



**Parks and Public Works Committee Regular Meeting  
April 23, 2024 – 10:00 am**

*This is an in-person meeting at Saugatuck City Hall, 102 Butler St, Saugatuck, MI 49453.  
The meeting will also be available live, virtually on Zoom.*

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. APPROVAL OF AGENDA**

**4. APPROVAL OF MINUTES:**

- A. Special Meeting – March 15, 2024 (pg. 2)
- B. Regular Meeting – March 26, 2024 (pg. 9)

**5. PUBLIC COMMENTS/TODAY'S AGENDA TOPICS ONLY (LIMIT 3 MINUTES)** Use the “raise hand” button in the participant’s screen found in the Zoom interface or enter \*9 if calling in by phone to raise hand.

**6. REVIEW/DISCUSSION:**

- A. Pallet Sign Design and Traffic Signal at Lake Street/Blue Star Highway for Blue Star Multimodal Path (pg 14)
- B. Park Street Planning & Conceptual Design Proposal for Engineering & Landscape Architecture Services (pg 19)
- C. Landscaping for City Hall
- D. Study Group Updates.
  - 1. Invasive Species.
  - 2. Airport Property.
  - 3. Blue Star Multimodal Path (Lake Street).
  - 4. Village Square & Playground.
  - 5. Park Street, Mt. Baldhead Improvements, & AT&T status.

**7. REVIEW NEXT STEPS**

**8. PUBLIC COMMENTS (LIMIT 3 MINUTES)** Use the “raise hand” button in the participant’s screen found in the Zoom interface or enter \*9 if calling in by phone to raise hand.

**9. CORRESPONDENCE**

- A. Gary Medler (pg. 22)
- B. Julie Maguire (pg. 125)

**10. MEMBER CLOSING COMMENTS**

**11. ADJOURN**

**NOTICE:**  
Join online by visiting:  
<https://us02web.zoom.us/j/2698572603>  
**572603**

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**(312) 626-6799 -or-  
(646) 518-9805**

Then enter “Meeting ID”:  
**2698572603**

Please send questions or comments regarding meeting agenda items prior to meeting to:  
[rcummins@saugatuckcity.com](mailto:rcummins@saugatuckcity.com)

Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact Saugatuck City Clerk at 269-857-2603 or [JWolters@saugatuckcity.com](mailto:JWolters@saugatuckcity.com) for further information.



**PARKS AND PUBLIC WORKS COMMITTEE MEETING MINUTES - SPECIAL  
March 15, 2024**

The Parks and Public Works Committee met for Special Committee Meeting at 10:00 a.m.  
Saugatuck City Hall  
102 Butler St., Saugatuck, MI 49453.

**Call to Order:**

The meeting was called to order by Chair Baldwin at 10:00 a.m.

**Attendance:**

Present: Chair Baldwin, Committee members DeJong, Kimble & Roche.

Absent: Committee members Charak & Johnson.

Others Present: Interim City Manager Cummings, DPW Superintendent Herbert, Deputy Clerk Williams.

*Motion by Roche, second by Kimble to excuse the absence of Committee members Charak & Johnson. Upon voice vote, motion carried 3-0.*

**Approval of Agenda:**

*Motion by Roche, second by Kimble, to approve the agenda for March 15, 2024. Via voice vote, motion carried 3-0.*

**Approval of Minutes from 1/23/24:**

*Motion by Johnson, second by DeJong, to approve the minutes from January 23, 2024, meeting. Via voice vote, motion carried 3-0.*

**Public Comments (agenda items only):**

**Ken Butler (Saugatuck Parks & Rec Commission):**

- Advocated for using the closed landfill site as a walking and running trail, highlighting the need for a home meet for the Saugatuck High School Cross Country Team.
- Researched and found a report from the EPA that is dated September 13, 1990. Report indicated that the dump was closed in 1984. This year marks the 40<sup>th</sup> anniversary since the dump has been closed. He also found an engineering report from 1996 that was forwarded to Saugatuck Township which indicated there were toxins in the wells. They reinvestigated

the dump site to see if it was the source for the leaking to these wells. The report indicated that there was not any contamination coming from the dump site.

- Discussed a history problem related to the landfill site, which is owned by Saugatuck Township, City of Saugatuck, and the City of the Village of Douglas.
- Located an agreement between the three communities from 1967 that references their collaboration on the landfill site.
- Asked the commission to adopt a resolution recommending to the City of Saugatuck to pass the resolution supporting the development of a walking/running trail at the landfill site.

### **Review/Discussion:**

#### **A. Department of Public Works and Administrative Updates:**

- Discussed leasing out the Oval Beach concession stand, the purchase of an asphalt hotbox reclaimer, and renovating Village Square playground.
- Went over the seasonal staffing, Oval Beach preparations, and tree care in the city.
- Plans to conduct a site assessment of a mature oak tree with an arborist on a vacant lot at 254 Francis Street to determine potential root damage from construction.
- Recognized Sara Williams for her efforts in securing a donation of a floating wheelchair for Oval Beach with Holly Harvey from the Disability Network Lakeshore, which will promote accessibility for people with disabilities.
- Provided updates on various city projects, including the reconstruction of Bridge Street and crack sealing of city streets.
- Discussed plans for Arbor Day celebration.
- DSI Grant awarded to the city for \$221,000 that satisfies the requirement imposed by the State of Michigan in which they have to do inventory of all the water service lines going into the individual households and the city to ensure they are not made of lead. Grant should cover costs.
- Two-phase project on exterior at City Hall where they will tear out concrete that is in rough shape, connect the gutters to the catch basin in the front of the building, new concrete, replacing the irrigation around the building, and some landscaping updates.

#### **B. Further review of Pallet Sign Design for Blue Star Multimodal Path:**

The city is reviewing the design of the Pallet Sign and the Bluestar multimodal path. Interim City Manager Cummins thanked Kimball for her expertise and shared an update on the trail design, including changes made based on feedback from the last meeting. Committee Member Kimball added additional context and history on the project. Jared Secor from C2AE shared updated renderings incorporating feedback on hardscape and stone elements, with options for banner placement.

The Committee discussed the potential costs of improving the intersection with signals, which would not be covered by the grants. Cummins discussed the traffic signal and said that the City Council had approved a General Services Agreement for design engineering for the Pallet Sign and a digital traffic signal for this intersection. The City worked with city engineer Fleis & Vandenbrink on

a study a few years ago and their finding was that there was a need for a traffic signal. Allegan County Road Commission also did a study that found that the traffic warrants met the criteria for a signal, but the crash warrants did not. However, they said that if a trail were constructed to this area, they would recommend a traffic signal. Kimble mentioned the curvature of the intersection and the potential to extend it to accommodate trucks, with some work having been done on the numbers and the possibility of accommodating the existing dollars for the project. Secor noted the discoloration in concrete from damage from trucks turning at that intersection as it doesn't meet MDOT standards for a semi-truck turn radius. He said that it may be time to rethink making that turn radius compliant and moving things around to not only protect the trail traffic but the new landscape design as well. The City is on the hook for cost of the traffic signal, as Friends of the Blue Star Trail has put in as much money as they had available for this project and felt like the signal was already needed without the construction of the new trail. Cummins said with the cost of the trail and the roadway improvements, they have estimates ranging from \$316,000 to \$403,000 depending on the option chosen. They aim to limit additional cost by doing the roadway and trail work simultaneously, rather than as standalone projects. There were safety concerns raised for the new trail at that intersection with the potential for serious injury.

The Committee discussed the rendering options for moving the sign, including using natural local materials and incorporating plants in the area. Herbert expressed concern about limited space at the intersection and the potential impact on the whole layout of the project. Secor explained that the rendering is just a visual representation and can be modified to incorporate the WB67 turn radius to make it compliant, but this would increase the cost of option three. He explained that the new rendering doesn't show the turn radius due to limitations in the original packet, but the original packet does show the additional fill and location of the new retaining wall and how much area you have to work with back there.

Kimble mentioned that some construction costs are coming in lower than anticipated, which could allow funds for the expanded turning radius, additional landscape improvements, without incurring additional costs for the City. The City would still be responsible for funding the traffic signal and maybe some sprucing up of the pallet sign or improvements.

Secor explained that the environmental reviews from NEPA and SHPO could take up to four weeks, but as long as the decision is made to proceed with the design, they can move forward within the next month or so. Cummins said if the committee is comfortable that they have been presented with enough information to make a recommendation on which design option to select for the trail project, it would need to go to the HDC and then ultimately, the City Council to make a decision. Chair Baldwin expressed her concern about the amount of space required for the project, specifically for truck turnaround, and requests a motion be made that is subject to a Fleis & VandenBrink review. Herbert agrees to work with F&B to address the issue and provide a solution by the March 26<sup>th</sup> meeting. Kimble and DeJong discuss the committee's purview and the interrelatedness of the items on the agenda. The group discussed the design of the sign and the radius of the traffic light, with some members expressing concerns about moving forward without all of the necessary information. Secor suggested updating the plan to include the new rendering



features and clarifying costs, including a potential additional \$200,000 for traffic signal installation and design.

**C. Cross Country Trails at Old Landfill:**

Chair Baldwin said there is proposal from Saugatuck Township to lease the landfill space for cross country trails which has support from the schools and the township. Cummins explained that the City Council sets priorities for the year, and this was not on the immediate list that was set forth for this year and any additional work on the site by spending staff time and resources would require their action. Cummins said that the engineers indicated that trails could be possible, but more testing is needed to ensure no additional methane is present and to address concerns about the cap and soil contaminants. Baldwin suggested a motion to allocate staff time to evaluate leasing the landfill to Saugatuck Township for cross country trails.

*Motion by Roche, second by DeJong to allow the Saugatuck City staff to evaluate steps to lease the landfill to Saugatuck Township for the purpose of establishing and maintaining cross country trails for Saugatuck Public Schools. Following voice vote, motion carried 3-0.*

**D. Updates on Saugatuck Natural Harbor Area:**

Committee Member Roche discussed the Saugatuck Natural Harbor area endowment fund, which needs to be updated every five years to be in compliance with the management Plan. It has not been updated since 2015. The Committee plans to move forward with the Land Conservancy of West Michigan to update the plan and address compliance issues. Chair Baldwin discussed establishing a board to manage \$195,000 in funds for Wayfinding, invasives, and other projects. Cummins seeks clarity on Saugatuck Natural Harbor Area's board's dissolution and fund management.

**E. Updates on Uniform Signage Initiative with Tri-Community:**

Committee member Roche said that the Tri-Community is working on improving connectivity between parks and trails between the three municipalities. On March 19<sup>th</sup>, the steering committee, and the city councils for the three municipalities will meet and educate themselves on safety and universal language for better communication and collaboration.

**F. Updates on Conservation Levels with Register of Deeds and LC of WM:**

The Committee discusses the need to update records for city property and conservation levels. They are working on creating a master document with all city properties, including parks and parcel numbers, to provide clarity on city ownership and avoid questions in the future. Roche highlighted the importance of understanding easements and their ownership, particularly in the Saugatuck Harbor Natural Area, to ensure proper conservation and management of city assets. Baldwin mentioned the importance of documenting historical knowledge and memories to prevent them from fading away. DPW Superintendent Herbert suggests consulting with Fleis and VandenBrink on the data management aspect.

## **G. Study Group Updates:**

### 1. Invasive Species:

Committee member Roche said that they teamed with eighth-grade students last year to attack invasive species at Mount Baldhead. They would like to continue to collaborate with the eighth-grade students to do work in the area. Cummins mentioned that the contractor that has been doing the milfoil treatment will be at the April 3<sup>rd</sup> workshop meeting to answer questions, advise on how the treatments have been going, and what to expect for the summer whether the treatments will continue. He said that the water levels are down and there may be some additional concerns and there is other vegetation too that could impact the waterways.

### 2. Airport Property:

Committee member DeJong discussed a donor that wants to donate \$130,000 to improve the airport property in memory of their father. This is to develop hiking trails with signage, conservation overlay, and habitat restoration in a sensitive area. Baldwin said that it has already been presented to Council and they are aware that the donor is only interested in donating to that specific property. Cummins explained the next steps are to bring it to a Council workshop to see if there is interest in continuing discussions with this donor and that project or the consequences of going in a different direction.

### 3. Blue Star Multimodal Path:

None. Already covered earlier in meeting.

### 4. Village Square:

Committee member Roche said that volunteers were still needed for the April 15-17 community build for the new playground in Saugatuck, with lunch being provided. Herbert mentions that site prep for the park project is complete, and he is excited to see the equipment with the little critters within the composite materials. He also discussed the vendor's prep work for the park project, including building out equipment for safety purposes and mulching out excess material.

### 5. Park Street & Mount Baldhead Improvements:

DPW Superintendent Herbert mentions erosion issues on Holiday Hill and pedestrian safety improvements in the Chain Ferry area. Cummins provided an update on AT&T's plans for burying lines in the area, stating that they are waiting on a further State Historic Preservation Office review.

**Review Next Steps:** None.

### **Public Comments (Limit 3 mins):**

- **Joe Leonatti (712 Allegan):** Emphasized the importance of conducting a cost-benefit analysis before making decisions about the airport property.
- **Dan Fox (1006 Elizabeth):** Expressed interest in the potential cross-country trails leasing to the township. He wondered if the DPW site would be grandfathered. He thinks it is worth taking a look at what is in the EPA report because it opens the door for liability. Fox suggested a potential backup plan for the intersection by turning the trail and adding flashing red lights at an existing pedestrian crossing. He also raised concerns about the dangerous left turn onto Blue Star Highway from the intersection and suggests that a no left turn sign be installed.
- **Russ Gardner (245 Spear):** Emphasized the importance of evaluating the airport property for best use by the city before considering any donations or development.

### **Member Closing Comments:**

- **Committee Member Kimble** – She thought it was a great meeting. She has had discussions with her neighbors about the horrible road conditions and wonders why they are so bad.
- **Committee Member DeJong** – She thinks there was a lot of progress in today’s meeting. She is happy that the airport property is one of several properties that are on the list of the things that they are looking at. She says if they are conserved, she wonders why they wouldn’t do that with every property such as Mount Baldhead, Oval Beach, and Village Square.
- **Committee Member Roche** – She thanked everyone on the committee for all of their time and effort and thanked DeJong for working with the donors. There are a lot of people who love this community, and she thinks that that they should be proactive instead of reactive and be able to understand the direction they are headed and have their priorities straight, then people will want to give. She is excited about the playground and looks forward to seeing everyone on April 15-17.
- **Chair Baldwin** – She closed by letting everyone on the committee know how much she appreciates their work. She said that she is an elected council member and thinks that she signed up to take a little more abuse than most of them do. She thinks the committee is becoming aware of how it can be trying at times. The playground has not been without its very vocal criticism, airport property, and all the things that they work hard to achieve. That is part of democracy. She is happy to have the pushback and the criticism that makes them all better and is happy that they are making good progress.

### **Adjournment:**

*Motion by Roche, second by Kimble, to approve adjournment of the meeting. Via voice vote, motion carried unanimously. Chair Baldwin adjourned at 11:40 a.m.*

Respectfully Submitted,

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Sara Williams, City Deputy Clerk & DPW Administrative Assistant



**PARKS AND PUBLIC WORKS COMMITTEE MEETING MINUTES  
March 26, 2024**

The Parks and Public Works Committee met for a Committee Meeting at 10:00 a.m.  
Saugatuck City Hall  
102 Butler St., Saugatuck, MI 49453.

**Call to Order:**

The meeting was called to order by Chair Baldwin at 10:00 a.m.

**Attendance:**

Present: Chair Baldwin, Committee members Charak, Johnson & Roche.

Absent: Committee member Kimble.

Others Present: Interim City Manager Cummings, DPW Superintendent Herbert, Clerk Wolters, City Engineer Moxey.

**Approval of Agenda:**

*Motion by Charak, second by Roche, to approve the agenda for March 26, 2024. Via voice vote, motion carried 3-0.*

**Approval of Minutes:** None.

**Public Comments (agenda items only):** None.

**Review/Discussion:**

**A. Pallet Sign Design and Traffic Signal at Lake Street/Blue Star Highway for Blue Star Multimodal Path:**

Jared Secor from C2AE was present to provide an updated landscape plan with a detailed sheet showing the signs proximity, addressing DPW's concerns about radial distance. He explained that the sign would be moved back 25-30 feet, with exact measurement to be confirmed. Committee member Johnson asked for clarification on the measurement from the dash line, with Secor confirming it is the diameter of the storm sewer. The Committee discussed the need to move the sign back 25 feet due to semi's turning, with Baldwin expressing concern about the cost and feasibility of the move. DPW Superintendent Herbert questioned the intersection design, specifically the island in the middle, which can be difficult to maintain during snowy weather. Herbert requested a more realistic rendering of the

completed package so he can get a grasp on what it will look like completed. Secor clarified that the renderings are meant to provide a general idea of the project's appearance, rather than a detailed, accurate representation of the completed design. Baldwin suggested that MDOT may be able to provide guidance on island placement for traffic calming measures. Cummins explains that the island in the middle of the intersection is not a requirement, but rather a suggestion from transportation engineers to improve safety. Roche asks if there are any regulations regarding the size of trucks entering the city, and Herbert replies that he is not aware of any demonstrated problems with the current curve. Cummins added that if they wanted the turn radius option, the Pallet sign would need to be set back much further than it is right now. If they don't do the turn radius option than the Pallet sign would not need to be moved back as far and it would be less costly. Herbert said that adding more signage that says, "no trucks this way", rather than reconfiguring the iconic Pallet sign may be a more practical solution to address truck issues at that intersection. Chair Baldwin asks how much further out they could take the turn to eliminate the need for a pedestrian refuge island. Secor explains that removing the island wouldn't necessarily make the turn shorter, as the island wasn't suggested as a direct result of the turning radius being there. City Engineer Moxey suggested designing a rolled curb instead of a full curb on the island to reduce plowing issues, while still providing visual and tactile cues for drivers. He also suggested a smaller curb height (from 6" to 3") to accommodate trucks and wheelchair accessibility.

The Committee discussed potential changes for a pedestrian crossing, with a focus on reducing movement of the Pallet sign. Baldwin suggests eliminating the island at the intersection to simplify the design and reduce confusion. The Committee discussed the potential for signaling to include pedestrian signals, and the need for signage to direct walkers across the street. They also discussed electrical infrastructure for traffic signals at the intersection and design for the trail, with concerns about maintenance vehicles and timeline. Herbert discussed the maintenance plan for the trail, including the potential of needing a new piece of equipment to maintain the bike path. Cummins said that he would talk with Secor after the meeting to discuss the timeline and when they need some final recommendations, get the Historic District to look at the Pallet sign piece, and then to City Council to make some decisions on the Pallet sign and whether or not the Council is willing to fund the traffic signal portion. He will ask Secor when certain decisions are needed by to continue with the design. He advised the Committee that they may have a situation where they are asked to come in for a special meeting to get the project moving forward.

#### **B. Mount Baldhead Bathroom Replacement:**

DPW Superintendent Herbert presented a rendering of the proposed bathroom replacement for Mount Baldhead, with two unisex units and an exterior door for maintenance materials. He explains that the project will build a new structure in the same footprint of the existing building without any federal regulations, as it's a local project funded by the City. The Commission discussed the potential design elements, including a messaging board or wayfinding sign under the roofline, and a bulletin board-like feature for the blank wall.

*Motion by Roche, second by Charak to send this to City Council to look at rebuilding the bathrooms at Mount Baldhead. Upon voice vote, motion carried 3-0.*

**C. Study Group Updates:**

**1. Invasive Species:**

Committee Member Charak discussed six invasive species that they are dealing with in the City of Saugatuck. Charak will gather information to share in an upcoming meeting with the Committee. He will give a synopsis of each one for the local homeowners to read and provide contacts and resources from the area to help them take care of the issue.

**2. Airport Property:**

Interim City Manager Cummins provides updates on the council's discussions with the donor regarding the trails at the airport property. Staff will gather information on what the conservation easement options are, and they will bring information back to Council for an ultimate decision. Committee member Charak emphasizes the importance of preserving the 170-acre woodland area, citing its potential loss of an ecosystem that hasn't been disturbed in 70-90 years.

**3. Blue Star Multimodal Path (Lake Street):**

None. Already covered earlier in meeting.

**4. Village Square:**

Committee member Roche and Chair Baldwin organized a community build event for April 15-17 for the new Village Square Playground. They are seeking 30-40 volunteers to help with some of the physical labor moving things around, but they will also have some table settings where people can sit and put the nuts, bolts, and widgets together. Everyone is welcome to be a part of it.

**5. Park Street & Mount Baldhead Improvements & AT&T Status:**

Committee member Johnson suggested hiring a firm with a landscape architect to create a master plan for Park Street after a year and a half of work and a couple of engineering studies. The master plan for Park Street will prioritize safety and preserving the area's natural beauty and will include improvements to roads, walkways, utilities, and signage. They emphasize the importance of considering the impact of any changes on the surrounding area and the people that use it. Herbert recommended addressing massive infrastructure projects one at a time due to high costs.

Committee members and city staff discussed design options for a new walkway in parallel with other projects, prioritizing safety and minimizing encroachments in the right of way. Johnson suggested a collaborative approach to designing Park Street involving the Committee and City Engineers to solve problems one at a time. Roche raised concerns about ADA compliance and the potential for legal challenges, given Park Street's uniqueness. Chair



Baldwin insists on taking back city property before moving forward with any plans. Johnson stressed that the street is getting busier and says that there needs to be more development and they need to improve pedestrian safety.

DPW Superintendent Herbert discussed the need to repair and upgrade restrooms and the upper platform, with a cost estimate for the platform at \$200,000 to \$300,000. Herbert also discussed the condition of retaining walls on the east side of the radar dome area, which may require rebuilding at a cost of \$50,000 to \$100,000. City Engineer Moxey said that the plans would need to be revised with modern materials to get a true cost estimate and a new rendering would be needed for further discussion. He said that there is a limit to how much they can change up there because they are dealing with critical dunes. Herbert said that permitting could take a while, but they are hoping they can build the restrooms this fall.

*Motion by Roche, second by Charak to send this to City Council to discuss the observation deck and replacement of the retaining walls at Mount Baldhead. Upon voice vote, motion passed 3-0.*

Cummins provided an update on the status of burying electric lines on Park Street. Roche questioned since the Committee would like to create a master plan for Park Street, would that have any bearing on what they're doing with burying the lines. Moxey explained that he would for sure want to coordinate with them and maybe guide them to a specific location or things like that. He said that when they are going underground, they would be less in their way than if they've got poles above ground that they would have to work around.

**Review Next Steps:** None.

**Public Comments (Limit 3 mins):**

- **Nancy Kimble (550 Spear):** Kimble advocated for completing the bike trail construction by 2025 to retain grant dollars. She thinks the traffic signal should be installed as it is very important for the safety aspect of the trail, and if anything else is needed they can put it in at a later date. She is excited about the restrooms at Mount Baldhead but thinks the design is really basic and hopes they can make it look more attractive or appealing. Lastly, she echoed Charak's comments on the airport property and reiterated the importance of retaining that as a natural area since they have so few natural areas left.
- **Lisa Mize (CVB, 95 Blue Star Hwy, Douglas):** Mize praised the committee for their progress on various projects, including the intersection at Blue Star and Lake and the Multimodal Path, the bathrooms at Mount Baldhead, the Village Square playground, and the future of Park Street. She said initially when they spoke about the message board at Mount Baldhead, there was a possibility of letting the CVB handle the messaging board. If that is still an option, they would love to help. Mize also offered to help Roche get the word out to the public for the playground community build, for whatever days are needed.

**Member Closing Comments:**

- Committee Member Johnson – Johnson said that she came into the meeting a little on edge about stuff but is leaving feeling a whole lot better. She thinks this is a great group and agrees with Mize, they are doing great, very important work.
- Committee Member Charak – Charak thanked Glenna & Kelly for doing the amazing work they have done on the airport property and the park. He said that it is incredible what they have accomplished and the amount of time that they have put in. He also shared an interesting fact about black foxes on the airport property highlighting their rarity.
- Committee Member Roche – Roche said that the members of the Five-Year Parks Plan steering committee, the West Michigan Trails Director, the CVB, and the Creative Director from the ODC met recently to discuss wayfinding signage. Roche also emphasized the importance of the airport property as a park asset for the community.
- Chair Baldwin – Baldwin closed by thanking all of the volunteers as they are working hundreds of hours unpaid and in many times thankless. She also emphasized the importance of green spaces for the economy and community, while addressing negativity towards the airport property.

**Adjournment:**

*Motion by Roche, second by Kimble, to approve adjournment of the meeting. Via voice vote, motion carried 3-0. Chair Baldwin adjourned at 11:22 a.m.*

Respectfully Submitted,

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Sara Williams, City Deputy Clerk & DPW Administrative Assistant



**LANDSCAPE PLAN**

SAUGATUCK PALETTE SIGN

ALLEGAN COUNTY, MI

**PHASE**

SCHEMATIC DESIGN

**ISSUANCES**

#	DESCRIPTION	DATE
0	SCHEMATIC DESIGN	04MAR2024
	FINAL SCHEMATIC	19MAR2024

PROJ. #: 230439

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**LANDSCAPE PLAN**

SAUGATUCK PALETTE SIGN  
ALLEGAN COUNTY, MI

**PHASE**

SCHEMATIC DESIGN

**ISSUANCES**

#	DESCRIPTION	DATE
0	SCHEMATIC DESIGN	04MAR2024
	FINAL SCHEMATIC	19MAR2024

PROJ. #:

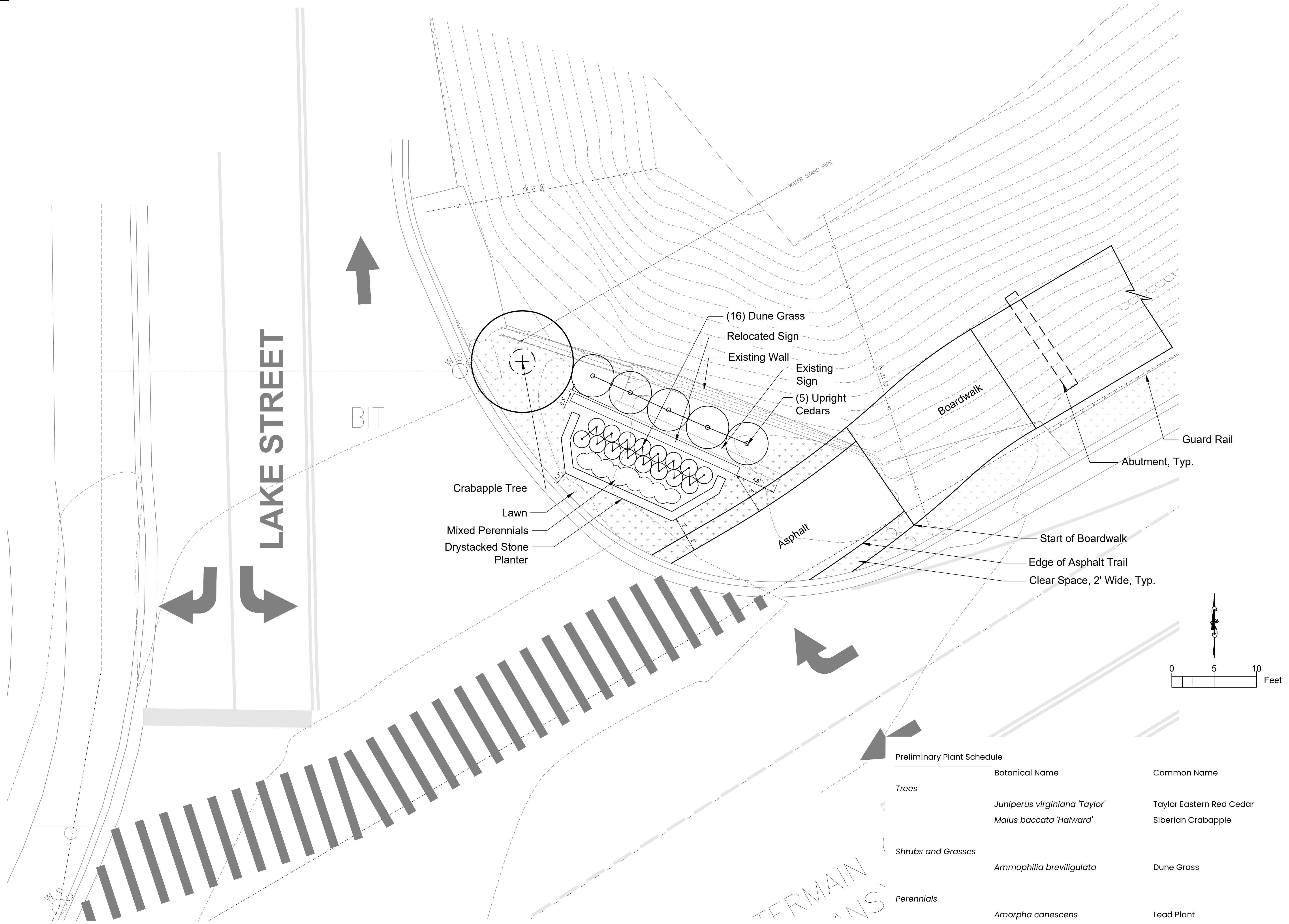
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4/19/2024 8:49 AM  
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 DESIGNED BY: SPENCER\_JESS  
 CHECKED BY: APPROVED BY:



(866) 454-3923 | WWW.C2AE.COM

**LANDSCAPE PLAN**  
 SAUGATUCK PALETTE SIGN  
 ALLEGAN COUNTY, MI

**PHASE**  
 SCHEMATIC DESIGN

**ISSUANCES**

#	DESCRIPTION	DATE
0	SCHEMATIC DESIGN	18JAN2024
1	FINAL SCHEMATIC	19MAR2024
2	REVISIONS	18APR2024

PROJ. #: 230038  
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**Preliminary Plant Schedule**

