



**City of New Buffalo**  
**35 N. Harrison Street**  
**New Buffalo, MI 49117**  
**SPECIAL COUNCIL MEETING AGENDA**  
**November 23, 2021 6:00 PM**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Public Comment
6. Public Hearing

Proposed ordinance to amend sections 2-3, 6-2, 7-2 and 8-2, and add a new section 20-8 to the New Buffalo Zoning Ordinance to prohibit new short-term rentals in the R-1, R-2, and R-3 zoning districts

7. New Business
  - a. City of New Buffalo Zoning Ordinance Amendments – Ordinance to amend sections 2-3, 6-2, 7-2 and 8-2, and add a new section 20-8
  - b. Resolution and Letter of Support – Amtrak Engineering and Environmental Study
  - c. GRSD Refund Resolution and Contract
  - d. Road Salt Purchase
  - e. Water Tap Materials (ETNA Supply)
  - f. Rezoning of 6 South Willard
  - g. Site Plan Approval (1 North Whittaker)
8. Council Comments
9. Adjournment



---

**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** November 23, 2021

**RE:** City of New Buffalo Short-Term Rental (STR) Zoning Ordinance Amendment – 2<sup>nd</sup> Reading

---

**ITEM BEFORE THE COUNCIL**

Second reading of proposed ordinance to amend the New Buffalo Zoning Ordinance to prohibit new short-term rentals in designated residential districts, and to regulate existing residential uses in those districts as lawful nonconforming uses. Specifically, prohibiting new short-term rentals in the R-1, R-2, and R-3 districts.

**DISCUSSION**

In May 2020, the City of New Buffalo instituted a moratorium on new short-term rentals (“STRs”) within the City’s boundaries. The purpose of the moratorium was to allow the City to develop the necessary framework to allow for operation and regulation of STRs. Since the implementation of the moratorium, the city has made significant strides to that end. To date, the city has adopted revisions to its STR regulatory ordinance, created a department to handle the administration of STRs, and secured a consultant to review and updating its zoning ordinance.

Currently, the city is in the process of developing zoning regulations needed to define and establish STRs as an allowable land use. To that end, on September 15, 2021, the Planning Commission held a public hearing on two alternative proposals to control the saturation of STRs in the City. At a later meeting on September 21, at the request of the City Council, the Planning Commission voted on the two proposals and recommended that the City Council decline to adopt either. As an advisory body, the Planning Commission’s action on the proposals is just a recommendation.

At a special meeting held on October 4, 2021, the City Council considered both proposals and presented Proposal A for its first reading. The reason for this is that some have expressed concern that allowing unlimited numbers of new permits in the R-2 and R-3 districts may be too much too soon. Proposal A would continue to freeze the existing number of permits in those districts and would allow the City to continue to consider whether and how to issue additional permits in the future. In particular, the City could consider this issue in conjunction with the overall zoning ordinance review that was recently initiated. During that review, the zoning consultant, Planning Commission, and City Council could work together to identify locations in the R-1, R-2 and R-3 districts that are most appropriate for the addition of new STRs. After making such determinations, the City could rezone some properties that are currently in the R-1, R-2, or R-3 districts into different zoning classifications that allow new STRs. This would allow a

gradual and measured increase in STRs and prevent the sudden rush for STR permits that might occur in the R-2 and R-3 districts.

Proposal A would:

1. Provide that short-term rental activity is generally allowed in single-family and other dwelling units, subject to the regulations contained in the City Code.
2. Prohibit new short-term rental units in the R-1, R-2, and R-3 districts.
3. Provide that new short-term rentals would continue to be allowed in all other zoning districts that contain dwelling units.
4. Regulate existing short-term rentals in the R-2, R-2, and R-3 districts as legally nonconforming uses.
5. Create a new nonconforming use section that would treat nonconforming STRs a bit differently than other nonconforming uses in the city, in that it would allow the making of modifications, improvements, or repairs to the structure or land where the use is located. This is based on language from other communities that have employed similar concepts. It is designed to mitigate any potential impacts of a home's nonconforming status with respect to issues such as resale and resale related financing.
6. Provide that if a property owner in the R-1, R-2, or R-3 districts fail to renew a rental permit within a year of expiration (or within 6 months after the end of a revocation period), the short-term rental use is deemed abandoned.

Additionally, the City Council chose to add minor modifications to the proposed amendment, as outlined in staff memorandum. The modifications were as follows:

- A. Include a new Section 4 to the amendatory text, similar to that in Proposal B, that provides:

Review after Implementation. Not later than November 1, 2022, City staff shall provide a report to the Planning Commission and City Council regarding the number of registered STRs in each zoning district in the City. After receiving such report, the Planning Commission and City Council may evaluate whether the implementation of this ordinance has achieved its intent and what, if any, amendments should be made.

- B. Modify Section 20-8(B)(3) of the proposed ordinance text to include language that deems an STR unit to be abandoned if no STR reservation summary is filed with the City for a period of one year or more, such that Section 20-8(B)(3) would read in its entirety:

A short-term rental unit shall be deemed abandoned if either of the following transpire:

- (a) The short-term rental unit is not rented for one or more short-term rental terms within a period of 12 months. The failure to submit a short-term rental reservation summary for the unit, as required by Section 11-4 of the City Code, for a period of one year or more shall constitute conclusive evidence of abandonment pursuant to this subsection.
- (b) The short-term rental permit for the property expires, terminates, or becomes invalid and a new permit or renewal permit is not obtained within the later of: (i) 12 months from the expiration, termination, or invalidation;

or (ii) in cases where the permit has been revoked pursuant to Chapter 11 of the Code, 6 months from the date when the period of ineligibility expires.

**RECOMMENDATION**

That the New Buffalo City Council approve the second reading of the ordinance to amend the Zoning Ordinance (Proposal A) with the modifications outlined in the staff memo of October 4, 2021.

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

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND SECTIONS 2-3, 6-2, 7-2, AND 8-2, AND ADD A NEW SECTION 20-8 TO THE NEW BUFFALO ZONING ORDINANCE TO PROHIBIT NEW SHORT-TERM RENTALS IN THE R-1, R-2, AND R-3 ZONING DISTRICTS**

WHEREAS, in April 2019, the City Council adopted an ordinance requiring the registration and inspection short-term rental units within the City; and

WHEREAS, since enacting the ordinance, City staff has studied the registration statistics and the density of short-term rentals; and

WHEREAS, after extensive study of the proliferation and effects of short-term rental uses, the City Council has determined that if current trends were allowed to continue, short-term rental uses could undermine the character and stability of neighborhoods in certain districts by, among other things:

1. Decreasing the number of long-term residents;
2. Decreasing enrollment in local schools;
3. Decreasing the availability of long-term housing stock, thereby driving up prices and making long-term residency less affordable;
4. Creating significant numbers of vacant homes in the winter months; and
5. Increasing levels of noise, traffic, and on-street parking during the summer tourist season.

WHEREAS, in a series of recent cases, Michigan courts have recognized that transitory and commercial uses are in tension with the traditional use of single-family dwellings; and

WHEREAS, the City Council has determined that it is in the best interest of the City to amend the zoning ordinance to curb the proliferation of short-term rental uses in certain zoning districts characterized by single-family residential neighborhoods, and to otherwise mitigate potential adverse effects of new short-term rentals.

The City of New Buffalo ordains:

Section 1. Amendment. Section 2-3 of the New Buffalo Zoning Ordinance is amended to add the following definitions of “Short-Term Rental Activity” and “Short-Term Rental Unit,” which shall appear between the definitions of “Shopping Center” and “Sign,” and to amend the definition of “Dwelling Unit” so that it reads in its entirety as indicated below. Except as expressly modified herein, the remainder of Section 2-3 is reenacted in full:

*Short-Term Rental Activity.* The rental of a dwelling unit for compensation for a term of less than one month. However, short-term rental activity does not include the following: transitional housing operated by a nonprofit entity, group homes such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance abuse rehabilitation clinic, mental health facility, other health care related clinic, or dwelling units owned by a business entity and made available on a temporary basis to employees of that business entity or employees of a contractor working for that business entity.

*Short-Term Rental Unit.* A dwelling unit in which short-term rental activity is permitted to occur subject to the terms and conditions of this ordinance and Chapter 11 of the City Code.

*Dwelling Unit.* A building, or portion thereof, designed exclusively for human occupancy providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. A dwelling unit may be used as a short-term rental unit

when licensed pursuant to Chapter 11 of the City Code and when either: (1) short-term rentals are not prohibited in the zoning district where the property is located; or (2) the short-term rental unit is established as nonconforming and operating in compliance with the regulations in Section 20-8.

Section 2. Amendment. Sections 6-2, 7-2, and 8-2 of the New Buffalo Zoning Ordinance are amended to read as follows:

**Sec. 6-2. Uses permitted by right.**

- A. Land and/or buildings in the R-1 District may be used for the following purposes by right:
1. Single-family detached dwelling units.
  2. Accessory uses pursuant to Section 3-2.
  3. Home occupations pursuant to Section 3-26.
  4. State-licensed residential care family facilities.
  5. State-licensed family day-care centers.
  6. Municipal parks.
- B. Short-term rental units are prohibited in the R-1 District except when established as a nonconforming use and operating in compliance with the regulations in Section 20-8.

**Sec. 7-2. Uses permitted by right.**

- A. Land and/or buildings in the R-2 District may be used for the following purposes by right:
1. Single-family detached dwelling units.
  2. Two-family dwelling units.
  3. Accessory uses pursuant to Section 3-2.
  4. Home occupations pursuant to Section 3-26.
  5. State-licensed residential care family facilities.
  6. State-licensed family day-care centers.
  7. Municipal parks.
- B. Short-term rental units are prohibited in the R-2 District except when established as a nonconforming use and operating in compliance with the regulations in Section 20-8.

**Sec. 8-2. Uses permitted by right.**

- A. Land and/or buildings in the R-3 District may be used for the following purposes by right:
1. Multiple-family dwelling units, including single-family attached dwelling units, and apartment buildings.
  2. Single-family detached dwelling units.
  3. Accessory buildings and uses associated with the above permitted uses, including:
    - a. Automobile garages.
    - b. Health club facilities intended primarily for residents of the residential complex.
    - c. Recreational facilities intended exclusively for residents of the residential complex such as pools and tennis courts and other similar uses.
    - d. Community center building.

- Accessory buildings shall also comply with regulations contained in Section 3-2 of this ordinance. As provided in Section 8-3, carports are permitted in the R-3 District by special use permit only.
4. Home occupations pursuant to Section 3-26.
  5. State-licensed residential care family facilities.
  6. State-licensed family day-care centers.
  7. Municipal parks.
  8. Public utility or service buildings, not requiring the outdoor storage of materials.
- B. Short-term rental units are prohibited in the R-3 District except when established as a nonconforming use and operating in compliance with the regulations in Section 20-8.

