



**CITY COUNCIL WORKSHOP AGENDA
JULY 9, 2020 – 4:00 P.M.**

NOTICE:

This public meeting will be held using Zoom video/audio conference technology due to the COVID-19 restrictions currently in place.

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:

kirk@saugatuckcity.com

1. CALL TO ORDER
2. ATTENDANCE (*ROLL CALL*)
3. AGENDA CHANGES (ADDITIONS/DELETIONS)
4. PUBLIC COMMENT AGENDA ITEMS ONLY (*Limit 3 minutes*) Select “unmute” mic in the Zoom interface and speak your name to be recognized or press *6 if you are calling in by phone to unmute your phone to speak.
5. DISCUSSION ITEMS
 - A. **Public Health Request**
 - B. **Outdoor Events Status**
 - C. **Emergency No Wake**
 - D. **Noise Ordinance Amendment Request**
6. PUBLIC COMMENT (*Limit 3 minutes*) Select “unmute” mic in the Zoom interface and speak your name to be recognized or press *6 if you are calling in by phone to unmute your phone to speak.
7. COUNCIL COMMENTS
8. ADJOURN (*ROLL CALL*)

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 kirk@saugatuckcity.com for further information.



City Council Workshop Discussion Item Report

To: Saugatuck City Council
From: Kirk Harrier — City Manager
Meeting Date: July 9, 2020
Re: Public Health Request

The City received a letter seeking assistance protecting the health, safety & welfare of the community (see attached). I reached out to the sender for further clarification. One of the primary concerns is business owners are fearful there could be another State mandated “shut-down” of businesses due to COVID-19. If other businesses are not requiring masks to be worn or proper social distancing measures it could worsen matters and make another shut-down more likely.

Upon receiving the letter, the City quickly purchased and installed two public safety message banners to help inform the visiting public to practice safe protocols.



The Allegan County Health Department (ACHD) was also contacted and they have identified a protocol for filing complaints through an “inquiry form” if a specific business is suspected of violating health safety rules. The ACHD is the licensing agency for restaurants. Rebecca Long, Food Program Coordinator, from the ACHD will also be attending the workshop meeting to give further information on some new initiatives the health department is in the process of implementing that may help with compliance and address some of the concerns of business owners.

Face masks are currently required under the following Executive Orders (EO) in the following locations:

- EO 2020-110 “when in any enclosed public space, unless the individual is medically unable to tolerate a face covering” No penalty. (EO now only applies to Zones 1, 2, 3, 4, 5, and 7).

- EO 2020-115 “when in any enclosed public space, unless the individual is medically unable to tolerate a face covering” No penalty. (EO applies to Zones 6 & 8).
- EO 2020-126 “any individual who enters a food-selling establishment or pharmacy who is able to medically tolerate a face covering” No Penalty (EO applies Statewide).

June 29, 2020

Kirk Harrier, Saugatuck City Manager
Members of the Saugatuck City Council

Dear Mr. Harrier,
Mayor Trester, and members of the City Council

We are writing you to request your assistance in protecting the health, safety & welfare of both your constituents, and guests visiting our community.

Earlier this month the State of Michigan lifted its restrictions on in-house dining at bars and restaurants, and allowed retail shops to open their doors to their guests. This was a much anticipated and joyous day for many. While we are allowed to be open to the public, it comes with several state imposed rules and guidelines that we are left to enforce as business owners. Of these, the most common restrictions we share is wearing a mask, varied capacity restrictions, and maintaining social distancing of 6'.

What we are experiencing in downtown Saugatuck right now is that these basic rules are not being enforced by all businesses. It is creating an unsafe environment for our staff, locals, and visiting guests. Frankly it's getting a bit out of control and is beginning to pit people against businesses on social media. Your assistance could help calm the situation by being proactive. We are all in this together and need to show a unified front. We also fear that not only does this impose a serious risk to the health, safety, and welfare of everyone, but it's threatening our ability to remain open. We fear this could lead to another shutdown. We cannot afford to be closed! This is our only chance to attempt to generate enough revenue to get through the off-season.