	Botanical Name	Common Name
<b>Trees</b>		
	<i>Juniperus virginiana</i> 'Taylor'	Taylor Eastern Red Cedar
	<i>Malus baccata</i> 'Halward'	Siberian Crabapple
<b>Shrubs and Grasses</b>		
	<i>Ammophila breviligulata</i>	Dune Grass
<b>Perennials</b>		
	<i>Amorpha canescens</i>	Lead Plant
	<i>Arctostaphylos uva-ursi</i>	Kinnickinnick
	<i>Echinacea purpurea</i> 'Kim's Knee High'	Dwarf Purple Coneflower



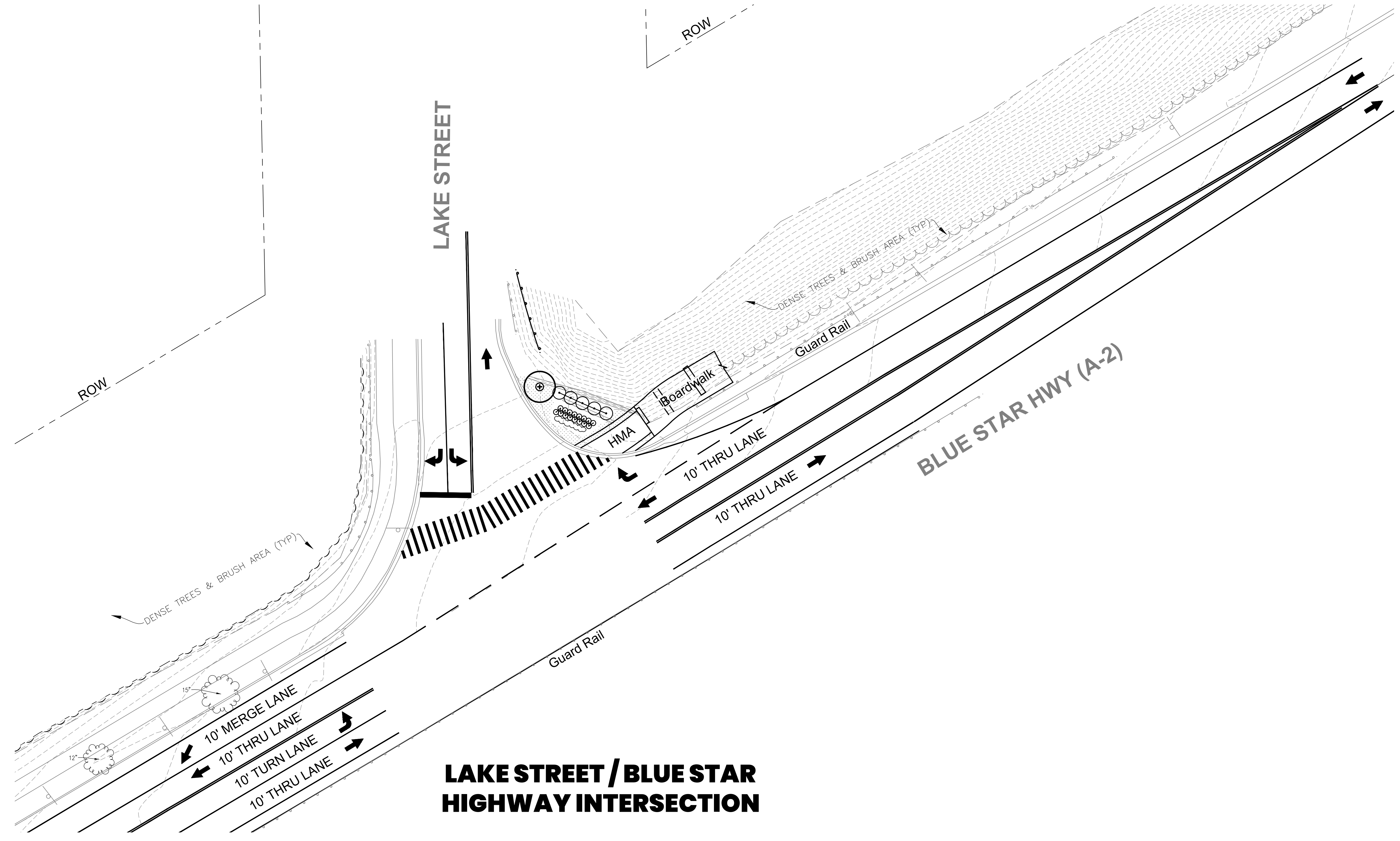


THE BAR BELOW SHOWS  
PRIMARY COLORS

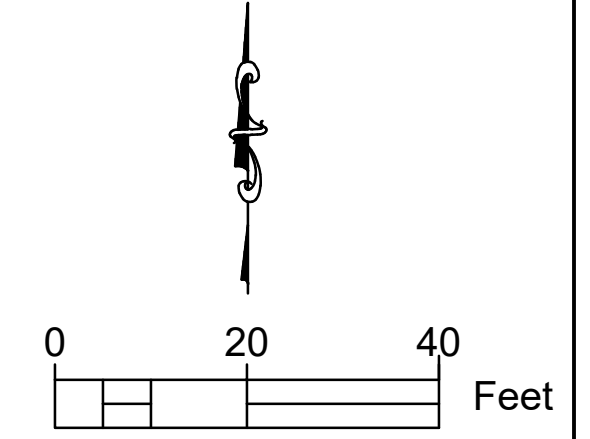
THE BAR BELOW SHOWS  
GRAYSCALE FROM WHITE TO SOLID  
BLACK

WE RECYCLE

4/18/2024 1:16 PM  
C:\2023\230038\_Saugatuck\_BlueStar\_T1\Drawings\DS\_230038\_Saugatuck\_BlueStar\_Trail\Sheet\230038\_Lake\_Intersection.dwg - GENERAL LAYOUT  
ADAMS, MARK  
DESIGNED BY: -  
CHECKED BY: -  
APPROVED BY: -



**LAKE STREET / BLUE STAR  
HIGHWAY INTERSECTION**



(866) 454-3923 | WWW.C2AE.COM

**INTERSECTION GENERAL PLAN**

SAUGATUCK PALETTE SIGN  
ALLEGAN COUNTY, MI

**PHASE**

SCHEMATIC DESIGN

**ISSUANCES**

#	DESCRIPTION	DATE
0	SCHEMATIC DESIGN	18JAN2024

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# Previously Developed Traffic Signal Rendering







March 28, 2024

Via Email: [rcummins@saugatuckcity.com](mailto:rcummins@saugatuckcity.com)

Ryan Cummins  
City of Saugatuck  
102 Butler Street  
Saugatuck, MI 49453

**RE: Park Street Planning & Conceptual Design  
Proposal for Engineering & Landscape Architecture Services**

Dear Ryan,

Based on our conversation at the March 26, 2024 Parks and Public Works Committee (PPWC) meeting, we understand City Council will be considering to move forward with planning and conceptual design work on Park Street from Campbell Road through the Mt. Baldhead area. Planning will incorporate a separate non-motorized path or sidewalk, to the extent practical, to improve safety for non-motorized users of the corridor. Consideration will also be given to removal of encroachments in the right-of-way and retaining the character of the corridor, balancing competing goals, where required. The design team will include engineering professionals for the technical aspects of the project and landscape architecture on the project context, landscape, Mt. Baldhead and Chain Ferry area integration, etc. We anticipate this will be a somewhat iterative process as ideas are developed and feedback is received from the PPWC, Park Street Study Group (PSSG) and City Council.

Based on our understanding of the project, we propose the following Scope of Services to assist you:

## Scope of Services

### Survey Phase

- Review (field check) the topographic survey obtained in late 2020/early 2021 (Campbell to Perryman) to check for changes made within or adjacent to the right of way since that time that could impact planning work. Make updates as required.
- Obtain topographic survey between Perryman Street and the north end of Mt. Baldhead (including the Holiday Hill area), including the following:
  - Research right-of-way information, public land corners (section corners), plats and recorded surveys. We have assumed that City staff will obtain copies of deeds for the parcels within the corridor to assist with locating the right-of-way and parcel lines in the area.
  - Establish horizontal and vertical control throughout the mapping area. This will be done by first setting horizontal control points throughout the area and then

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Grand Rapids, MI 49546  
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[www.fvg.com](http://www.fvg.com)

establishing benchmarks for vertical control. Once the control is in place and checked, the actual mapping work can commence.

- Obtain information from private utilities in the project area. Contact Miss Dig to obtain mapping utilizing the design ticket process.
- Incorporate public utility information from existing City and Kalamazoo Lake Sewer & Water Authority (KLSWA) records.
- Perform topographic mapping of the project area, including the public right-of-way plus approximately 10 feet on either side.
- Download the field data to produce the topographic basemap.
- Perform a field review of the topographic basemap.
- Finalize the topographic basemap based on field review comments.

## Planning Phase

- Identify right of way encroachments throughout the corridor on the survey. Meet with the PPWC, PSSG and other project stakeholders, as appropriate, to review the encroachments and prioritize them in terms of preservation vs. removal (meeting 1). We anticipate this meeting will include both office review and a walkthrough with appropriate staff, study group and committee members.
- Evaluate public utility needs in the corridor (water main, sanitary sewer, storm sewer) based on available City and KLSWA records.
- Develop conceptual plans for the corridor that incorporate non-motorized facilities, landscape preservation/modification, roadway improvements, utility improvements, Mt. Baldhead Park considerations, Chain Ferry area improvements, traffic calming elements, critical dunes impacts and related project elements.
- Meet with the PPWC, PSSG and other project stakeholders, as appropriate, to review the conceptual plans (meeting 2).
- Make revisions and enhancements to the conceptual plans based on feedback/direction received from the PPWC and PSSG.
- Prepare a conceptual level (budgetary) cost estimate for the project.
- When conceptual plans have advanced to an appropriate stage, attend meetings/workshops with affected property owners, City staff and PPWC/PSSG members to review encroachments, project impacts and other concerns. We have estimated three meetings/workshops to allow opportunity for morning, afternoon and evening attendance around work schedules and other obligations (meetings 3, 4 and 5).
- Meet with the PPWC, PSSG and other project stakeholders, as appropriate, to review the updated conceptual plans and cost estimate (meeting 6).
- Update conceptual plans and cost estimate based on feedback received from the PPWC and PSSG.
- When appropriate, present conceptual plans and cost estimate at a City Council workshop or regular meeting (meeting 7).
- Finalize conceptual plans and cost estimate based on feedback received from City Council.

The conceptual plans will be colorized plan view representations of the various elements of the project overlaid on the survey basemap, along with cross sections to illustrate select points in the corridor. We have included an allowance for professional renderings, if that is desired for communication and outreach following the planning process. We have found renderings to be a more effective tool for communicating the concepts than plans alone. Renderings could be done by F&V staff (like was done for the Mt. Baldhead restroom and observation deck areas) or an outside graphics design firm (like was done for the Blue Star Trail study), depending on the level of rendering work desired. We will discuss options when as the conceptual plans are being finalized. We anticipate presenting the rendering work (either ours or an outside firm's) at a City Council workshop or regular meeting (meeting 8).

## Anticipated Schedule

We anticipate the following schedule for this project:

- Authorization: May 2024
- Survey Phase: June 2024
- Planning Phase: July – October 2024 (approx.). This includes time during the busy summer season, when more property owners are in town, as well as just after the busy summer season, when staff and committee members have more time to engage in the process.

The schedule for design, permitting, bidding and construction will be determined based on the results of the planning process, capital improvements planning and direction from City Council.

## Engineering Budget

We propose to complete the Scope of Services outlined above at our standard hourly rates plus reimbursable expenses with the following budget:

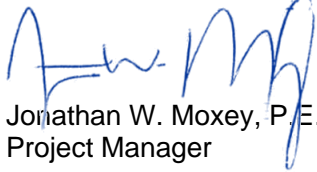
Phase	Budget
Survey	\$ 8,000
Planning	\$ 20,000
Renderings (Allowance)	\$ 6,000
<b>Total Proposed Budget</b>	<b>\$ 34,000</b>

We will prepare proposals for design, permitting, bidding and construction phase services at appropriate times, when the project scope and schedule have been determined.

Authorization to proceed with the work can be given by returning a copy of this proposal, signed below as indicated. In the meantime, please feel free to contact us with any questions.

Sincerely,

FLEIS & VANDENBRINK



Jonathan W. Moxey, P.E.  
Project Manager



Don DeVries, P.E.  
Principal

Cc: Scott Herbert, Department of Public Works

### WORK AUTHORIZATION

*Fleis & VandenBrink is hereby authorized to proceed with the Scope of Services presented in this proposal in accordance with the existing Professional Services Agreement for General Consultation dated November 13, 2018.*

By \_\_\_\_\_

Date \_\_\_\_\_

**GARY E. MEDLER**

461 Vine Street  
PO Box 461  
Saugatuck, MI 49453  
[gary.medler@yahoo.com](mailto:gary.medler@yahoo.com)

**April 2, 2024**

**BY EMAIL DELIVERY**

Jamie Wolters, City Clerk  
City of Saugatuck  
102 Butler Street/PO Box 86  
Saugatuck, Michigan 49453  
[jwolters@saugatuckcity.com](mailto:jwolters@saugatuckcity.com)

Saugatuck City Council

Ryan Cummins, Interim City Manager  
[rcummins@saugatuckcity.com](mailto:rcummins@saugatuckcity.com)

Re: Village Square Park  
Playground Equipment Replacement

To the Parties Addressed:

Historic District Commission  
Timothy Straker, Chair  
[testraker@gmail.com](mailto:testraker@gmail.com)  
Keith Paterson, Vice Chair  
[kpat1862@gmail.com](mailto:kpat1862@gmail.com)  
William Donahue II, Secretary  
[william.donahue2nd@gmail.com](mailto:william.donahue2nd@gmail.com)  
Nico Leo  
[nico.leo@cbgreatlakes.com](mailto:nico.leo@cbgreatlakes.com)  
John Cannarsa  
[john@cannarsadesign.com](mailto:john@cannarsadesign.com)  
Russ Gardner  
[russ@saugatuckcity.com](mailto:russ@saugatuckcity.com)  
Laura Godfrey  
[godfreylaura10@gmail.com](mailto:godfreylaura10@gmail.com)

**Complaint**

The Historic District Commission (“HDC”) and City Council approved the demolition and reconstruction of the Village Square Park Playground (“Playground”) based on (1) utilization of the existing footprint of the Playground; and (2) no tree removal.

Work on the new Playground has begun in significant violation of the approvals in that (1) the excavated footprint substantially consumes the entire northwest quadrant of the Park; and (2) the gifted “Christmas Tree” has been removed.

Public outcry has failed to stop the unauthorized excavation and now terminal damage has been done to the remaining trees on the west and north sides of the Park.

In response to Public concerns, the City now takes the position “they are digging the plan that was approved” (See email from Cummins to Catherine Simon, dated March 12, 2024, attached as Exhibit A). THIS STATEMENT IS SIMPLY FALSE.

HDC and Council must immediately issue a stop work order and require the City to restore the Park to its original condition until a new location for the oversized Playground equipment is found or the new equipment installation is limited to the original footprint.

### **Historic District Commission Approval**

On October 5, 2023, HDC approved the “Sinclair design as submitted” (“Sinclair Design”) for the demolition and reconstruction of the Playground. The text of the six page Sinclair Design as approved (the only documentation before the HDC) provided the Playground reconstruction was to be placed within the existing footprint and no trees were to be removed (See page 1, lower left quadrant of the Sinclair Design, attached as Exhibit B).

Ryan Cummins, City Director, Planning, Zoning and Project Design, and Council Member Helen Baldwin presented the Sinclair Design to HDC on October 5, 2023, without public notice (by amendment to the Agenda) and without the City having filed a Historic District Permit Application for HDC review under Chapter 152 (Historic District Regulations) of the City Code. Baldwin advised HDC (1) the new equipment would maximize the existing footprint; and (2) no trees would be removed (See HDC Agenda and Minutes attached as Exhibit C; and October 5, 2023 HDC Meeting Video, as posted on the City’s website, saugatuckcity.com).

### **PPW Recommendation/Council Approval**

The Playground presentations, review, recommendation and approval, respectively, of Parks and Public Works Committee (“PPW”) and Council are as follows:

PPW August 22, 2023 Agenda Item B (d) Village Square Study Group Update: The Study Group recommended demolition of the existing equipment and for the City to move forward with replacement. The Study Group discussed the goals for the Playground which provided for maximizing the existing footprint and keeping the existing trees (See PPW Agenda and Minutes attached as Exhibit D; and August 22, 2023 PPW Meeting Video, as posted on the City’s website, saugatuckcity.com).

PPW September 26, 2023 Agenda Item 7 (B) (Study Group Updates) (4) Village Square & Playground: The Agenda provided no notice to the public that a vendor and design plans were to be proposed for recommendation to Council. No vendor design plans and no vendor cost estimates were attached to the Agenda Packet for public review and comment. Following presentation by the Study Group, PPW moved to recommend decommissioning the existing Playground and to accept the Sinclair renderings and cost quotes (despite no renderings or cost quotes made part of the Agenda Packet or attached to PPW's Minutes for this Meeting) (See PPW Agenda and Minutes attached as Exhibit E; and September 26, 2023 PPW Meeting Video, as posted on the City's website, saugatuckcity.com).

October 5, 2023 City Council Workshop Agenda Item 6 (B) Replacement of Playground Equipment in Village Square: No documentation regarding the Playground reconstruction was attached to the Agenda and no documents were presented to Council. Former City Manager, Ryan Heise, made the presentation to Council and stated the playground (1) would be kept at the current location; (2) would maximize the existing footprint (3) and would not require removal of the existing trees (See Council Workshop Agenda (no Minutes are posted to the City's website) attached as Exhibit F; and October 5, 2023 Council Workshop Video, as posted on the City's website, saugatuckcity.com).

October 9, 2023 City Council Agenda Item 15 (B) Replacement of Playground Equipment in Village Square: Attached to the Agenda Packet was the October 4, 2023 Heise Agenda Item Report on the Playground, the GameTime Quote for the equipment and installation and the six page Sinclair Design. There was no Council discussion other than reference to Council's discussion at the Workshop. Council then approved the Sinclair Design and payment of an amount not to exceed \$336,633.41 (See Council Agenda Packet and Minutes attached as Exhibit G; and October 9, 2023 Council Video, as posted on the City's website, saugatuckcity.com).

**THE ENTIRE DOCUMENTARY AND ORAL RECORD AUTHORIZING THE PLAYGROUND RECONSTRUCTION WAS BASED ON, AND APPROVED AS, USING THE ORIGINAL FOOTPRINT OF THE PLAYGROUND AND NO REMOVAL OF TREES.**

**THE CITY'S PRESENT ASSERTION OF AN EXPANDED FOOTPRINT IS FALSE.**

**Who Had Knowledge of the Approvals Subject to Existing Footprint and No Tree Removal?**

8/22/23 PPW	9/26/23 PPW	October 4 Workshop	October 5 HDC	October 9 Council
		Dean		
		Stanton		Stanton
Baldwin	Baldwin	Baldwin	Baldwin	Baldwin
		Leo	Leo	Leo
		Lewis	Lewis	Lewis
		Gardner		Gardner
		Muncey		Muncey
	Heise	Heise		Heise
		Cummins	Cummins	Cummins
Herbert	Herbert	Herbert		
			Donahue	
			Godfrey	
			Paterson	

The City spent a whopping \$336,633.41 after Baldwin and Heise told the HDC and Council the existing footprint would be used for the new equipment and no trees would be removed. These oral representations exactly matched the only documents submitted to HDC and Council.

Yet now we are supposed to believe all these public officials misremembered or misunderstood?

The Mayor has attempted to misremember as evidenced by her March 27, 2024, email to Catherine Simon, attached as Exhibit H. Was the Mayor gas lighting Catherine Simon? Is it believable the Mayor, or any Council Member, voted to spend such an enormous amount of public funds (\$336,633.41) and not remember the only two facts presented to them for consideration – utilize the existing footprint and no tree removal?

While the Chair of HDC was not present at the October 5, 2023 HDC Meeting on the Playground, Timothy Straker’s response to Catherine Simon by email, dated March 1, 2024, attached as Exhibit I, is dismissive and further documents the lies being pressed by the City. Straker should have reviewed the HDC Meeting Video and Minutes and Sinclair Design before espousing falsehoods fed him by City Staff. Straker even claims the public had notice and an opportunity to comment when that simply wasn’t the case.

What Straker has documented is there was an original footprint and then a revised footprint due to accessibility issues. Straker’s statements conflict with Cummins’ assertion the expanded footprint was always the plan (compare Exhibits A and I).



### **False Claim of an Expanded Footprint**

Exhibit A contains the picture Cummins' now asserts was always the proposed footprint – an expanded footprint.

This picture is a digital rendering of the outline of the proposed equipment configuration. This picture contains no heading, notations or relevant or contrasting comparison measurements to the existing footprint. This is not evidence HDC and Council approved an expanded footprint. The only written and oral evidence in the record is the new Playground equipment would be installed within the original footprint.

This picture was contained on the last page of the Sinclair Design, upper left corner (See Exhibit B). The picture measures 2.75 inches by 4.25 inches with the heading "PPW Recommendation: Sinclair Design 11." This picture did not trigger anyone on HDC or Council to inquire if this was an expanded footprint. All this picture portrays is a digital arrangement of the outlines of the proposed new equipment.

To obtain approval of an expanded footprint, documents showing both the Park and Playground equipment on the existing footprint and the Park and new Playground equipment on an expanded footprint, all sited and noted with measurements within the Park and in relation to adjoining structures and property lines. Section 152.07 (B) specifically requires such documentation but the City failed to file a documented Historic District Permit Application and HDC failed to require compliance with the City Code.

Cummins' assertion of an expanded footprint as always being the plan and that the expanded plan was approved by HDC and Council is demonstrably false.

Someone, or everyone, is lying to the Public and themselves. Question is why?

### **Maplewood Hotel and Veterans Memorial Irreparably Harmed**

The Maplewood Hotel is adjacent to the north of the Park. The original Playground footprint was situated 45 feet from the Hotel and was buffered from the Playground by distance and the Christmas Tree. Nine Hotel Rooms are located along the north side of the Park, as well as a common sitting area and guest dining porch.

As excavated, the northern footprint of the Playground is within a few feet of the Hotel. Proposed placement of the climbing wall, slide and three tower pieces (all of unknown heights and dimensions) will impede the view to and from the Hotel (a designated historic resource), expose guests to unnecessary noise and disturbances and destroy the nature and character of this designated historic resource within the Historic District.

The newly excavated footprint engulfs the entire northwest quadrant of the Park, further diminishing the visual and esthetic significance of the Veterans Memorial and cannon, which was placed in the Park in the late 1800s.

## HDC

HDC added the Playground demolition and reconstruction proposal to its Agenda by amendment on October 5, 2023. No explanation for such agenda change was given resulting in total lack of transparency. This motion to amend should have been denied due to lack of urgency (or any explanation) and for failure of the City to file a Historic District Permit Application and documentation required by Section 152.07 of the City Code for review by HDC.

The Sinclair Design constitutes a significant alteration to the City's Historic District and substantial expenditure of public funds which demanded thoughtful and legally required review and analysis by HDC. Neither the City nor HDC satisfied the obligations entrusted to them in this regard. The City skirted public scrutiny and duped HDC into an approval the City was not entitled to obtain. HDC simply failed to follow the dictates of the Code and evaluate this proposal within the required Code guidelines.

The unauthorized Playground plan now being effected does not and can never satisfy the guidelines set forth in Section 152.07 (D) of the Code. There is no historical nor architectural significance to the Playground equipment in relationship to the historic value of the surrounding structures and area. This oversized "jungle gym" significantly decreases the nature and character of the area and irreparably impacts the Maplewood Hotel and Veterans Memorial. As now proposed, the oversized jungle gym is not compatible with the visual nor with the historical context of the surrounding area.

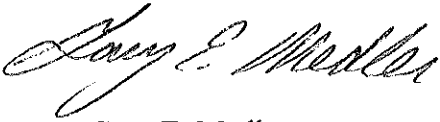
The Sinclair Design as approved by HDC is not the plan being installed. Section 152.08 (A) states that if plans are to be changed "in any way, regardless how minor the changes," such changes require prior approval of HDC. The City is in violation of this Code provision. As a result, under Section 152.08 (B) of the City Code, HDC "shall cause a stop work order to be issued."

Based on the City's failure to submit a fully documented Permit Application as required by Section 152.07 of the Code and the City's blatant disregard of the approval limits of HDC and Council, HDC should immediately cause a stop work order to be issued and the City should be required to restore the Park to its original condition.

**Unprofessional Behavior of Council and HDC Members and City Staff**

In reviewing the October 5, 2023 HDC Meeting Video, I was hit by the tasteless remarks and collective derisive responses and statements made by Council Members, HDC Members and City Staff directed at a Saugatuck Resident. All of these individuals should apologize to this Saugatuck Resident in person. Council should review this Video and take appropriate action, including issuance of an appropriate apology letter. There is no place for such disrespectful and unprofessional conduct by public officials at an open meeting of the City.

Sincerely



Gary E. Medler

**EXHIBIT A**  
**March 31, 2024 Cummins Email to Simon**

Fw: Park

From: Catherine Simon (info@maplewoodhotel.com)  
To: gary.medler@yahoo.com  
Date: Saturday, March 23, 2024 at 10:01 AM EDT

From: Ryan Cummins <rcummins@saugatuckcity.com>  
Sent: Tuesday, March 12, 2024 11:59 AM  
To: Catherine Simon <info@maplewoodhotel.com>  
Subject: RE: Park

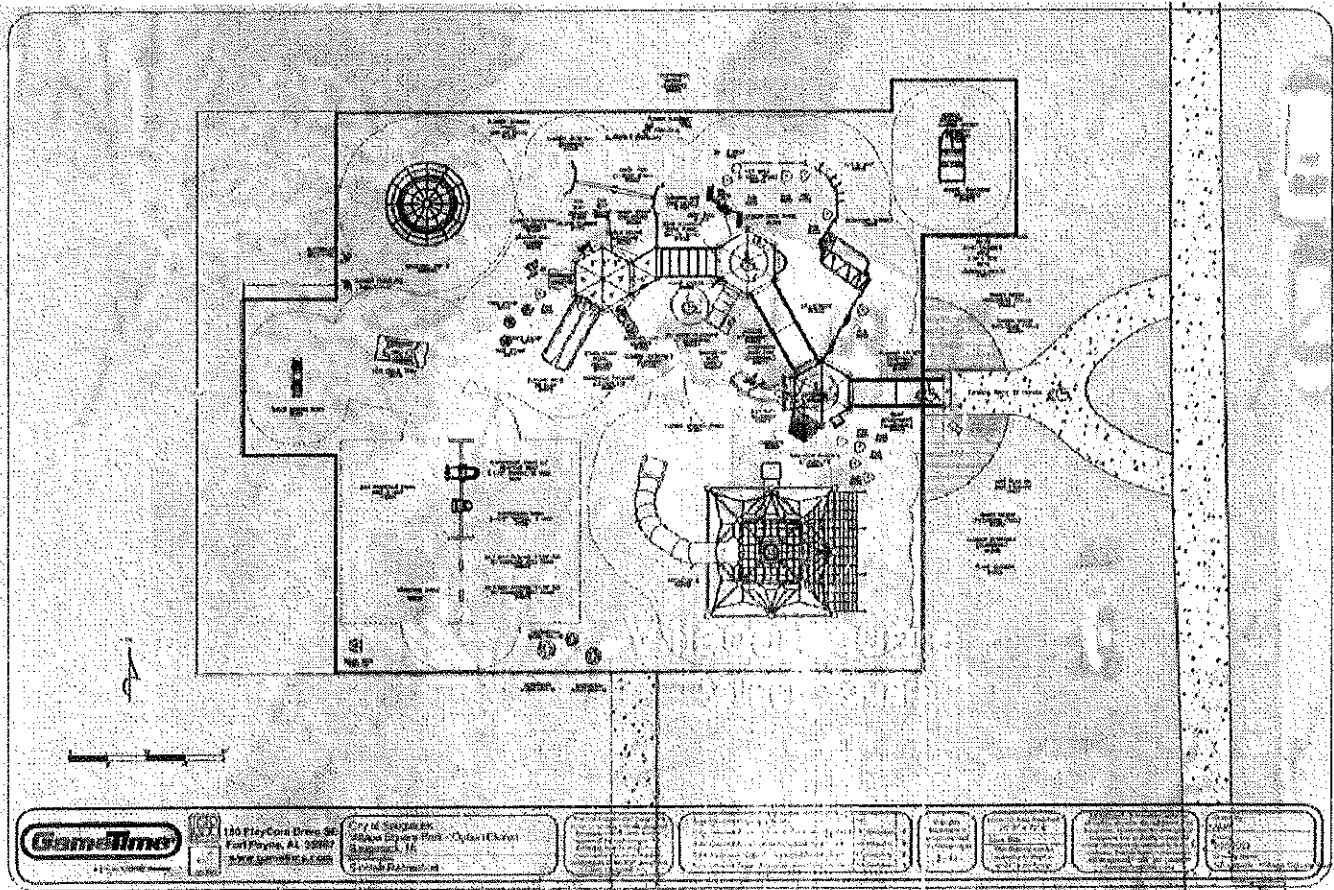
Hi Catherine,

Hope all goes well with your surgery.

Below is the plan that was approved by the Historic District Commission and City Council. They are digging for the plan that was approved, which showed that the footprint would be larger than the existing footprint.