Section 3. Addition. Section 20-8 of the New Buffalo Zoning Ordinance is added to read as follows:

**Sec. 20-8. Nonconforming short-term rental units.**

A. *Nonconforming short-term rental units permitted*. Short-term rental units that existed and were registered under Chapter 11 of the Code of Ordinances as of November \_\_, 2021, the effective date of the amendment creating this section, may be continued as nonconforming uses so long as they conforms to the regulations provided herein.

B. *Regulations*. Notwithstanding any other provision of this ordinance:

1. The ability to operate a nonconforming short-term rental unit is not impaired by the making of modifications, improvements, or repairs to the structure or land where the use is located.

However, if the underlying residential use is nonconforming, the underlying use may be impaired by such activities as provided in section 20-5.

The ability to operate a nonconforming short-term rental unit is not impaired by any transfer of ownership or control of the property, unless the right to continue operating a short-term rental unit is later deemed abandoned by the new owner subsection B.3 below. New owners are responsible for obtaining renewal permits in accordance with the processes provided in Chapter 11 of the Code of Ordinances.

3. A short-term rental unit shall be deemed abandoned if either of the following transpire:
  - (a) The short-term rental unit is not rented for one or more short-term rental terms within a period of 12 months. The failure to submit a short-term rental reservation summary for the unit, as required by Section 11-4 of the City Code, for a period of one year or more shall constitute conclusive evidence of abandonment pursuant to this subsection.
  - (b) The short-term rental permit for the property expires, terminates, or becomes invalid and a new permit or renewal permit is not obtained within the later of: (i) 12 months from the expiration, termination, or invalidation; or (ii) in cases where the permit has been revoked pursuant to Chapter 11 of the Code, 6 months from the date when the period of ineligibility expires.
4. Notwithstanding subsection B.3, the ability to operate a nonconforming short-term rental unit is not impaired by the demolition of the structure in which the use is located, so long as:
  - a. There is a valid short-term rental permit in effect at the time of the demolition, and
  - b. A short-term rental permit is obtained for the newly constructed dwelling on the property within 18 months of the date of the demolition permit.

Section 4. Review after Implementation. Not later than November 1, 2022, City staff shall provide a report to the Planning Commission regarding the number of registered short-term rentals in each zoning district in the City. After receiving such report, the Planning Commission may evaluate whether the implementation of this ordinance has achieved its intent and what, if any, amendments should be made.

Section 5. 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: \_\_\_\_\_

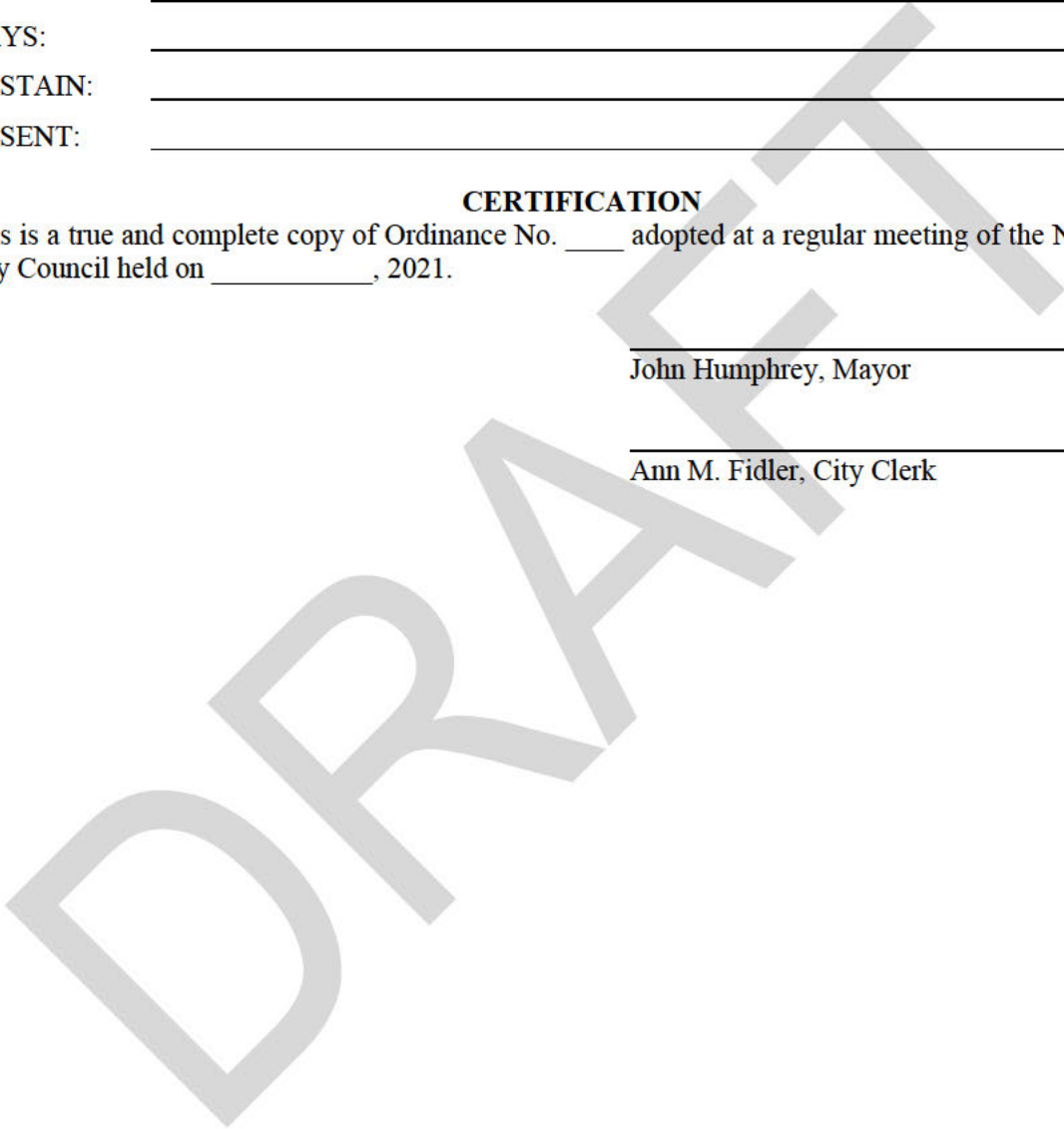
ABSENT: \_\_\_\_\_

**CERTIFICATION**

This is a true and complete copy of Ordinance No. \_\_\_\_ adopted at a regular meeting of the New Buffalo City Council held on \_\_\_\_\_, 2021.

\_\_\_\_\_  
John Humphrey, Mayor

\_\_\_\_\_  
Ann M. Fidler, City Clerk







---

**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** November 23, 2021

**RE:** Resolution and Letter of Support (Amtrak)

---

**ITEM BEFORE THE COUNCIL:**

Resolution and Letter of Support for Amtrak Engineering and Environmental Study for a New Buffalo Passenger Rail Connection

**DISCUSSION:**

Amtrak's *Pere Marquette* train service has operated for decades, connecting Grand Rapids and Chicago. Along its route, it has stops in several Southwest Michigan (St. Joseph, Bangor and Holland).

For a number of years, there have been discussions of improving the rail service by building a connection in New Buffalo. This would connect CSX tracks to Amtrak rails and allow the *Pere Marquette* trains to operate on Amtrak-owned tracks. In order to accomplish this, an environmental and engineering study is a necessary.

Upon completion, the New Buffalo rail connection would facilitate the Amtrak station in New Buffalo to serve *Pere Marquette* passengers, offering never before options for its ridership. More importantly, the New Buffalo station would become a hub, allowing *Pere Marquette* passengers the ability to transfer to the *Wolverine/Blue Water* services. This would open access from Chicago to eastern Michigan, as well as access for passengers to *Pere Marquette* stops in Bangor, Holland, St. Joseph, and Grand Rapids.

At a recent Best Practices meeting, the economic and community benefits to Southwest Michigan were explained. It was also explained that local community support is necessary to help continue the momentum toward the advancement of this concept.

**RECOMMENDATION:**

That the New Buffalo City Council approves the resolution and Letter of Support for the Amtrak Engineering and Environmental Study for a New Buffalo Passenger Rail Connection.



November 23, 2021

The Honorable Pete Buttigieg  
Secretary of Transportation  
US Department of Transportation  
1200 New Jersey Ave, SE  
Washington, DC 20590

Dear Secretary Buttigieg:

The City of New Buffalo, Michigan, would like to express its support for the joint grant application of the Michigan Department of Transportation (MDOT) and the National Railroad Passenger Corporation (Amtrak) submitted in response to the Notice of Funding Opportunity (NOFO) for the FY22 Federal Railroad Administration (FRA) Consolidated Rail Infrastructure and Safety Improvement (CRISI) Discretionary Grants program. CRISI grants are for investments that will improve the safety and efficiency of rail infrastructure and will be awarded on a competitive basis to projects that will have a significant local or regional impact.

The City of New Buffalo, Michigan's support relates to the following project:

**Preliminary Engineering/National Environmental Policy Act (PE/NEPA) for Niles-Dowagiac/Glenwood Rd., Michigan Double Track and Pere Marquette Connection to Michigan Accelerated Rail Corridor**

The State and Amtrak's plans would add 17 miles of second main between Niles and Glenwood Road, just northeast of Dowagiac in Cass County. This would permit running meets of opposing passenger trains, thus reducing trip times on the Detroit-Chicago corridor by 5 minutes and furthering the goal of more attractive passenger rail service to achieve higher ridership and revenue. It would also reduce emissions. The plan also calls for constructing a connection from the CSX Grand Rapids subdivision to the Amtrak Michigan Line at New Buffalo. This would permit Pere Marquette trains to move onto Amtrak ownership between New Buffalo, IN and Porter, IN and off the CSX Grand Rapids subdivision in that area. In addition, it would permit the Pere Marquette to stop in New Buffalo, thus providing additional trip opportunities for residents of southwestern Michigan.

The partnership between the State, Amtrak, our community, and others to promote the regional economy through improved access by rail demonstrates the collaborative nature of this project and the high level of support for the service. The State of Michigan and Amtrak are



each committing \$1,500,000 toward the project cost of this preliminary engineering/NEPA phase. The City of New Buffalo is pledging \$1,000 toward the project.

The advancement of a project like this will not only significantly improve our nation's transportation infrastructure but will also contribute to the economic competitiveness of our region, the State of Michigan and the Midwest.

