



City of New Buffalo
REGULAR COUNCIL MEETING AGENDA
OCTOBER 21, 2024 AT 6:30 PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Consent Agenda
 - a. City Council Minutes: September 16, 2024 (regular); Library Board
 - b. Receive Monthly Reports: Police, Fire, Water, Park, Building, Streets, Code Enforcement and Treasurer
 - c. Monthly Account Payable
6. Public Comment
7. Unfinished Business
8. New Business
 - a. Agreement with Bendzinski & Co. (Dissemination Agent)
 - b. Streets Department Equipment Repair
 - c. Right-of-Way Maintenance Agreement – Post Boy
 - d. City of New Buffalo Ordinance Amendment (Chapter 8) – Second Reading
 - e. City of New Buffalo Ordinance Amendment (Chapter 9) – Second Reading
 - f. City of New Buffalo Ordinance Amendment (Chapter 23) – Second Reading
 - g. City of New Buffalo Zoning Ordinance Amendment (Chapter 8) – Second Reading
9. City Manager Comments
10. City Council Comments
11. Adjournment



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: October 21, 2024

RE: Agreement with Bendzinski & Co.

ITEM BEFORE THE COUNCIL:

Approval of an agreement with Bendzinski & Co. to act as Dissemination Agent for the City of New Buffalo

DISCUSSION:

The city has issued bonds, a few times, to assist in the funding of projects. As a result, the city is required to enter into a Continuing Disclosure Agreement ("CDA"), also known as continuing disclosure certificates. A CDA is a contractual agreement that requires a bond issuer to provide ongoing updates on financial information and operating data.

CDAs are required by the Securities and Exchange Commission (SEC) Rule 15c2-12, which was adopted in 1989. The rule requires issuers to:

- Provide annual reports
- Disclose material events as they occur
- Agree to provide continuing disclosure for the life of the bond issue

The information provided in a CDA helps investors assess the suitability of a bond and the potential risks associated with the issuer. This information can include:

- Financial and budgetary information
- Accounting standards
- Investment, debt, and financial policies
- Consultant reports
- Notice to investors
- Litigation or enforcement action

Bendzinski & Co. has agreed to provide the reporting services on behalf of the city in the amount of \$1,000, annually, for a five (5) year period ending June 30, 2028

RECOMMENDATION:

That the New Buffalo City Council approves the agreement with Bendzinski & Co. to act as Dissemination Agent for the City of New Buffalo in the amount of \$1,000 annually for a five (5) year period ending June 30, 2028.



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: October 21, 2024

RE: Repairs to Streets Department Equipment

ITEM BEFORE THE COUNCIL:

Approval of maintenance/repair work to be performed on the Streets Department's backhoe by West Side Tractor

DISCUSSION:

The Street's Department backhoe needs maintenance/repair work to be performed. City staff contacted West Side Tractor to perform the needed work, who the city has used on numerous occasions. The initial quote for the work was \$5,969.21; however, there was the possibility that additional work would be needed. As a precaution, the City Council passed a resolution to approve the repairs in an amount not to exceed \$10,000.

Subsequently, upon further diagnosis, it was determined that the repair cost was more than the initial \$10,000 that was approved. The new repair cost increased to \$13,681.99.

RECOMMENDATION:

That the New Buffalo City Council approves the maintenance/repair work to be performed on the Streets Department's backhoe by West Side Tractor in the amount of \$13,681.99.



**CITY OF NEW BUFFALO
RESOLUTION 24 - _____**

**AWARDING OF MAINTENANCE/REPAIR WORK BY WEST SIDE TRACTOR FOR STREETS
DEPARTMENT BACKHOE**

WHEREAS, the Street's Department backhoe needs maintenance/repair work to be performed;
and

WHEREAS, city staff contacted West Side Tractor to perform the needed work, who the city has
used on numerous occasions; and

WHEREAS, the initial quote for the work was \$5,969.21; however, there was the possibility that
additional work would be needed; and

WHEREAS, as a precaution, the City Council passed a resolution to approve the repairs in an
amount not to exceed \$10,000; and

WHEREAS, upon further diagnosis, it was determined that the repair cost was more than the
initial \$10,000 that was approved; and

WHEREAS, the new repair cost increased to \$13,681.99.