# PPW Recommendation: Sinclair Design 11



Thank you,

Ryan Cummins  
Interim City Manager  
Director of Planning and Zoning

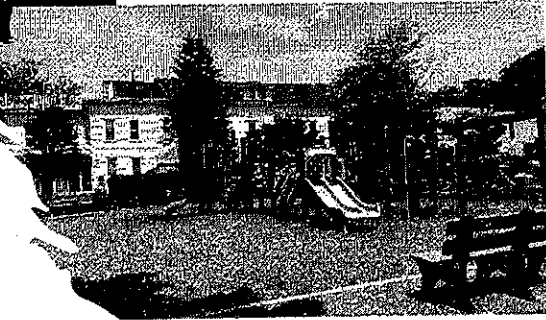
**EXHIBIT B**  
**Sinclair Design**



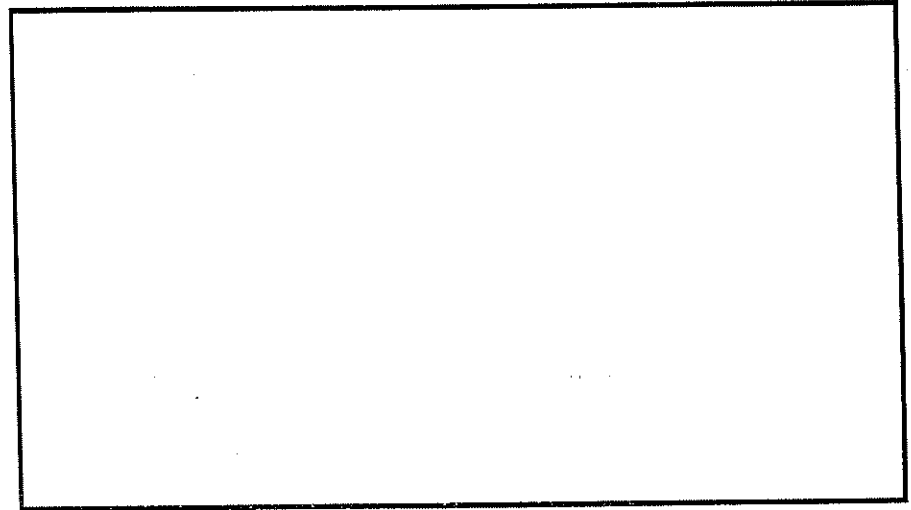
## Village Square Playground



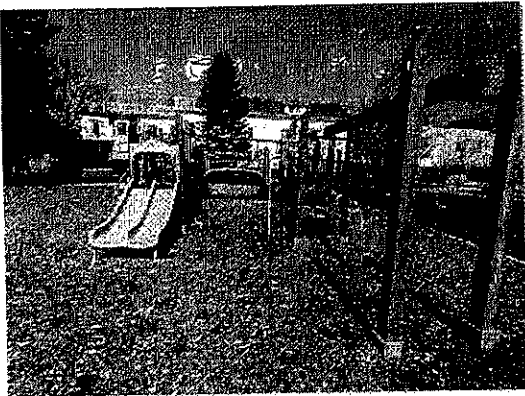
- Located at Village Square - the centerpiece of downtown
- Beloved by locals and tourists



## Village Square Playground Research



## ODC Inspection Report



- Many Priority 1 and 2 safety concerns
- Non-compliant and should be corrected ASAP

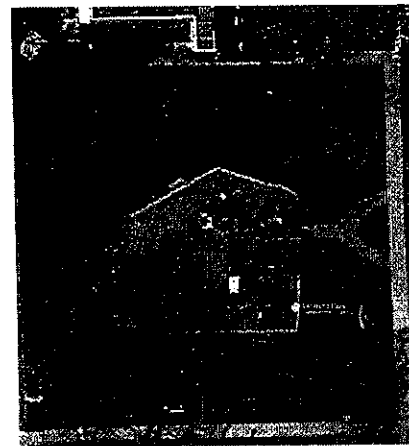


PPW and DPW recommends:

- decommission ASAP
- replacement spring 2024



## Playground Priorities

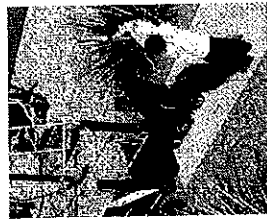


- Remain at current location
- Maximize existing footprint
- Keep existing trees
- Reuse existing five benches
- Keep Snake Art & Veteran's Memorial
- Broaden age range to 2-12 years
- Develop fitness, strength, balance
- Include unique, modern features
- Use long-lasting materials
- Add solar, flashing crosswalk sign





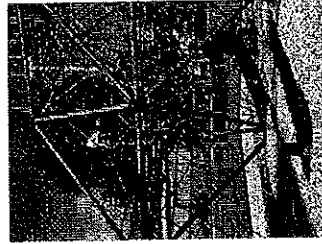
## Playground Priorities (accessibility)



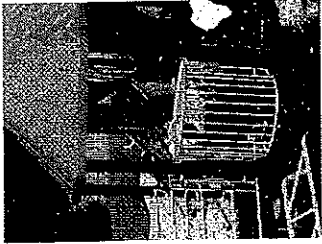
Ramps to towers are wheelchair accessible

- Pursue Universal Design

- ✓ Full compliance cost prohibitive
- ✓ Many accessible features included



Transfer platform for net structure



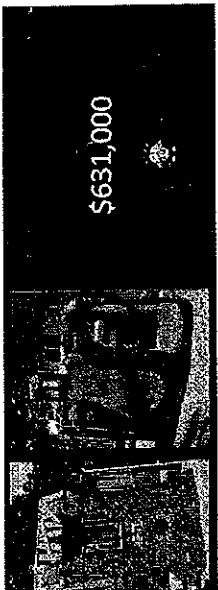

Crows nest and play panels for engagement on ramps/towers

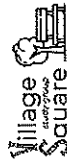


Universal design swings

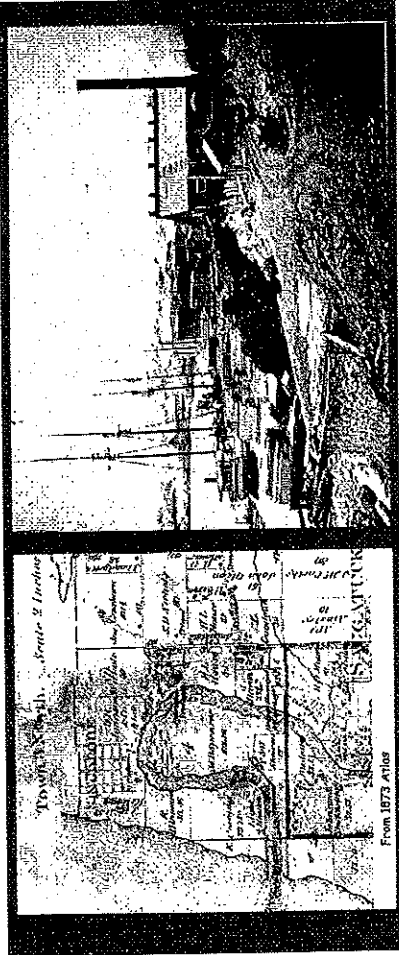


## Playground Priorities (themes)

 <p>Nature Theme with Concrete Components</p> <p>\$631,000</p>	 <p>Singapore Theme with Nature Colors &amp; Art/Music Theme</p> <p>\$450,000</p>
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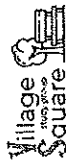


## Saugatuck/Douglas History Center

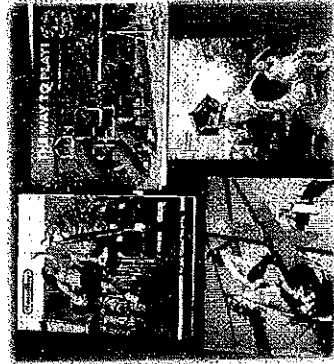


From 1873 Atlas

- Contacted Eric Gollanek, PhD, ED History Center
- "Pleased to work together to share history and inspire learning."
- Village Square & playground to highlight:
  - Indigenous History and Culture
  - Early Lakeshore History
  - Singapore History
  - Envision signage like SDHC Demerest Shanty story panels.



## Vendors/Designers Meetings

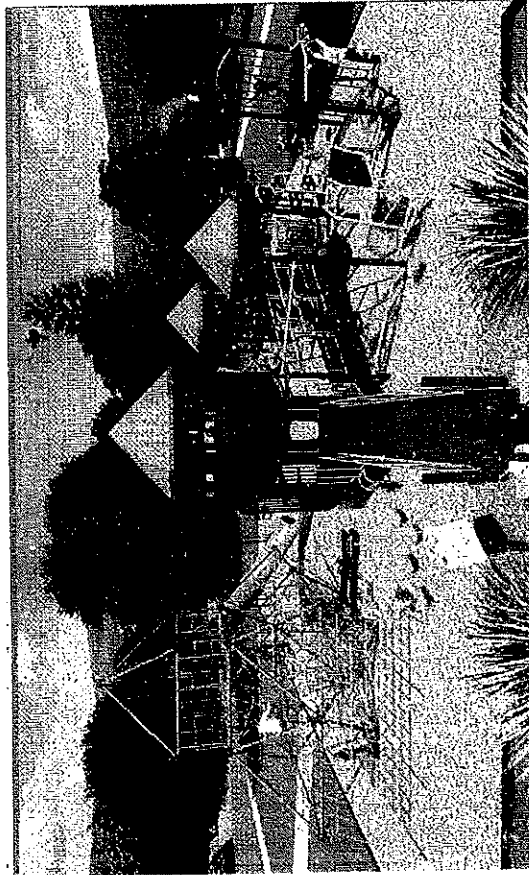


- Outdoor Discovery Center (ODC)
  - Wood structures (short-term use)
  - 2025 availability
- Adventure World
  - Non-compliant
- Sinclair using GameTime/PlayCore
  - Located in Holland
  - Worked with Douglas
- Penchura using Landscape Structures
  - Located in Brighton
  - Worked with West Ottawa

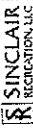
- 12 playgrounds visited
- Catalogues & on-line components
- Multiple renderings/feedback



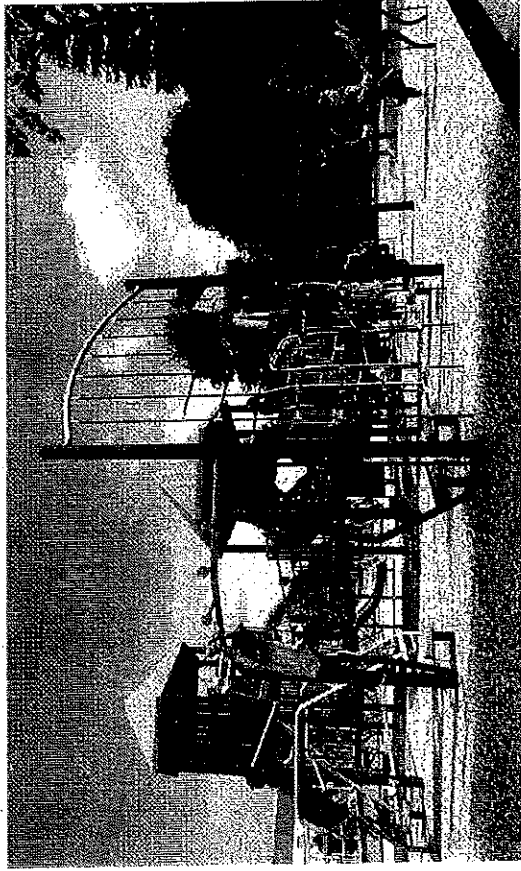
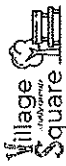
# PPW Recommendation: Sinclair Design 11



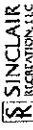
City of Saugatuck - Village Square Park  
Option Eleven - Color Option G



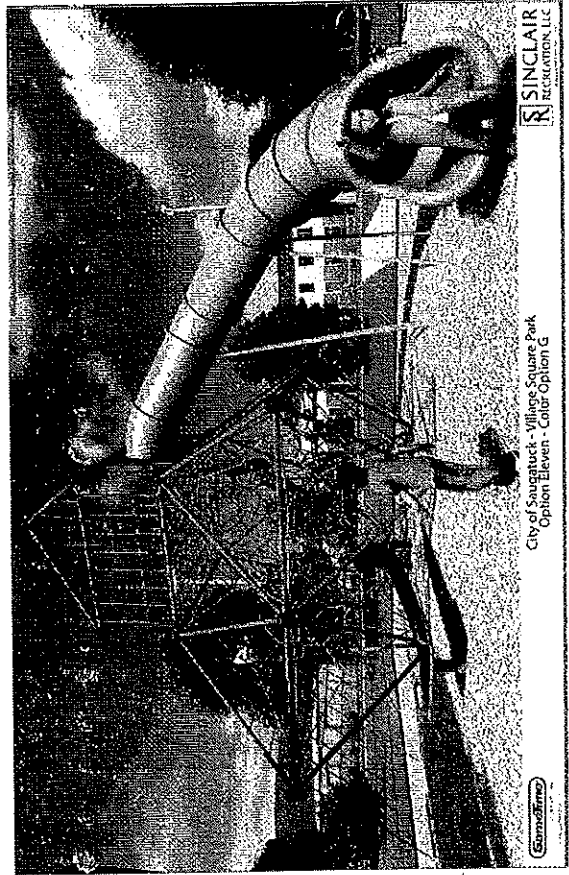
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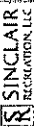
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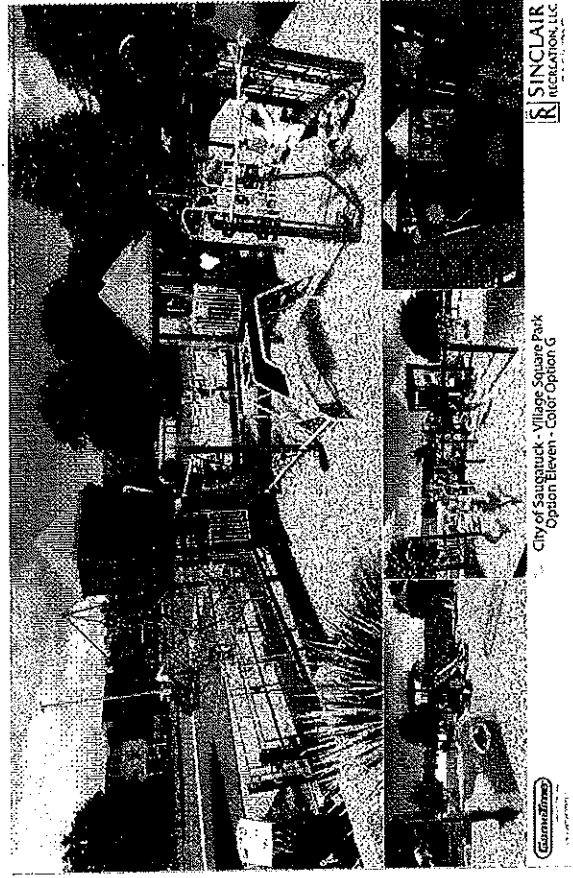
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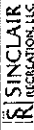
City of Saugatuck - Village Square Park  
Option Eleven - Color Option G



# PPW Recommendation: Sinclair Design 11



City of Saugatuck - Village Square Park  
Option Eleven - Color Option G







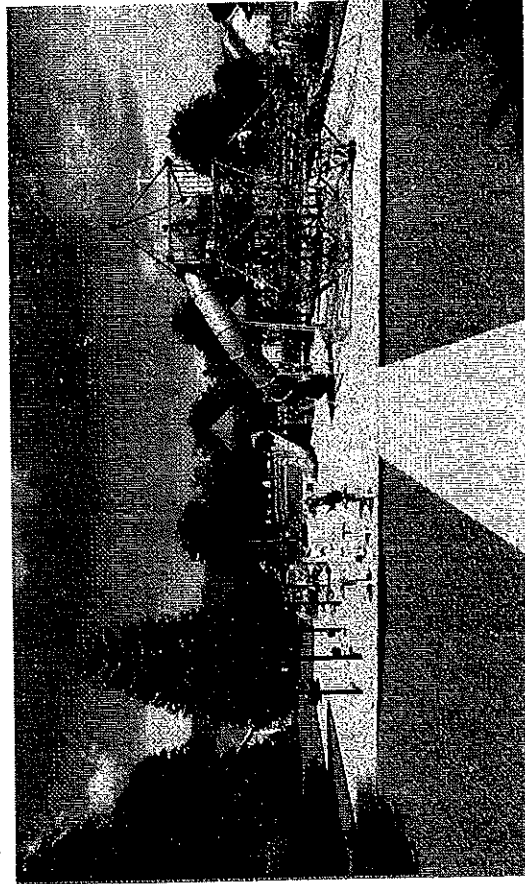
# PPW Recommendation: Sinclair Design 11



City of Saugatuck - Village Square Park  
Option Eleven - Color Option G



# PPW Recommendation: Sinclair Design 11



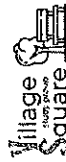
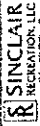
City of Saugatuck - Village Square Park  
Option Eleven - Color Option G



# PPW Recommendation: Sinclair Design 11



City of Saugatuck - Village Square Park  
Option Eleven - Color Option G



# PPW Recommendation: Sinclair Design 11



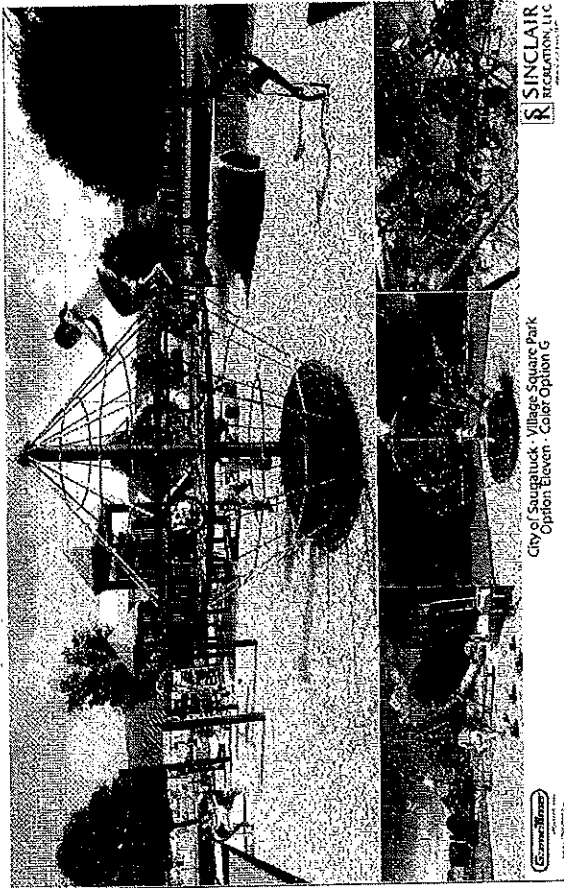
City of Saugatuck - Village Square Park  
Option Eleven - Color Option G



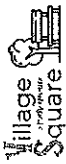
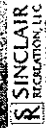




# PPW Recommendation: Sinclair Design 11



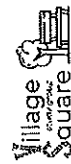
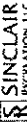
City of Saugatuck - Village Square Park  
Option Eleven - Color Option G



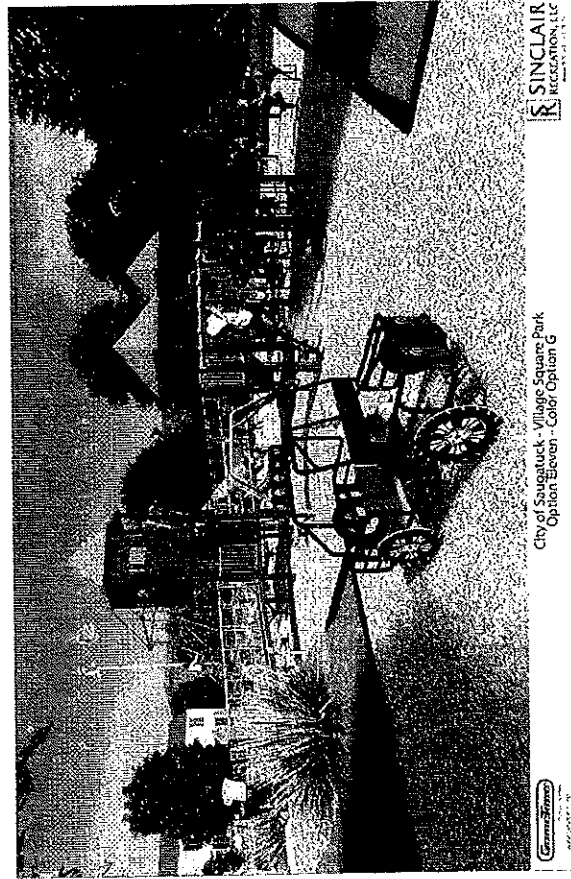
# PPW Recommendation: Sinclair Design 11



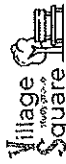
City of Saugatuck - Village Square Park  
Option Eleven - Color Option G



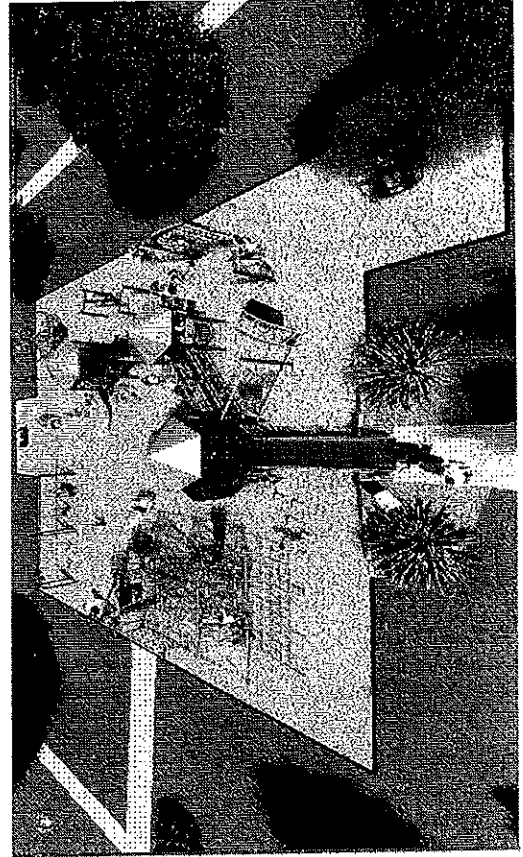
# PPW Recommendation: Sinclair Design 11



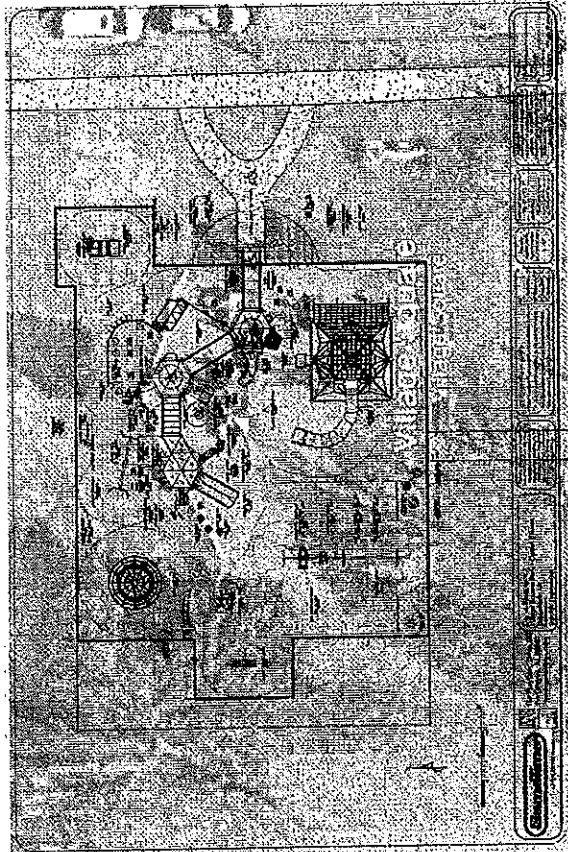
City of Saugatuck - Village Square Park  
Option Eleven - Color Option G



# PPW Recommendation: Sinclair Design 11



PPW Recommendation: Sinclair Design 11



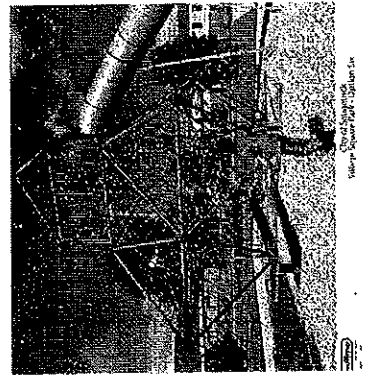
Sinclair/Penchura Cost Comparison

	Sinclair	Penchura
Equipment	365,088	389,241
Freight	13,780	22,545
Install/Supervision (community build)	*55,750	71,740
Wood Fiber	14,925	9,233
Subtotal	449,543	492,759
Potential Discount / Grants	(112,910)	(31,140)
<b>Total</b>	<b>336,633</b>	<b>461,619</b>

\*Cost savings of \$35,250.00 for a hybrid community build installation.

Sinclair Terms

- To qualify for the GameTime Grant, must complete the application form for pre-approval.
- The order MUST be received no later than October 27th, with full payment to allow for processing.
- Order will ship within 8-12 weeks from date of order placement.
- To qualify for the matching grant amount shown above, a check for the full amount (\$265,958.41) MUST accompany your order.
- Balance of \$70,675 due later for install.



**EXHIBIT C**  
**HDC October 5, 2023 Agenda/Minutes**





## HISTORIC DISTRICT COMMISSION

October 5, 2023 - 6:00PM  
Saugatuck City Hall  
102 Butler St. Saugatuck, MI 49453

1. **Call to Order**
2. **Roll Call**
3. **Agenda Changes/Additions/Deletions**
4. **Approval of Minutes:**
  - A. Minutes of Regular Meeting held on September 7, 2023
5. **Public Comments on Agenda Items (Limit 3 Minutes)**
6. **Unfinished Business: None**
7. **New Business:**
  - A. **807 Lake** – Replace railings and posts. *Pg.7*
  - B. **118 Hoffman** – Retroactive approval of a shed and outdoor freezer. *Pg.12*
  - C. **640 Water** – Remove attached building, rear awning, and vinyl siding, repair and paint block wall and trim, remove sign. *Pg.43*
  - D. **439 Butler** – Painted mural, touch-up existing sign, retroactive approval of window tint. *Pg.55*
8. **Administrative Approvals & Updates:**
  - A. 868 Holland – Roof and garage doors
9. **Communication:**
10. **Public Comments (Limit 3 Minutes)**

### NOTICE:

This public meeting will be held in-person. The public can join via Zoom video/audio conference technology.

Join online by visiting:

<https://us02web.zoom.us/j/2698572603>

Join by phone by dialing:

**(312) 626-6799**

-or-

**(646) 518-9805**

Then enter "Meeting ID":

**269 857 2603**

Please send questions or comments regarding meeting agenda items prior to meeting to: [rcummins@saugatuckcity.com](mailto:rcummins@saugatuckcity.com)



**11. Commission Comments**

**12. Adjourn (Voice Vote)**

*The Saugatuck Historic District Commission has the responsibility to regulate the construction, demolition, and improvements to the exterior of structures in the historic district. The intent is to safeguard the heritage of the City of Saugatuck, to protect the architecture and local village character of the City, to foster civic beauty, and to promote the use of historic districts for the education, pleasure, and welfare of the residents, visitors, and general public.*



**City of Saugatuck  
Historic District Commission  
Meeting Minutes October 5, 2023, 6:00 PM  
PROPOSED  
Saugatuck City Hall  
102 Butler Street**

**Call to Order/Roll Call:** Vice-Chairman Leo called the meeting to order at 6:00 p.m.

**Present:** Vice-Chairman Leo, Commission members: Donahue, Godfrey, Lewis, & Paterson.

**Absent:** Chairman Straker, Commission member Cannarsa.

**Others Present:** Director of Planning, Zoning, and Project Management Cummins.

**Agenda Changes/Additions/Deletions:**

*Motion by Godfrey, second by Lewis, to add demolition and reconstruction of playground equipment at Village Square to the October 5, 2023, agenda. Upon voice vote, the motion carried 5-0.*

**Approval of Minutes for September 7, 2023:**

*Motion by Leo, second by Donahue, to approve the minutes for the September 7, 2023, meeting minutes. Upon voice vote, the motion carried 5-0.*

**Public Comments:**

- Tim Dykema (528 Shorewood) – Supports painted sign at 439 Butler.

**Unfinished Business:** None.

*A motion was made by Lewis, second by Donahue to approve refreshing of the painted sign as an improvement to the aesthetics of the building and to return the brick to its original color, i.e., remove the mural, and table the tinting until provided a sample. Following voice vote, motion carried 5-0.*

**D. Village Square – (Voice Vote)**

*A motion was made by Leo, second by Donahue to demolish existing play structures and the replacement of the structures per the Sinclair design as submitted.*

*Following voice vote, motion carried 4-0.*

*Yes: Donahue, Godfrey, Paterson, and Vice-Chair Leo*

*Abstained: Lewis.*

**Administrative Approvals & Updates:**

Director of Planning, Zoning and Project Management Cummins gave an update regarding administrative approval for the following:

A. 868 Holland – Roof and garage doors.

**Communication:** None.

**Public Comment:** None.

**Commission Comments:**

Commissioner Lewis – A lot of retroactive approvals. May need to notify owners in district of requirements.