Sincerely,

Local official name

Local official title

DRAFT

**RESOLUTION SUPPORTING AN ENVIRONMENTAL AND ENGINEERING STUDY FOR  
A NEW BUFFALO PASSENGER RAIL CONNECTION**

**WHEREAS**, the Amtrak *Pere Marquette* passenger rail service operates along a rail corridor that includes the cities of Grand Rapids, Holland, Bangor, and St. Joseph, Michigan, on tracks owned by CSX, and continues on to Chicago; and

**WHEREAS**, the Amtrak *Wolverine* and *Blue Water* passenger rail connects Chicago to Detroit and Pontiac on tracks owned by Amtrak; and

**WHEREAS**, the passenger rail corridor serving the *Pere Marquette*, and the passenger rail corridor serving the *Wolverine* and *Blue Water* are separate corridors until they join in Porter, Indiana; and

**WHEREAS**, New Buffalo is a station stop on the *Wolverine* and *Blue Water* services but not on the *Pere Marquette* service; and

**WHEREAS**, the *Wolverine* and *Blue Water* services are on the federally designated Chicago Hub High Speed Rail Corridor, approved by the Federal Railroad Administration for passenger speeds up to 110 mph on tracks owned by Amtrak; and

**WHEREAS**, a rail connection built in New Buffalo connecting CSX tracks to Amtrak tracks, would allow *Pere Marquette* trains to operate on Amtrak-owned 110 mph service tracks between New Buffalo, and Porter, Indiana, where the service would continue on to Chicago; and

**WHEREAS**, *Pere Marquette* trains operating on Amtrak-owned 110 mph service tracks between New Buffalo, Michigan and Porter, Indiana, would result in better intercity passenger rail service; and

**WHEREAS**, a rail connection at New Buffalo, upon completion, will allow the New Buffalo Amtrak Station to serve *Pere Marquette* service passengers, increasing intercity passenger rail options for persons using the New Buffalo Amtrak Station, including allowing the station to serve as a hub for *Pere Marquette* passengers to switch to *Wolverine/Blue Water* services to access points east in Michigan and west to Chicago and for *Wolverine/Blue Water* passengers to access destinations along Michigan's west coast to Grand Rapids; and

**WHEREAS**, an environmental and engineering study is a necessary step prior to establishing a rail connection in New Buffalo to link the *Pere Marquette* and the *Wolverine/Blue Water* services.

**NOW, THEREFORE, BE IT RESOLVED**, that we strongly endorse and support an environmental and engineering study to build a rail connection in New Buffalo to link the *Pere Marquette* and the *Wolverine/Blue Water* services; and

**BE IT FURTHER RESOLVED**, that we strongly endorse and support the ultimate building of a rail connection in New Buffalo to link the *Pere Marquette* and the *Wolverine/Blue Water* services.

YEAS: Council Members \_\_\_\_\_

NAYS: Council Members \_\_\_\_\_

ABSTAIN: Council Members \_\_\_\_\_

ABSENT: Council Members \_\_\_\_\_

**CERTIFICATION**

As its Clerk, I certify that this is a true and complete copy of a resolution adopted by the City Council of the City of New Buffalo, Berrien County, Michigan, at a meeting held on November 15, 2021.

\_\_\_\_\_  
Ann M. Fidler, City Clerk



---

**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** November 23, 2021

**RE:** Galien River Sewer District Refunding Contract

---

**ITEM BEFORE THE COUNCIL:**

Resolution approving proposed Refunding Contract with Galien River Sewer District

**DISCUSSION:**

The Galien River Sewer District (“the Authority”) is desiring to refinance certain maturities (years 2023-2028) of the Authority’s 2013 bonds. The purpose of this action is to replace the 2013 bonds with new ones at a lower interest rate. Overall, this action will achieve overall debt service savings to the communities (City of New Buffalo, City of Bridgman, and New Buffalo Township). Based on the numbers, the refinancing (or refunding) of the maturities could potentially garner an estimated \$150,000 of savings. That savings amount is net of issuance costs.

Andy Campbell of Baker Tilly Municipal Advisors, the financial advisor to the Authority, has prepared a proposed timeline for the refinancing (see attached). This timeline has the communities approving the refunding contract. Subsequently, the Authority will initiate the next steps in the process, authorizing the issuance of the refunding bonds and distributing a request for proposals to purchase the bonds.

**RECOMMENDATION:**

That the New Buffalo City Council approves the resolution authorizing the Galien River Sewer District’s Refunding Contract.

## REFUNDING CONTRACT

THIS REFUNDING CONTRACT, made and entered into this 15th day of December, 2021, under the provisions of Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”) and Act 233, Public Acts of Michigan, 1955, as amended (the “Act”, together with Act 34, the “Acts”) by and between the GRSD SEWER AUTHORITY (the “Authority”), a public corporation organized and existing under the authority of the Act, the CITY OF BRIDGMAN, a municipal corporation of the State of Michigan (“Bridgman”), the CITY OF NEW BUFFALO, a municipal corporation of the State of Michigan (“New Buffalo”), and the TOWNSHIP OF NEW BUFFALO, a municipal corporation of the State of Michigan (“New Buffalo Township”) (Bridgman, New Buffalo and New Buffalo Township hereinafter sometimes referred to as the “Local Units”), all located in the County of Berrien, State of Michigan.

### WITNESSETH:

WHEREAS, the Authority has been incorporated under and in pursuance of the provisions of the Act for the purposes set forth in the Act and the Authority’s Articles of Incorporation; and

WHEREAS, the Local Units and the Authority entered into a Contract, dated as of May 19, 2003, as amended on September 3, 2003, wherein the Authority agreed to acquire and construct improvements to the existing wastewater treatment plant for the Local Units (as amended, the “Contract”); and

WHEREAS, the Authority issued a series of bonds pursuant to the Contract, denominated General Obligation Limited Tax Bonds, Series 2003 (the “2003 Bonds”) in the original principal amount of \$8,090,000; and

WHEREAS, the Local Units and the Authority entered into a Refunding Contract, dated

as of March 18, 2013, wherein the Authority agreed to issue a series of bonds to refund the 2003 Bonds to achieve interest savings to the Local Units (the “2013 Refunding Contract”); and

WHEREAS, the Authority issued a series of bonds pursuant to the 2013 Refunding Contract, denominated 2013 General Obligation Limited Tax Refunding Bonds (the “2013 Bonds”) in the original principal amount of \$5,900,000; and

WHEREAS, the Local Units and the Authority have determined that it is in the best interest of the Local Units and the Authority to advance refund all or part of the 2013 Bonds maturing in the years 2023 to 2028, inclusive; and

WHEREAS, it is the determination and judgment of the Authority and the Local Units that the 2013 Bonds should be refunded to secure for the Local Units the interest savings anticipated and thereby permit the operation of the financed facilities in a more economical fashion for the benefit of the taxpayers of the Local Units and users of the Local Unit’s Sewage Disposal Systems; and

WHEREAS, the execution of this contract (the “Refunding Contract”) is necessary in order to implement a refunding program;

NOW, THEREFORE, in consideration of the premises and the covenants of each other, the parties hereto agree as follows:

1. The Authority and the Local Units hereby approve and confirm the refunding of all or part of the 2013 Bonds maturing in the years 2023 through 2028 under the provisions of the Acts in the manner provided by and pursuant to this Refunding Contract.

2. The Authority will issue a single series of refunding bonds (the “Refunding Bonds”) in the total principal amount of not to exceed \$2,850,000 in order to pay all or part of the costs of refunding the 2013 Bonds as described in Section 1. All costs of retiring the 2013



Bonds and of issuing the Refunding Bonds, including payment of the principal of and interest on the 2013 Bonds, purchaser's discount, bond and other printing, administrative, rating fees, legal and financial advisory fees and expenses, bond insurance, trustee and paying agent/registrars fees and all related expenses shall be paid from the proceeds of sale of the Refunding Bonds or from cash amounts to be made available to pay such costs.

3. To carry out and accomplish the refunding in accordance with the provisions of Michigan law, the Authority shall or has taken take the following steps:

(a) The Authority will adopt a resolution providing for the issuance of the Refunding Bonds in the aggregate principal amount of not to exceed \$2,850,000 (the "Refunding Bond Resolution"), such Resolution substantially in the form attached hereto and based upon the financial analysis provided by Baker Tilly Municipal Advisors of the financial benefits of the refunding. The Refunding Bonds shall mature serially or be subject to mandatory sinking fund redemption, as authorized by law, and will be issued in anticipation of the debt service installment payments required to be made by the Local Units as provided in the Contract and as hereinafter provided in this Refunding Contract and will be secured primarily by the contractual obligations of the Local Units to pay said installments when due, including interest. After due adoption of the Refunding Bond Resolution, the Authority will take all legal procedures and steps necessary to effectuate the sale and delivery of the Refunding Bonds.

(b) The Authority, upon receipt of proceeds of sale of the Refunding Bonds, will comply with all provisions and requirements of law, the Refunding Bond Resolution and this Refunding Contract relative to the disposition and use of the proceeds of sale thereof.

(c) The Authority shall not make any investments or take any other actions which would cause the Refunding Bonds herein authorized to be constituted as arbitrage bonds pursuant to any applicable federal statutes or regulations.

(d) The Authority shall take all steps necessary to refund the 2013 Bonds.

4. The full principal amount of the Refunding Bonds shall be charged to and paid by each of the Local Units to the Authority in annual principal installments, together with interest and other expenses as herein provided.

City of Bridgman	41.10%
City of New Buffalo	19.38%
Township of New Buffalo	39.52%

It is understood and agreed that the Refunding Bonds of the Authority will be issued in anticipation of such payments by the Local Units.

It is agreed that the each Local Unit shall pay to the Authority, on each annual maturity date of principal amounts of the Refunding Bonds, such principal amount, and in addition, on each interest payment date on the Refunding Bonds, as accrued interest on the principal installments remaining unpaid, an amount sufficient to pay all interest due on the next succeeding interest payment date. From time to time as the Authority is billed by the registrar/transfer/paying agent for the Refunding Bonds for their services, and as other costs and expenses accrue to the Authority from handling of the payments made by the Local Units or from other action taken in connection with the Refunding Bonds, the Authority shall notify the Local Units of the amount of such fees, costs and expenses, and the Local Units shall, within thirty (30) days from such notification, remit to the Authority sufficient funds to pay such amounts.

The Authority shall, within thirty (30) days after the delivery of the Refunding Bonds,

furnish the Local Units with a complete schedule of said installments and the interest thereon and due dates and shall also, at least thirty (30) days prior to each due date, advise the Local Units, in writing, of the exact amount due on said date. The failure to give such notice shall not, however, excuse the Local Units from making required payments when due under the provisions hereof.

5. The Local Units, pursuant to authorization contained in the Act, hereby irrevocably pledges its full faith and credit for the prompt and timely payment of its obligations pledged for payment of the Refunding Bonds as expressed herein. Pursuant to such pledge, if other funds are not available, the Local Units shall be required to pay such amounts from any of its general funds as a first budget obligation and shall each year levy an ad valorem tax on all the taxable property in the Local Units in an amount which, taking into consideration estimated delinquencies in tax collections, will be sufficient to pay such obligations under this Refunding Contract becoming due before the time of the following year's tax collections, such annual levy shall however be subject to applicable constitutional, statutory and charter tax rate limitations. Commitments of the Local Units are expressly recognized as being for the purpose of providing funds to meet the contractual obligations of the Local Units in anticipation of which the Authority Refunding Bonds hereinbefore referred to are issued. Nothing herein contained shall be construed to prevent the Local Units from using any, or any combination of, the means and methods provided in Section 7 of the Act for the purpose of providing funds to meet its obligations under this Refunding Contract, and if at the time of making the annual tax levy there shall be other funds on hand earmarked and set aside for the payment of the contractual obligations due prior to the next tax collection period, then such annual tax levy may be reduced by such amount.