NOW THEREFORE BE IT HEREBY RESOLVED that the New Buffalo City Council approves the
maintenance/repair work to be performed on the Streets Department's backhoe by West Side
Tractor in the amount of \$13,681.99.

DATED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION DECLARED:

CERTIFICATE

I, Ann M. Fidler, duly appointed City Clerk of the City of New Buffalo, does hereby certify that
the above is true and correct copy of a resolution passed and approved by the City Council of
the City of New Buffalo, Michigan, on this 21st day of October 2024.

Ann M. Fidler, City Clerk



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: October 21, 2024

RE: Right-of-Way Maintenance Agreement – Harbor Country Property Group, LLC dba as Post Boy Restaurant

ITEM BEFORE THE COUNCIL:

Approval of a right-of-way maintenance agreement with Harbor Country Property Group, LLC dba as Post Boy Restaurant

DISCUSSION:

Ben Holland has undertaken a project to open a restaurant (Post Boy) at 207 N. Whittaker. As a part of the project, there were improvements made by the project to the right-of-way, which is owned by the city. Mr. Holland has agreed to maintain the right-of-way and to do so, a Maintenance Agreement was prepared. The Maintenance Agreement was initiated by the business, reviewed and modified by the city's legal counsel, and ultimately accepted by Mr. Holland on behalf of the business.

RECOMMENDATION:

That the New Buffalo City Council approves accepting the Maintenance Agreement between the City and Harbor Country Property Group, LLC dba as Post Boy Restaurant.



**CITY OF NEW BUFFALO
RESOLUTION 24-_____**

**RIGHT-OF-WAY MAINTENANCE AGREEMENT WITH HARBOR COUNTRY PROPERTY GROUP, LLC
DBA POST BOY RESTAURANT**

WHEREAS, Ben Holland has undertaken a project to open a restaurant (Post Boy) at 207 N. Whittaker; and

WHEREAS, as a part of the project, there were improvements made by the project to the right-of-way, which is owned by the city; and

WHEREAS, Mr. Holland has agreed to maintain the right-of-way and to do so, a Maintenance Agreement was prepared; and

WHEREAS, the Maintenance Agreement was initiated by the business, reviewed and modified by the city's legal counsel, and ultimately accepted by Mr. Holland on behalf of the business.

NOW THEREFORE BE IT HEREBY RESOLVED by the New Buffalo City Council approves accepting the Maintenance Agreement between the City and Harbor Country Property Group, LLC dba as Post Boy Restaurant.

DATED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION DECLARED:

CERTIFICATE

I, Ann M. Fidler, duly appointed City Clerk of the City of New Buffalo, does hereby certify that the above is true and correct copy of a resolution passed and approved by the City Council of the City of New Buffalo, Michigan, on this 21st day of October 2024.

Ann M. Fidler, City Clerk



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: October 21, 2024

RE: Second Reading of Ordinance Amendment – Chapter 8

ITEM BEFORE THE COUNCIL:

Approve the second reading of amendment to Chapter 8 of the City of New Buffalo's Code of Ordinances

DISCUSSION:

The city enacted its hawking and peddling ordinance on April 20, 2011.

Hawking and peddling refer to the act of selling goods by actively going from place to place, often by loudly announcing what they are selling to attract potential customers, essentially aiming to directly reach buyers in public spaces rather than relying on a fixed store location. It's a method of street-level sales where the seller actively seeks out customers by moving around and promoting their merchandise. Recently, the City Council felt it necessary to modify the characteristics of hawking and peddling in the city, specifically in and on public spaces.

RECOMMENDATION:

That the New Buffalo City Council approves the second reading of the amendment to Chapter 8 of the Code of Ordinances.

**CITY OF NEW BUFFALO
BERRIEN COUNTY, MICHIGAN**

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 8, "HAWKING AND PEDDLING," OF
THE CODE OF ORDINANCES OF THE CITY OF NEW BUFFALO.**

THE CITY OF NEW BUFFALO ORDAINS:

Section 1. Amendment to Chapter 8 of the Code of Ordinances. Chapter 8, "Hawking and Peddling," of the Code of Ordinances of the City of New Buffalo is hereby amended to read in its entirety as follows:

Section 8-1 Prohibition.