**Adjourn:**

*Motion by Lewis, second by Paterson to adjourn. Upon voice vote, motion carried 5-0. Vice-Chair Leo adjourned the meeting at 7:24 p.m.*

Respectfully Submitted by

Sara Williams,

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Deputy Clerk

**EXHIBIT D**  
**PPW August 22, 2023 Agenda Packet/Minutes**



## Parks and Public Works Committee Meeting

August 22, 2023 – 9:30 am

*This is an in-person meeting at Saugatuck City Hall, 102 Butler St, Saugatuck, MI 49453.*

*The meeting will also be available live, virtually on Zoom.*

### 1. CALL TO ORDER

### 2. ROLL CALL

### 3. APPROVAL OF AGENDA

### 4. APPROVAL OF MINUTES:

A. Regular Meeting Minutes from 07/25/23

### 5. GUEST SPEAKER:

A. Ruth Thornton – Land Conservancy of West Michigan,  
Land Protection Director

### 6. PUBLIC COMMENTS/TODAY'S AGENDA TOPICS ONLY

**(LIMIT 3 MINUTES)** Use the "raise hand" button in the participant's screen found in the Zoom interface or enter \*9 if calling in by phone to raise hand.

### 7. REVIEW/DISCUSSION:

A. Department of Public Works and Administrative Updates

B. Study Group Updates

1. Invasive Species (Pg. 7)
2. Airport Property (Pg. 29)
3. Blue Star Multimodal Path (Pg. 55)
4. Village Square & Playground
5. Park Street & Mt. Baldhead Improvements
6. Recycling Bins
7. Canary in the Coal Mine Public Art (Pg. 67)

C. Tri-Community Parks & Recreation Master Plan Update

### 8. REVIEW NEXT STEPS

**9. PUBLIC COMMENTS (LIMIT 3 MINUTES)** Use the "raise hand" button in the participant's screen found in the Zoom interface or enter \*9 if calling in by phone to raise hand.

### 10. MEMBER CLOSING COMMENTS

### 11. ADJOURN

#### NOTICE:

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<https://us02web.zoom.us/j/2698572603>

Join by phone by dialing:  
(312) 626-6799 -or-  
(646) 518-9805

Then enter "Meeting ID":  
2698572603

Please send questions or comments regarding meeting agenda items prior to meeting to:  
[ryan@saugatuckcity.com](mailto:ryan@saugatuckcity.com)

Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact Saugatuck City Clerk at 269-857-2603 or [JWolters@saugatuckcity.com](mailto:JWolters@saugatuckcity.com) for further information.



**PARKS AND PUBLIC WORKS COMMITTEE MEETING MINUTES**  
**August 22, 2023**

The Parks and Public Works Committee met for Regular Committee Meeting at 9:30 a.m.  
City Hall  
102 Butler St., Saugatuck, MI 49453.

**Call to Order:**

The meeting was called to order by Chair Baldwin at 9:30 a.m.

**Attendance:**

Present: Chair Baldwin, Committee members Charak, DeJong, Kimble (arrived @ 9:40 am) & Roche.

Absent: Committee member Johnson.

Others Present: Superintendent Herbert, Deputy Clerk & DPW Asst. Williams

**Approval of Agenda:**

*Motion by Charak, second by DeJong, to table item 6B7 on the agenda for July 25, 2023. Via voice vote, motion carried 3-0.*

**Approval of Minutes from 7/25/23:**

*Motion by DeJong, second by Roche, to approve the minutes from the July 25, 2023, meeting. Via voice vote, motion carried 3-0.*

**Public Speaker:**

Ruth Thornton from the Land Conservancy of WM, Land Protection Director, was in person to speak to the Committee about who they are and the kind of work that they do. They work in an eight-county area in Western Michigan where they have prioritized and have completed a strategic plan. They have three focal areas that they prioritize for their work which are Big Forests & Wild Rivers, the Lake Michigan Shoreline, and the Eastern Glacial Corridor. They also have Strategic Plan focus areas where there is very high conservation potential for the West Michigan Shoreline. Thornton went over how they partner with Local and State Governments on projects such as the Saugatuck Harbor Natural Area, Tallmadge Woods, Lost Lake, Meinert Park, North Ottawa Dunes, and the Upper Macatawa Natural Area. She also discussed the criteria for land projects and explained how a landowner is able to donate a conservation easement.

**Public Comments (agenda items only):**

**Chris Clark (Saugatuck Township)** – John Vanderbeek asked him to come and be a resource, particularly with the presentation. He is active in the Riverwood Council and the hiking clubs, so he has hiked all of the trails and he is quite familiar with most of the properties. He has been looking into easements and everything and has learned that you have to make sure that the real estate attorneys understand that you're looking at an easement in perpetuity. Most of them are not usually doing that, like farmers can do temporary easements. He has seen the airport property several times and he has walked with Helen a couple of times and says that if there is any way he can be helpful, let him know. He is particularly interested in the Mount Baldhead area and believes one thing that might help them as they look into who owns what is to speak with the Land Conservancy of Western Michigan. He is sure they hold the easements for Tallmadge Woods, and they are the ones who work so they probably have a lot of research somewhere in a file. He said that they may be able to answer some of their questions. There are probably some sort of handshake agreements and some misunderstandings about who owns what over there. He doesn't think it will be terribly hard to clear that up. He is willing to help if needed.

**John Kerr (Douglas)** – Mount Baldhead Park is arguably Saugatuck's most popular, most historic, and most iconic landmark and he thinks that is evidenced by the two historic photos in the room of Mount Baldhead and the view from Mount Baldhead. Every summer, thousands of people from around the country and around the world face the challenge of climbing to the top of the big sand dune with the dome on top of it. It's a real gem in the community. For the last five years, he has worked as a volunteer for the pump house museum, and he gets to meet these people. They have a map where they ask people to put a pin in the map to show where they have come from. Every year they have hundreds and hundreds of people from around the world coming to visit that site. Compared to other city parks in Saugatuck, Mount Baldhead Park is in sad shape. It has been neglected over the years with minimal maintenance and needs attention. The lovely old picnic pavilion is dirty. The roof is covered with years of debris and rafters are filled with birds and the messes that they make. The electricity doesn't work at all, and the light bulbs are dangling from the wires from the ceiling. A couple of the picnic tables are simply rotting. It is not a place that families want to enjoy a picnic with a view over the river. The restrooms are primitive and haven't been updated in decades. They never seem clean, and the doors don't close on either one. The fixtures are ancient. They are definitely not family friendly. People don't want to send their children into them. On the plus side, they do have running water. At the top of the stairs, the wooden joint platform is sliding down the dune. If you walk around, there are rotten timbers in numerous places. There are a lot of hazards up there. Because of its popularity with all the tourists and the locals as well, the facilities at Mount Baldhead get a lot of wear and tear. It is this popularity that we feel makes it incumbent upon the City to step up. With the help of volunteers like himself, they can make it a place that they can be proud of once again.

**Renee Zita (985 Park St)** – Her family has had a home on Park Street since 1932. Says it is painful to see the way Mount Baldhead looks and she pleads with the Committee to address that.

**Review/Discussion:**



## A. Department of Public Works and Administrative Updates:

DPW Superintendent Herbert thanked Ruth Thornton for the presentation she delivered. She did an excellent job and there was quite a bit of thought-provoking data there. He said that he was thinking during the presentation that it may be a good idea to bring Jon Moxey from Fleis & VandenBrink in to help with the data collection that would be needed. As they go through different parcels, that may be helpful.

We are roughly 2 weeks away from Labor Day, and Herbert wanted to take a quick look backwards and then talk about a little bit of what they have got going on this fall. He thinks that DPW overall had a very successful summer. One of the main challenges that Public Works faces is the Oval Beach Management position as it has been a difficult position to fulfill. They had a longtime beach manager for over a decade and then she resigned in May of 2021. Since that time, they have gone through seven managers. They really need to fill that position with somebody who is going to be consistent and be here for the long-term. He said that he has taken some steps and had some conversations with people after posting the job, but you never really know until you get somebody hired in and see how they work out and make sure they like the position and they want to stay awhile. The downside of going through that much turnover is there is so much training involved. It is a critical operation for the city. There are public safety elements to it, food handling elements to it so it has been a key role for them at Public Works. He just wanted to bring to light some of the challenges that they face.

When asked why the beach had such a high turnover in the management position, Herbert explained that there are different reasons for each of the seven. The main reason is that the job is very demanding. They pay a certain amount of money for the position, but really what they are giving up is their summer, by working holidays and weekends. You are dealing with seasonal staff that work for only 99 days per summer and those employees have varying degrees of work ethic, and for some employees, this is their very first job. So, for these reasons, it has just been difficult. He thinks that they are making good progress. Herbert said that he is hopeful going into the 2024 season, Public Works will have a few positions available, and one of them is a hybrid position between an Equipment Operator slash Oval Beach Manager position. It is a very unique position. He has had conversations with someone, and he plans to offer the job to him as he has interviewed and did quite well. He hopes to gain good traction in 2024 and then get to a level of training with this individual to where they can go beyond that and start getting a little more innovative with their operation out there. There are a lot of ideas out there. Herbert is trying to keep his nose to the ground and say that that this is where they are currently, and then building off of that, there is so much potential out there that they can go in any number of directions and there are lots of good ideas. He said that they need to take one step at a time and make sure that they have consistent leadership at the beach, that are going to be there and make sure that everyone is safe, and the organization is being run well. So that was a look back at the 2023 season.

The biggest challenge for DPW this fall is that they are pretty project heavy this fall. He said that they are going to get pretty aggressive this year with road construction projects. In a matter of weeks, they are tearing into Taylor, Takken, East, and West Streets. There is also a section of road that they will be redoing on North Maple Street. Herbert said that he just signed a proposal with

TNT Roofing who will be doing the roof replacement on the restroom facility, as well as the pavilion at Mount Baldhead this fall.

This City Hall exterior still has some work to be completed. The large projects are done, but there are a couple of details like the shutters need to get reattached to the building. He is told that would be completed by last week. Another issue that has come up is the rain gutters on the building. They discharge off to the side of the building, mulch gets covered on the sidewalk, it has been a problem for a really long time. They plan to do the exterior work before the project is fully complete where they will be refurbishing the landscaping, but also some cracked sidewalks out front in the driveway apron. While they have the concrete torn up, they plan on connecting the rain gutters to the catch basin that is in front of the building, which is the proper fix.

After Labor Day, they will be moving forward with refurbishing the Rose Garden fence as well as the iron gate on the restroom building. He has spoken to Douglas DPW Director Rick Zoet, regarding having the same company refurbish the streetlamps on the Saugatuck Blue Star Highway Bridge, as they are kind of rusted out particularly where the snow hits the post consistently with salt.

Ace Parking Lot Striping still has some work to do. They came in hot and heavy downtown earlier this summer. There are still some crosswalks, stop bars, and then the whole west side of the river that still needs to get painted. Herbert said that crack sealing will take place this fall. Crack sealing is a treatment that they apply to roads that are in fairly good condition and help preserve the life of the road before it deteriorates more. The next thing on the list will be to get the irrigation replaced at Willow Park. He said that this is stuff that will be going on with the DPW team during the fall season and he is looking forward to seeing everything completed.

## **B. Study Group Updates:**

### **a. Invasive Species:**

Committee member Charak said that the Allegan County Conservation District is working to treat 4000 Hemlock trees on City property. Contracts and qualifications that they have to have along with insurance, license, and a couple of years of experience. They have picked out a contractor from Allendale and they are going to start working on that soon.

City Manager Heise added that the Allegan Conservation District has also been treating, working with private landowners in the same area. There are dual efforts going on at the same time. The City did budget the amount as far as a little bit from GEI, and it will be on the Council agenda, Monday for action. This has been a long-standing issue and the City Council has been supportive.

### **b. Airport Property:**

Chair Baldwin gave all PPW members a copy of the ecological and sustainability evaluations that were provided by the ODC. The update is there for you. The thing that she was most interested in and what she is happiest about is it looks like there is nothing to stop them from grooming the already established trails and giving more legitimacy to those trails. She was disappointed to see that there is not really an opportunity to do solar, but she is okay

with it because it opens up for other things that they can possibly do in those areas. They have an optional planning session that they have already paid for with the ODC so she would like to set that up and contact them. Hopefully they can get something squared away where she would like to talk about next steps then on their trails and what that looks like. Baldwin said that it makes sense to have transparency and have it during a normally scheduled meeting. She says the next steps would be to contact them and get the meeting set up and then start making the next move to get the trails legitimized. She thinks that could be really exciting stuff, something to put a feather in their cap.

c. Blue Star Multimodal Path:

Committee member Kimble said they had their project kickoff Zoom meeting on August 8<sup>th</sup> and that it went really well. That included everyone that is on the tribe, community, committee so they have representatives from Saugatuck Township, Douglas, Saugatuck City, and the Friends of the Blue Star Trail. The timeline is so long that they are not scheduled to start construction until probably Spring of 2025. That gives them six months or more to prepare, and there is still quite a bit of work that needs to be done. They will be working on all of the fine tuning the design of the path so they can start the bids in January. They will have a meeting with Saugatuck City so that they can start talking about some of the anticipated controversial aspects of the project. The Friends of The Blue Star Trail had their gala and done very well. They are putting money aside for adding the next portion to the trail. Kimble said that they are also in need of new board members.

d. Village Square:

Committee members DeJong and Roche teamed up for a presentation regarding the progress at Village Square. They went over the ODC Inspection regarding the playground equipment. There are many Priority 1 and 2 safety concerns and it is currently non-compliant and should be corrected ASAP. They have advised that the equipment be demolished, and that the City move forward with replacement. They went over the playground location and goals for the playground which are:

1. Keeping at current location
2. Maximize existing footprint
3. Broaden age range to 2-12 years
4. Include unique & modern features
5. Use long-lasting materials
6. Keep the existing trees
7. Pursue themes – nature, art/music, maritime
8. Add solar, flashing crosswalk sign

They spoke about the Vendors/Designers Meetings with the ODC, Adventure World, Sinclair using GameTime/Playcore, and Penchura using Landscape Structures. They visited 12 playgrounds, looked through several catalogues & online components, and received multiple

renderings with feedback. They presented to the Committee several options from each vendor/designer and explained the differences between all of them. They also went over the timeline which involves the following:

August 22, 2023 – Present work to PPW & get feedback.

August 25, 2023 – Receive updated renderings/quotes.

September 2023 – PPW Special Meeting to make decision to send to CC.

October 2023 – CC approval & playground demolition.

October 27, 2023 – GameTime grant is due.

April 2024 – Community build.

d. Park Street & Mount Baldhead:

City Manager Heise said that AT&T are hanging tough with them, dealing with multiple stakeholders as it stands now. They are working with the Historical Society to try to make accommodations inside the radar dome, to leave their giant antenna intact inside the radar. AT&T has been very patient with them, and they have been working with their engineers. Heise says they feel like there is a way to work with the Historical Society to allow the antenna to stay in place in the radar. They are moving forward to a couple more steps with that. They have had to go through the Zoning Board of Appeals for some setback issues following their city ordinances. Other than that, they've already made investments in getting fiber installed out there. They are ready to go with that and are hoping to have this installed in time for summer events next year. He doesn't believe that AT&T have any interest in upgrading the bathrooms at this point. Heise suggested working as a group to renovate them and that they want to try to stay inside that existing footprint given the Archaeological Survey. Heise had a meeting with Consumers Energy, and they let him know about a project which is pretty significant. He said that they stated they would bury all of the utilities on Park Street. They have so many issues with the trees and the sand to stabilize the poles. A lot of the poles and trees are leaning, and he thinks that it is just too difficult for them to get their footings in there. He is unsure of the timeline for that project at this time but will have more details at a later date.

One the agenda for Council is the donation box that Ms. Eda and Mr. Curb placed at the steps at Mount Baldhead. What City Manager Heise has asked of them is to have a clear understanding of questions such as who is collecting money and where does the money go? He thinks that the donation box is a great idea. They have informed him that the Historical Society will collect the funds and then everything goes to the City for Mount Baldhead infrastructure steps, and some of the other issues that were pointed out earlier in the meeting. They just need to get that in writing and in front of City Council so that they know where the money is going. If the money is being collected by the Historical Society, are the funds distributed half and half? Heise said that there are a lot of nonprofits that would love to put out donation boxes in different areas. He just wants to make sure that they have a good handle on the management of the funds. They probably make \$100 per week if he had to guess and said that

**EXHIBIT E**  
**PPW September 26, 2023 Agenda Packet/Minutes**



**Parks and Public Works Committee Meeting  
September 26, 2023 – 10:00 am**

*This is an in-person meeting at Saugatuck City Hall, 102 Butler St, Saugatuck, MI 49453.  
The meeting will also be available live, virtually on Zoom.*

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES:**
  - A. Regular Meeting Minutes from 08/22/23
5. **GUEST SPEAKER**
6. **PUBLIC COMMENTS/TODAY'S AGENDA TOPICS ONLY (LIMIT 3 MINUTES)** *Use the "raise hand" button in the participant's screen found in the Zoom interface or enter \*9 if calling in by phone to raise hand.*
7. **REVIEW/DISCUSSION:**
  - A. Department of Public Works and Administrative Updates
  - B. Study Group Updates
    1. Invasive Species
    2. Airport Property
    3. Blue Star Multimodal Path
    4. Village Square & Playground
    5. Park Street & Mt. Baldhead Improvements
  - C. Tri-Community Parks & Recreation Master Plan Update
8. **REVIEW NEXT STEPS**
9. **PUBLIC COMMENTS (LIMIT 3 MINUTES)** *Use the "raise hand" button in the participant's screen found in the Zoom interface or enter \*9 if calling in by phone to raise hand.*
10. **MEMBER CLOSING COMMENTS**
11. **ADJOURN**

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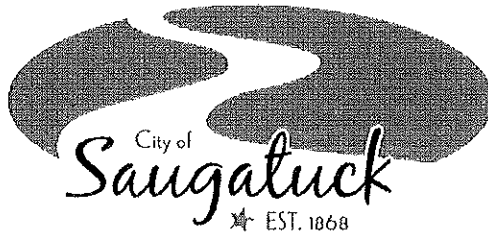
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**2698572603**

Please send questions or comments regarding meeting agenda items prior to meeting to:  
[ryan@saugatuckcity.com](mailto:ryan@saugatuckcity.com)

Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact Saugatuck City Clerk at 269-857-2603 or [JWolters@saugatuckcity.com](mailto:JWolters@saugatuckcity.com) for further information.





**PARKS AND PUBLIC WORKS COMMITTEE MEETING MINUTES**  
**September 26, 2023**

The Parks and Public Works Committee met for Regular Committee Meeting at 10:00 a.m.  
Saugatuck City Hall  
102 Butler St., Saugatuck, MI 49453.

**Call to Order:**

The meeting was called to order by Chair Baldwin at 10:00 a.m.

**Attendance:**

Present: Chair Baldwin, Committee members DeJong, Johnson, Kimble, & Roche.

Absent: Committee member Charak.

Others Present: City Manager Heise, DPW Superintendent Herbert, DPW Assistant Supervisor Hardy, Deputy Clerk & DPW Admin. Asst. Williams

**Approval of Agenda:**

*Motion by DeJong, second by Kimble, to approve the agenda for September 26, 2023. Via voice vote, motion carried 4-0.*

**Approval of Minutes from 8/22/23:**

*Motion by Roche, second by Johnson, to approve the minutes from the August 22, 2023, meeting. Via voice vote, motion carried 4-0.*

**Guest Speaker:** None.

**Public Comments (agenda items only):** None.

**Review/Discussion:**

**A. Department of Public Works and Administrative Updates:**

DPW Superintendent Herbert said that the roof on the Mount Baldhead pavilion and the restroom has been replaced. His staff has been working on pressure washing the pavilion at Mt. Baldhead park. He is happy with the little bit of progress made there. He had a really nice meeting this morning regarding road construction projects. Krohn Excavating is in town working on Taylor, Takken, East, West, & North Maple Streets and progress is coming along nicely. This includes the



addition of storm sewers on Takken and Taylor Streets. He said that when they get excavators or contractors like that in town, they don't let them leave without adding some smaller items to their list. A couple of small items that they have talked about with Krohn is some exterior work at City Hall that will address the drainage off of the roof. They need to tie the rain gutters into the storm drain out front. They will need to tear up the old concrete to do it completely right, which is a massive project. Some of the work may have to be bumped to spring of 2024. One other small item over at the intersection of Maple and Mason, there is somewhat of a makeshift spillway going down into the street. Krohn's working right across the street from us and they are asking them to build a more professional spillway for that area. He said that the construction project should be wrapping up by the end of November. Herbert also announced big news for Department of Public Works. They hired an equipment operator/Oval beach manager that started this week. They are rolling up their sleeves getting him familiar with the current operation that exists today and all of the safety procedures that need to be falling into place before next season. This is a critical role, and they couldn't be happier to have Noah Aramendi join the team.

## **B. Study Group Updates:**

### **a. Invasive Species:**

Committee member Roche said that on September 18, they took sixty-eight 7<sup>th</sup> & 8<sup>th</sup> grade students out to pull vines and plant beach grass. The students pulled over 100 vines and planted 600 square feet of beach grass. They had parent leaders help out and it went really well. (Most of recording audio is inaudible.)

City Manager Heise added that the hemlock woolly adelgid treatment was a huge project that was recently completed. This was a \$42,000 investment for the City.

### **b. Airport Property:**

Chair Baldwin said that they have gotten through the engineering and ODC studies. The next step is to get a SOAR analysis with the ODC. She would like to have a special meeting for that before the next meeting so that next month when they meet, they can take a motion to Council to legitimize the trails. City Manager Heise added that one of the outcomes is that one of the opportunities of SOAR is to groom the trail. He says that once you get the opportunity for the community to support that, and once it goes in front of Council you will be in a better position to allow the Council to expend funds to do that.

### **c. Blue Star Multimodal Path:**

Committee member Kimble said that she is underwhelmed with the recent progress. City Manager Heise said that Nancy has done a great job bird dogging them, which he appreciates. Soon they will be coming to the PPW Committee for a discussion on a few design elements for the Blue Star Trail pallet sign. They are working on a couple of options, as the City has requested three different options, and he says that they are aware of sensitivities with the pallet sign. They are talking about shifting it a couple of feet in one direction. He thinks there are opportunities to actually enhance the area with the landscape. One idea is to have half of

the Blue Star Trail to go under the pallet sign, so they are looking at the human height standards there are for a multimodal path. He said that there are other locations that they could use for the banners that are usually placed on the pallet sign. Another item the group will be working on would be the vertical elements of the bridge and how that can be changed without taking away any of the views of the water. He said that will be another point of sensitivity. The other thing will be the vegetation near the bridge, from Lake Street to the bridge, which has to be removed & replaced. It could be a denser vegetation to help out the condos pointing towards the end as far as the visual barrier. These will be the type of things that are going to come in front of this group.

d. Village Square:

Committee members DeJong said that they are excited to move ahead and actually make some recommendations to council, but they wanted the Committee to know that they have done their research, so they shared a minute and a half video about their research. She said that the goal for today's meeting was to give the group an advanced organizer, they want to recommend the decommissioning of the playground, hopefully choose a new playground design, and proceed to recommend that to City Council for purchase. She said that if they don't move now, they will miss out on some opportunities for grants, but also on the timeline for it to be manufactured and installed. After going over the details of both design options, they decided to make a motion to take this to City Council.

*Motion by DeJong to take this to the next level. Motion failed as there was not a second. Committee deliberation continued.*

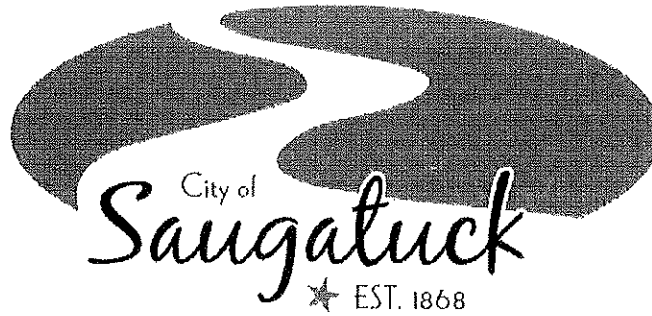
*Motion by DeJong, second by Kimble, to bring to City Council that the current playground be decommissioned as soon as possible or when DPW has time, and that they move forward with accepting the renderings and cost quotes from Sinclair. Via voice vote, the motion carried 4-0.*

d. Park Street & Mount Baldhead:

Committee Member Johnson said that their group had no reason to meet other than she was going to mention that they got the John Woollam trail sign, which is good. She also wanted to bring up to Nick Masters that they would like to go to the north side of Park Street but thinks that is going to entail a whole different group.

City Manager Heise said that Consumers Energy had informed him that they were going to start burying their power lines on Park Street, which also means that any telecommunications or anything on their poles or telephone poles would also have to be dropped into the ground. He did reach out to Consumers to get an update but has not heard anything from them as of yet. He still needs a schedule or a timeline for when they will begin the project. He will update the committee once he has more information.

**EXHIBIT F**  
**Council Workshop October 5, 2023 Agenda Packet/Minutes**



## CITY COUNCIL WORKSHOP AGENDA

October 4, 2023 – 4:00 pm

*This is an in-person meeting at Saugatuck City Hall, 102 Butler St, Saugatuck, MI 49453.*

*The meeting will also be available live, virtually on Zoom.*

1. Call to Order
2. Roll Call
3. Agenda Changes (*Additions/Deletions*)
4. Guest Speaker
5. Public Comment on Agenda Items Only (*Limit 3 minutes*)
6. Discussion Items:
  - A. Oval Beach Update- Expenses and Revenues *Pg.2*
  - B. Replacement Of Playground Equipment in Village Square *Pg.5*
  - C. Early Voting agreement between City and Township *Pg.13*
  - D. Special Event Application- Halloween Festival *Pg.27*
  - E. Special Event Application- Tree Lighting Ceremony *Pg.32*
  - F. Special Event Application- Annual Holiday Parade *Pg.37*
7. Public Comments (*Limit 3 minutes*)
8. Correspondence
9. Council Comments
10. Adjourn

**NOTICE:**

Join online by visiting:  
<https://us02web.zoom.us/j/2698572603>

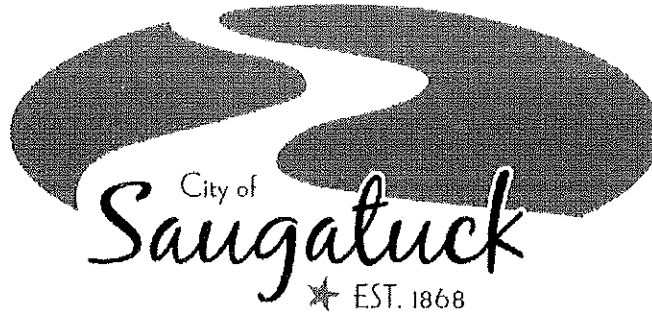
Join by phone by dialing:  
(312) 626-6799 -or-  
(646) 518-9805

Then enter "Meeting ID":  
2698572603

Please send questions or comments regarding meeting agenda items prior to meeting to:  
[ryan@saugatuckcity.com](mailto:ryan@saugatuckcity.com)

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**EXHIBIT G**  
**Council October 9, 2023 Agenda Packet/Minutes**



## CITY COUNCIL MEETING AGENDA

October 9 – 7:00 pm

*This is an in-person meeting at Saugatuck City Hall, 102 Butler St, Saugatuck, MI 49453.*

*The meeting will also be available live, virtually on Zoom.*

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Mayor's Comments
5. City Manager Comments
6. Agenda Changes (*Additions/Deletions*)
7. Guest Speakers
8. Public Comment on Agenda Items Only (*Limit 3 minutes*)
9. Consent Agenda: (*Roll Call*)
  - A. Regular City Council Meeting Minutes – September 25, 2023. Pg.3
10. Staff Reports, Boards, Commissions & Committees:  
Starting on Pg.7
  - A. Staff Reports:
    1. City Manager
    2. Treasurer
    3. Planning and Zoning
    4. Department of Public Works
    5. Police
    6. Engineer

### NOTICE:

Join online by visiting:  
<https://us02web.zoom.us/j/2698572603>

Join by phone by dialing:  
(312) 626-6799 -or-  
(646) 518-9805

Then enter "Meeting ID":  
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**B. Boards, Commissions & Committees:**

1. Fire District Administration Board
2. Interurban Board
3. Kalamazoo Lake Sewer & Water Authority
4. Kalamazoo Lake Harbor Authority
5. Zoning Board of Appeals
6. Historic District Commission
7. Planning Commission
  - a) Short Term Rental Task Force
8. Parks & Public Works Committee
9. Tri-Community Non-Motorized Trail Study Committee
10. Tri-Community Recycling Ad-Hoc Committee

**11. Request for Payment:** None

**12. Approval of Accounts Payable:** *(Roll Call)*

- A. Accounts Payable in the amount of \$217,199.15 *Pg.17*

**13. Introduction of Ordinances:** None

**14. Unfinished Business:** None

**15. New Business:**

- A. Oval Beach Update- Expenses and Revenues *Pg.24*
- B. Replacement Of Playground Equipment in Village Square *Pg.27 (Roll Call)*
- C. Early Voting agreement between City and Township *Pg.41 (Roll Call)*
- D. Special Event Application- Halloween Festival *Pg.55 (Voice Vote)*
- E. Special Event Application- Tree Lighting Ceremony *Pg.60 (Voice Vote)*
- F. Special Event Application- Annual Holiday Parade *Pg.65 (Voice Vote)*

**16. Public Comments** *(Limit 3 minutes)*

**17. Correspondence**

**18. Council Comments**

**19. Adjourn** *(Voice Vote)*



## City Council Agenda Item Report

**FROM:** Ryan Heise

**MEETING DATE:** 10/4/23

**SUBJECT:** Village Square Playground Presentation

### **DESCRIPTION:**

Saugatuck City Council created the Parks and Public Works (PPW) Committee and tasked them with presenting recommendations on various high priority and strategic park improvement projects.