6. Additional moneys over and above any of the payments specified in this

Refunding Contract may be prepaid as provided in the Contract.

7. All provisions of the Contract and the 2013 Refunding Contract not inconsistent herewith, and particularly all covenants relative to the payment of and security for the 2003 Bonds and 2013 Bonds made by the Local Units therein, shall remain in full force and effect and shall apply with equal effect to the Refunding Bonds authorized hereby, it being understood that upon issuance of the Refunding Bonds, all or part of the 2013 Bonds in the maturities described in Section 1 of this Refunding Contract will be defeased and the Refunding Bonds shall be substituted therefor and shall be outstanding in their place and stead. It is also hereby recognized that the obligation of the Local Units to make payments for debt service for those maturities of the 2013 Bonds which are not being refunded will continue in full force and effect.

8. Nothing herein contained shall in any way be construed to prevent additional financing under the provisions of the Act.

9. The obligations and undertakings of each of the parties to this Refunding Contract shall be conditioned upon the successful accomplishment of the proposed refunding, and therefore if for any reason whatsoever the Refunding Bonds are not issued, then this Refunding Contract shall be considered void and of no force and effect; provided, however, that in such event, all costs and expenses shall be paid by the Local Units in accordance with existing commitments to the Authority, and the Authority shall not be obligated for such costs and expenses.

10. The Authority and the Local Units each recognize that the holders from time to time of the Refunding Bonds will have contractual rights in this Refunding Contract, and it is therefore covenanted and agreed by each of them that so long as any of the Refunding Bonds shall remain outstanding and unpaid, the provisions of this Refunding Contract shall not be

subject to any alteration or revision which would in any manner materially affect either the security of the Refunding Bonds or the prompt payment of principal of or interest thereon. The Local Units and the Authority further covenant and agree that they will each comply with their respective duties and obligations under the terms of this Refunding Contract promptly at all times and in the manner herein set forth, and will not suffer to be done any act which would in any way impair the Refunding Bonds, the security therefor, or the prompt payment of principal of and interest thereon. It is hereby declared that the terms of this Refunding Contract insofar as they pertain to the security of Refunding Bonds shall be deemed to be for the benefit of the holders of said Refunding Bonds.

11. This Refunding Contract shall remain in full force and effect for a period of seven (7) years from the date hereof, or until such lesser time as the Refunding Bonds issued by the Authority are paid, at which time this Refunding Contract shall be terminated, and the provisions of the Contract relative to disposition of the financed facilities shall be carried out. In any event, the obligations of each Local Unit to make the payments required hereunder shall be terminated at such time as all of the Refunding Bonds are paid in full by the Local Units, together with all interest and penalties and other obligations hereunder.

12. This Refunding Contract shall inure to the benefit of and be binding upon the respective parties hereto, their successors and assigns.

13. This Refunding Contract may be executed in several counterparts.

[signature page follows]

IN WITNESS WHEREOF, the parties hereto have each caused this instrument to be executed by its duly authorized officers as of the day and year first above written.

In the presence of:

GRSD SEWER AUTHORITY

\_\_\_\_\_

By: \_\_\_\_\_  
Chairman

\_\_\_\_\_

By: \_\_\_\_\_  
Secretary

In the presence of:

CITY OF BRIDGMAN

\_\_\_\_\_

By: \_\_\_\_\_  
Mayor

\_\_\_\_\_

By: \_\_\_\_\_  
City Clerk

In the presence of:

CITY OF NEW BUFFALO

\_\_\_\_\_

By: \_\_\_\_\_  
Mayor

\_\_\_\_\_

By: \_\_\_\_\_  
City Clerk

In the presence of:

TOWNSHIP OF NEW BUFFALO

\_\_\_\_\_

By: \_\_\_\_\_  
Supervisor

\_\_\_\_\_

By: \_\_\_\_\_  
Township Clerk

38341630.1/116039.00003

RESOLUTION APPROVING REFUNDING CONTRACT

City of New Buffalo  
County of Berrien, State of Michigan

---

Minutes of a regular meeting of the City Council (the “Governing Body”) of the City of New Buffalo, County of Berrien, State of Michigan (the “City”), held on the 15th day of November, 2021, at 6:30 p.m., prevailing Eastern Time.

PRESENT: Members: \_\_\_\_\_

\_\_\_\_\_

ABSENT: Members: \_\_\_\_\_

The following preamble and resolutions were offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_:

WHEREAS, it is deemed necessary to refund certain maturities of the GRSD Sewer Authority’s 2013 General Obligation Limited Tax Refunding Bonds so as to produce interest savings to the City; and

WHEREAS, a Refunding Contract has been prepared among the City, the City of Bridgman and the Township of New Buffalo (together, the “Local Units”) and the Authority to provide for the refunding of certain of said Bonds; and

WHEREAS, this Governing Body has carefully reviewed the proposed Refunding Contract and finds that it provides the best means for accomplishing the necessary savings to the City.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. The Refunding Contract, described in the preamble to this resolution, is approved,

and the Mayor and City Clerk of the City are directed to execute and deliver the Refunding Contract on behalf of the City.

2. All resolutions and parts of resolutions in conflict with this resolution be, and the same hereby are repealed.

AYES: Members \_\_\_\_\_  
\_\_\_\_\_

NAYS: Members \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of New Buffalo, County of Berrien, State of Michigan, at a regular meeting held on November 15, 2021, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

\_\_\_\_\_  
City Clerk

38341534.1/116039.00003





---

**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** November 23, 2021

**RE:** Road Salt Purchase

---

**ITEM BEFORE THE COUNCIL:**

Approval of payment to Detroit Salt Company for road salt

**DISCUSSION:**

Annually, during the winter months, the Public Works Department is tasked with snow and ice removal from the city streets. In addition to plowing, the Public Works Department uses road salt. Road salt works by lowering the freezing point of water through a process called freezing point depression. The freezing point of the water is lowered once the salt is added, so it the salt makes it more difficult for water to freeze.

The city participates in the MiDEAL program where the State of Michigan handles the procurement of vendors for specific products and services. This ensures that the communities achieve economies of scale in the bidding process. This year's vendor for road salt is Detroit Salt Company, LLC. The city has received its early fill for the year in the amount of \$12,371.80 (see attached documentation).

**RECOMMENDATION:**

That the New Buffalo City Council approves the payment to Detroit Salt Company, LLC in the amount of \$12, 371.80.



## Statement

Page 1

NEW BUFFALO CITY  
 JOHN SAYNE  
 224 W. BUFFALO ST.  
 New Buffalo, MI 49117  
 UNITED STATES

DETROIT SALT COMPANY LLC  
 12841 Sanders Street  
 Detroit, MI 48217

Customer No. MINEW01  
 Document Date 11/01/21  
 Starting Date 01/01/20  
 Ending Date 10/31/21

Phone No. 313-841-5144  
 Email ar@detroitsalt.com

Posting Date	Document No	Description	Due Date	Currency Code	Original Amount	Remaining Amount
10/27/21	SI22-09054	Invoice SI22-09054	11/26/21		3,073.65	3,073.65
10/28/21	SI22-09107	Invoice SI22-09107	11/27/21		3,074.89	3,074.89
10/29/21	SI22-09148	Invoice SI22-09148	11/28/21		6,223.26	6,223.26
					<b>Total US</b>	<b>12,371.80</b>

### Aged Summary by 10/31/21 (1M+CM by Posting Date)

	Current	Up To 31 Days	32 - 61 Days	62 - 92 Days	93 - 123 Days	Over 123 Days
US	12,371.80	12,371.80	0.00	0.00	0.00	0.00

Please remit payment to: Detroit Salt Company, PO Box 874127 Kansas City, MO 64187-4127



---

**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** November 23, 2021

**RE:** Materials Purchase from Etna Supply

---

**ITEM BEFORE THE COUNCIL:**

Approval of payment to Etna Supply for water tap materials - New Buffalo Area Schools projects

**DISCUSSION:**

The Water Department has been contacted to complete two (2) water taps. These taps are for the New Buffalo Area Schools STEAM Building and Pickle Ball Pavilion projects.

The City's Water and Sewer Fee Schedule states water tap-In fees for 1-1/2" and larger services are charged on a time and material basis. As a result, the city can expect to be reimbursed for materials necessary to make the taps. Also, the city has been informed that the lead time from the manufacturer on these materials may be up to sixteen (16) weeks.

The total cost of the materials for the taps is \$15,328.16 (see attached).

**RECOMMENDATION:**

That the New Buffalo City Council approves the payment to Etna Supply for water tap materials in the amount of \$15,328.16.



ETNA SUPPLY - KALAMAZOO  
 5231 EAST ML AVE.  
 KALAMAZOO, MI 49048  
 269 349 8388  
 Fax 269 349 3371



# Quotation

QUOTE DATE	QUOTE NUMBER
11/12/2021	S104303887
ETNA SUPPLY PO Box 772107 DETROIT, MI 48277-2107 P-616 248 9182 F-616 245 9940	
PAGE NO.	
1 of 3	

QUOTE TO:

SHIP TO:

CITY OF NEW BUFFALO  
 224 W BUFFALO ST  
 NEW BUFFALO, MI 49117-1899

CITY OF NEW BUFFALO  
 224 WEST BUFFALO ST  
 NEW BUFFALO, MI 49117-1808

CUSTOMER NUMBER	JOB NAME / PO NUMBER	JOB NAME / RELEASE NUMBER	SALESPERSON	
9288	NBAS PICKLE BALL PAVILION		Kevin Dieleman	
WRITER	SHIP VIA	TERMS	EXPIRE DATE	FREIGHT EXEMPT
Tyler Opala		NET 25TH	11/26/2021	No
ORDER QTY	DESCRIPTION	UNIT PRICE	EXT PRICE	
<b>SHIPPING INSTRUCTIONS</b>				
DELIVERY DATE:				
DELIVERY TIME:				
CONTACT NAME:				
CONTACT #:				
ADD'L INSTR:				
1ea	S-B 31300178015000 DOUBLE BALE SERVICE SADDLE 17.25IN -17.80IN OD RANGE, EPOXY, 2IN CC TAP,ELEC-GALV BALES *Nonstock - Restock Policy Applies* Pn: 698573	252.026/ea	252.03	
1ea	FB1000-7-Q-NL 2 BALL CORP QJ-CTS FORD Pn: 70579	432.000/ea	432.00	
2ea	C14-77-Q-NL -2 CTS X 2 FIP COUPLING NO-LEAD FORD Pn: 140567	126.000/ea	252.00	
1ea	^FORD 2IN CUSTOM METER PIT PDBHH-788-36HB-54-NL *Nonstock - Restock Policy Applies* Pn: 453705	3311.453/ea	3311.45	
			Subtotal	
			S&H Charges	
			Amount Due	

\*\*Continued on Next Page\*\*

Prices are firm for 11 days. Price subject to change after 11 days.