We are pleading for your help. We feel that it is incumbent upon the city to help protect its constituents and visitors. Please help us make Saugatuck a safe place to visit. A safe place for us to conduct business. We are requesting that the city helps insure that its business community is at least adhering to the basic safety guidelines imposed by the state. Staff & guests shopping at retail stores are to wear a mask while shopping. Working staff, & guests frequenting bars and restaurants are to wear a mask until and unless seated. Tables and barstools are to be distanced 6' apart. Groups of 10 or less are to remain with their own group. We are not going to be perfect, but blatant disregard for the rules and flagrant violations of these basics should not be allowed. A simple walk-through on occasion would go a long way at rectifying the problem. Please do something to help. We would have liked to reach out to each and every business for their input and support, but in the interest of time and urgency we felt compelled to ask for your immediate assistance. We know many other businesses would appreciate your help too.

Sincerely yours,

Matt Balmer & Dene Lencioni, Lucy's Little Kitchen
Philip Sauvé, Phil's Bar and Grille
Frank Marro, Marro's Italian Restaurant
Vicki & Stephen Phelps, The Butler
Matt Millar, Katie & Jonathan Fris, The Southerner

Don, Patti & Clayton Beery, It Is What It Is
Mike Gustaitis, Wine Sellers
David & Casey Lokker, Landsharks
Sandra Randolph, Good Goods
Tom & Jackie Arnold, Brett Inch, Wally's



City Council Workshop Discussion Item Report

To: Saugatuck City Council
 From: Kirk Harrier — City Manager
 Meeting Date: July 9, 2020
 Re: Outdoor Events Status

All summer and fall special events that were previously approved by City Council have now been cancelled by the event organizers due to COVID-19. The Saugatuck-Douglas Art Club has an art fair event still scheduled for July 25 at the Village Square Park. The event organizers for this event asked to have City Council give input regarding if the event should go on as planned or be cancelled. Special events are approved with the provision that the City reserves the right to cancel an event for any condition affecting the public health or safety of the City.

Executive Order (2020-110) applies to the Saugatuck area and does allow outdoor events however the event cannot be more than 100 people. The event organizers for the July 25 art fair could not confirm there would be less than 100 people attending the event.

Angelique Joynes, Health Officer, at the Allegan County Health Department (ACHD) stated the following:

“We are still under 2020-110 because we are not in Region 6 and 8.

As Allegan County’s Health Officer, under MCL 333.2451, I am strongly advising the organizer to reconsider their decision to hold this event because of the risk of spreading COVID-19. It will be hard to ensure people are social distancing. The Governor’s Executive Order 2020-110 https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-530620--,00.html also states:

6. *Outdoor social gatherings and events among persons not part of a single household are permitted, but only to the extent that:*
 - a. *The gathering or event does not exceed 100 people, and*
 - b. *People not part of the same household maintain six feet of distance from one another.”*



City Council Workshop Discussion Item Report

To: Saugatuck City Council
From: Kirk Harrier — City Manager
Meeting Date: July 9, 2020
Re: Emergency No Wake

I recently received a request from the Secretary at Sergeants Marina for the City Council to reconsider taking action on an emergency no wake zone in the Kalamazoo Harbor. Attached to this report is the memo I prepared on May 7 outlining the options regarding emergency no wake zones. If the City Council is interested in implementing an emergency no wake zone per ordinance as allowed under House Bill 5463, the City currently does not have the staffing capacity to conduct the necessary work for approval. I reached out to Edgewater Resources to get a cost estimate to complete this task for the City. The email communication from Edgewater Resources is attached for Council's review and consideration.

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City Council Workshop Discussion Item

To: Saugatuck City Council
From: Kirk Harrier—City Manager
Meeting Date: May 7, 2020
Re: Emergency No Wake Zones Process Review

Attached is the existing no wake boundary maps. These maps identify the current no wake zones in the Kalamazoo Harbor and are approved by the DNR and are enforceable.

On April 2, 2020, Michigan's Governor signed House Bill 5401, 5402 and 5463 into law. The bills are designed to work together to combat lakeshore erosion, flooding and degradation across the state by creating a process for establishing "no wake zones" in various Michigan lakes.