*The City of Saugatuck Parks and Public Works Committee is a 6-member committee established for the purpose of providing City Council with guidance and information on matters relating to public works and parks. Committee members are residents of the City of Saugatuck appointed by the Mayor with City Council approval to serve two-year terms.*

The Committee created several fact-finding groups to research various projects and present their findings to the Parks and Public Works Committee for discussion and a recommendation to the Council.

The Village Square Playground group was gifted the highest priority task to provide options for the needed replacement of playground equipment at Village Square Park. There were a number of meetings (open to the public), where discussions and ideas were shared. PPW meeting links here- <https://www.saugatuckcity.com/parks-and-public-works-committee.html>

After diligent and thoughtful information provided by the fact-finding group (thank you volunteers), the Parks and Public Works Committee voted to recommend that a proposal received from Sinclair Recreation be presented to City Council for approval.

The proposal from Sinclair is listed at \$449,543.00. There is a strong possibility for significant grant contributions working with Sinclair, listed at- \$112,910.00.

Alternate proposals were solicited from:

Penchura LLC- \$461,619

Outdoor Discovery Center was also engaged to provide playground equipment, but they were unable to meet the timeline for replacement. They also assisted with the existing playground equipment inspection.

**BUDGET ACTION REQUIRED:**

\$450,000.00

**COMMITTEE/COMMISSION REVIEW**

NA

**LEGAL REVIEW:**

None

**SAMPLE MOTION:**

Move to approve the playground equipment proposal submitted by Sinclair Playground Equipment in an amount not to exceed \$450,000.00, authorize the Mayor or Mayor Pro Tem to execute contract pending final staff approval.



A PLAYCORE Company

GameTime c/o Sinclair Recreation  
176 E Lakewood Blvd  
Holland, MI 49424  
Ph: 800-444-4954  
Fax: 616-392-8634

09/25/2023  
Quote #  
103045-01-14

## Village Square Park - MiDEALS Contract - Option Eleven - Hybrid Installation - Grant - Check with Order

City of Saugatuck  
Attn: Scott Herbert  
3338 Bluestar Hwy.  
Saugatuck, MI 49453  
scott@saugatuckcity.com

Ship to Zip 49453

Quantity	Part #	Description	Unit Price	Amount
5970	EWf	GT-Impax - 12" Compacted Depth Engineered Wood Fiber - Blown in	\$2.50	\$14,925.00
1	SUPERVISION	GT-Impax - Supervised installation of eligible playground components with a group of volunteers provided by owner.- Price does not include the cost of concrete or heavy machinery.  Cost savings of \$35,250.00 for a hybrid community build installation.	\$15,000.00	\$15,000.00
1	INSTALL	GT-Impax - Installation of GameTime equipment not safe to install during community build- Price includes cost to rent a crane for 1-2 days to place and install (1) Vistarope Spinner, (1) Vistarope Star Climber, (1) notched log climber,, (1) log crawl thru, (3) tree stumps, (1) overlooks, and lifting/installing (3) hex roofs onto hex deck uprights.  Price does not include removal and disposal of existing equipment, removal or excavation of existing surfacing or curbs, site preparation, concrete curbing or flatwork, site restoration or landscaping. Pricing assumes existing playground berm is left in tact.  Installation does not include verifying bolt tightness on volunteer installed items.	\$40,750.00	\$40,750.00
88	4862	GameTime - 12" Playground Border	\$79.00	\$6,952.00
1	14927	GameTime - NDS Play On Sign Package		
1	5931SP	GameTime - VistaStar 6	\$76,572.00	\$76,572.00
1	5962SP	GameTime - VistaTree Top 5	\$19,981.00	\$19,981.00
1	RDU	GameTime - Swings with Seats (1) 5128 -- Expression Swing 3 1/2" X 8' (1) 5165 -- Expression Swing w Adaptive Seat 3 1/2 (1) 12584 -- Ada Primetime Swing Aab, 3 1/2" Od (1) 18826 -- Primetime Swing 3 1/2" X 8' (2) SS8910 -- Belt Seat 3 1/2" /8' W/Clevis	\$8,389.00	\$8,389.00
1	RDU	Miscellaneous Non GameTime - Freenotes Music (1) MUSHROOM ENSEMBLE -- In Ground (1) Orange Flower -- In Ground (1) Turquoise Flower -- Toddler Height, Inground (1) Tenor Tree -- In Ground (1) Indigo Butterfly -- Inground (1) Yellow Butterfly -- Toddler Height, In Ground	\$18,764.00	\$18,764.00
1	6368	GameTime - Cance Two-Person Spring Rider	\$3,199.00	\$3,199.00





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Quantity	Part #	Description	Unit Price	Amount
1	4863	GameTime - Curb Border End Cap	\$69.00	\$69.00
1	4560SP	GameTime - Jeepster	\$9,316.00	\$9,316.00
1	38112	GameTime - Log Crawl Thru	\$8,195.00	\$8,195.00
1	RDU	GameTime - Custom Play Unit for 5-12 Year Olds	\$213,651.00	\$213,651.00
		(3) 38111 -- Tree Stump		
		(1) 4870 -- 3-in-A-Row 11" Gizmo (double sided)		
		(1) 4962 -- Echo Chamber		
		(10) 6232 -- Pod (1'-0")		
		(1) 13807 -- Mountain Climber		
		(1) 13809 -- Get A Grip		
		(1) 13814 -- Leaning Ladders		
		(1) 16465 -- Slide Transfer (Ada)		
		(8) 80001 -- 49"Tri Punched Steel Deck		
		(6) 80167 -- Roof Ext 24" W/Rivet		
		(1) 80657 -- Access Attachment 4'		
		(2) 80687 -- Handhold/Kick Plate Pkg		
		(1) 80820 -- Balustrade End		
		(1) 81656 -- 1-Level Chin Bar		
		(1) 81660 -- Track Ride 3-Deck Span		
		(2) 81666 -- Fun Seat		
		(1) 81669 -- Hand Cycler		
		(1) 81680 -- Single Seat		
		(2) 90005 -- Two Piece Hex Deck, Ada Ramp Access		
		(1) 90033 -- 4' Transfer Platform W/Guardrail		
		(1) 90176 -- Ada Crow'S Nest W/ Gizmo		
		(1) 90256 -- 6' Leaning Wall Climber		
		(2) 90266 -- 8' Upright, Alum		
		(1) 90268 -- 10' Upright, Alum		
		(2) 90269 -- 11' Upright, Alum		
		(1) 90270 -- 12' Upright, Alum		
		(5) 90271 -- 13' Upright, Alum		
		(8) 90273 -- 15' Upright, Alum		
		(1) 90355 -- Store Front Panel, Below Dk		
		(3) 90383 -- Timber Decor Panel (Tall)		



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## Village Square Park - MiDEALS Contract - Option Eleven - Hybrid Installation - Grant - Check with Order

Quantity	Part #	Description	Unit Price	Amount
(1)	90510	-- 6' Dueling Wave Zip Slide, Std Dk		
(1)	90568	-- Suspension Bridge (Barrier)		
(1)	90654	-- 3'-6"/4'-0" Zip Swerve Slide Right		
(1)	90677	-- Std Access Ramp Link Gr 3'-6" & 4'		
(1)	90679	-- Ramp (Guardrail) 2'-6" & 3'		
(1)	90848	-- 2 dk span Net Wall Link		
(1)	90871	-- Animal Trackers		
(1)	91183	-- 6' 0" Plank Climber - Timbers		
(1)	91208	-- Climber Entryway - Guardrail		
(2)	91209	-- Climber Entryway - Barrier		
(1)	91223	-- 3' 0" Plank Climber - Timbers		
(1)	91303	-- Cliff Wall Climber		
(2)	91334	-- Climber Offset Entryway (Barrier)		
(1)	91548	-- Dunan Drum Panel		
(1)	91561	-- Flower Spinner Panel		
(1)	91562	-- Flower Spinner Panel Below Deck		
(1)	91596	-- Solo-Aluminum		
(1)	91598	-- Overlook		
(1)	91661	-- Two Piece Hex Deck 9'		
(6)	91708	-- 2'-0" In-Ground Ext. For 9' Platform		
(2)	G90262	-- 4' Upright, Galv		
(4)	G90267	-- 9' Upright, Galv		
(1)	G90269	-- 11' Upright, Galv		
(1)	G90271	-- 13' Upright, Galv		
(2)	G90272	-- 14' Upright, Galv		
(4)	G90273	-- 15' Upright, Galv		
(2)	90384	-- Timber Decor Panel		
(1)	91285	-- Notched Log Climber		
(1)	91209	-- Climber Entryway - Barrier		
(3)	80206	-- Tin Roof Hex		

Contract: OMNIA #2017001134

Sub Total \$435,763.00  
Grant (\$112,909.59)  
Freight \$13,780.00  
**Total \$336,633.41**







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## Village Square Park - MiDEALS Contract - Option Eleven - Hybrid Installation - Grant - Check with Order

### Comments

Site preparation, excavation, and removal of existing equipment by owner.

Matching Grant Funds are available until October 27th, 2023 at 12PM EST **or** until Grant funds are no longer available. Approved grant application is required. In order to receive full grant funding, a check of \$265,958.41 **must be received at the time of order.**

This quotation is subject to policies in the current GameTime Playground Catalog and the following terms and conditions. Our quotation is based on shipment of all items at one time to a single destination, unless noted, and changes are subject to price adjustment. Purchases to be supported by your written purchase order made out to GAMETIME C/O SINCLAIR RECREATION. **A 2.5% PROCESSING FEE WILL BE ADDED TO ALL ORDERS PAID VIA CREDIT CARD.**

Pricing: f.o.b. factory, firm for 30 days from date of quotation unless otherwise noted on quotation. Sales tax will be added at time of invoicing unless a tax exemption certificate is provided at time of order entry.

Shipment: Order shall ship within 10-14 weeks after GameTime's receipt and acceptance of your purchase order, color selections, approved submittals, and receipt of deposit, if required.

Shipment: Vistarope Net shall ship within 18-36 weeks after GameTime's receipt and acceptance of your purchase order, color selections, approved submittals, and receipt of deposit, if required. Port Congestion and transit time affect overall lead time and are impossible to predict.

NOTE: To qualify for the GameTime Grant, you must complete the application form for pre-approval. Upon approval, a Partial Matching Grant (reflected in the pricing shown above) is good toward the purchase of a new Powerscape, PrimeTime, XScape or Ionix Structure only. The order **MUST** be received no later than October 27th, with full payment to allow for processing, and your order will ship within 8-12 weeks from date of order placement. The Grant does not apply toward Freight, Freestanding Items, Surfacing or Installation. To qualify for the matching grant amount shown above, a check for the **full** amount **MUST** accompany your order.

Installation: Shall be by a Certified GameTime Installer. Customer shall be responsible for scheduling coordination and site preparation. Site should be level and permit installation equipment access. Purchaser shall be responsible for unknown conditions such as buried utilities, tree stumps, bedrock or any concealed materials or conditions that may result in additional labor or material costs. Payment terms for installation is Net 10 Days.

**NOTE:** PRICING **DOES NOT** INCLUDE ANY DAVIS BACON OR PREVAILING WAGE RATES UNLESS SPECIFICALLY IDENTIFIED ABOVE IN QUOTE. THERE WILL BE A BACKCHARGE FOR THE INSTALLATION TO BE DONE THROUGH FELT, PEASTONE, SURFACING, OR WOODCHIPS, UNLESS SPECIFICALLY LISTED IN ABOVE QUOTE.



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09/25/2023  
Quote #  
103045-01-14

## Village Square Park - MiDEALS Contract - Option Eleven - Hybrid Installation - Grant - Check with Order

Unless otherwise noted, supervised installation of playground equipment does **NOT** include:

- Unloading or storage of equipment
- Utility Locates (Public OR Private)
- Transportation of equipment to the build site (Equipment must be on site prior to build date)
- Heavy machinery to dig holes.
- Concrete
- Volunteers - Please speak with your sales representative to determine how many construction-minded volunteers will be needed.
- Spreading or installation of safety surfacing.

There may be additional charges if any of the above are not provided by the customer.

Every attempt will be made to tighten every bolt, but the owner assumes some responsibility that their volunteers may not install the playground per specifications. This risk is assumed by the owner.

Submittals: Our design proposal reflects the spirit and intent of the project plans and specifications. While some variations may exist between our quotation and the project design, the differences do not materially affect the intended use. GameTime designs and specifications are unique and not intended to be identical in all respects to other manufacturers. We shall submit for review and approval by the owner's representative detailed drawings depicting the equipment to be furnished accompanied by specifications describing materials. Once approved, these drawings and specifications shall constitute the final documents for the project and shall take precedence over all other requirements.

Exclusions: Unless specifically included, this quotation excludes all site work and landscaping; removal of existing equipment; acceptance of equipment and off-loading; storage of goods prior to installation; equipment assembly and installation; safety surfacing; borders, drainage provisions, or any local/municipal permits or paperwork that may be required.



A PLAYCORE company

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09/25/2023
Quote #
103045-01-14

Village Square Park - MiDEALS Contract - Option Eleven - Hybrid
Installation - Grant - Check with Order

Acceptance of quotation:

Accepted By (printed):

P.O. No:

Please make P.O.s out to GameTime C/O Sinclair Recreation

Signature:

Title:

Date:

Facsimile:

Phone:

Email:

Purchase Amount: \$336,633.41

REQUIRED ORDER INFORMATION:

Bill To:

Ship To:

Contact:

Contact:

Address:

Address:

Address:

Address:

City, State, Zip:

City, State, Zip:

Tel:

Tel:

(For Accounts Payable)

(To call before delivery)

Email:

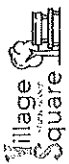
Email:

COLOR SELECTIONS:

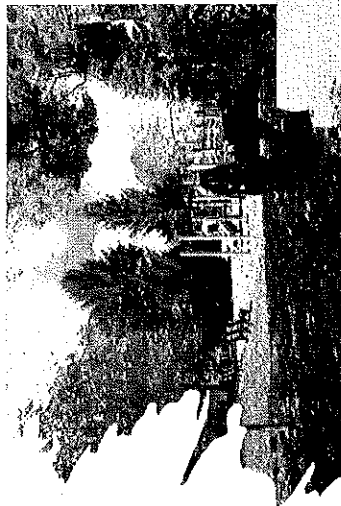
SALES TAX EXEMPTION CERTIFICATE #: (PLEASE PROVIDE A COPY OF CERTIFICATE)

NOTE: IF INSTALLATION IS BEING QUOTED, THERE WILL BE A BACKCHARGE FOR THE INSTALLATION TO BE DONE THROUGH FELT, PEASTONE, SURFACING, OR WOODCHIPS. PRICING VALID FOR 30 DAYS FROM THE DATE OF QUOTATION UNLESS OTHERWISE NOTED. ANY MODIFICATIONS TO AN ACCEPTED QUOTATION MUST BE DOCUMENTED IN WRITING OR WITH A NEW OR SEPARATE QUOTE. VERBAL MODIFICATIONS TO PREVIOUSLY SIGNED QUOTES WILL NOT BE ACCEPTED.

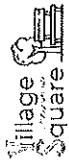




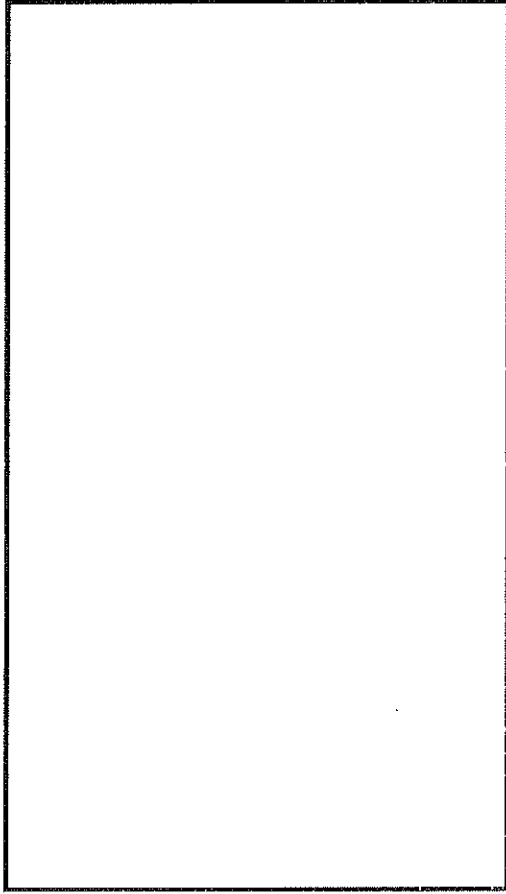
## Village Square Playground



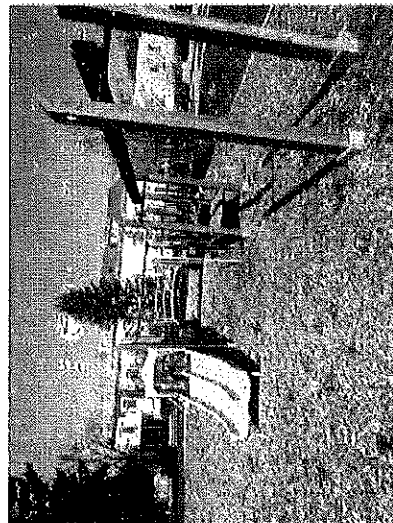
- Located at Village Square - the centerpiece of downtown
- Beloved by locals and tourists



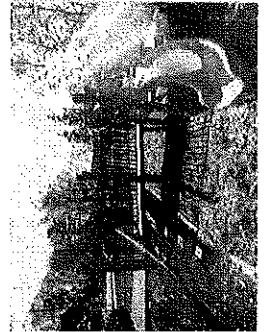
## Village Square Playground Research



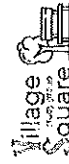
## ODC Inspection Report



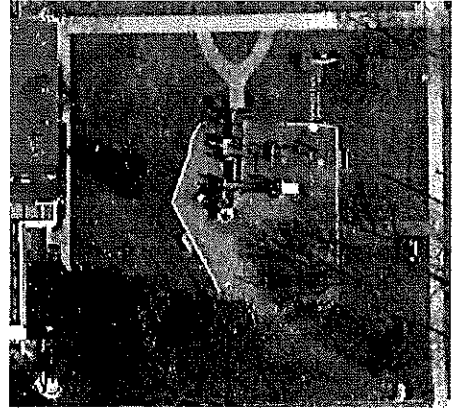
- Many Priority 1 and 2 safety concerns
- Non-compliant and should be corrected ASAP



- PPW and DPW recommends:
- decommission ASAP
  - replacement spring 2024

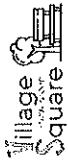


## Playground Priorities

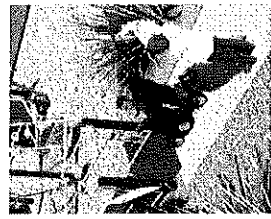


- Remain at current location
- Maximize existing footprint
- Keep existing trees
- Reuse existing five benches
- Keep Snake Art & Veteran's Memorial
- Broaden age range to 2-12 years
- Develop fitness, strength, balance
- Include unique, modern features
- Use long-lasting materials
- Add solar, flashing crosswalk sign

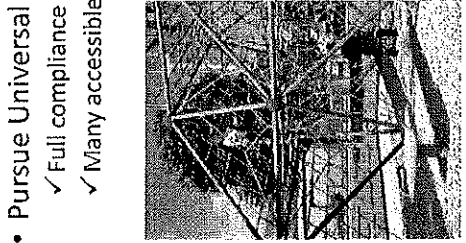




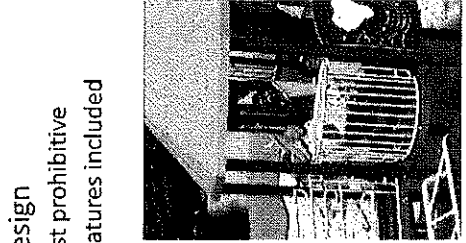
## Playground Priorities (accessibility)



Ramps to towers are wheelchair accessible

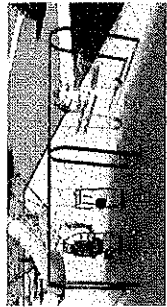


Transfer platform for net structure

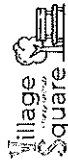


Crows nest and play panels for engagement on ramps/towers

- Pursue Universal Design
  - ✓ Full compliance cost prohibitive
  - ✓ Many accessible features included



Universal design swings



## Playground Priorities (themes)



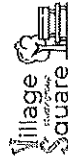
Nature Theme with Concrete Components

\$631,000

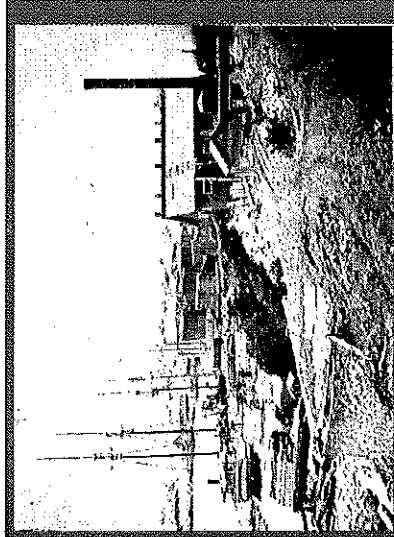
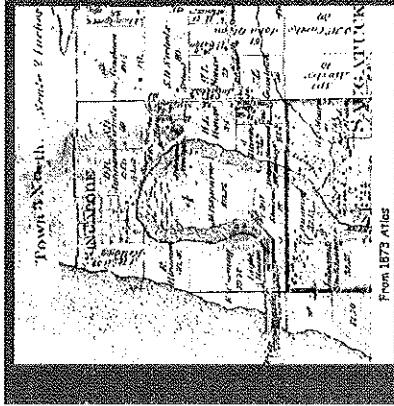


Singapore Theme with Nature Colors & Art/Music Theme

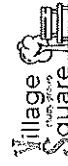
\$450,000



## Saugatuck/Douglas History Center



- Contacted Eric Gollanek, PhD, ED History Center
- "Pleased to work together to share history and inspire learning".
- Village Square & playground to highlight:
  - Indigenous History and Culture
  - Early Lakeshore History
  - Singapore History
  - Envision signage like SDHC Demerest Shanty story panels.



## Vendors/Designers Meetings



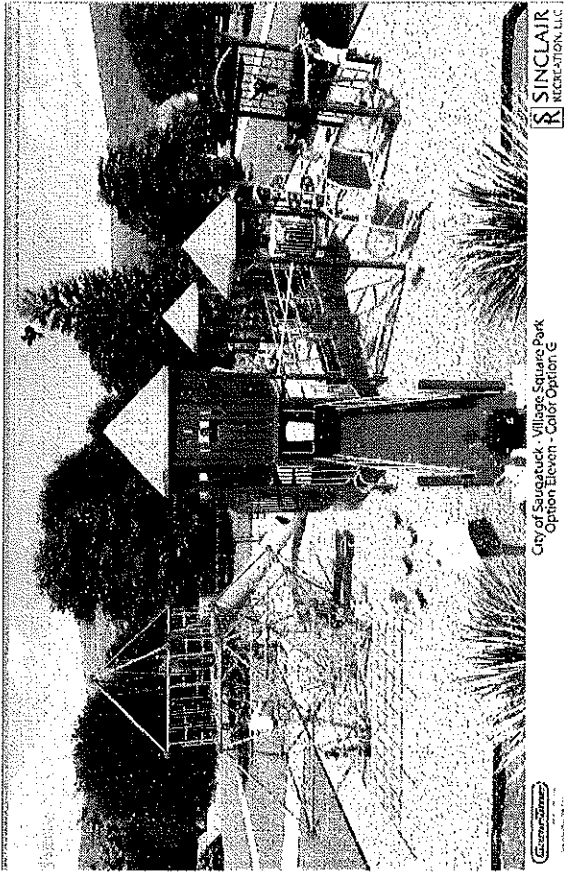
- Outdoor Discovery Center (ODC)
  - Wood structures (short-term use)
  - 2025 availability
- Adventure World
  - Non-compliant
- Sinclair using Game Time/PlayCore
  - Located in Holland
  - Worked with Douglas
- Penchura using Landscape Structures
  - Located in Brighton
  - Worked with West Ottawa

- 12 playgrounds visited
- Catalogues & on-line components
- Multiple renderings/feedback





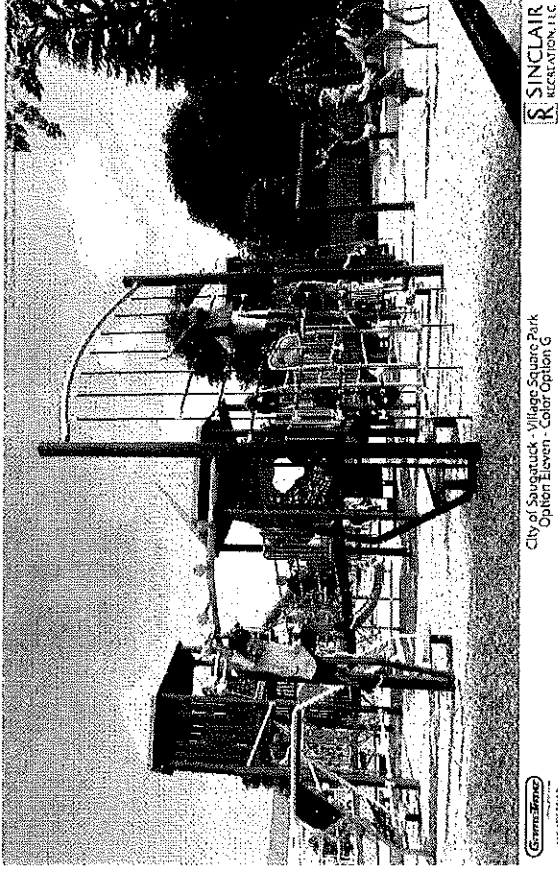
# PPW Recommendation: Sinclair Design 11



City of Saugatuck - Village Square Park  
Option Eleven - Color Option G



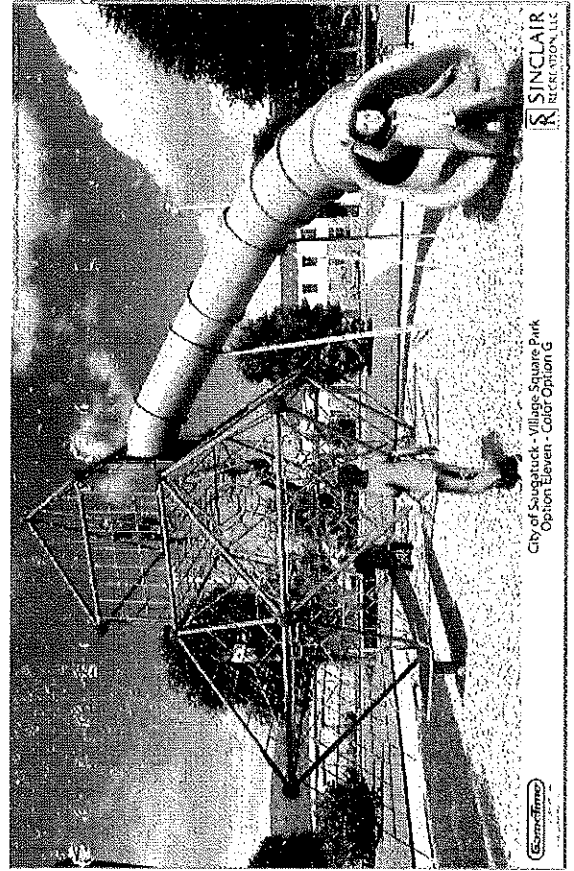
# PPW Recommendation: Sinclair Design 11



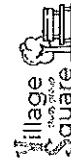
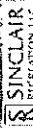
City of Saugatuck - Village Square Park  
Option Eleven - Color Option G



# PPW Recommendation: Sinclair Design 11



City of Saugatuck - Village Square Park  
Option Eleven - Color Option G



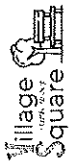
# PPW Recommendation: Sinclair Design 11



City of Saugatuck - Village Square Park  
Option Eleven - Color Option G







# PPW Recommendation: Sinclair Design 11



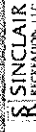
City of Saugatuck - Village Square Park  
Option Eleven - Color Option G



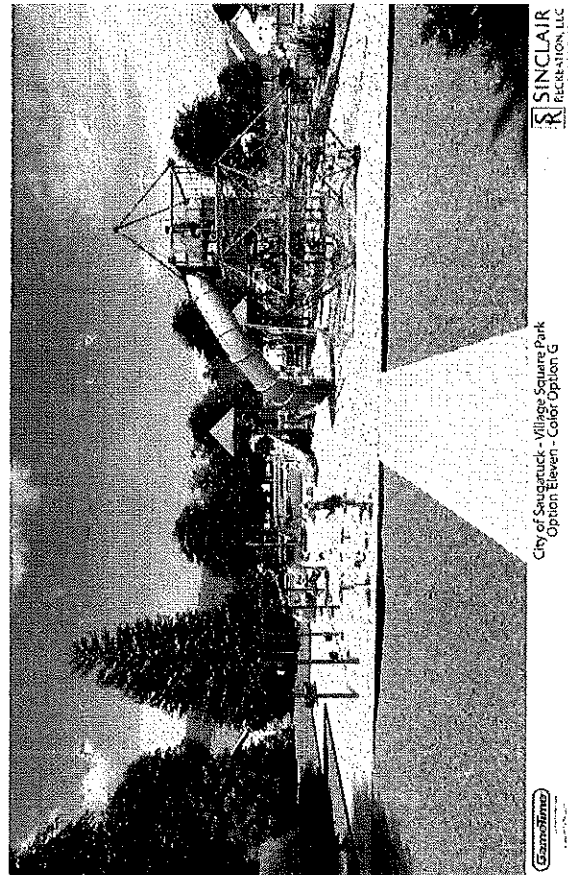
# PPW Recommendation: Sinclair Design 11