ETNA SUPPLY - KALAMAZOO  
 5231 EAST ML AVE.  
 KALAMAZOO, MI 49048  
 269 349 8388  
 Fax 269 349 3371



# Quotation

QUOTE DATE	QUOTE NUMBER
11/12/2021	S104303887
ETNA SUPPLY PO Box 772107 DETROIT, MI 48277-2107 P-616 248 9182 F-616 245 9940	
PAGE NO.	
2 of 3	

QUOTE TO:

SHIP TO:

CITY OF NEW BUFFALO  
 224 W BUFFALO ST  
 NEW BUFFALO, MI 49117-1899

CITY OF NEW BUFFALO  
 224 WEST BUFFALO ST  
 NEW BUFFALO, MI 49117-1808

CUSTOMER NUMBER	JOB NAME / PO NUMBER	JOB NAME / RELEASE NUMBER	SALESPERSON	
9288	NBAS PICKLE BALL PAVILION		Kevin Dieleman	
WRITER	SHIP VIA	TERMS	EXPIRE DATE	FREIGHT EXEMPT
Tyler Opala		NET 25TH	11/26/2021	No
ORDER QTY	DESCRIPTION	UNIT PRICE	EXT PRICE	
1ea	EXT-5 FORD NO 5 EXTENSION RING 20 TO 36 *Nonstock - Restock Policy Applies* Pn: 21755	532.000/ea	532.00	
1ea	FORD MONITOR CVR/36IN TILE MC-36-MB-TT *Nonstock - Restock Policy Applies* Pn: 669721	1010.000/ea	1010.00	
40ft	2X40FT COP K SOFT COIL Pn: 70730	1967.759/c	787.10	
1ea	MTR 2" OMNI+ T2 - 1,000 GAL (17") 1,000 GALLON TRPL TURBO DRS LAY LENGTH (17") *** T2X1XX1GXT0XXSD *** Pn: 64091 ***PLEASE CONFIRM LAY LENGTH BEFORE ORDERING***	1065.000/ea	1065.00	
2ea	GT-141 - 2 FLANGE METER DROP IN GASKET 004-6322-05 Pn: 34138	3.750/ea	7.50	
1ea	2 1/2 & 3 FLANGE BOLT & NUT KIT BAGGED CONSISTS OF: (4) 5/8 HEX NUT (4) 5/8 X 3 GR 2 BOLT Pn: 13290	5.000/ea	5.00	
Subtotal				
S&H Charges				
Amount Due				

\*\* Continued on Next Page \*

Prices are firm for 11 days. Price subject to change after 11 days.



ETNA SUPPLY - KALAMAZOO  
 5231 EAST ML AVE.  
 KALAMAZOO, MI 49048  
 269 349 8388  
 Fax 269 349 3371



# Quotation

QUOTE DATE	QUOTE NUMBER
11/12/2021	S104303887
ETNA SUPPLY PO Box 772107 DETROIT, MI 48277-2107 P-616 248 9182 F-616 245 9940	
PAGE NO.	
3 of 3	

QUOTE TO:

SHIP TO:

CITY OF NEW BUFFALO  
 224 W BUFFALO ST  
 NEW BUFFALO, MI 49117-1899

CITY OF NEW BUFFALO  
 224 WEST BUFFALO ST  
 NEW BUFFALO, MI 49117-1808

CUSTOMER NUMBER	JOB NAME / PO NUMBER	JOB NAME / RELEASE NUMBER	SALESPERSON	
9288	NBAS PICKLE BALL PAVILION		Kevin Dieleman	
WRITER	SHIP VIA	TERMS	EXPIRE DATE	FREIGHT EXEMPT
Tyler Opala		NET 25TH	11/26/2021	No
ORDER QTY	DESCRIPTION	UNIT PRICE	EXT PRICE	
1ea	SENSUS TOUCHPAD BLACK F/IPERL METERS - SOLD WITH METERS ONLY *** SM50520600001 *** Pn: 125903 *** LEAD TIMES FOR NONSTOCK FORD FITTINGS 8-10 WEEKS CUSTOM METER PIT 14-16 WEEKS SMITH BLAIR SADDLE 6-8 WEEKS ***	10.00/ea	10.00	

This Quotation is controlled by ETNA's standard terms and conditions ("ETNA's Standard Terms") found at <https://www.etnasupply.com/TermsandConditionsofQuotation>. Any other terms are expressly rejected. To the extent there is a conflict between any of the terms appearing on the face of this Quotation and ETNA's Standard Terms, the terms appearing on the face of the Quotation control. TAXES ARE NOT INCLUDED ON THIS QUOTE!

Subtotal	7664.08
S&H Charges	0.00
Amount Due	7664.08

Prices are firm for 11 days. Price subject to change after 11 days.



ETNA SUPPLY - KALAMAZOO  
 5231 EAST ML AVE.  
 KALAMAZOO, MI 49048  
 269 349 8388  
 Fax 269 349 3371



# Quotation

QUOTE DATE	QUOTE NUMBER
11/12/2021	S104305146
ETNA SUPPLY PO Box 772107 DETROIT, MI 48277-2107 P-616 248 9182 F-616 245 9940	
PAGE NO.	
1 of 3	

QUOTE TO:

SHIP TO:

CITY OF NEW BUFFALO  
 224 W BUFFALO ST  
 NEW BUFFALO, MI 49117-1899

CITY OF NEW BUFFALO  
 224 WEST BUFFALO ST  
 NEW BUFFALO, MI 49117-1808

CUSTOMER NUMBER	JOB NAME / PO NUMBER	JOB NAME / RELEASE NUMBER	SALESPERSON	
9288	NBAS S.T.E.A.M. BUILDING		Kevin Dieleman	
WRITER	SHIP VIA	TERMS	EXPIRE DATE	FREIGHT EXEMPT
Tyler Opala		NET 25TH	11/11/2021	No
ORDER QTY	DESCRIPTION	UNIT PRICE	EXT PRICE	
	<b>SHIPPING INSTRUCTIONS</b>			
	DELIVERY DATE: DELIVERY TIME: CONTACT NAME: CONTACT #: ADD'L INSTR:			
1ea	S-B 31300178015000 DOUBLE BALE SERVICE SADDLE 17.25IN -17.80IN OD RANGE, EPOXY, 2IN CC TAP,ELEC-GALV BALES *Nonstock - Restock Policy Applies* Pn: 698573	252.026/ea	252.03	
1ea	FB1000-7-Q-NL 2 BALL CORP QJ-CTS FORD Pn: 70579	432.000/ea	432.00	
2ea	C14-77-Q-NL -2 CTS X 2 FIP COUPLING NO-LEAD FORD Pn: 140567	126.000/ea	252.00	
1ea	^FORD 2IN CUSTOM METER PIT PDBHH-788-36HB-54-NL *Nonstock - Restock Policy Applies* Pn: 453705	3311.453/ea	3311.45	
Subtotal				
S&H Charges				
Amount Due				

\*\* Continued on Next Page \*

Prices are firm for -4 days. Price subject to change after -4 days.



ETNA SUPPLY - KALAMAZOO  
 5231 EAST ML AVE.  
 KALAMAZOO, MI 49048  
 269 349 8388  
 Fax 269 349 3371



# Quotation

QUOTE DATE	QUOTE NUMBER
11/12/2021	S104305146
ETNA SUPPLY PO Box 772107 DETROIT, MI 48277-2107 P-616 248 9182 F-616 245 9940	
PAGE NO.	
2 of 3	

QUOTE TO:

SHIP TO:

CITY OF NEW BUFFALO  
 224 W BUFFALO ST  
 NEW BUFFALO, MI 49117-1899

CITY OF NEW BUFFALO  
 224 WEST BUFFALO ST  
 NEW BUFFALO, MI 49117-1808

CUSTOMER NUMBER	JOB NAME / PO NUMBER	JOB NAME / RELEASE NUMBER	SALESPERSON	
9288	NBAS S.T.E.A.M. BUILDING		Kevin Dieleman	
WRITER	SHIP VIA	TERMS	EXPIRE DATE	FREIGHT EXEMPT
Tyler Opala		NET 25TH	11/11/2021	No
ORDER QTY	DESCRIPTION	UNIT PRICE	EXT PRICE	
1ea	EXT-5 FORD NO 5 EXTENSION RING 20 TO 36 *Nonstock - Restock Policy Applies* Pn: 21755	532.000/ea	532.00	
1ea	FORD MONITOR CVR/36IN TILE MC-36-MB-TT *Nonstock - Restock Policy Applies* Pn: 669721	1010.000/ea	1010.00	
40ft	2X40FT COP K SOFT COIL Pn: 70730	1967.759/c	787.10	
1ea	MTR 2" OMNI+ T2 - 1,000 GAL (17") 1,000 GALLON TRPL TURBO DRS LAY LENGTH (17") *** T2X1XX1GXT0XXSD *** Pn: 64091 ***PLEASE CONFIRM LAY LENGTH BEFORE ORDERING***	1065.000/ea	1065.00	
2ea	GT-141 - 2 FLANGE METER DROP IN GASKET 004-6322-05 Pn: 34138	3.750/ea	7.50	
1ea	2 1/2 & 3 FLANGE BOLT & NUT KIT BAGGED CONSISTS OF: (4) 5/8 HEX NUT (4) 5/8 X 3 GR 2 BOLT Pn: 13290	5.000/ea	5.00	
Subtotal				
S&H Charges				
Amount Due				

\*\* Continued on Next Page \*

Prices are firm for -4 days. Price subject to change after -4 days.





ETNA SUPPLY - KALAMAZOO  
 5231 EAST ML AVE.  
 KALAMAZOO, MI 49048  
 269 349 8388  
 Fax 269 349 3371



# Quotation

QUOTE DATE	QUOTE NUMBER
11/12/2021	S104305146
ETNA SUPPLY PO Box 772107 DETROIT, MI 48277-2107 P-616 248 9182 F-616 245 9940	
PAGE NO.	
3 of 3	

QUOTE TO:

SHIP TO:

CITY OF NEW BUFFALO  
 224 W BUFFALO ST  
 NEW BUFFALO, MI 49117-1899

CITY OF NEW BUFFALO  
 224 WEST BUFFALO ST  
 NEW BUFFALO, MI 49117-1808

CUSTOMER NUMBER	JOB NAME / PO NUMBER	JOB NAME / RELEASE NUMBER	SALESPERSON	
9288	NBAS S.T.E.A.M. BUILDING		Kevin Dieleman	
WRITER	SHIP VIA	TERMS	EXPIRE DATE	FREIGHT EXEMPT
Tyler Opala		NET 25TH	11/11/2021	No
ORDER QTY	DESCRIPTION	UNIT PRICE	EXT PRICE	
1ea	SENSUS TOUCHPAD BLACK F/IPERL METERS - SOLD WITH METERS ONLY *** SM50520600001 *** Pn: 125903 *** LEAD TIMES FOR NONSTOCK FORD FITTINGS 8-10 WEEKS CUSTOM METER PIT 14-16 WEEKS SMITH BLAIR SADDLE 6-8 WEEKS ***	10.000/ea	10.00	

This Quotation is controlled by ETNA's standard terms and conditions ("ETNA's Standard Terms") found at <https://www.etnasupply.com/TermsandConditionsofQuotation>. Any other terms are expressly rejected. To the extent there is a conflict between any of the terms appearing on the face of this Quotation and ETNA's Standard Terms, the terms appearing on the face of the Quotation control.  
**TAXES ARE NOT INCLUDED ON THIS QUOTE!**

Prices are firm for -4 days. Price subject to change after -4 days.