1. House Bill 5401 and 5402 allow the Department of Natural Resources (DNR), county emergency management coordinator, or county sheriff to set temporary watercraft speed limits during the high-water season and fine violators. **However the time period is only for 14 days and can only be extended once per calendar year.**
2. House Bill 5463 allows a political subdivision to request a temporary ordinance for the use of vessels on a water body subject to its jurisdiction. A temporary ordinance would include a local watercraft control or administrative rule. **A temporary ordinance would expire after six months and could not be extended or renewed in consecutive years.**

A political subdivision could submit an application and a resolution for a temporary ordinance to the DNR. The application would have to contain all of the following information:

- The resolution and a copy of the public notice listing the adoption of the resolution on the agenda.
- The information required for the DNR to conduct investigations and inquiries into whether special rules are needed.
- The circumstances that justify a temporary ordinance rather than a special rule.
- A complete list of all local ordinances, regulations, and rules concerning the water body and how they are enforced.
- How the political subdivision plans to provide for and fund the public notice of the temporary ordinance, including buoy placement and signage, and how it will be enforced.
- Any other information the political subdivision believes is relevant or necessary.

The DNR would have to review the application within 10 days after receiving it. For a complete application, the DNR would have to conduct an investigation and inquiry within 10 days into the need for a temporary ordinance. For an application requiring additional information, the DNR would have to request that information and conduct the investigation and inquiry within 10 days after receiving that information.

Within 10 days after completing its investigation and inquiry, if the DNR determines that there is a need for a temporary ordinance, the DNR would have to propose a temporary ordinance affecting all boats or boat types on the water body. The DNR would have to submit the proposed temporary ordinance to the political subdivision. Notwithstanding any charter provision or other provision of law, the proposed temporary ordinance would take effect when both of the following requirements were met, which would have to occur within 20 days after the DNR submitted the proposed temporary ordinance to the political subdivision:

- The governing body of the political subdivision adopts the ordinance at a public meeting.
- The political subdivision notifies the DNR of the adoption.

If the political subdivision failed to notify the DNR of its adoption of the proposed temporary ordinance, then the proposed temporary ordinance would be considered disapproved and no further action could be taken.

If the DNR determines that there is not a need for a temporary ordinance, the DNR would have to notify the political subdivision and provide the specific reasons for this determination. A denial of a temporary ordinance could be appealed by the political subdivision to the director of the DNR, who would make the final agency decision on the need for a temporary ordinance.