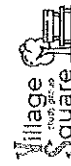
City of Saugatuck - Village Square Park  
Option Eleven - Color Option G



# PPW Recommendation: Sinclair Design 11



City of Saugatuck - Village Square Park  
Option Eleven - Color Option G



# PPW Recommendation: Sinclair Design 11



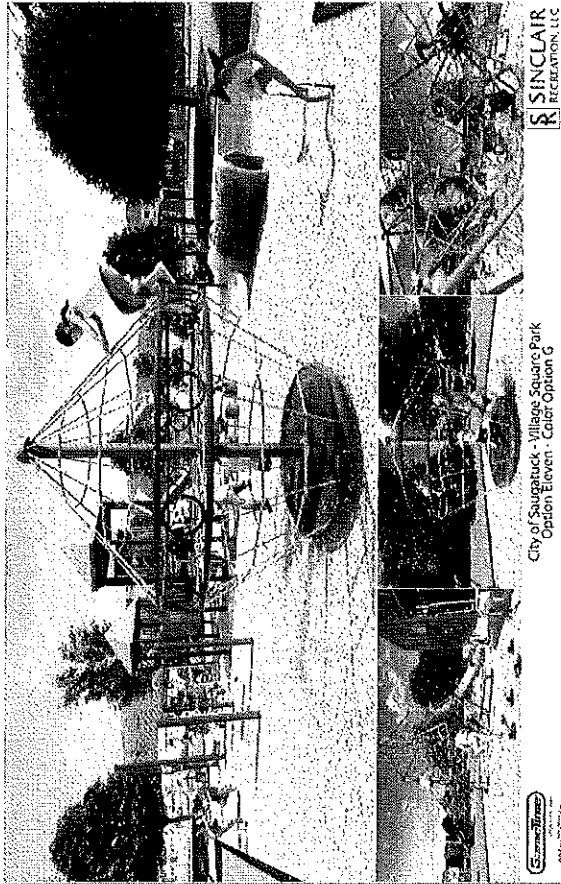
City of Saugatuck - Village Square Park  
Option Eleven - Color Option G



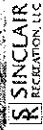




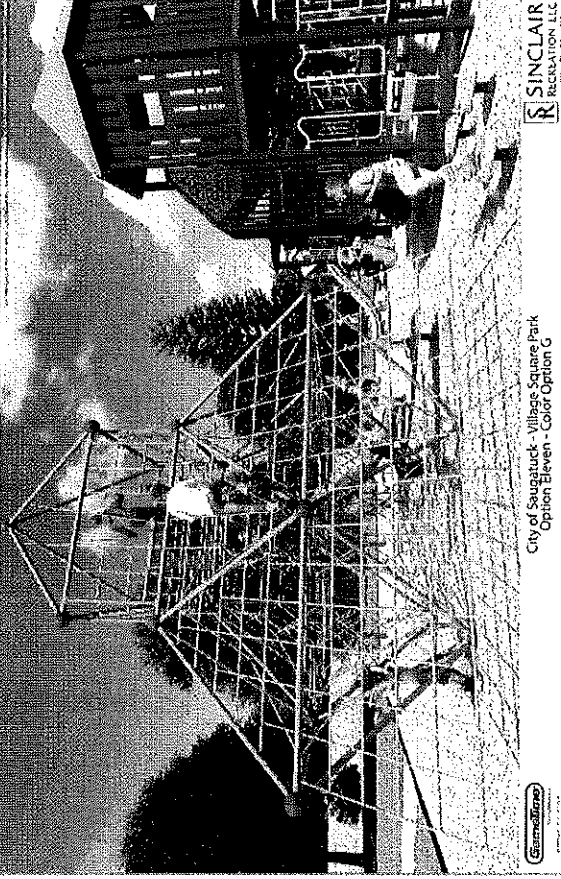
# PPW Recommendation: Sinclair Design 11



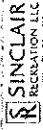
City of Saugatuck - Village Square Park  
Option Eleven - Color Option G



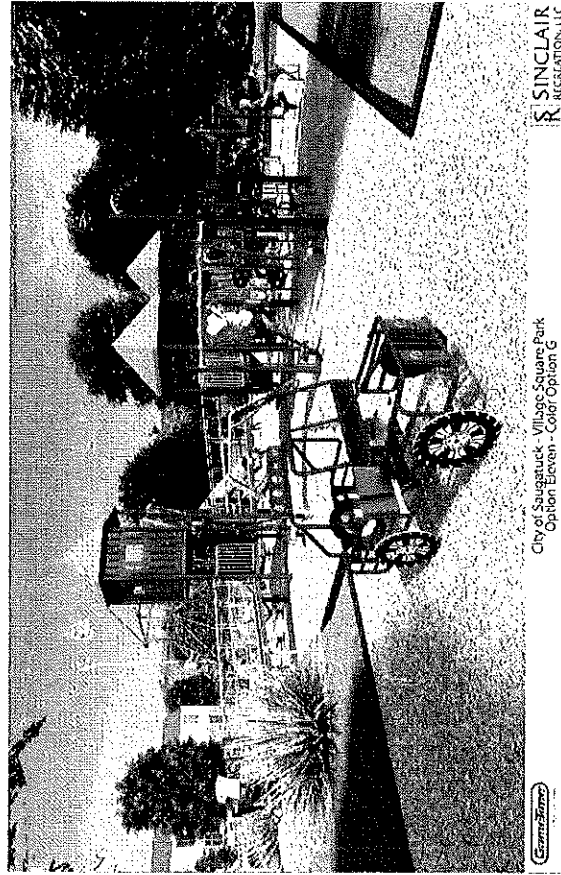
# PPW Recommendation: Sinclair Design 11



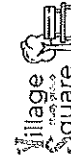
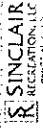
City of Saugatuck - Village Square Park  
Option Eleven - Color Option G



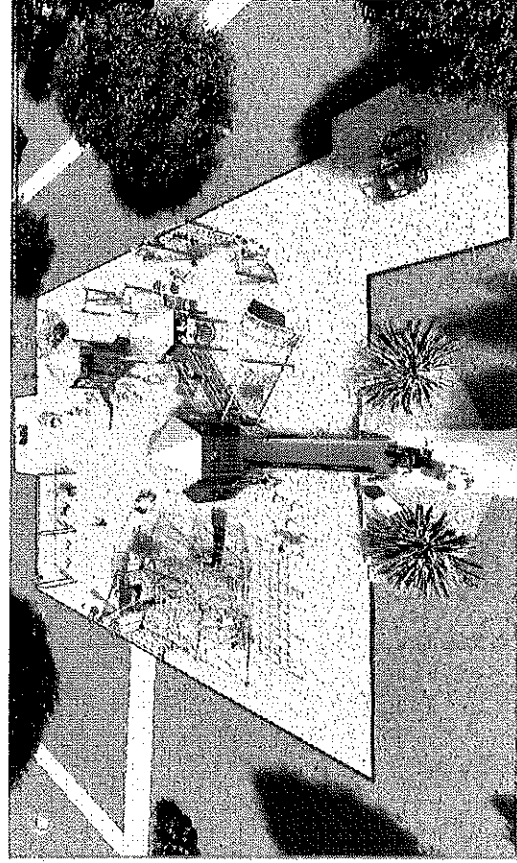
# PPW Recommendation: Sinclair Design 11

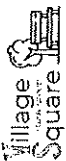


City of Saugatuck - Village Square Park  
Option Eleven - Color Option G

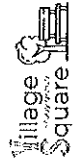
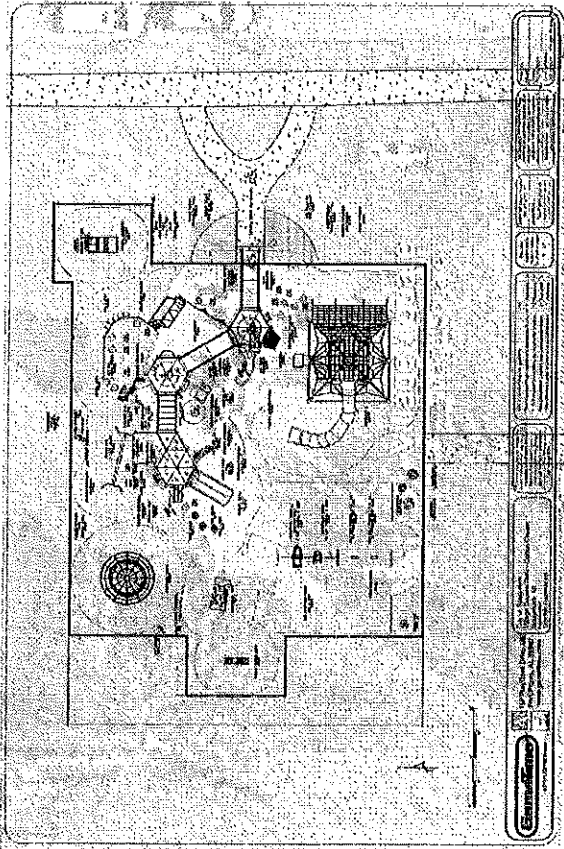


# PPW Recommendation: Sinclair Design 11





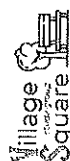
## PPW Recommendation: Sinclair Design 11



## Sinclair/Penchura Cost Comparison

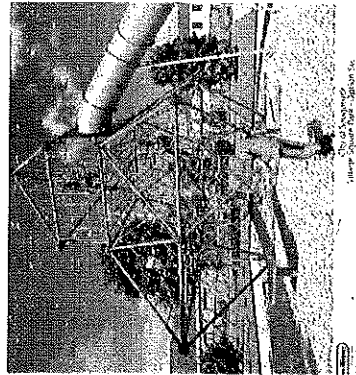
	Sinclair	Penchura
Equipment	365,088	389,241
Freight	13,780	22,545
Install/Supervision (community build)	*55,750	71,740
Wood Fiber	14,925	9,233
	Subtotal	492,759
Potential Discount / Grants	(112,910)	(31,140)
	<b>Total</b>	<b>461,619</b>

\*Cost savings of \$35,250.00 for a hybrid community build installation.

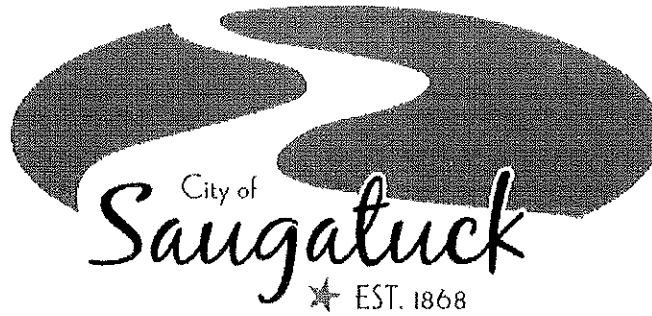


## Sinclair Terms

- To qualify for the GameTime Grant, must complete the application form for pre-approval.
- The order MUST be received no later than October 27th, with full payment to allow for processing.
- Order will ship within 8-12 weeks from date of order placement.
- To qualify for the matching grant amount shown above, a check for the full amount (\$265,958.41) MUST accompany your order.
- Balance of \$70,675 due later for install.







**CITY COUNCIL MEETING MINUTES - Proposed  
October 9, 2023**

The City Council met for Regular Council Meeting at 7:00 p.m.  
City Hall  
102 Butler St., Saugatuck, MI 49453.

**Call to Order:**

The meeting was called to order by Mayor Pro-Tem Stanton at 7:00 p.m.

**Attendance:**

Present: Mayor Pro-Tem Stanton and Councilmembers Baldwin, Leo, Lewis, Gardner, Muncey.  
Absent: Mayor Dean.

*Motion by Lewis, second by Baldwin to excuse Mayor Dean's absence. Via voice vote, motion carried 6-0.*

Others Present: City Manager Heise, Director of Planning, Zoning & Project Management Cummins, Treasurer Stanislawski, Department of Public Works Assistant Supervisor Hardy, and Clerk Wolters.

**Mayor's Comments:** Mayor Pro-Tem comments: None.

**City Manager Comments:** City Manager report is on page seven.

**Agenda Changes:** None.

**Guest Speakers:** None.

**Public Comment on Agenda Item Only:**

Vicky Cobb, resident: *Item 15B.*

- Past Wednesday Council meeting: a lot of questions asked and answered.
- Grant was received and money was set aside years ago for parks.
- There is a safety issue, and it needs to be addressed.

Glenna DeJong, resident: *Item 15B.*

- Member of PPW Committee and co-chair of Village Square Study Group.
- Excited to bring the playground proposal to City Council.
- Thanked the playground study group and the work done in the last nine months inkling volunteers in the community.
- Contracted ODC for inspection.

- Four vendors were approached with quotes coming from two: Sinclair and Penchura. Recommendation is to move forward with Sinclair.
- \$112,000 grant approved to lower cost.

Kelly Roche, resident: *Item 15B.*

- Serves on Tri-Community Recycling Committee, Saugatuck Recreation Advisory Board, DSPTO and PPW Committee member holding co-chair of the Airport Study Group and co-chair of Village Square Study Group. Raising two children in the community.
- Thanked City Council for their confidence and support of the PPW committee with taking on this project. DPW Superintendent Herbert has been outstanding to work with and very supportive in showing up for the meetings and giving needed feedback.

Started this project in January, wanted something modern allowing wider age ranges, allowing for more abilities to enjoy the space and for locals and tourists.

- Pulled Saugatuck's rich history with the design.
- Funds have already been set aside for this project and hope Council votes yes.

Marsha Caspar, resident: *Item 15B.*

- Fully supports the project that was deemed a top priority by City Council.
- PPW did a very thorough review, there were many opportunities for public input.
- The current structure is at its end of life and no longer worth taking a risk with children.
- The typical cost of custom high-quality playground of Village Park size in \$200K-\$500K, with the grant the cost falls within that.
- Loves the idea of the historical design and asks for a yes vote.

Ruth Johnson, resident: *Item 15B.*

- Member of PPW Committee
- Thanked City Council for considering this project, it was well researched and is needed.
- Thanked Kelly and Glenna for their amazing job.

Kieth Charak, resident: *Item 15B.*

- PPW Committee member.
- Thanked Village Park study group's hard work.
- Thanked Kelly Roche for getting the grant.
- Superintendent Scott Herbert just a new baby girl.

Bill Hess, resident: *Item 15B.*

- Fully supports replacement of park equipment, it's sorely needed.
- His concerns:
  - The approval process and public notice.
  - Looked at the PPW packets online and nowhere was this project specifically discussed.
  - No renderings and believes the first time the public was aware was last Wednesday's Council meeting.
  - It is going a little quick.
  - \$1 million has been set away for parks, how much of this project will take up that.
  - How much will be left for Mt. Baldhead Park or other parks.

Dan Fox, resident: *Item 15B.*

- The playground proposal is well-constructed, he fully supports doing this.
- Suggests taking the approach that the Short-Term Rental Task Force's approach to public input.
- It would be well advised to take the last step and have a public input session.
- Look at possible advertising on the playground from local businesses to help support the cost.

Peg Sanford, resident: *Item 15B.*

- She is of the age that she has seen four or five park projects in the area.
- She was part of the Douglas community built with volunteers, teachers and children's help.
- Her concern is the "community build". She does not see where the community was brought in.
- Finding volunteers at the last minute will be difficult.
- Get the picture in the paper with the plan and let the community respond.
- Going to a committee meeting on Tuesdays at 10am is not a time for public input.

Holly Anderson, resident: *Item 15B.*

- Thanked for the props on the Short-Term Rental committee.
- The short-term rental was a highly controversial charged topic, this is a little apple to oranges comparison.
- If it hadn't been so exhaustive and if there hadn't been for bidders, she may have said to slow down.
- She is comfortable with an approval.

### **Consent Agenda:**

A. Regular City Council Meeting Minutes – September 25, 2023.

*Motion by Muncy, second by Baldwin to approve the regular city council meeting minutes from September 25, 2023. Upon roll call vote, motion carried 6.0.*

### **Staff Reports:**

City Manager, Director of Planning & Zoning, Treasurer, DPW Superintendent, Engineer and Police submitted status reports of current activities since the last Council meeting on September 25, 2023, for their respective departments.

### **Boards, Commissions & Committees:**

#### Fire District Administration Board, Dan Fox:

- Have not had a meeting since the last reporting of the September 18<sup>th</sup> meeting.
- A single set of gear for a fire fighter is \$4,000-\$5,000.
  - Maximum service life of gear is 10 years.
  - A gentleman at Belfor restoration company in the U.P. has set up a program that collects old gear and disperses them to underfunded fire departments.

#### Interurban Board, Councilmember Muncey:

- Next meeting is October 17<sup>th</sup>.
- Ridership is 28% up from last year.
- Parking shuttle carried almost 1000 more than 2022.
- Created a committee to talk about expanding their hours, per requests for longer hours.
- Open:
  - Monday-Friday 7am-7pm.
  - Saturday and Sunday 9am-7pm.
- Hours change in November:
  - Monday-Friday 7am-6pm
  - Saturday and Sunday 9am-7pm.
- The Halloween shuttle will be free late-night rides until 2am.



KLSWA, Barry Johnson: None.

Kalamazoo Lake Harbor Authority, Mayor Pro-Tem Stanton: None.

Zoning Board of Appeals: None.

Historic District Commission, Councilmember Lewis:

- Met on October 5<sup>th</sup>.
- They passed the Playground Proposal unanimously, councilmember Lewis abstained from vote due to the Council planned vote on October 9<sup>th</sup>.
- She noted whether it's historic preservation or even hardscape improvements, that folks are making them without the understanding that there is a process.
- It was recommended a reminder is sent out to the public regarding the process.

Planning Commission, Chair Councilmember Gardner:

- Next meeting on October 19<sup>th</sup> at 6pm and 7pm.

Parks and Public Works Committee, Councilmember Baldwin: None.

Tri-Community Non-Motorized Trail Study Committee, Councilmember Leo:

- Meeting regularly with C2AE and other communities to keep on track with grants.

Tri-Community Recycling Ad-Hoc Committee, Councilmember Lewis:

- Successful Household Hazardous Waste Day on the 26<sup>th</sup>.
- It was three hours this year instead of four.
- A total of 160 vehicles.
  - 41 from City of Saugatuck.
  - 22 from Douglas.
  - 95 from Saugatuck Township.

**Request for Payment: None.**

**Approval of Accounts Payable:**

A. Accounts Payable in the amount of \$ \$217,199.15.

*Motion by Gardner, second by Lewis to approve the accounts payable in the amount of \$217,199.15. Via roll call vote, motion carried 6-0.*

**Introduction of Ordinances: None.**

**Unfinished Business: None.**

**New Business:**

Oval Beach Update:

*City manager Heise reviewed the sales of daily passes surpassed the two previous years. Compliments to the beach staff for a safe season. The City had administrative staff flex in to help manage the beach.*

Replacement of Playground Equipment in Village Square:

*Motion by Leo, second by Lewis to approve the playground equipment proposal submitted by Sinclair Playground Equipment in an amount not to exceed \$336,633.41. Via roll call vote, motion carried 6-0.*

Early Voting Agreement Between City and Township:

*Motion by Muncey, Second by Gardner to approve Resolution 231009-A adopting early voting site and municipal agreement between Saugatuck City and Saugatuck Township. Via roll call vote, motion carried 6-0.*

Special Event- Halloween Festival:

*Motion by Muncey, second by Lewis to approve the special event application for the Halloween festival sponsored by SDABA to be held on October 28<sup>th</sup>, 2023, contingent on safety removal by police, fire, and city staff. Via voice vote, motion carried 6-0.*

Special Event-Tree Lighting Ceremony:

*Motion by Muncey, Second by Lewis to approve the special event application for the tree lighting sponsored by SDABA to be held on November 24<sup>th</sup>, the day after Thanksgiving 2023 contingent on safety approval by police, fire, and city staff. Via voice vote, motion carried 6-0*

Special Event Application- Annual Holiday Parade:

*Motion by Leo, second by Lewis to approve the special event application for the Annual Holiday Parade sponsored by SDABA to be held on December 2, 2023. Via voice vote, motion carried 6-0.*

**Public Comment:**

Glenna DeJong, *resident:*

- Thanked Council for unanimous vote.
- Thanked Councilmember Baldwin for her work.

Vicky Cobb, *resident:*

- Dialog was intriguing. As a voter, she would expect Council to make the decision.
- Thanked Council for not delaying the decision.

Marsha Caspar, *resident:*

- It is the job of the Council to make these decisions.
- It is the leader of the boards/committees to put together solid plan and that is what they did.
- As a previous project manager, she asks is it a Major or Minor change. This is a minor change, and the funds were there. Short-Term rental topic is a Major change.
- It's a replacement, no new land purchase.

Peg Sanford, *resident:*

- The public has a right to know, they haven't known.
- It's a fabulous project.
- Get all 900 residents involved.

Kieth Charak, *resident:*

- Thanks for passing the playground.
- He is on the Library Board, there is a fall fundraising event on October 24<sup>th</sup> at the Farmhouse Deli. It is a takeout that costs \$75 per person and \$30 goes to the Library for programs that the tax funds don't fund.

**Correspondence:** None.

**Council Comments:**

- Councilmember Baldwin:  
Thank everyone for a job well done and getting PPW where it need to be with the project. Heartful gratitude to all.
- Councilmember Muncey:  
Enjoys serving on board where we do have questions. The playground plan could have been communicated better, but it is a great plan. Make a Wish benefit will take place on October 21rst at The Dunes Resort and starts at 8 p.m. Event includes drag show at 9:30 p.m., silent auction and snacks for guests. The event draws between \$10,000- \$15,000 a year and selects a child from Allegan County.
- Councilmember Leo:  
Gave a sincere thanks to the PPW committee. This is a major change where PPW went out into the community to work on a major project. What is seen here is an extremely thoughtful, competent problem-solving thorough solution. Four years ago, there was no process like this. The results that were given by the committee is not something that the City would have received from a City employee or even from the City Council. It's a superior product and thanked everyone again.
- Councilmember Garnder:  
The ODC report has several recommendations that go beyond the playground equipment for signage and some other safety measures and hopes the PPW committee looks into those. The audio in the Council chamber needs to be fixed and made a priority. The comment heard tonight about that government moves slowly, he disagrees. He noted local government can move very quickly as they are given priorities and projects to work on. Compliments a citizen that made a comment about Councilmember Garnder being the question man, and he is proud of being the guy that asks question at meetings.
- Councilmember Lewis: Several months ago, Council had a lengthy discussion to delay upgrading the audio equipment until Clerk Wolters could find good and appropriate quotes. Thank everyone on the PPW Committee personally, Glenna, Kelly, Keith, Nancy and Ruth they have done a fantastic job. Thanked Helen for her leadership. She is looking forward to many projects coming forward from PPW Committee.
- Mayor Pro-Tem Stanton:  
An exhausting effort, the passion is there, and everyone knew the City needed new playground equipment. Not only is it dangerous, it has to go away. Mayor Pro-Tem spends a lot of time with her grandsons there. The new playground will be the crown jewel of the town right in the middle. Residents, grandparents, and tourists will all use it. For it to move along quickly by spring, is needed. Thanked everyone so much for all their efforts.

**Adjournment:**

*Motion by Lewis, second by Muncey to adjourn the meeting. Upon voice vote, motion carried unanimously. Mayor Pro-Tem adjourned at 8:11 p.m.*

Respectfully Submitted

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Jamie Wolters, City Clerk

**EXHIBIT H**  
**March 27, 2024 Stanton Email to Simon**

## Fw: Village Square Playground

From: Catherine Simon (info@maplewoodhotel.com)

To: gary.medler@yahoo.com

Date: Wednesday, March 27, 2024 at 09:48 AM EDT

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**From:** Lauren Stanton <lstanton@saugatuckcity.com>

**Sent:** Wednesday, March 6, 2024 3:38 PM

**To:** Catherine Simon <info@maplewoodhotel.com>

**Subject:** Re: Village Square Playground

Hi Catherine - I had a chance to talk to Scott Herbert, Ryan Cummins and Helen Baldwin (chair of our Parks and Public Works Committee). I'm told the plans have not changed from what was voted on. The tree did have to be removed, but at no additional cost, the park is receiving two new trees.

Once the park build happens and everything is in place, if any additional screening or shrubs need to happen near your property, we can look into that.

Thank you!

Mayor Stanton

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**From:** Catherine Simon <info@maplewoodhotel.com>

**Sent:** Tuesday, March 5, 2024 9:35 AM

**To:** Logan White <Logan@saugatuckcity.com>; Russ Gardner <Russ@saugatuckcity.com>; Lauren Stanton <lstanton@saugatuckcity.com>; Gregory Muncey <Gregory@saugatuckcity.com>

**Subject:** Village Square Playground

Please look at page 6-line-item D sections 1, 2 and 6:

Thanks,

Catherine



**EXHIBIT I**  
**March 1, 2024 Straker Email to Simon**

## Fw: Following up

From: Gary Medler (gary.medler@yahoo.com)

To: gary.medler@yahoo.com

Date: Monday, April 1, 2024 at 02:55 PM EDT

**From:** Tim Straker <tsai3v@hermanmiller.com>

**Sent:** Friday, March 1, 2024 2:53 PM

**To:** Catherine Simon <info@maplewoodhotel.com>

**Cc:** Russ Gardner <Russ@saugatuckcity.com>

**Subject:** Following up

Hi Catherine. I told you I'd follow up today, so wanted to let you know that I did call Ryan at the city to share our conversation. I'm copying Russ because I think the two of you might be meeting at the site today.

In shorthand, here's what I understand the facts to be:

- Original approach to the playground was submitted to the city ( I think this plan is likely what you saw and remember)
- A revised approach (with larger footprint) was resubmitted because of the unavoidable need to address accessibility issues. It was presented and approved in other public forums with public notices.
- The revised plan (represented by what is currently under construction) is indeed what the HDC heard and approved.

I can't speak to what was discussed in those other forums, but since the HDC meeting includes also includes public notice, the current plan being implemented does indeed match what we heard and approved in our public meeting. To my memory, there was no public comment in favor or opposed to the plan submitted.

I know have other concerns about the project, and in speaking with Ryan, he seemed genuinely willing to hear your concern and review the process. I know it is an important issue for you, so I'm not sure that will totally help, but willingness to listen is certainly a start.

Thanks so much,

tim

**Tim Straker**

Chief Marketing & Communications Officer

millerknoll.com

Mobile: +1 614 352 6055

Pronouns: he/him/his

**Executive Assistant: Chrissy Piacentino**

Office: +1 215 679 1112

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[chrissy\\_piacentino@millerknoll.com](mailto:chrissy_piacentino@millerknoll.com)

# MillerKnoll

**GARY E. MEDLER**

461 Vine Street  
PO Box 461  
Saugatuck, MI 49453  
[gary.medler@yahoo.com](mailto:gary.medler@yahoo.com)

**April 12, 2024**

**BY EMAIL DELIVERY**

Jamie Wolters, City Clerk  
City of Saugatuck  
102 Butler Street/PO Box 86  
Saugatuck, Michigan 49453  
[jwolters@saugatuckcity.com](mailto:jwolters@saugatuckcity.com)

Ryan Cummins, Interim City Manager  
Director, Planning, Zoning and Project Design  
City of Saugatuck  
102 Butler Street PO Box 86  
Saugatuck, MI 49453  
[rcummins@saugatuckcity.com](mailto:rcummins@saugatuckcity.com)

Saugatuck City Council  
Historic District Commission  
Planning Commission  
Zoning Board of Appeals  
Parks and Public Works

Re: Village Square Park Playground

To the Parties Addressed:

**Village Square Park**

The City owned Village Square Park (“Park”) is located in the C-1 City Center Commercial Zoning District (See City Code of Ordinances (“Code”) Section 154.024, attached as Exhibit A).

The Park is also located within the City’s Historic District established pursuant to Chapter 152 (Historic District Regulations) of the Code (See attached Exhibit B).

The Historic District is an overlay zone and subjects “all lands” (including the Park) within the Historic District to the requirements of Chapter 152 (See Code Section 152.048 (E), attached as Exhibit C). Code Sections 152.048 (B) and (C) limit permitted uses and special land uses to those as classified by the underlying zone district (Code Sections 154.024 (B) and (C), as applicable here, at Exhibit A).

The City is not exempt from compliance with Chapter 152 or Code Section 154.024.

**Former Children’s Playground Constituted a Nonconforming Use**

A children’s playground/equipment is not a permitted use nor a listed special land use under Chapter 152 and Code Sections 154.024 (B) and (C) (See Exhibit A).

The former “Children’s Playground” constituted a nonconforming structure/use within the Park because such structure/use was neither a permitted use nor a listed special land use under Code Sections 154.024 (B) and (C) (See Exhibit B).

The City’s installation of the new playground equipment is neither a permitted use (See Code Section 154.024 (B) at Exhibit A) nor a listed special land use (See Code Section 154.024 (C) at Exhibit A).

The City has demolished and removed the former Children’s Playground equipment and its footprint/foundation. The City has now excavated substantially all of the northwest quadrant of the Park for installation of new playground equipment within a footprint which engulfs the entire northwest quadrant of the Park.

These new structures and the proposed footprint substantially enlarge, increase and extend the nonconforming structures/use to a greater area of land than occupied by the former Children’s Playground in violation of Code Sections 154.174 (B) (1) and (2) and (C) (1); and Code Section 154.174 E) (1) (See attached Exhibit D ).