Subtotal	7664.08
S&H Charges	0.00
Amount Due	7664.08



---

**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** November 23, 2021

**RE:** Rezoning of 6 South Willard

---

**ITEM BEFORE THE COUNCIL:**

Approval of rezoning 6 South Willard from the General Commercial District to R-1 Single Family Residential District

**DISCUSSION:**

The owners of 6 South Willard wish to change the zoning designation of their property from General Commercial District to R-1 Single Family Residential. The owners submitted a rezoning application and paid the applicable fees.

Per the Zoning Ordinance, the request was presented to the Planning Commission on November 16, 2021. The Planning Commission conducted a public hearing in accordance with the city's Zoning Ordinance. There were no public objections to the proposed rezoning request by any interested party. After the public hearing, the Planning Commission deliberated and recommended that the rezoning be granted.

The proposed zoning request does not create spot zoning within either zoning district. The property has always been utilized for residential living. Additionally, the owner of the property currently operates within the structure on the property. The home occupation conforms with Section 3-26 of the zoning ordinance and would remain if the rezoning request is granted. Moreover, granting of the rezoning request allows the owners of the property more flexibility

**RECOMMENDATION:**

That the New Buffalo City Council approves the rezoning of 6 South Willard from General Commercial to R-1 Single Family Residential.



October 28, 2021

### **NOTICE OF PUBLIC HEARING AND SPECIAL PLANNING COMMISSION MEETING**

The City of New Buffalo Planning Commission will hold a public hearing at a Special Meeting on Thursday, November 16, 2021 at 5:00 p.m. at New Buffalo City Hall, 224 W. Buffalo Street, New Buffalo, Michigan 49117.

The purpose of this meeting is a re-zoning request by Tricia Bowden, owner 6 S. Willard Street New Buffalo, MI 49117.

The applicant requests:

- Re-zoning property from General Commercial District to R-1 Single Family Residential.

Said property is located at 6 S. Willard Street, New Buffalo, MI 49117 Property Tax Code No: 11-62-8200-0376-00-3. The Zoning Ordinance is available online at [cityofnewbuffalo.org](http://cityofnewbuffalo.org) and City Hall.

\*This is an in-person meeting only. There will be no video teleconference options.

The public is welcome to attend the meeting at 224 W. Buffalo Street, New Buffalo, MI 49117.

If planning to attend this meeting, the CDC recommends everyone regardless of vaccination status wear a mask while indoors. \*

This meeting is an open meeting. The notice is posted in compliance with Open Meeting Act, Public Act 267 of 1976 MCL 15.261, et seq., and the Americans with Disabilities Act. Individuals with disabilities requiring auxiliary aids should contact the City Clerk by writing or calling the following: Amy Fidler, City Clerk, (269) 469-1500, 224 W. Buffalo St., New Buffalo, MI 49117.

Amy Fidler, City Clerk  
City of New Buffalo



City Staff  
Use Only

Project Name  
Project Number  
Review Fee Paid  
Escrow Fee Paid

RECEIVED

OCT 27 2021

CITY OF NEW BUFFALO

APPLICATION TO: PLANNING COMMISSION ZONING BOARD OF APPEALS

224 W Buffalo St, New Buffalo, MI 49117 City Hall: 269-469-1500 Building Dept: 269-469-7144 Facsimile: 269-469-7917

Instructions: Fill-in all blanks and 'X' applicable boxes ( ). Incomplete applications cannot be processed.

I. Applicant and Owner Information

A) Applicant(s) principal contact:

E) Property owner(s) principal contact:

Name Adam Bowden

Name \_\_\_\_\_

Address [Redacted]

Address \_\_\_\_\_

Telephone

Telephone \_\_\_\_\_

email

email \_\_\_\_\_

B) Applicant(s) secondary contact:

F) Architect (if applicable):

Name Tricia Bowden

Name \_\_\_\_\_

Address [Redacted]

Address \_\_\_\_\_

Telephone

Telephone \_\_\_\_\_

email

email \_\_\_\_\_

C) Agent or Attorney (if applicable):

G) Engineer (if applicable):

Name \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Telephone \_\_\_\_\_

email \_\_\_\_\_

email \_\_\_\_\_

D) Is the property held in Trust\*:

Yes - Answer below

No - Skip below

H) Applicant is (circle one):

Property owner

Attorney

Agent

Engineer

Other: \_\_\_\_\_

Name of Trust \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_

email \_\_\_\_\_

\* Trusts: Provide an attached statement from the trustee verifying the names of all the beneficial owners.

Proceed to Next Page

**II. Purpose of Application**

A) This application is a request for the following action:

Rezoning of Property

Subdivision Approval

Site Plan Approval

Rezoning Amendment

Variance(s) Approval

Special Use Approval

Lot Split – Subdivision or Land Division

Other: \_\_\_\_\_

B) The reasons for the requested action(s) are as follows:

Presently the property is Zoned General Commercial District, and we are asking to be Re-Zoned - R-1 Property. This property sits in an R-1 community and has R-1 neighbors.

C) The specific section(s) of the City Zoning Ordinance or City General Ordinances which addresses the amendment, variance, or other action which is being requested:

Section 20-1 Intent  
Sec. 20-2 Nonconforming Lots  
Sec. 20-4 Nonconforming Structures

D) The following two questions are only for applications which contain a request for a zoning variance:

1. Are the conditions which prevent the development of the property the result of action by an individual who has or had a property interest in the subject property: Yes  No
2. If the conditions were self-imposed (not hardship), explain why the variance should be granted:

III. Site and Surrounding Property Information

A) Common address or property location of subject property:

6 So Willard St.  
New BUFFALO, MI 49117

B) Legal description (attach an additional sheet if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C) Permanent Real Estate Tax Identification Number: \_\_\_\_\_

D) Parcel Size: 14,505 Square feet  
.333 Acres  
111 ft. Dimension of lot frontage  
130 ft. Dimension of lot depth

E) What are the current land uses and zoning on the property and the adjoining properties:

	Current zoning	Current land use
1. On Site:	<u>G CD</u>	<u>Residential S.F.H.</u>
2. Adjoining property:		
a) North of Site	<u>G CD</u>	<u>Horizon Bank</u>
b) South of Site	<u>R-1</u>	<u>Single Family Home</u>
c) East of Site	<u>G CD</u>	<u>Single Family Home</u>
d) West of Site	<u>G CD</u>	<u>Parking Lot</u>

F) Describe any existing structures or other improvements and physical attributes of the site:

1 - Free Standing Garage  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IV. Description of the Proposed Development**

A) Please describe the proposed use of the land and/or building assuming approval of the request:

Single Family Home on R-1 Property

B) What is the proposed time frame for the build-out of this development \_\_\_\_\_

C) For each intended use please fill-in the number of buildings, square footage of each building, the total square footage of the development, and the required number of parking spaces; as well as the number and size of the water and the sewer connections:

Building Use	Number of Buildings	Building Area (sq ft)	Total Building (sq ft)	Required Parking Spaces	Water Connections and Sizes	Sewer Connections and Sizes
Single Family R-1						
Two Family R-2						
Mufty-Family R-3						
Central Business CBD						
Gen. Commercial GCD						
Waterfront Marina WM						
General Industrial I-1						
TOTAL						

D) If this application is for a development please provide information concerning the amount of traffic and the proposed road configuration it will have:

1) Average daily traffic count for the proposed development: N/A

2) Peak traffic flow count for the proposed development: N/A

3) How many lineal feet of roadway is proposed to be developed: N/A

4) How many cul-de-sacs will be constructed as part of this project: N/A

5) How many curb cuts to City, County or State roads are proposed: N/A

E) Does the request contemplated in this application concern any hazardous materials:  
 No Yes – describe the type and quantity of materials (attach extra pages if necessary):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



V. Attachments

- A) \_\_\_\_\_ Plat of Survey with legal description.
- B) \_\_\_\_\_ Site plan of proposed use of project showing traffic patterns, parking locations and court, drainage patterns including detention areas, landscaping plans, exterior lighting locations and illumination pattern, building facade portrait and building size and location dimensions.
- C) \_\_\_\_\_ Floodplain map (engineer's drawing or FEMA map showing location of subject property).
- D) X Application fee in the amount of \$ 350.00.
- E) \_\_\_\_\_ High Risk Dune Area Designation and/or Soil Conservation Analysis (if applicable).
- F) \_\_\_\_\_ Application for permits (specify type):
  - 1) Michigan DOT \_\_\_\_\_
  - 2) County Road Commission \_\_\_\_\_
  - 3) County Health Department \_\_\_\_\_
  - 4) State Dept. of Public Health \_\_\_\_\_
  - 5) Michigan DEQ \_\_\_\_\_
  - 6) Others \_\_\_\_\_
- G) \_\_\_\_\_ Sand Dune Permit for Construction (if applicable).

VI. Additional Information - Please describe the reasons this petition should be granted and include any additional comments or pertinent information (attach additional pages if necessary):

*This property has been lived in by my family since it was built in 1926. My current family who lives here will be living here for the rest of our lives. Our family is a positive addition to the community and wants to make our corner of the world a better place to live and enjoy. Please help us keep this home a home. The surrounding city lots are an R-1 community. My family would like to join that Residential-10 Family.*

*Thank you,  
The Bowdens*

**VII. Signature and Declaratory Statement**

A) Required attendance at public hearing(s) and/or meeting(s): The Planning Commission and Zoning Board of Appeals (ZBA) have established a policy requiring the applicant or a designated representative of the applicant to be present at any meeting or public hearing at which their application is to be considered. Failure of the applicant or designee of the applicant to appear may postpone consideration of the application by the Planning Commission or ZBA.

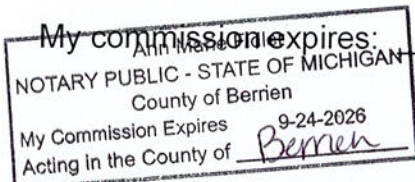
B) Declaratory Statement:

I, Adam Bowden, Teicia Bowden hereby certify that all information contained in this application and accompanying documentation is true and correct to the best of my knowledge and further, I acknowledge the required attendance of the applicant as set forth in paragraph A above. I furthermore grant permission for identified members of the City of New Buffalo's Planning Commission or Zoning Board of Appeals to visit the site(s) referenced in this application.

