Dirt Works was already there and had Cutler Street torn up, it made sense to replace it at this time rather than rip up a new street at a later date. **Delamater** said he had received estimates for a 6" and 8" water main replacement and was told that the DEQ would allow a 6" main, which was what he preferred. **Powers** asked if this would delay the original project. **Delamater** said that this was a small project, so he did not think it would delay anything, but he would check. **Council** agreed it made sense to replace the water main now and that this item could be added to the Consent Agenda.

#### **11. Waiving Late Fees for Federal Employees ~ Resolution 2019 -07**

This resolution was drafted by Grand Haven Township in response to the federal shut-down that impacted members of the Coast Guard. While *this* shut-down has ended, the potential exists to have another. It is unknown how many, if any, Coast Guard members reside in the Village. It's possible

this resolution may have zero impact; however, it is also possible that Coasties may need to seek relief at some point in the future.

**Burns** explained that she was not aware of any Coasties that lived in the Village, but in the event of another federal shutdown, she wanted to have something in place. **Council** agreed to add this item to the Consent Agenda.

## **12. Budget Adjustments for Fiscal Year 2018/2019 (Marv Hinga)**

These amendments will be presented to the Finance Committee for their review immediately prior to the work session.

**Hinga** reported that the budget adjustments were moving money between lines items in each fund or department and there was no request for additional spending authorization. **Council** agreed with these budget adjustments and they could be added to the Consent Agenda.

## **13. Pavement Warranty (Wally Delamater)**

As part of the Transportation Funding Package of 2015, the legislature created a requirement (MCL 247.662.247.663) that each local road agency must adopt a Local Pavement Warranty Program acceptable by MDOT. The resulting program is the statewide accepted format that local agencies can use for hot mix asphalt (HMA). This program must be adopted by 09/18/19 and every community must consider a warranty on each project utilizing any state/federal funding that also includes \$2 million or more in paving-related components. Communities must annually report on projects regardless of whether they implemented a warranty or not. Two Resolutions (2019 – 05 & 2019 – 06) are attached for Council review.

**Delamater** explained that these 2 resolutions were a requirement by the State for any project of \$2 million or more. **Council** agreed, these resolutions would be placed on the Consent Agenda.

## **14. Brownfield Redevelopment ~ Epicurean Village**

The developer of the proposed Epicurean Village project, Savidge Management, LLC (Kim Van Kampen), desires to pursue brownfield redevelopment incentives through the Brownfield Plan approval process. To pursue these incentives, Savidge Management, LLC has requested a blighted designation from the Village so that a Brownfield Plan can be prepared. The parcels for which this designation is being sought include,

106, 108, and 110 W. Savidge Street. Essentially, this project is similar to the BFCU & Mill Point Station brownfield projects in that the developer is reimbursed for allowable expenditures – in this case lead and asbestos abatement - through a tax capture, over the course of time. Roman Wilson (FTCH) will subsequently work with the Ottawa County Brownfield Authority to process the documentation necessary to meet state requirements. The DDA will be contemplating this request at their March 14<sup>th</sup> meeting.

**Burns** explained this was the same Brownfield Redevelopment incentive that was used in the Peel's Mill Point Station project and Best Financial Credit Union and because there was lead and asbestos in the building next door, Ms. Van Kampen was asking for assistance through a Brownfield loan to help pay for removal. **Council** discussed the loss of tax capture versus remediating the site and encouraging development. **Council** agreed they were in favor of this Brownfield Redevelopment Plan.

## 15. Communications

- Art in the Park Grant (Mixer Fund)
- CGAP Closeout Letter
- Complaint – Division Street
- Complaint – 353 S. Lake Street
- Complaint – Sidewalk Snow Removal
- DDA Happenings
- Library Calendar (March)

**Burns** shared that the Heritage Festival committee had changed the route of the Memorial Day parade and the parade would be ending at the Presbyterian Church instead of crossing Savidge to end at the cemetery.

**Burns** updated Council on Ms. Van Kampen Victorian house moving project, Bilz Pool & Spa building and the gas station renovation, the project next door and the request for a lease of the pocket park. **Burns** shared that Van Kampen wanted to gift the Haight building to the Village, but that gift would not be accepted until a buyer was lined up and so far, there were 3 developers potentially interested.

## 16. Minutes

Minutes of the February 11, 2019 Work Session and February 18, 2019 regular meeting are attached for review. Should you wish to make edits, please

share that information with Chris Burns or Maryann Fonkert prior to March 15, 2019.

**17. Public Comment**

There was no public comment.

**18. Adjournment:** There being no further business, the meeting adjourned at 8:30 p.m.

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Mark Powers, Village President

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Maryann Fonkert, Deputy Clerk