**Grandfathered Rights Extinguished**

By demolition/removal of the prior playground equipment and footprint (foundation), coupled with the proposed impermissible substantial enlargement of the footprint (foundation) and installation of significantly more additional equipment, the City has abandoned the nonconforming use (See Code Section 154.174 (D) (5) at Exhibit D).

The new proposed playground/equipment/footprint is not functionally similar to the former Children’s Playground and constitutes a change in use not authorized under Code Section 154.024 (See Exhibit A).



## **Code Enforcement**

Code Section 154.020 provides that: (1) zoning effects every structure and use; and (2) except as authorized under the Code, no structure/use shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformance with the regulations specified for the zoning district in which it is located (See attached Exhibit E).

Code Section 154.021 provides that: (1) the Code regulations shall apply uniformly to each class or kind of structure, land or use; and (2) no structure or land shall be constructed, altered, or changed in use unless in conformity with all of the regulations set forth in the district in which such structure/use is located (See attached Exhibit F).

Code Section 154.177 provides that: (1) anyone or entity, including the City, that violates any provision of the Code shall be guilty of a violation of the Code; and (2) the Zoning Administrator “**shall** follow the procedure in pursuing all alleged ordinance violations (See attached Exhibit G).”

Code Section 154.171 sets forth the enforcement responsibilities of the Zoning Administrator (See attached Exhibit H).

Code Section 154.171 (A) provides the Zoning Administrator “**shall** administer and enforce” the Code provisions. A violation of the Code “**shall** constitute a nuisance per se (See Exhibit H).”

Code Section 154.171 (J) provides that: (1) the Zoning Administrator “**shall** keep a record of every written and/or identifiable complaint of a violation of the Code; and (2) where there is a Code violation, the Zoning Administrator “**shall** follow established procedures to provide notice of the violation and get it corrected (See Exhibit H).”

Code Section 154.171 (N) prohibits the Zoning Administrator from making any change to the Code or alter the terms of the Code while carrying out his enforcement duties under the Code (See Exhibit H).

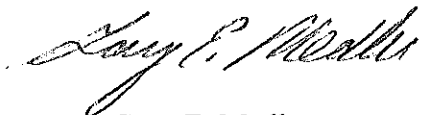
Code Section 154.171 (N) also provides that “(I)t **shall** be the responsibility of the City Council to assure that the Zoning Administrator enforces” the Code provisions (See Exhibit H).

## **Code Violation Complaints**

City Council, Historic District Commission, Interim City Manager and Zoning Administrator received detailed complaints on the Code violations relating to the Playground. All have ignored these complaints despite the Code imposing an absolute obligation to take action as discussed above under “**Code Enforcement.**”

The highlighted word “**shall**” does not permit discretion on the part of City Council or the Zoning Administrator to ignore the Code violations relating to the new Playground installation. Shall requires mandatory affirmative action to shut down this installation and restore the Park to its original status without any playground footprint/foundation or equipment.

Sincerely

A handwritten signature in black ink, appearing to read "Gary E. Medler". The signature is written in a cursive style with a large, sweeping initial "G".

Gary E. Medler

**EXHIBIT A**

**Code Section 154.024 C-1 City Center Commercial District (CC)**

## § 154.024 C-1 CITY CENTER COMMERCIAL DISTRICT (CC).

### (A) *Generally.*

(1) This district is designed to promote and preserve the Central Business District character of the city.

(2) The district permits intense retail and commercial uses.

(3) Residential uses and business and professional offices are encouraged on the second and third floors of buildings in the district.

(4) Utilization of existing undeveloped land in the district is encouraged when done in a manner consistent with the character of the district.

### (B) *Permitted uses:*

(1) Essential public services;

(2) Retail stores;

(3) Personal service establishments;

(4) Art galleries;

(5) Single-family, two-family, and multiple-family dwelling units on second or third floors;

(6) Home occupations;

(7) Short-term rental units on second or third floors; and,

(8) Business, professional offices on second and third floors only.

(C) *Special land uses.* Special land uses are subject to review and approval by the Planning Commission in accordance with §§ 154.060 through 154.068 and §§ 154.080 through 154.092:

(1) Bed and breakfast;

(2) Hotel/inn;

(3) Motel/motor court;

(4) Theater;

(5) Parking facility;

(6) Restaurants;

(7) Rental of accessory dwellings;

(8) Recreational transportation rental facilities; and

(9) Brewery, distillery, and winery.

### (D) *Dimension and area regulations.*

(1) Permitted uses and special uses: 4. Theater, 5. Parking facility, 6. Restaurants, 8. Recreational transportation rental facilities, and 9. Brewery, distillery, and winery.

Front setback	0 feet
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Side setback	0 feet*
Rear setback	0 feet*
Minimum lot area	4,356 square feet
Minimum lot width	33 feet of street frontage
Maximum lot coverage	100%*
* Subject to Fire Code Regulations	

(2) Special uses: 1. Bed and breakfast, 2. Hotel/inn, 3. Motel/motor court, and 7. Rental of accessory dwellings.

Front setback	0 feet
Side setback	0 feet*
Rear setback	0 feet*
Minimum lot area	8,712 square feet
Minimum lot width	66 feet
Maximum lot coverage	100%*
* Subject to Fire Code Regulations,	

(Ord. passed 6-24-1996; Am. Ord. 050711, passed - -; Am. Ord. 02-02, passed 2-11-2002; Am. Ord. 090824-1, passed 8-24-2009; Am. Ord. 100726-1, passed 7-26-2010; Am. Ord. 101122-1, passed 11-22-2010; Am. Ord. 110214-1, passed 12-14-2011; Am. Ord. 111212-1, passed 12-12-2011; Am. Ord. 140714-1, passed 7-14-2014; Am. Ord. 200622-1, passed 6-22-2020; Am. Ord. 201109-D, passed 11-9-2020)



**EXHIBIT B**

**Chapter 152: Historic District Regulations**

## CHAPTER 152: HISTORIC DISTRICT REGULATIONS

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### Section

- 152.01 Purpose
- 152.02 Definitions
- 152.03 Application and permit required
- 152.04 Creation, modification, and elimination of historic districts
- 152.05 Historic District boundaries
- 152.06 Historic District Commission
- 152.07 Application and review procedure; powers and duties of the Historic District Commission
- 152.08 Deviation from approved plans
- 152.09 Work without a permit
- 152.10 Preservation, moving and demolition of historic resources
- 152.11 Demolition by neglect
- 152.12 Community outreach
- 152.13 Construction
- 152.14 Appeals
- 152.15 Historic preservation; financing
- 152.16 Signs
- 152.17 Fencing
  
- 152.99 Penalty

### § 152.01 PURPOSE.

Historic preservation is declared to be a public purpose, and it is the intent of this chapter to establish procedures as set forth in Public Acts 169 of 1970, being M.C.L.A. §§ 399.201 - 399.215, as amended by Public Act 125 of 1980, being M.C.L.A. §§ 399.203 - 399.205, Public Act 230 of 1986, being M.C.L.A. §§ 399.201 - 399.215, and Public Act 96 of 1992, being M.C.L.A. §§ 399.201 - 399.215, to regulate the construction, addition, moving, excavation and demolition, and exterior alteration and repair of structures or resources within the Historic District in order to:

(A) Safeguard the heritage of the City of Saugatuck by ensuring that the Historic District(s) continue to reflect the architecture, archaeology, engineering, culture, local village/rural character and the contextual aesthetic of the city;

(B) Stabilize and improve property values in each district and surrounding areas;

(C) Foster civic beauty;

(D) Strengthen the local economy; and

(E) Promote the use of historic districts for the education, pleasure and welfare of the citizens of the city, county, state and country.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

## § 152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADDITION.** A new structure built onto an existing structure.

**ALTERATION.** Work that changes the exterior detail of a resource regardless whether the work changes the resource's basic size or shape.

**CENTER.** The Michigan Historical Center of the Department of History, Arts and Libraries.

**CERTIFICATE OF APPROPRIATENESS.** Written approval of a permit application for work determined to be consistent with the requirements and purposes of this chapter.

**COMMISSION.** An historic district commission created by the City Council pursuant to Public Act 169 of 1970 as amended, being M.C.L.A. §§ 399.201 - 399.215.

**COMMITTEE.** An historic district study committee appointed by the City Council under § 152.04.

**CONSTRUCTION.** The building of a new structure, whether free standing or an addition.

**DEMOLITION.** The razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.

**DEMOLITION BY NEGLECT.** Neglect in maintaining, repairing or securing a resource that results in deterioration of an exterior feature of the resource or loss of structural integrity of the resource.

**DENIAL.** The written rejection of a permit application for work that is determined to be inconsistent with the requirement of this chapter.

**HISTORIC DISTRICT.** An area, or group of areas not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archaeology, engineering or culture.

**HISTORIC PRESERVATION.** The identification, evaluation, establishment and protection of resources significant in history, architecture, archaeology, engineering or culture.

**HISTORIC RESOURCE.** A publicly or privately owned building, structure, site, object, feature or open space that contributes significant to the architectural, archaeological, engineering, cultural history, local village/rural character, or the contextual aesthetic of the city, county, state or country.

**NATURAL MATERIALS.** Materials produced or existing by nature.

**NOTICE TO PROCEED.** Written permission to issue a permit for work determined to be consistent with the requirements of this chapter, but which is allowed under one of the exceptions to the application of those guidelines.

**OPEN SPACE.** Undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or a buffer between other resources.

**ORDINARY MAINTENANCE.** To maintain the exterior of a resource in good or sound condition by taking care of ordinary wear and tear. **ORDINARY MAINTENANCE** does not change the external appearance of the resource except through elimination of the usual and expected effects of weathering (e.g. scraping and repainting a house with the same color). **ORDINARY MAINTENANCE** shall not constitute work for purposes of this chapter.

**REPAIR.** To restore the exterior of a decayed or damaged resource to a good or sound condition by replacing a decayed or damaged element or feature (e.g. a window, the siding, a bracket, or door) with one of identical design using either original material or other material as permitted by the Commission. A repair that changes the external appearance of a resource constitutes work for purposes of this chapter.

**RESOURCE.** One or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features or open spaces located within a historic district.

**STANDING COMMITTEE.** A permanent body established by the City Council under Public Act 169 of 1970, as amended, being M.C.L.A. §§ 399.201 - 399.215, to conduct the activities of a historic district study committee on a continuing basis.

**WORK.** Construction, addition, alteration, repair, moving, excavation or demolition.

(Ord. passed 3-27-2000; Am. Ord. passed 4-28-2003; Am. Ord. 080324-1, passed 3-24-2008)

### § 152.03 APPLICATION AND PERMIT REQUIRED.

A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district. The Building Inspector shall not issue a building permit and no resource in a historic district shall be constructed, moved, excavated or demolished, nor its exterior altered or repaired, nor signs and fences constructed or altered, unless application is made and the applicant has received either a certificate of appropriateness or a notice to proceed from the Commission pursuant to the requirements set forth in this chapter.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### § 152.04 CREATION, MODIFICATION, AND ELIMINATION OF HISTORIC DISTRICTS.

(A) *Generally.* The creation, modification, and elimination of historic districts shall be in accordance with Public Act 169 of 1970, as amended, being M.C.L.A. §§ 399.201 - 399.215.

(B) *Creation or modification of historic districts.* The City Council may, by ordinance, establish one or more historic districts or modify the boundaries of an existing historic district. Before creating or modifying a historic district, the City Council shall, by resolution, appoint a Historic District Study Committee. The Committee shall contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation and shall contain representation from one or more duly organized local historic preservation organizations.

(1) The Committee shall do all of the following:

(a) Conduct a photographic inventory of resources within each proposed historic district following procedures established or approved by the Center.

(b) Conduct basic research on each proposed historic district and the historic resources located within that district.

(c) Determine the total number of historic and non-historic resources within the proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the Committee shall be guided by the selection criteria for evaluation issued by the

United States Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 C.F.R. part 60, and criteria established or approved by the Center, if any.

(d) Prepare a preliminary historic district study committee report that addresses at a minimum all of the following:

1. The charge of the Committee.
2. The composition of the Committee membership.
3. The historic district or districts studied.
4. The boundaries for each proposed historic district in writing and on maps.
5. The history of each proposed historic district.
6. The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.

(e) Transmit copies of the preliminary report for review and recommendations to the City Planning Commission, the Center, the Michigan Historical Commission, and to the State Historic Preservation Review Board.

(f) Make copies of the preliminary report available to the public pursuant to subsection (4).

(2) Not less than 60 calendar days after the transmittal of the preliminary report, the Committee shall hold a public hearing in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended, being M.C.L.A. §§ 15.261 to 15.275. Public notice of the time, date, and place of the hearing shall be given in the manner required by Public Act 267 of 1976, as amended, being M.C.L.A. §§ 15.261 to 15.275. Written notice shall be mailed by first-class mail not less than 14 calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the city.

(3) After the date of the public hearing, the Committee and the City Council shall have not more than one year, unless otherwise authorized by the City Council, to take the following actions:

(a) The Committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the City Planning Commission to the City Council. If the recommendation is to establish or expand a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.

(b) After receiving a final report that recommends the establishment of a historic district or districts, the City Council, at its discretion, may introduce and pass or reject an ordinance or ordinances. If the City Council passes an ordinance or ordinances establishing one or more historic districts, the City Clerk shall file a copy of the ordinance or those ordinances, including a legal description of the property or properties located within the historic district or districts with the Register of Deeds. If a majority of the property owners within the proposed historic district, as listed on the city tax rolls, have approved the establishment of the historic district pursuant to a written petition or petitions, the City Council shall not pass an ordinance establishing the historic district less than 60 days after presentation of the petition or petitions. A written petition shall not be a prerequisite to the establishing, modifying, or eliminating of a historic district unless the City Council, in its discretion, determines otherwise.

(4) A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, as amended, being M.C.L.A. §§ 15.231 to 15.246.



(C) *Elimination of all or part of a historic district.* If considering elimination of a historic district, a committee shall follow the procedures set forth in division (B) for issuing a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing one or more of the following:

- (1) The historic district has lost those physical characteristics that enabled establishment of the district.
- (2) The historic district was not significant in the way previously defined.
- (3) The historic district was established pursuant to defective procedures.

(D) *Historic District Study Committee.* Before establishing additional historic districts or modifying or eliminating an existing historic district, a Historic District Study Committee appointed by the City Council shall comply with the procedures set forth in divisions (B) and (C) and shall consider any previously written committee reports pertinent to the action. To conduct these activities, the city may retain the initial Historic District Study Committee appointed by the City Council under division (B), establish a standing committee, or establish a committee to consider only specific proposed districts and then be dissolved.

(E) *Review of permit applications in proposed historic districts.* Upon receipt of substantial evidence showing the presence of historic architectural, archaeological, engineering, or cultural significance of a proposed historic district, the City Council may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the Commission. The Commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than one year, or until such time as the City Council approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

(F) *Emergency moratorium.* If the City Council determines that pending work will cause irreparable harm to resources located within an established historic district or a proposed historic district, the City Council may, by resolution, declare an emergency moratorium of all such work for a period not to exceed six months. The City Council may extend the emergency moratorium for an additional period not to exceed six months upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

#### **§ 152.05 HISTORIC DISTRICT BOUNDARIES.**

The following historic districts are hereby established:

(A) All of that part of the Kalamazoo Plat which lies south of Mary Street, west of Griffith Street and north and east of the Kalamazoo River;

(B) All of those properties located within Flint Assessor's Plat which are southerly and easterly of the Kalamazoo River and south of the south line of Herbert Street and Herbert Street extended to the Kalamazoo River;

(C) Block 1 and Block 2 of Bandle's Addition along with all of those parcels of property lying northerly of a line extending from the southeast corner of Lucy Street to the southeast corner of Elizabeth and Mill Streets;

(D) All of those properties lying between Lake Street and the Kalamazoo River along with the first 132 feet of all parcels of land which lie east of Griffith Street and north and east of Culver Street and Lake Street (the intent is to include both sides of Lake Street and Culver Street); and

(E) All the lands east of the Kalamazoo River and west of Holland and Griffith Streets from Mary Street on the south to Lucy Street on the north; also to include all properties west of Elizabeth Street

and east of Griffith Street and bounded on the north by Mason Street and bounded on the south by Allegan, Lake and Culver Streets.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### **§ 152.06 HISTORIC DISTRICT COMMISSION.**

(A) *Creation.* In order to execute the purposes of this chapter, the Saugatuck Historic District Commission was established on December 14, 1981.

(B) *Membership.* The Commission shall consist of seven members who are residents of the City of Saugatuck, and shall be appointed by the Mayor with approval of the City Council. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation, and, if available, either reside in or own property in the historic district. The Commission shall include a member nominated by a local preservation organization, if available, a licensed architect, registered in the State of Michigan, qualified in the design, rehabilitation and construction of historic structures, if available.

(1) *Terms of office.* Members of this Commission shall serve for terms of three years. The terms of all commissioners commence on the first day of the month established by the City Council as the beginning of member terms, with no more than three member terms commencing in a single calendar year. Members may be reappointed after their terms expire.

(2) *Vacancies.* In the event of a vacancy on the Commission, interim appointments shall be made within 60 days by the Mayor with approval of the City Council to complete the unexpired term of the position.

(C) *Meetings.* All meetings of the Commission shall be open to the public and any person or his or her duly authorized representative shall be entitled to appear and be heard on any matter before the Commission. Meetings of the Commission shall be held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended, being M.C.L.A. §§ 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by Public Act 267 of 1976, as amended, being M.C.L.A. §§ 15.261 to 15.275. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the Commission.

(D) *Records.* The Commission shall keep a record of its resolutions, proceedings, and actions. A writing prepared, owned, used in the possession of or retained by the Commission in the performance of an official function shall be made available to the public in compliance with Public Act 44 of 1976, as amended (Freedom of Information Act), being M.C.L.A. §§ 15.231 - 15.246.

(E) *Rules of procedure.* The Commission shall establish rules of procedure to conduct meetings pursuant to the state statutes and local ordinances. The rules of procedure shall be maintained on file at City Hall.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### **§ 152.07 APPLICATION AND REVIEW PROCEDURE; DUTIES OF THE HISTORIC DISTRICT COMMISSION.**

(A) *Application.* Application for a building permit to construct, alter, repair, move, or demolish any structure or install or alter any signage or fence structure in a historic district shall be made to the Historic District Administrator who shall notify the Commission of the receipt of the application and shall convey the application, supporting plans and documents, and any other pertinent information, to the Commission.

(B) *Supporting documents.* When applying for a building permit under division (A), the applicant shall provide the following supporting documents, where applicable.

- (1) Photographs of the structure and its relationship to adjacent structures.
- (2) A plot plan with the placement of the proposed addition, or location of fencing to be constructed.
- (3) Elevation drawings of the exterior of the structure.
- (4) Samples of all proposed exterior finishes and materials.
- (5) Photographs showing, in detail, the problem areas to be addressed during the proposed repair or alteration.
- (6) A scale drawing of all proposed signage, including design, colors, lettering style, type of illumination (if any), placement or location on the lot or building, and the type of support(s) for the sign(s).
- (7) If an application for signage is made by tenants of a building located within a historic district, the tenants must obtain written permission from the building owner to install or alter the proposed sign(s).

(C) *Review of application by the Commission.* Unless otherwise provided for by this chapter, the Commission shall review applications and plans for the construction, alteration, repair, moving, partial or total demolition of resources and the installation or alteration of signs and fencing in a historic district before a certificate of appropriateness, notice to proceed, or building permit can be granted or issued.

(1) *Exterior features.* The Commission shall review and act upon applications for work affecting the exterior appearance of a resource.

(2) *Interior features.* The Commission shall review and act upon applications for work affecting the interior appearance of a resource only where the work will cause visible change to the exterior appearance of the resource.

(3) *Fences and signs.* The Commission shall review and act upon applications concerning the installation, construction, repair, or alteration of all fences and signs located within a historic district.

(D) *Guidelines.*

(1) In reviewing applications and plans submitted under this chapter, the Commission shall follow U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures as set forth in 36 C.F.R. part 67, as amended. Additional guidelines may be developed and followed if they are equivalent in guidance to the Secretary's standards and guidelines and are approved by the Center. Any additional guidelines must be adopted by the Commission and approved by the City Council. In reviewing applications and plans, the Commission shall also give consideration to:

(a) The historical or architectural significance of the resource and its relationship to the historic value of the surrounding area.

(b) The compatibility of the exterior of the structure and the space around it with the visual or historical context of the surrounding area.

(c) The impact of the exterior of the structure and the space around it on the village/rural character and contextual aesthetic of the city

(d) Other factors which the Commission considers to be pertinent.

(2) In exercising its authority to approve or deny an application under this chapter, the Commission shall exercise its educated judgment on a case-by-case basis in interpreting these guidelines and the following the applicable standards.



(E) *Experts.* The Commission shall have the power to consult with experts, when necessary, to aid in its deliberations.

(F) *Decision.* The Commission shall act within 60 days after the date a complete application is filed, unless an extension is agreed upon in writing by the applicant and the Commission. The Commission shall issue a certificate of appropriateness or a notice to proceed if it approves of the plans submitted to it for review. Failure to act by the Commission within 60 days shall be considered to constitute approval of the application and the Historic District Administrator shall issue a notice to proceed to the Building Inspector.

(G) *Certificate of appropriateness or notice to proceed.*

(1) The Commission shall file with the Historic District Administrator a certificate of appropriateness or notice to proceed if the Commission approves the application. No building permit shall be issued or work begun until the certificate of appropriateness or notice to proceed has been filed.

(2) Any changes or alterations made to the original approved plans shall be submitted to the Commission for approval under § 152.08. Alterations made without the Commission's approval shall be considered work without a permit under § 152.09.

(3) Any work performed under an approved application or part thereof must be completed within one year from the date of approval. Upon the expiration of one year following the date of approval, the application and permit become void and the applicant must reapply for a permit, unless the applicant applies for an extension, which shall be for no longer than one year, and such extension is approved by the Commission.

(4) Issuance of a certificate of appropriateness or notice to proceed does not absolve the applicant from its obligation to comply with the Zoning and Building Code requirements of the city or other applicable local, state or federal requirements.

(H) *Denial of plans.* If the Commission denies plans submitted to it for review, no permit shall be issued or work begun or performed. The Commission shall state its reasons for denying the plans and shall transmit a record of such action and reasons therefore in writing to the Historic District Administrator and to the applicant. The Commission may advise the applicant regarding what work is appropriate under this chapter and the applicant may make modifications to the original plans. The applicant shall have the right to resubmit the application and modified plans to the Commission for approval.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

#### **§ 152.08 DEVIATION FROM APPROVED PLANS.**

(A) If an owner whose plans have received a certificate of appropriateness or notice to proceed wishes to change the approved plans in any way, regardless how minor the changes, the owner shall apply to the Commission for approval of such changes prior to commencing work that incorporates the changes.

(B) If the Commission finds that an owner has proceeded with work that involved a deviation from the original approved plans, without seeking approval under division (A), it shall cause a stop work order to be issued with regard to the portion of the work that involves the change(s).

(1) The owner shall thereafter apply to the Commission for approval of the desired change to the original approved plans.

(2) If the desired changes are not approved, the owner shall dismantle the unapproved work and proceed with the work as originally approved.

(C) If the owner does not or cannot comply with the division (B), the Commission may seek an order from the circuit court allowing the Commission or its agents to enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it complies with the original plans as approved by the Commission. The costs of the work shall be charged to the owner and may be levied by the city as a special assessment against the property.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### **§ 152.09 WORK WITHOUT A PERMIT.**

If the Commission finds that work has begun on a structure or resource for which an application for a permit has not been made, or for which application has been made, but has not yet been approved or denied by the Commission pursuant to this chapter, the Commission shall cause a stop work order to be issued.

(A) The owner shall thereafter apply to the Commission for approval of the work under all applicable sections of this chapter.

(B) If the plans for the work are approved by the Commission with modifications that impact that portion of the work already done, the owner shall dismantle the unapproved portion of the work and proceed with the work as approved.

(C) If the plans for the work are not approved by the Commission, the Commission may require the owner to restore the resource to the condition the resource was in before the inappropriate work was commenced or to modify the work so that it qualifies for a certificate of appropriateness.

(D) If the owner does not comply with the restoration or modification requirement within a reasonable time, the Commission may seek an order from the circuit court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a certificate of appropriateness.

(E) If the owner does not or cannot comply with the order of the court, the Commission may seek an order from the circuit court allowing the Commission or its agents to enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a certificate of appropriateness in accordance with the court's order. The costs of the work shall be charged to the owner, and may be levied by the city as a special assessment against the property.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### **§ 152.10 PRESERVATION, MOVING, AND DEMOLITION OF HISTORIC RESOURCES.**

(A) If the Commission receives an application for work that will adversely affect the exterior of a resource that the Commission considers valuable to the city, state or nation, and the Commission determines that the alteration or loss of that resource will adversely affect the purpose of the this chapter, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.

(B) Work, including moving or demolition of a historic resource located in a historic district, shall be permitted through the issuance of a notice to proceed by the Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Commission to be necessary to substantially improve or correct any of the following conditions:

(1) The resource constitutes a hazard to the safety of the public or the occupants of the structure and if, in the opinion of the Commission, demolition is the only reasonable way to improve or correct this condition.

(2) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and which outweighs the benefit to the public interest and the general welfare of the

citizens of the city derived from the historic, architectural, or contextual significance of the structure.

(3) Retention of the resource would cause undue financial hardship to the owner, provided that any hardship or difficulty claimed by the owner is not self-created or is not the result of a failure to maintain the property in good repair which itself is not the result of financial hardship of the owner. All feasible alternatives to eliminate the financial hardship should have been attempted and exhausted, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district.

(4) Retention of the structure would not be in the interest of the community.

(C) If the Commission receives an application for demolition of a historic resource, the Commission may, because of the complexity of the issues involved and the potential for irretrievable loss to the city occasioned by the demolition of a historic resource, delay a determination on the application for a period of up to 60 days, during which time it may hold a public hearing to gauge public sentiment and interest or work with the applicant to find a method to save or preserve the historic resource.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### § 152.11 DEMOLITION BY NEGLECT.

(A) If the Commission finds that a resource within a historic district or a proposed historic district is threatened with demolition by neglect, the Commission shall encourage the owner of the resource to do what is necessary to restore or maintain the exterior of the structure or its structural integrity.

(B) If the Commission or Historic District Administrator finds that a resource within a historic district or proposed historic district is deteriorating to such an extent that it creates a potential hazard to the public safety and welfare, thus raising the possibility of the city issuing a demolition order under Chapter 150 of this title, the Commission shall inform the owner that if work is not undertaken to improve the condition of the building, a demolition order will be issued.

(C) In either situation described in divisions (A) or (B), the Commission shall provide the owner of the resource with information regarding the Michigan historic preservation tax credit and any other funding, of which the Commission is aware, that may be available from either public or private sources.

(D) The Commission may require the owner to repair all conditions contributing to demolition by neglect.

(E) If the owner does not or cannot correct the condition of neglect within a reasonable time, the Commission or its agents may seek and obtain an order from the circuit court allowing the Commission or its agents to enter the property and conduct work necessary to prevent demolition by neglect. The costs of the work shall be charged to the owner, and may be levied by the city as a special assessment against the property.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### § 152.12 COMMUNITY OUTREACH.

The Commission shall be responsible for broadly disseminating information about this chapter and its requirements to the public.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### § 152.13 CONSTRUCTION.

Nothing in the chapter shall be construed to prevent ordinary maintenance of any resource, structure, sign, or fence located within a historic district.



(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### § 152.14 APPEALS.

(A) An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the State Historic Preservation Review Board of the Michigan Historical Center of the Department of History, Arts and Libraries. The appeal shall be filed within 60 days after the decision is furnished to the applicant.

(B) A permit applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the circuit court having jurisdiction over the Commission whose decision was appealed to the State Historic Preservation Review Board.

(C) Any citizen or duly organized historic preservation organization in the city, as well as resource property owners, jointly or severally aggrieved by a decision of the Commission, may appeal the decision directly to the circuit court, except that a permit applicant aggrieved by a decision of the Commission may not appeal to the circuit court without first exhausting the right to appeal to the State Historic Preservation Review Board.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### § 152.15 HISTORIC PRESERVATION; FINANCING.

(A) *Grants, gifts, and programs.* The City Council may accept state or federal grants for historic preservation purposes, may participate in state and federal programs that benefit historic preservation, and may accept public or private gifts for historic preservation purposes. The City Council may make the Commission, a standing committee, or other agency its duly appointed agent to accept and administer grants, gifts, and program responsibilities.

(B) *Acquisition of historic resources.* If all efforts by the Commission to preserve a resource fail, or if it is determined by the City Council that public ownership is most suitable, the City Council, if it considers the action to be in the public interest, may acquire the resource using public funds, public or private gifts, grants, or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the Commission or standing committee. The Commission is responsible for maintaining publicly owned resources using public funds committed for that use by the City Council. Upon recommendation of the Commission, the City Council may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### § 152.16 SIGNS.

(A) *Purpose.* The purpose of this section is to regulate signs and outdoor advertising to ensure that the appearance of signs and outdoor advertising is consistent with, and assists in preserving the character of, the historic district in which the signs or outdoor advertising are located.

(B) *Regulation.* All signs and outdoor advertising within a historic district are subject to the §§ 154.005, 154.140, as amended, and 154.142, in addition to the provisions of this chapter.

(C) *Guidelines.* The Commission may adopt additional guidelines for the approval of signs and outdoor advertising that are equivalent in guidance to the U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures as set forth in 36 C.F.R. part 67, as amended.

(D) *Historic signs.* If the Commission determines that an existing sign is of historic significance, the Commission shall allow such sign to be repaired or restored, regardless whether it would otherwise meet the requirements of this section.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### § 152.17 FENCING.