No person shall engage in the business of hawking, peddling, or vending any goods, wares, hardware, toilet articles, patent medicines, merchandise, fruits, vegetables, or foodstuffs, or services from door to door, or upon the streets, alleys, and public places within the City.

Section 8-2 Exceptions

This chapter shall not apply to any vendor offering goods or wares by any methods as part of any festival, food market, fair, or other event approved by the City Manager or their designee, provided said vendor is recognized and approved by the organization conducting and sponsoring the event.

Section 2. Publication and Effective Date. This Ordinance shall be published in a newspaper of general circulation in the City, and shall be effective 20 days after its enactment or upon publication, whichever is later.

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

This is a true and complete copy of an ordinance adopted by the City Council of the City of New Buffalo, Berrien County, Michigan, at a meeting held on _____, 2024.

John Humphrey, Mayor

Ann M. Fidler, Clerk



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: October 21, 2024

RE: Second Reading of Ordinance Amendment – Chapter 9

ITEM BEFORE THE COUNCIL:

Approve the second reading of amendment to Chapter 9 of the City of New Buffalo's Code of Ordinances

DISCUSSION:

The city enacted its Business Registration ordinance on July 19, 2021.

Upon review of the ordinance, it was determined that adjustments to the issuance and effective dates was warranted. The changes are to remove the effective dates (January 1 – December 31) and allow the effective date to be the date of registration. The registration's validity would be one year from the issuance date and no proration of the registration would be necessary. This adjustment provides efficiency and effectiveness to the administration of the program.

RECOMMENDATION:

That the New Buffalo City Council approves the second reading of the amendment to Chapter 9 of the Code of Ordinances.

CITY OF NEW BUFFALO
BERRIEN COUNTY, MICHIGAN

ORDINANCE NO. _____

**ORDINANCE TO AMEND CHAPTER 9; ARTICLE II, SECTIONS 9-9 AND 9-10 OF THE CODE
OF ORDINANCES OF THE CITY OF NEW BUFFALO.**

THE CITY OF NEW BUFFALO ORDAINS:

Section 1. Amendment to Chapter 9 of the Code of Ordinances. Article II, Section 9-9 (c)(1) of the Code of Ordinances of the City of New Buffalo is hereby amended to read in its entirety as follows. Except as expressly modified herein, the remainder of Chapter 9 is reenacted in full:

Section 9-9 (c)(1).

1. The term of the business registration issued under this Article is twelve months ~~(January 1—December 31).~~

Section 2. Amendment to Chapter 9 of the Code of Ordinances. Article II, Section 9-10, of the Code of Ordinances of the City of New Buffalo is hereby amended to read in its entirety as follows, with remaining portion renumbered. Except as expressly modified herein, the remainder of Chapter 9 is reenacted in full:

Section 9-10 Fee rate.

- (a) The annual general business registration fee shall be in the amount of thirty-five dollars (\$35.00).
- (b) Fees shall be reviewed annually and adjusted, as deemed necessary, by the City Council.
- ~~(c) Fees shall be prorated for partial years.~~
- (d) Except as provided in this ordinance, no rebate or refund of any fee or part shall be made by reason of the nonuse of such registration or by reason of a change of location or business rendering the use of such registration ineffective.

Section 3. Publication and Effective Date. This Ordinance shall be published in a newspaper of general circulation in the City and shall be effective 20 days after its enactment or upon publication, whichever is later.

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

This is a true and complete copy of an ordinance adopted by the City Council of the City of New Buffalo, Berrien County, Michigan, at a meeting held on _____, 2024.

John Humphrey, Mayor

Ann M. Fidler, Clerk



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: October 21, 2024

RE: Second Reading of Ordinance Amendment – Chapter 23

ITEM BEFORE THE COUNCIL:

Approve the second reading of amendment to Chapter 23 of the City of New Buffalo's Code of Ordinances

DISCUSSION:

The city enacted its Long-Term Rental ordinance on October 18, 2021.

Upon review of the ordinance, it was determined that adjustments to the issuance and effective dates was warranted. The changes are to remove the effective dates (July 1 – June 30) and allow the effective date to be the date of registration. The registration's validity would be one year from the issuance date and renewals would be based on that date. This adjustment provides efficiency and effectiveness to the administration of the program.