**No Wake Zones
Kalamazoo Lake & Kalamazoo River**

1 inch equals 2500 feet



No Wake Zone R281.703.1

1 inch equals 800 feet



No Wake Zone WC-03-92-001 & WC-03-98-001

1 inch equals 350 feet



No Wake Zone WC-03-94-002 & R281.703.12

1 inch equals 350 feet



WC-03-96-001

63rd St

Riverside Dr



Arrowhead Dr

63rd St

62nd St



No Wake Zone WC-03-96-001

1 inch equals 350 feet



**No Wake Zones
Kalamazoo Lake & Kalamazoo River**

1 inch equals 2500 feet



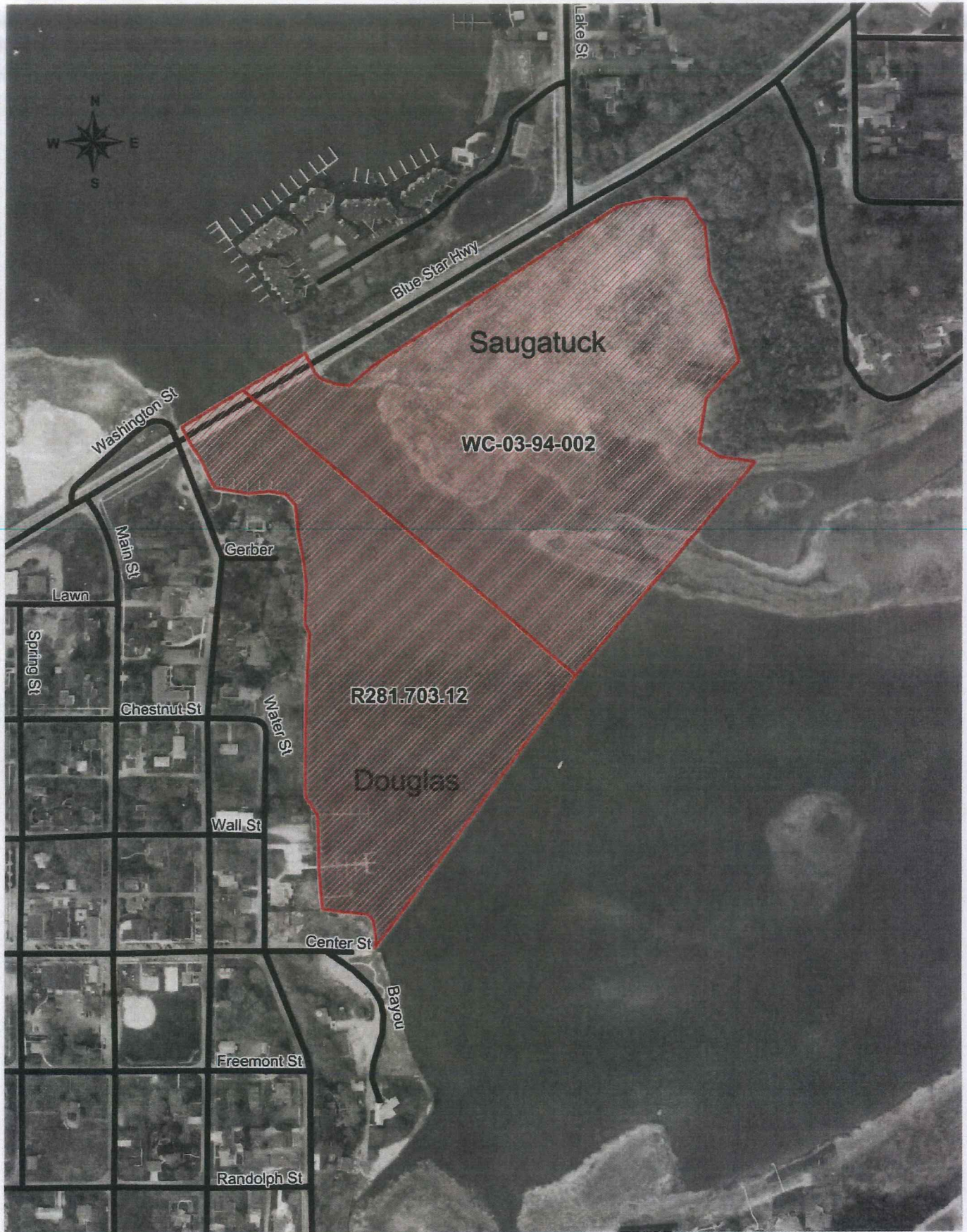
No Wake Zone R281.703.1

1 inch equals 800 feet



No Wake Zone WC-03-92-001 & WC-03-98-001

1 inch equals 350 feet



No Wake Zone WC-03-94-002 & R281.703.12

1 inch equals 350 feet

Kirk Harrier

To: Greg Weykamp
Subject: RE: City of Saugatuck Question

From: Greg Weykamp [<mailto:gweykamp@edgewaterresources.com>]
Sent: Wednesday, July 8, 2020 11:01 AM
To: Kirk Harrier
Subject: RE: City of Saugatuck Question

Hello Kirk,

Thank you for reaching out to us on this.

My first thought was similar to yours... It will likely take the rest of summer to get this implemented. I would guess at least three-four weeks for us to prepare the application and supporting documents to get the initial City Council Resolution complete, putting us into the first week of August. I would not expect an immediate approval within the initial 10 day review period, so probably more like three weeks. Then ten days for MDNR to propose the temporary ordinance, and you're close to the end of August. You probably wouldn't order the signs/buoys etc until you have approval, so you have another one to two weeks to get the signage and buoys in the water, which is after Labor Day. We've seen a lot more boating in September over the last few years, but the volume of boating still drops dramatically after school starts.

I haven't completed a process like this before, but I would guess it would take a budget of \$5k-\$10k for us to do all the research, prepare the applications, attend the meetings, and respond to the back and forth with MDNR. Possibly more if they require additional hearings, studies, etc. I'm thinking this would be very much like a permit application process, and those generally range from \$5k-\$15k. I can tighten this up and make some calls to confirm if you think that is worthwhile.

I've also attached the current water levels and projections report from USACE that indicates the water levels have likely peaked for the season and should now begin a steady decline over the coming months. There are no guarantees of course, but those are the projections. The water is still very high, but at least it is not expected to get any worse this season.