(A) *Approval required.* Applications for fencing located in a historic district shall be submitted to the Commission for approval. Fencing shall be permitted in historic districts contingent upon the appearance and appropriateness of the fencing in relation to nearby structures or resources, and the historic district as a whole.

(B) *Regulation.* All fencing within a historic district is subject to the § 154.143, in addition to the provisions of this chapter.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### § 152.99 PENALTY.

(A) Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this chapter or any order of the Building Inspector issued to enforce this chapter, shall be responsible for municipal civil infraction and shall be punished by a civil fine of \$250 for a first violation, \$500 for a second violation, and \$1,000 for a third subsequent violation and shall further be liable for the payment of the costs of prosecution in an amount of not less than \$9 and not more than \$500.

(B) Any person, firm, corporation, trust, partnership or other legal entity which demolishes any structure in a Historic District in violation of this chapter shall be responsible for a municipal civil infraction and shall be punished by a civil fine of \$1,500 for a first violation, \$2,500 for a second violation and \$5,000 for a third or any subsequent violation and shall further be liable for the payment of the costs of prosecution in any amount of not less than \$9 and not more than \$500.

(C) Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of fines for each day.

(D) Any violation of the provisions of this chapter shall constitute a nuisance per se and the foregoing penalties shall be in addition to the abatement of the violating condition and injunctive or other relief which may be ordered by the court as prescribed by the laws of the State of Michigan for the abatement of a city ordinance designated as a municipal civil infraction.

(E) A person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this chapter may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

**EXHIBIT C**  
**Code Section 154.048 Historic District Overlay Zone**



**§ 154.048 HISTORIC DISTRICT OVERLAY ZONE.**

- (A) *Generally.* The Historic District Overlay Zone (HDOZ) is designed to recognize the city's officially designated historic areas. The HDOZ represents a supplementary series of developmental requirements which are in addition to the regulations of the zone district(s) underlying the HDOZ.
- (B) *Permitted uses.* Uses classified as such by the underlying zone district.
- (C) *Special land use.* Uses classified as such by the underlying zone district.
- (D) *Dimension and area regulations.* Except as noted under division (E) below, dimension and area regulations shall be as required by the underlying zone district.
- (E) *Special provisions.* The requirements of Chapter 152, of the city code of ordinances, shall apply to all lands, buildings and structures within the HDOZ. In the event of conflict between the regulations of the Zoning Code and Chapter 152, the more stringent requirements shall apply unless there is historic precedent regarding the location of a structure, in which case the Historic District Commission may permit the reconstruction of a structure within a required setback if other zoning regulations can still be met.

(Ord. 02-02, passed 2-11-2002; Am. Ord. 140714-1, passed 7-14-2014)

**EXHIBIT D**  
**Code Section 154.174 Nonconforming Uses, Lots and Structures**

1

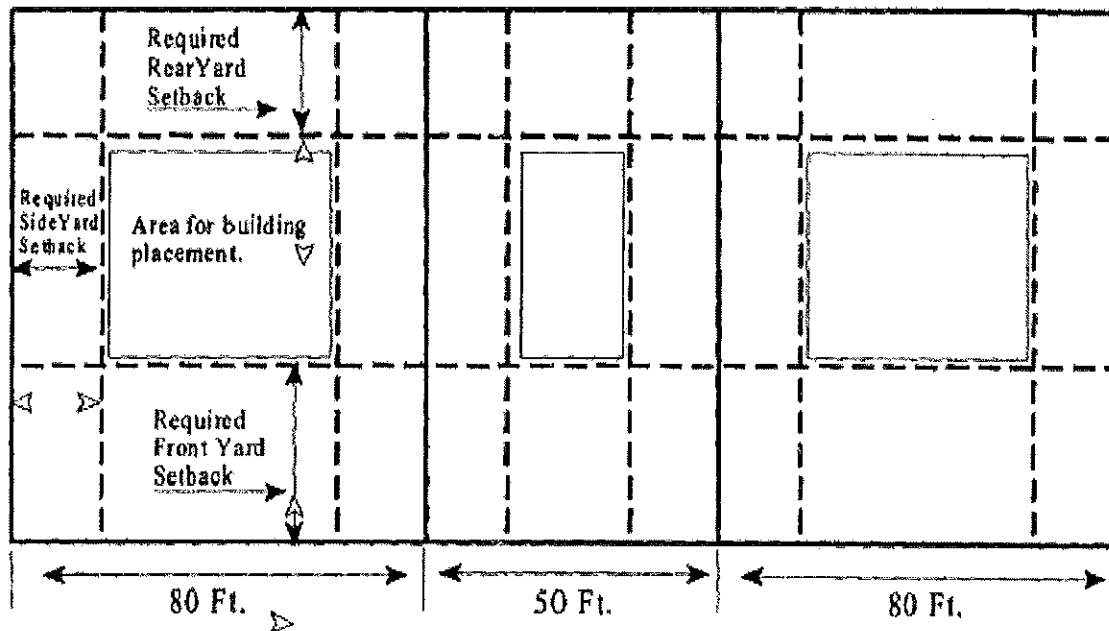
## § 154.174 NONCONFORMING USES, LOTS AND STRUCTURES.

Nonconforming lots, structures and uses, so long as they exist, prevent the full realization of the goals and objectives of the City of Saugatuck Master Plan and the objectives of this chapter. Upon the adoption of this chapter or subsequent amendments, there are lots, structures and uses of land and structures which were lawful prior to the adoption of this chapter, or the relevant amendment thereto, but which are not now in conformance. It is the intent of this chapter to permit these lawful nonconforming lots, structures and uses to continue but, with the exception of nonconforming residential structures, not to encourage their prolonged existence.

### (A) *Nonconforming lots.*

(1) *Existing lot of record.* In any zoning district where an existing lot of record fails to meet the requirements for minimum lot area, minimum lot width or both, of the zoning district in which it is located, the lot may be used for the uses in the zoning district, provided that any structures comply with the required front, side, and rear yard setbacks of the zoning district; provided, however, that the foregoing shall not apply to a nonconforming lot abutted by another lot or lots under the same ownership. The zone district requires a minimum lot width of 80 feet. The undersized lot of 50 feet is a legal nonconforming parcel. The lot may be used to accommodate a permitted building provided all setbacks are complied with. A variance is not required.

### Example: Nonconforming Lot



(2) *Abutting lots of record under single ownership.* In any zoning district, where two or more abutting lots of record in the same ownership do not, when considered individually, meet the requirements for minimum lot area, lot width, or both, of the zoning district in which the lot is located, prior to development any such lots shall be combined and considered as one lot for the purposes of this chapter. Where abutting lots of record which have been combined fail to meet the requirements for minimum lot area, lot width, or both, of the zoning district in which the combined lot is located, the combined lot may be used for uses allowed in the zoning district, provided that the required front, side and rear yard setbacks of the zoning district are complied with.

(B) *Nonconforming uses of land not involving a building or structure.* The lawful use of any land, not involving a building or structure, existing and lawful on the effective date of this chapter, or amendment



thereto, may be continued, even though the use does not conform with the provisions of this chapter, or amendment thereto, subject to the following provisions:

(1) *Enlargement.* A lawful nonconforming use shall not be enlarged, increased or extended to occupy a greater area of land than was occupied on the effective date of this chapter, or amendment thereto;

(2) *Relocation.* A lawful nonconforming use shall not be moved in whole or in part to any other portion of the lot occupied by such use on the effective date of this chapter, or amendment thereto; and

(3) *Cessation.* If the property owner or lessee stipulates that any such nonconforming use of land will be discontinued, or if any such nonconforming use of land ceases or is abandoned for any reason for a period of one year, any subsequent use of the land shall conform to the requirements of this chapter. The occurrence of one or more of the following conditions shall be deemed to constitute an intent on the part of the property owner or lessee to cease, discontinue and/or abandon the nonconforming use:

(a) Utilities, such as water, gas and electricity to the property have been disconnected;

(b) Signs or other indications of the existence of the nonconforming use have been removed;

(c) Equipment or fixtures necessary for the operation of the nonconforming use have been removed;

(d) The property and/or grounds have not been maintained and/or have fallen into disrepair; and

(e) Other actions which, in the opinion of the Zoning Administrator, evidence an intention on the part of the property owner or lessee to abandon the nonconforming use of the land.

(C) *Nonconforming structures.* Use of structures which are existing and lawful on the effective date of this chapter, or amendment thereto, may be continued, even though the structures do not conform with the provisions of this chapter, or amendment thereto, subject to the following provisions.

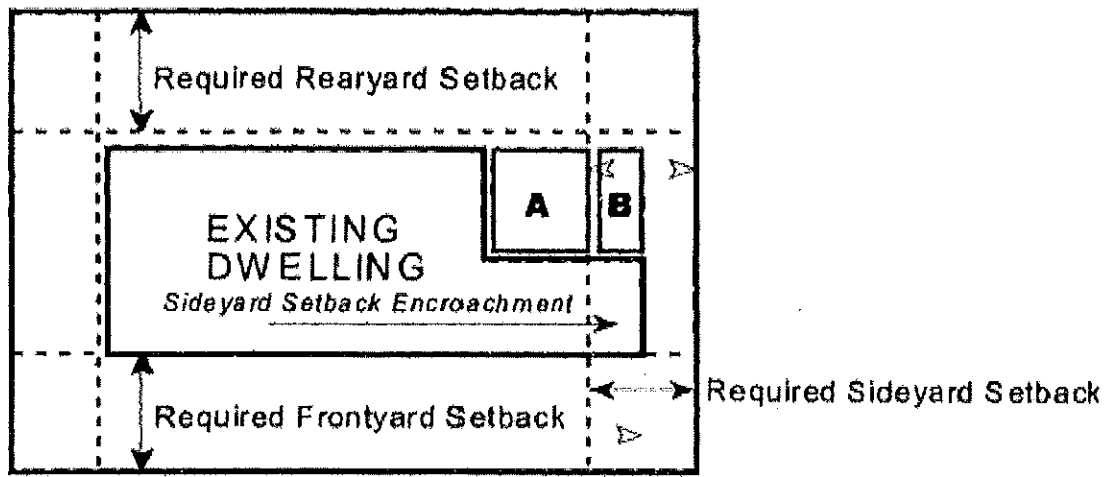
(1) *Enlargement or alteration.*

(a) A lawful nonconforming structure may not be enlarged, expanded or altered in any way which increases its nonconformity with the provisions of this chapter unless otherwise noted within this chapter. The nonconforming structure may be enlarged or altered provided that all such changes are in conformance with all provisions of this chapter at every structural level. All enlargements or alterations shall be subject to review and approval by the Zoning Administrator.

(b) Pursuant to the above, the Zoning Administrator may require the applicant to provide boundary and/or topographic surveys of the existing nonconforming structure and associated site. These surveys shall be sealed by a registered land surveyor registered in the State of Michigan. The topographic survey may be limited to providing dimensional detail on the height of existing structures, unless additional information is required by the Zoning Administrator.

(c) The surveys shall verify that the existing setbacks and height limit of the existing nonconforming structure comply with the setbacks and height standards of the underlying zone district. Further, the survey drawing shall be used to identify the specific area, with dimensions, to be occupied by the expansion or alteration of the nonconforming structure.

### **Example: Nonconforming Residential Structure**



**A** Proposed addition to be placed within required setbacks.

**B** Proposed addition to be placed outside required setbacks.

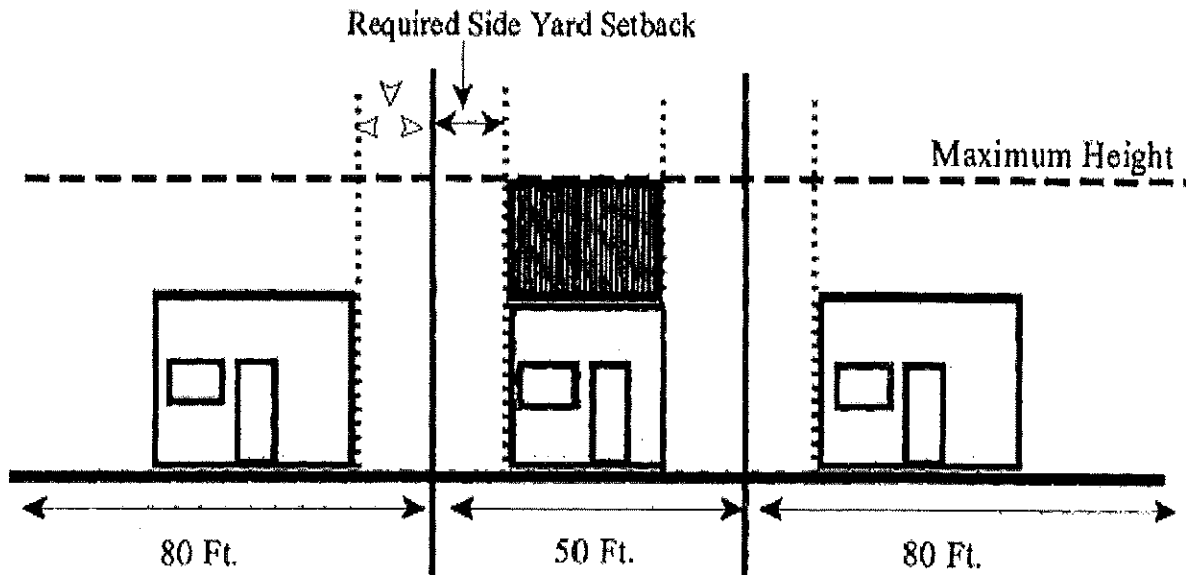
The existing dwelling encroaches on a required side yard setback resulting in a nonconforming situation. Proposed addition "A" may be permitted following a residential site plan review by the Planning Commission. However, a variance from the Zoning Board of Appeals would be required for addition "B".

(2) *Non-use (dimensional) variance.* Such variances may be authorized by the Zoning Board of Appeals for enlargement or alterations of nonconforming structures that increase any nonconformity(ies) under the provisions of §§ 154.150 through 154.157.

(3) *ZBA conditions pursuant to enlargement/alteration.* In authorizing a variance to enlarge or alter a lawful nonconforming structure, the Zoning Board of Appeals may impose conditions necessitated by the request including, but not limited to: additional site landscaping; site buffers; fencing; facade design requirements, building materials and building color changes; additional off-street parking and vehicular circulation modifications; signage; exterior lighting; and related building and site design modifications and conditions.

### Example: Structural Alteration on a Nonconforming Lot

The zone district requires a minimum lot width of 80 feet. The undersized lot of 50 feet is a legal nonconforming parcel. The lot may be used to accommodate a permitted building provided all setbacks are complied with. In the following example, the undersized lot meets all building setbacks. The applicant wishes to increase the height of the structure. He or she may do so provided the upper story remains within all setbacks and height limits. A variance is not required.



(4) *Damage and reconstruction.*

(a) *Nonconforming structure.* In the event that any lawful, nonconforming, structure shall be damaged or destroyed by fire, wind, accident, act of God, or other similar means or manner, or threatened by flood, reconstruction, restoration, and/or raising shall be permitted by right, unless such destruction or damage was due to the intentional or reckless act or actions of an owner of the property. A structure to be reconstructed or restored shall be located within the original dimensions at every structural level, and/or within the original gross finished floor area, including decks and patios, with the exception that no portion of the structure shall be reconstructed within, or so as to encroach on, a public right-of-way or public easement. In addition, a structure to be reconstructed, restored, or raised within a designated special flood hazard area shall be located within the original dimensions at every structural level, and/or within the original gross finished floor area, including decks and patios, and shall further conform to the State Construction Code. Any reconstruction shall be subject to compliance with the provisions of this chapter, and any expansion shall be in full conformance with the requirements of the zoning district.

(b) *Building permit required.* Any reconstruction or restoration authorized pursuant to this division shall require the issuance of a building permit within 12 months of the occurrence of the damage.

(c) *Special flood hazard area.* For purposes of this division, threatened by flood shall mean that the structure is located in the special flood hazard area as designated in the current Flood Insurance Rate Map (FIRM) and the lowest floor level is less than one foot above the Base Flood Elevation (BFE) as designated in the FIRM. In addition, a structure that is threatened by flood shall not be raised more than three feet above the BFE.

(5) *Decrease of nonconformity and re-establishment.* If a lawful nonconforming structure is altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then those nonconforming characteristics shall not be later re-established or increased.

(D) *Nonconforming use of structure.* The lawful use of any structure existing and lawful on the effective date of this chapter, or amendment thereto, may be continued, even though the use does not conform with the provisions of this chapter, or amendment thereto, subject to the following provisions:

(1) *Extending use within a structure.* Any lawful nonconforming use may be extended throughout any internal parts of a building which were manifestly arranged or designed for such use at the effective date of this chapter, or amendment thereto, but no such use shall be extended to occupy any



portion of a building which was not manifestly arranged or designed for the use at the effective date of this chapter, or amendment thereto, nor shall the use be extended to occupy any land or air space outside the building.

(2) *Alteration of structure possessing a nonconforming use.* No existing structure devoted to a lawful nonconforming use shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located.

(3) *Reconstruction of structure occupied by a nonconforming use.* If a structure which conforms with the provisions of this chapter, but which is occupied by a lawful nonconforming use, is damaged by any means or in any manner to the extent that the value of reconstruction or restoration exceeds one-half the value of the structure prior to the damaging occurrence, as determined by the most recent city assessment of the value of the structure, excluding the value of the land, for purposes of taxation, the structure may be reconstructed or restored only if its use conforms with the provisions of this chapter.

(4) *Re-establishment of nonconforming use.* If a lawful nonconforming use of any structure is terminated and replaced by a permitted use, the nonconforming use shall not be later re-established.

(5) *Cessation.* If the property owner or lessee stipulates that a lawful nonconforming use of a structure or structure and land in combination will be discontinued, or if any such nonconforming use of a structure, or structure and land in combination, ceases for any reason for a period of more than 12 months, any subsequent use of the structure shall conform to regulations of the zoning district in which it is located. The occurrence of one or more of the following conditions shall be deemed to evidence an intent on the part of the property owner or lessee to cease, discontinue and/or abandon the nonconforming use:

- (a) Utilities, such as water, gas and electricity to the property have been disconnected;
- (b) Signs or other indications of the existence of the nonconforming use have been removed;
- (c) Equipment or fixtures necessary for the operation of the nonconforming use have been removed;
- (d) The property, buildings and/or grounds have not been maintained and/or have fallen into disrepair; and/or
- (e) Other actions which, in the opinion of the Zoning Administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use of the structure or structure and land in combination.

(6) *Removal of nonconforming use status after removal or destruction of building.* Where lawful nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming use status of the land.

(7) *Change in use (substitution).*

(a) A lawful nonconforming use of a structure may be changed to another nonconforming use only if functionally similar to the previous non-conforming use. Application for a change in use shall require approval of the Zoning Board of Appeals. The Board may approve the change only if it complies with all of the following standards:

1. The proposed use does not increase the degree of nonconformity existing prior to the change of use. Pursuant to this standard, the proposed use shall not create, or result in, impacts which are considered more objectionable than the use to be replaced. These impacts shall include, but are not limited to, increased traffic, truck deliveries, parking requirements, hours of operation,

noise, vibration, odors, litter, outside storage, pedestrian movement, off-site drainage and other factors.

2. No structural alteration of the existing structure will be required to accommodate the new use, unless the alteration will bring the structure into greater conformity with the underlying zone district standards.

(b) In approving a change in use, the Board may require reasonable conditions in order to decrease the impact on adjoining properties. These conditions may include, but are not limited to, buffers, landscaping, off-street parking, access controls, hours of operation and other such conditions to reduce any negative impact.

(E) *Basic repairs and maintenance.*

(1) *Basic repairs and maintenance.* On any structure devoted in whole or in part to any lawful nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, mechanical equipment or plumbing to an extent not exceeding 20% of the current replacement value of the structure as based on the records of the City Assessor, provided that the structure is not enlarged, extended, moved or structurally altered unless otherwise provided for by this chapter.

(2) *Safety improvements.* Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public health, upon order of the official.

(F) *Structures under construction.* Any structure on which actual construction was lawfully begun prior to the effective date of this chapter, or amendment thereto, but which, under this chapter or amendment thereto, is classified as nonconforming, shall be considered existing and legally nonconforming pursuant to construction purposes and the intended use. Nothing in this chapter shall be deemed to require any change in the plans, construction or use of the structure. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to reconstruction the demolition or removal shall be deemed actual construction.

(G) *Nonconforming special land uses.*

(1) There were uses which were permitted by right under Ord. 80-133 which are not permitted uses under this chapter. Those existing uses which were permitted uses and are listed as special land uses in this chapter shall not be considered nonconforming uses.

(2) Those uses, or parts of uses, which existed as permitted uses under Ord. 80-133 and are listed as special land uses in this chapter, shall be considered to be approved existing special land uses with the configuration shown on a site plan drawn to reflect how the uses existed at the time of adoption of this chapter. Parts of uses which are nonconforming immediately prior to the adoption of this chapter shall continue to be nonconforming under this chapter.

(3) An owner of an approved existing special land use permit may obtain from the Commission a certification of site plan reflecting how the use exists at the time of adoption of this chapter with identification of nonconforming parts, if any. In the case of disputes over facts on what existed at the time of adoption of this chapter, aerial photographs, flown in the city by the county or other aerial photographs, flown to the same or greater standards for mapping as the county's photos, taken after the county photos but before the adoption of this chapter, shall be given the greatest weight as evidence to establish a certified site plan. For purposes of this section, the above mentioned photos may be accepted as the site plan for the written special use permit.

(4) When a special use owner applies to amend the approved existing special use for expansion or change, a written special use permit shall be prepared for the entire use and parcel. In review of the

special use permit amendment application for expansion or change, the Commission shall only review and act on the expansion or change portion of the special use permit. If the application for amendment of the special use permit is approved, approved with conditions, denied or denied in part, the action shall not change or alter those parts of the special use that are shown on the approved existing special use permit.

(H) *Purchase and condemnation of nonconforming uses and structures.* Subject to the provisions of state law, the city may acquire by purchase, condemnation or other means private property, or an interest in private property, for the removal of nonconforming uses and structures.

(Ord. 02-02, passed 2-11-2002; Am. Ord. passed 9-8-2003; Am. Ord. 091123-1, passed 11-23-2009; Am. Ord. 111212-1, passed 12-12-2011; Am. Ord. 141208-1, passed 12-8-2014; Am. Ord. 201109-C, passed 11-9-2020)



**EXHIBIT E**  
**Code Section 154.020 Effect of Zoning**

**§ 154.020 EFFECT OF ZONING.**

(A) Zoning affects every structure and use.

(B) Except as hereinafter specified, no building, structure or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformance with the regulations herein specified for the zoning district in which it is located.

(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002) Penalty, see § 154.999

**EXHIBIT F**  
**Code Section 154.021 Application of Regulations**



**§ 154.021 APPLICATION OF REGULATIONS.**

(A) The regulations set by this chapter throughout the city and within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure, land or use.

(B) All buildings, structures or land may hereafter be constructed, altered or changed in use or occupancy only when in conformity with all of the regulations herein specified for the district in which it is located.

(C) No building or other structure shall hereafter be altered:

(1) To accommodate or house a greater number of persons or families than permitted by the zoning district; or

(2) To have narrower or smaller rear yards, front yards, side yards, other than permitted.

(D) No yard or lot existing at the time of the passage of this chapter shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002) Penalty, see § 154.999

**EXHIBIT G**  
**Code Section 154.177 Violations**

**§ 154.177 VIOLATIONS.**

(A) Any person, association, partnership, corporation or legal entity that violates disobeys, omits, neglects or refuses to comply with any provision of this chapter, any permit issue pursuant to this chapter, or any condition attached to a zoning permit, special land use permit, planned unit development permit, Zoning Board of Appeals decision or variance or other lawful directives of the Zoning Administrator shall be guilty of a violation of this chapter. Notice of any violations of this chapter shall be given in writing by the Zoning Administrator and shall be served by certified mail or personal service.

(B) A procedure for processing violations shall be established with the assistance of the City Attorney and retained on file with the City Clerk. The Zoning Administrator shall follow the procedure in pursuing all alleged ordinance violations.

(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002)

***Statutory reference:***

*Violations as a nuisance per se, abatement, see M.C.L.A. § 125.3407*



**EXHIBIT H**  
**Code Section 154.170 Enforcement by Zoning Administrator**

## § 154.170 ENFORCEMENT BY ZONING ADMINISTRATOR.

This chapter shall be administered by the Zoning Administrator designated and appointed by the City Council.

(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002)

## § 154.171 DUTIES OF THE ZONING ADMINISTRATOR.

It shall be the responsibility of the Zoning Administrator to enforce the provisions of this chapter and in so doing shall perform the following duties:

(A) *Enforcement.* The Zoning Administrator shall administer and enforce this chapter and shall have the right to enter and inspect periodically all construction sites during the process of the work. He or she shall inspect the construction at least once upon completion of the work to insure compliance with this chapter. A violation of this chapter shall constitute a nuisance per se.

(B) *Binding interpretations.* The Zoning Administrator shall have the authority to render binding interpretations of provisions of this chapter and shall administer the same. An aggrieved party may appeal any interpretation/determination made by the Zoning Administrator in writing to the Zoning Board of Appeals within 21 days of any such determination/interpretation.

(C) *Issue permits.* All applications for zoning permits, special land use permits (including PUD) occupancy permits and variances shall be submitted to the Zoning Administrator, who may issue such permits and certificates of occupancy when all applicable provisions of this chapter have been met and approval has been granted by the proper body or official.

(D) *Revocation of permit.* The Zoning Administrator shall have the authority to revoke any permit issued pursuant to this chapter if the requirements of the permit and the provisions of this chapter are being violated, and in such case shall have the power to issue a stop-work order. An aggrieved party may appeal within 21 days of any such determination/interpretation.

(E) *Assistance of Building Inspector or engineer.* The Zoning Administrator may seek the advice and assistance of the city Building Inspector or such licensed engineer as he or she may designate if he or she feels it necessary to assure compliance with this chapter, and the Building Inspector or licensed engineer shall render such assistance when requested to do so.

(F) *Stop work orders.* Upon notice from the Zoning Administrator that any use being conducted or that any work or construction is being done contrary to the provisions of this chapter, such use or work shall cease immediately. The stop work order shall be in writing and shall be given to the owner of the property involved (as shown on the most recent property tax bill). Any person who shall continue to work on and/or construct a structure, land or building or use it after having been served with a stop work order, except such work as that person is expressly directed by the city to perform to remove a violation, shall be in violation of this chapter.

(G) *Record applications.* The Zoning Administrator shall maintain files of all applications for all the above permits, and for variances and shall keep records of all the permits and variances issued. These shall be filed in the City Administration office and shall be open to the public inspection. Copies shall be furnished at cost upon the request of any person having a proprietary or tenancy interest in the property involved.

(H) *Inspections.* The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this chapter.

(I) *Record nonconforming uses.* The Zoning Administrator shall record all nonconforming uses of land found during inspections existing at the effective date of this chapter for purposes of carrying out the provisions of § 154.174.

(J) *Record of complaints.* The Zoning Administrator shall keep a record of every written and/or identifiable complaint of a violation of any of the provisions of this chapter, and of the action taken consequent to each such complaint, which records shall be public records. The Zoning Administrator is not limited to responding to complaints when it comes to enforcement of this chapter. Anytime there is a violation, the Zoning Administrator shall follow established procedures to provide notice of the violation and get it corrected.

(K) *Occupancy permits.* No structure or use shall be occupied (except for a single-family residence in zones permitting single-family residences), without first receiving an occupancy permit. An occupancy permit shall be issued by the Building Inspector following an inspection that confirms that all requirements of a previously issued zoning permit, if any, or if not, of this chapter have been met.

(L) *Cancellation of zoning permits, special land use permits and variances.*

(1) The Zoning Administrator shall have the power to revoke or cancel any zoning permit in case of failure or neglect to comply with any of the provisions of this chapter, or in case of any false statement or misrepresentation made in the application.

(2) Upon the revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation.

(3) Cancellation of a permit issued for a special land use, planned unit development or variance shall not occur before a hearing by the body which granted the permit.

(4) The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on cancellation of the permit.

(M) *Collect, retain and return performance bonds.* The City Clerk-Treasurer shall collect and retain all performance bonds, as may be required by the requirements of this chapter.

(N) *Limits on authority.* Under no circumstances is the Zoning Administrator permitted to make changes in this chapter, nor to vary the terms of this chapter while carrying out the duties prescribed herein. It shall be the responsibility of the City Council to assure that the Zoning Administrator enforces the provisions of this chapter.

(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002; Am. Ord. 140714-1, passed 7-14-2014)  
Penalty, see § 154.999.

## Sara Williams

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**From:** Julie Maguire <jlmappraiser@yahoo.com>  
**Sent:** Friday, March 22, 2024 4:51 PM  
**To:** Sara Williams  
**Subject:** Parks & Public Works Committee Meeting

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Urgent

Sara, could you please pass this on to whomever is involved? I just want to say thank you so much for the Mt Baldy improvements. I climb the mountain just about every day in the summer and have been promising visitors for two years that improvements were coming. Those current bathrooms are truly the most disgusting things ever. I don't know how much is involved with the top viewing platform but as I'm sure you all know, it's a death trap up there just waiting for a city lawsuit.

Could I please request a heavy duty trash can up at the top of the stairs too? There is so much trash that I grab as I'm going up/down that people leave on the benches in addition to everything that gets thrown over the side of the stairs. I think it would help a ton.

Thank you again! That location needs so much love.

Julie Maguire  
541 Mason St.

On Friday, March 22, 2024 at 03:08:18 PM EDT, Saugatuck Deputy Clerk <sara@saugatuckcity.com> wrote:

[View this email in your browser](#)