C) Applicant Signature: Teicia Bowden, Adam Bowden Date: 10-27-21

D) Notary Public Certification Statement:

I, Ann Marie Fidler, Notary Public in and for the State of Michigan this 27<sup>th</sup> day of October, 2021 the above captioned applicant appeared before me and under oath, stated that all matters contained in this application are true.



9-24-2026 Ann Marie Fidler

**VIII. City Staff Review**

A) Fire Department approval of Site and Building Plans, except for single family dwellings: This application and associated documentation must be reviewed by the Fire Chief or his designee, which can be arranged by calling the Fire Department: 269-469-4993.

Review Date: \_\_\_\_\_

Approval: Yes No Signature: N/A

Conditions: Attached None Title: \_\_\_\_\_

B) Note to applicant: The original application must be filed in the Office of the Zoning Administrator, where the following signatures are required for verification that this is a complete and valid application to be considered by the Planning Commission or the Zoning Board of Appeals.

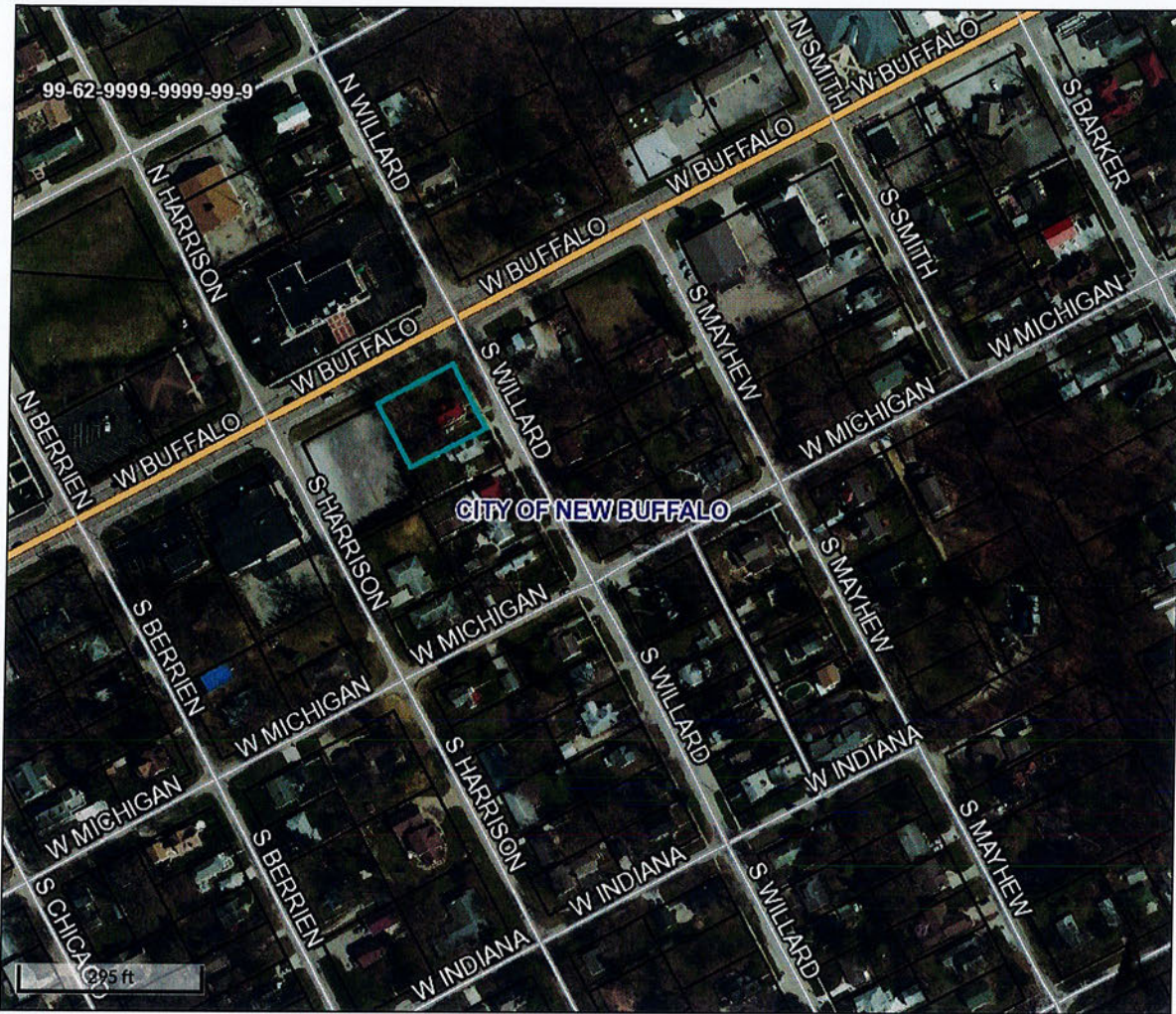
Building Inspector: [Signature] Date: 11-1-21

Zoning Administrator: [Signature] Date: 11-1-21

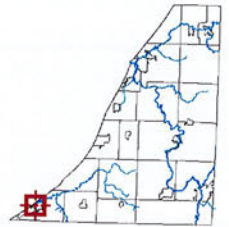
Initial meeting date: Nov 16, 2021

Ted Hanson Building Official

*Berrien*



**Overview**



**Legend**

- City and Villages
- + Railroads
- Roads**
- <all other values>
- Interstate
- Major Arterial
- Minor Arterial
- Roads
- Parcels
- Lakes
- Rivers
- Parcel
- Lake Michigan

Parcel ID	11-62-8200-0376-00-3	Alternate ID	n/a	Owner Address	BOWDEN ADAM ANTHONY
Sec/Twp/Rng	n/a	Class	401		& BOWDEN TRICIA MAYER
Property Address	6 S WILLARD ST NEW BUFFALO	Acreage	n/a		6 S WILLARD ST NEW BUFFALO, MI 49117
District	11200				
Brief Tax Description	COM NE COR OF BLK 376 VIRGINIA ADD TO VILLAGE OF NEW BUFFALO TH S30DEG E 132' S60DEG W 132' N30DEG W 132' TH N60DEG E 132' TO BEG EXC THAT PT TAKEN FOR HWY PER MR42 PG402				
	(Note: Not to be used on legal documents)				

Date created: 11/1/2021  
Last Data Uploaded: 11/1/2021 1:04:22 AM

CITY OF NEW BUFFALO  
 224 W. BUFFALO STREET  
 NEW BUFFALO, MI 49117  
 Phone : (269) 469-1500

Received From:  
 Bowden Tricia Mayer & Adam Anthony  
 Date: 10/28/2021 Time: 2:31:42 PM  
 Receipt: 96505  
 Cashier: SBOONE



\$ 350.00

ITEM REFERENCE	AMOUNT
BDINV 00001600	\$350.00
TOTAL	\$350.00
Total Tendered:	\$350.00
Change:	\$0.00

Issue Date	Permit Number	Address	Amount Due
8/21	PB21-0131	6 S Willard ST	\$ 350.00
		Amount Cost	Balance
tion Fee		\$350.00	\$ 350.00
			\$ 350.00

**HORIZON**  
 BANK  
 MICHIGAN CITY, IN 46360

71-132/712

**PERSONAL MONEY ORDER**

NOT VALID FOR OVER \$500.00

DATE

Oct 27, 2021

\$ \*\*\*\*\*350.00

The purchaser hereof agrees to insert hereon in ink his signature and address and the name of the payee, and assumes responsibility for all events made possible by his failure to do so.

PAY **THREE HUNDRED FIFTY AND NO/100 DOLLARS\*\*\*\*\***

Pay to the Order of:

City of New Buffalo

*Tricia M Bowden*  
 SIGNATURE  
 6 S. Willard, New Buffalo MI  
 ADDRESS  
 49117





---

**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** November 23, 2021

**RE:** Site Plan Approval – 1 North Whittaker

---

**ITEM BEFORE THE COUNCIL:**

Approval of site plan for 1 North Whittaker

**DISCUSSION:**

The city received a site plan application from the owners of 1 North Whittaker. The applicant wanted to restore the façade to the original state of the building. In June 2021, the Planning Commission approved a Special Use permit to allow for outdoor seating at this location. Included in the plans at that time was to remove the corner of the building. The most current site plan submitted to the Planning Commission for consideration does not remove the corner of the building; however, it adds more seating for patrons of the proposed restaurant.

The Planning Commission unanimously approved the site plan at its November 16<sup>th</sup> special meeting and recommends the approval to the City Council.

**RECOMMENDATION:**

That the New Buffalo City Council approves the site plan for 1 North Whittaker.



October 28, 2021

## **NOTICE OF SPECIAL PLANNING COMMISSION MEETING**

The City of New Buffalo Planning Commission will hold a Special Meeting at 5:00 p.m. on Tuesday, November 16, 2021 at New Buffalo City Hall, 224 W. Buffalo Street, New Buffalo, MI 49117.

The purpose of this meeting is a site plan review request by Damon Marano, owner of 1 North Whittaker Street New Buffalo, MI 49117. The applicant requests a site plan review for a proposed restaurant and retail space located at 1 N. Whittaker Street New Buffalo, MI 49117. The zoning district is CBD "Central Business District".

This location, 1 N. Whittaker Street, current tenant is the Pharmacy. Building to be renovated for several future tenants. All appropriate construction permits would be required.

Said property is located at 1 N. Whittaker Street, New Buffalo, MI. Property Tax Code No:11-62-0340-0233-01-8. The Zoning Ordinance is available online at [cityofnewbuffalo.org](http://cityofnewbuffalo.org) and City Hall.

This meeting is an open meeting. The notice is posted in compliance with Open Meeting Act, Public Act 267 of 1976 MCL 15.261, et seq., and the Americans with Disabilities Act. Individuals with disabilities requiring auxiliary aids should contact the City Clerk by writing or calling the following: Amy Fidler, City Clerk, (269) 469-1500, 224 W. Buffalo St., New Buffalo, MI 49117.

Amy Fidler, City Clerk  
City of New Buffalo



## **STAFF REPORT**

### **1 North Whittaker Project**

**Meeting Date:** November 23, 2021

**Project Number:** PZ21-0002

**Project Name:** 1 North Whittaker

**Applicant:** Damon Marano, 3000 South Ashland, Chicago, IL 60608

**Property Location:** 1 North Whittaker Street, New Buffalo, MI 49117, 11-62-0340-0233-01-8

**Owner:** Damon Marano, 3000 South Ashland, Chicago, IL 60608,

**Dimensions:** 264.4'x132' (34,924 SF)

**Proposed Use:** Commercial Business Building

**Zoning:** Central Business District (CBD)

**Action Requested:** Site Plan Review

### **OVERVIEW**

The applicant requests approval of a Site Plan for a Commercial Business Building located at 1 North Whittaker.