RECOMMENDATION:

That the New Buffalo City Council approves the second reading of the amendment to Chapter 23 of the Code of Ordinances.

CITY OF NEW BUFFALO
BERRIEN COUNTY, MICHIGAN

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 23; SECTIONS 23-45 (A) AND 23-46 (B) OF THE
CODE OF ORDINANCES OF THE CITY OF NEW BUFFALO.**

THE CITY OF NEW BUFFALO ORDAINS:

Section 1. Amendment to Chapter 23; Sections 23-45 and 23-46 of the Code of Ordinances. Article II, Section 23-45 (A) and Section 23-46 (B), of the Code of Ordinances of the City of New Buffalo are hereby amended to read in their entirety as follows. Except as expressly modified herein, the remainder of Chapter 9 is reenacted in full:

Section 23-45 Registration required.

- A. Every single unit dwelling, multiple unit dwelling, boarding house, and lodging house offered for let or hire shall be registered annually, ~~on or before July 1 of each year,~~ including full payment of all fees and penalties due, with the city. The annual registration shall be in the name of the owner or his designated responsible party. The registration shall contain the name and address of the registrant, the address of the unit(s) being registered, and the number of units to be offered for let or hire. It is a civil violation for any property owner to rent, let or lease any residential property or premises if the annual rental registration fee is not paid. Said property or premises shall be posted as unfit for occupancy until all registration fees and penalties are paid. A penalty of two hundred fifty (\$250.00) dollars shall be applied for any violation of this section.

Section 23-46 Annual certificate of occupancy required

- B. Each Certificate of Occupancy shall be a certification that the rental unit is registered ~~from July 1st of the year issuance and expires June 30th of the following year.~~

Section 2. Publication and Effective Date. This Ordinance shall be published in a newspaper of general circulation in the City, and shall be effective 20 days after its enactment or upon publication, whichever is later.

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

This is a true and complete copy of an ordinance adopted by the City Council of the City of New Buffalo, Berrien County, Michigan, at a meeting held on _____, 2024.

John Humphrey, Mayor

Ann M. Fidler, Clerk



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: October 21, 2024

RE: Second Reading of Zoning Ordinance Amendment – Chapter 8

ITEM BEFORE THE COUNCIL:

Approve the second reading of amendment to Chapter 8 of the City of New Buffalo's Zoning Ordinance

DISCUSSION:

Upon review of the city's Zoning Ordinance, it was determined that there was a need for amending the process for site plan reviews.

This amendment was presented to the Planning Commission at the September 10, 2024 meeting. After discussion, it was unanimously approved and recommended for adoption by the City Council.

RECOMMENDATION:

That the New Buffalo City Council approves the second reading of the amendment to Chapter 8 of the city's Zoning Ordinances.

CITY OF NEW BUFFALO
BERRIEN COUNTY, MICHIGAN

ORDINANCE NO. ____

AN ORDINANCE TO AMEND ARTICLE 8, SECTION 8-05 OF THE NEW BUFFALO ZONING ORDINANCE
RELATED TO SITE PLAN REVIEW

The City of New Buffalo ordains:

Section 1. Amendment. Article 8, Section 8-05 (B) of the New Buffalo City Zoning Ordinance is amended to read in its entirety as follows:

Section 8-05. Site Plan Review

B. Applicability.

- 1) Site plan **and zoning** review shall be required for all construction of new buildings and structures and alterations to the building footprint of existing buildings or structures.
- 2) Single-family detached or duplex development that is permitted by right in the governing zoning district in which they are located shall ~~not~~ require site plan **and zoning** review.
- 3) The establishment of new uses or change of use allowed by-right in the governing district not involving construction of or alteration to the footprint of existing structures shall not require site plan review.

Section 3. Publication and Effective Date. The City Clerk shall cause this ordinance or a summary thereof to be published in a newspaper of general circulation in the City, and the ordinance shall be effective 20 days after enactment or upon publication, whichever is later.

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

CERTIFICATION

This is a true and complete copy of Ordinance No. ____ adopted at a regular meeting of the New Buffalo City Council held on _____, 2024.

John Humphrey, Mayor

Ann M. Fidler, Clerk