Thanks,

Greg

From: Kirk Harrier <kirk@saugatuckcity.com>
Sent: Tuesday, July 7, 2020 4:52 PM
To: Greg Weykamp <gweykamp@edgewaterresources.com>
Subject: City of Saugatuck Question

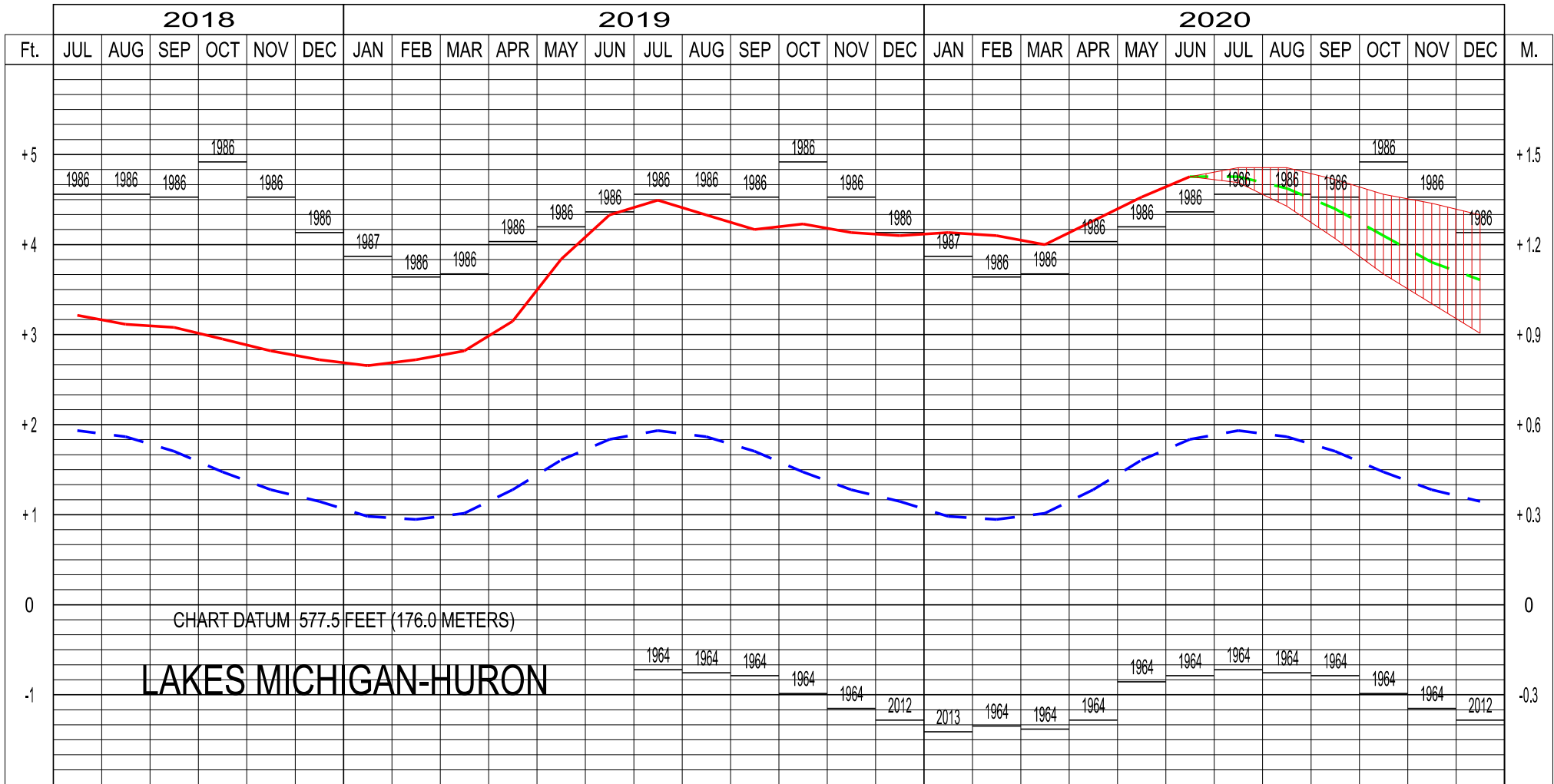
Hi Greg,

See attached memo I prepared to Council a few weeks ago regarding emergency no wake zones. My question for you is if the City wanted to proceed with option 2 in the memo under House Bill 5463 which allows a political subdivision to request a temporary ordinance for the use of vessels on a water body subject to its jurisdiction, what would be a ball park estimate for Edgewater to take on this project for the City 100%? I'm down a staff person right now and I don't

have any available time to go through all the requirements of House Bill 5463 which appear to be pretty cumbersome. If the Council does want to proceed, we would need an outside firm to do all the work required. I don't need an "official" written quote but if I had a ballpark estimate I could at least bring it up to Council to see if they would be interested in moving forward with something like this. The other bigger problem is probably the time line. Based on the requirements outlined in House Bill 5463 I don't think we could get the emergency no wake zone in place before the summer season is over do you?

Kirk Harrier
City Manager
City of Saugatuck
269-857-2603

LAKES MICHIGAN-HURON WATER LEVELS - JULY 2020



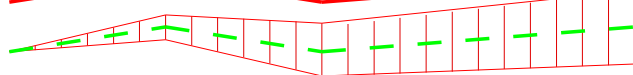
LEGEND

LAKE LEVELS

RECORDED



PROJECTED



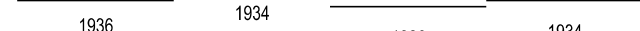
AVERAGE **



MAXIMUM **



MINIMUM **



** Average, Maximum and Minimum for period 1918-2019



City Council Workshop Discussion Item Report

To: Saugatuck City Council
 From: Kirk Harrier — City Manager
 Meeting Date: July 9, 2020
 Re: Noise Ordinance Amendment Request

City received a request from the owner of Coral Gables inquiring about the possibilities of having the City's Noise Ordinance amended to allow sound amplifiers until 2AM due to COVID-19 issues and limited space inside buildings. The business owner would like to move the entertainment in the Annex, which consist of amplified live piano music, to the outside. Current Ordinance requires amplified music outside to stop at 11PM.

📖 § 94.04 UNLAWFUL NOISE; EXCEPTIONS.

(A) *Unlawful noise.* Each of the following acts is declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive.

(1) *Animal and bird noises.* The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person.

(2) *Construction noises.* The erection (including excavating therefor), demolition, alteration or repair of any building, and the excavation of streets and highways, at any time on Sundays, and on other days except between the hours of 7:00 a.m. and 9:00 p.m., unless a permit has been first obtained from the City Manager.

(3) *Sound amplifiers.* Use of any loud speaker, amplifier or other instrument or device, whether stationary or mounted on a vehicle, for any purpose except by speakers in the course of a public address, and when so used shall be subject to the following restrictions:

(a) The only sounds permitted are music or human speech;

(b) Operations are permitted for 11 hours each day including Sundays and legal holidays.

The permitted 11 hours of operation shall be between the hours of 12:00 noon and 11:00 p.m., local time;

(c) Sound amplifying equipment mounted on vehicles shall not be operated unless the sound truck upon which the equipment is mounted is operated at a speed of at least ten mph, except when the truck is stopped or impeded by traffic;

(d) Sound shall not be issued within 100 yards of hospitals, schools, churches or court houses;

(e) The volume of sound shall be controlled so that it is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility; and

(f) No sound amplifying equipment shall be operated with an excess of 25 watts of power in the last stage of amplification.

(4) *Engine exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle except through a muffler or other device which effectively prevents loud or explosive noises therefrom.

(5) *Blowers.* The discharge into the open air of air from any noise-creating blower or power fan unless the noise from the blower or fan is muffled sufficiently to deaden the noise.

(6) *Hawking.* The hawking of goods, merchandise or newspapers in a loud and boisterous manner so as to annoy or disturb the quiet, comfort or repose of any other person in the area.

(7) *Horns and signal devices.* The sounding of any horns or signal device on any automobile, motorcycle, bus or other vehicle, unless another vehicle is approaching, apparently out of control, or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of the device for an unnecessary and unreasonable period of time.

(8) *Radio and musical instruments.* The playing of any radio, television set, phonograph, cassette player, compact disc player or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., local time, or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.

(9) *Shouting and whistling.* Yelling, shouting, hooting, whistling or singing or the making of any other loud noise on the public streets any time so as to annoy or disturb the quiet, comfort or repose of persons in any school, place of worship or office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

(10) *Whistle or siren.* The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire or danger, or for duly authorized tests.

(B) *Exceptions.* None of the terms or prohibitions of division (A) shall apply to or be enforced against:

(1) *Emergency vehicles.* Any police or fire vehicle or any ambulance, while engaged upon emergency business; or

(2) *Highway maintenance and construction.* Excavations or repairs of bridges, streets or highways by or on behalf of the city or the state during the night when the public safety, welfare and convenience renders it impossible to perform the work during the day.

(Ord. passed 5-22-1995) Penalty, see § [94.99](#)