#### ***Section 19-6, A, General Information***

The applications submitted are complete.

#### ***Section 19-6, B, Site Analysis/Project Impact***

The drawings as submitted satisfy the requirements of this section in every respect.

#### ***Section 19-6, C and 19-9, Site Plan Information and Approval Standards***

The drawings as submitted satisfy the requirements of this section in all respects.

#### ***Section 17-2 Standards for Approval***

**A. Basic Approval Standards.** Prior to approving a special land use application, the following general standards, in addition to any specific standards required for an individual special use shall be satisfied. The proposed use or activity shall:

1. Be compatible and in accordance with the City of New Buffalo Master Plan.
2. Be designed, constructed, operated, and maintained to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed.

3. Be adequately served by public facilities and services such as streets, police, fire protection, drainage structures, water and sewage facilities recreation facilities, and primary and secondary schools.
4. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment, public health, safety or welfare by reason of excessive production of traffic, noise, smoke, odors or other such nuisance.
5. Promote the public interest through provision of a service, facility, or use determined to be non-detrimental to the residents of the City.
6. Be in compliance with all City ordinances, and state and federal statutes, and licensing provisions as applicable.
7. Not create safety concerns for pedestrian or vehicular circulation

#### **FINDINGS/RECOMMENDATION**

After review of the application materials, confirmation of the facts reported, site inspections, evaluation of the site plan review criteria by the City's Building Department, and the approval of the Planning Commission, it is recommended that the Site Plan for 1 North Whittaker be approved as submitted.

Respectfully,

Darwin Watson, City Manager





## City of New Buffalo

### Site Plan Staff Report

**Hearing Date:** November 16<sup>th</sup> 2021 5pm

**Project Number:** PZ21-0002

**Applicant:** Damon Marano, 3000 S. Ashland, Chicago, IL 60608

**Subject Property Address** 1 N. Whittaker Street, New Buffalo, MI 49117

**Nature of the Request:** Site Plan request for Restaurant.

**Zoning District:** CBD "Central Business District"

### OVERVIEW

The applicant is Damon Marano, of 1 N. Whittaker, New Buffalo, MI 49117. The applicant requests Site Plan approval for a proposed Restaurant at this location. City of New Buffalo Zoning in the Central Business District allows for Restaurants by right. Section 10-2 #19.

This location was presented to Planning Commission in February of 2021 for a special use permit for outside seating by another applicant. That special use permit for outside seating was granted and stays with the property. This current and new site plan application is NOT requesting any outside seating, however its available if any future request is made.

This location, 1 N Whittaker Street current tenant is Pharmacy. Building to be renovated for several future tenants. All appropriate construction permits would be required, and all zoning pertaining to parking, lighting, dumpster location, etc. will be required, and must be approved by the Building Official.

**Recommendation:** Upon review of the application materials, validation of the facts reported, site inspection and evaluation of each of the criteria required for review and noted in this staff report, it is the recommendation of the Zoning Administrator that planning commission has all the information supplied to render discission.

Respectfully submitted,  
Ted Hanson  
Building Official  
City of New Buffalo

**Section 10-1 Intent and purpose.**

This district is intended to provide convenience retail and services, specialty retail, tourist-oriented retail and services, entertainment establishments, and professional offices in a concentrated, but well-designed manner. This district is intended to serve the local residents as well as the vacationing or visiting public.

**Section 10-2 Uses permitted by right and special use permit.**

[Amended 2-19-2008 by Ord. No. 175; 9-22-2008 by Ord. No. 177; 2-2-2012 by Ord. No. 184]

Land or buildings in the CBD District may be used for the following uses "by right" or by "special use permit" as identified. Those uses permitted by special use permit shall be reviewed in accordance with provisions contained in Article 17.

Land Use	Permitted by Right	Special Use
<b>GROCERY, FOOD STUFFS, PHARMACIES AND RELATED USES</b>		
1. Grocery store	X	
2. Convenience store selling foods, without gasoline sales	X	
3. Specialty food stores including: meat market, bakery, produce, candy/nuts, and health food store	X	
4. Bulk food sales (retail)	X	
5. Pharmacy (without drive-through service)	X	
6. Pharmacy (with drive-through service)		X
7. Medical supplies	X	
8. Liquor sales	X	
<b>AUTOMOTIVE, GASOLINE, AND MARINE SALES AND SERVICE</b>		
9. Automotive parts		X
10. Marine supplies (not including watercraft sales and service)	X	
11. Marine supplies (including watercraft sales and service)		X
<b>OFFICES</b>		
12. Executive, professional, and administrative offices	X	
13. Medical offices, out-patient clinics, and emergency medical center		X
14. Real estate and insurance	X	
15. Veterinary office (but not including outdoor kennels, run, or exercise facilities)	X	
16. Government and community service facility (but not including penal institutions, halfway houses, work release facilities, or facilities of a similar character)	X	
17. Financial institutions including: banks, credit unions, savings and loan, mortgage, stock brokerage, and investments, but without drive-through facilities	X	
18. Financial institutions including: banks, credit unions, savings and loan, mortgage, stock brokerage, and investments, with drive-through facilities		X
<b>RESTAURANTS, LOUNGES, BARS, AND PUBS</b>		
19. Restaurants, cafes, coffee shops and ice cream shops (without drive-through service)	X	
20. Outdoor seating/service		X
21. Bars, lounges, or pubs (not including adult entertainment)	X	
<b>GENERAL AND SPECIALITY RETAIL AND PERSONAL SERVICES</b>		
22. Sporting goods (not including recreational vehicle sales and service)	X	
23. Bait shops	X	
24. General merchandise stores limited to new merchandise and entirely within an enclosed building (includes department and variety stores)	X	
25. Used retail merchandise sales conducted entirely within an enclosed building and handling product lines classified as antiques, used, secondhand, surplus or factory seconds		X
26. Stores selling small appliances, computers/software, office equipment, camera/photo supplies, and electronics	X	
27. Personal services including: hair salons, beauty/barber shops, florists, health and fitness clubs, photographic studios, travel agencies, locksmith, tax services, video rental (non-adult), dry cleaners (non-industrial), pet grooming and commercial day care	X	
28. Massage services		X



City Staff  
Use Only

Project Name  
Project Number  
Review Fee Paid  
Escrow Fee Paid

**APPLICATION TO: PLANNING COMMISSION ZONING BOARD OF APPEALS**

224 W Buffalo St, New Buffalo, MI 49117 City Hall: 269-469-1500 Building Dept: 269-469-7144 Facsimile: 269-469-7917

Instructions: Fill-in all blanks and 'X' applicable boxes ( ). Incomplete applications cannot be processed.

**I. Applicant and Owner Information**

A) Applicant(s) principal contact:

Name  
Address  
Telephone  
email

DAVID MURANO



E) Property owner(s) principal contact:

Name  
Address  
Telephone  
email

SAME

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B) Applicant(s) secondary contact:

Name  
Address  
Telephone  
email

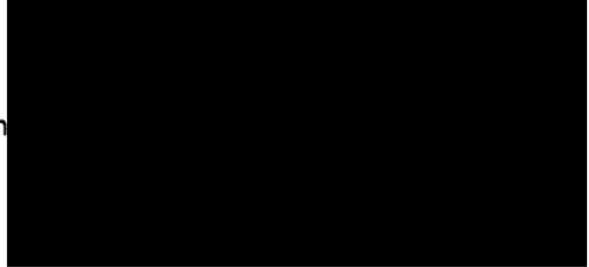
N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

F) Architect (if applicable):

Name  
Address  
Telephone  
email

WILLIAM MCCOLLUM



C) Agent or Attorney (if applicable):

Name  
Address  
Telephone  
email

N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

G) Engineer (if applicable):

Name  
Address  
Telephone  
email

N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D) Is the property held in Trust\*:

Yes - Answer below

No - Skip below

Name of Trust \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_

email \_\_\_\_\_

H) Applicant is (circle one):

Property owner

Attorney

Agent

Engineer

Other: \_\_\_\_\_

\* Trusts: Provide an attached statement from the trustee verifying the names of all the beneficial owners.

Proceed to Next Page

II. Purpose of Application

A) This application is a request for the following action:

Rezoning of Property

Subdivision Approval

Site Plan Approval

Rezoning Amendment

Variance(s) Approval

Special Use Approval

Lot Split – Subdivision or Land Division

Other: \_\_\_\_\_

B) The reasons for the requested action(s) are as follows:

REVISION TO PREVIOUSLY APPROVED SITE PLAN

NO SET BACK FROM PROPERTY LINE

BUDG FOOTPRINT IS NOT TO CHANGE

C) The specific section(s) of the City Zoning Ordinance or City General Ordinances which addresses the amendment, variance, or other action which is being requested:

N/A

D) The following two questions are only for applications which contain a request for a zoning variance:

1. Are the conditions which prevent the development of the property the result of action by an individual who has or had a property interest in the subject property: Yes No

2. If the conditions were self-imposed (not hardship), explain why the variance should be granted:

NA

III. Site and Surrounding Property Information

A) Common address or property location of subject property:

1 N. WHITTAKER

B) Legal description (attach an additional sheet if necessary):

C) Permanent Real Estate Tax Identification Number:

D) Parcel Size: 34,924 Square feet, .80 Acres, 264.38 Dimension of lot frontage, 132 Dimension of lot depth

E) What are the current land uses and zoning on the property and the adjoining properties:

Table with 2 columns: Current zoning, Current land use. Rows include On Site (CBD, COMMERCIAL) and Adjoining property (North, South, East, West) with various zoning and land use descriptions.

F) Describe any existing structures or other improvements and physical attributes of the site:

EXISTING STRUCTURE TO REMAIN

**IV. Description of the Proposed Development**

A) Please describe the proposed use of the land and/or building assuming approval of the request:

EXISTING BUILDING TO CONTAIN 4 COMMERCIAL SPACES: PHARMACY, REALTOR, RESTAURANT + 1 RETAIL SPACE

B) What is the proposed time frame for the build-out of this development: 2021 - 2022

C) For each intended use please fill-in the number of buildings, square footage of each building, the total square footage of the development, and the required number of parking spaces; as well as the number and size of the water and the sewer connections:

Building Use	Number of Buildings	Building Area (sq ft)	Total Building (sq ft)	Required Parking Spaces	Water Connections and Sizes	Sewer Connections and Sizes
Single Family R-1						
Two Family R-2						
Mufty-Family R-3						
Central Business CBD	1	15,000	15,000	186		
Gen. Commercial GCD						
Waterfront Marina WM						
General Industrial I-1						
<b>TOTAL</b>		15000	15,000	186		

D) If this application is for a development please provide information concerning the amount of traffic and the proposed road configuration it will have:

- 1) Average daily traffic count for the proposed development: \_\_\_\_\_
- 2) Peak traffic flow count for the proposed development: \_\_\_\_\_
- 3) How many lineal feet of roadway is proposed to be developed: \_\_\_\_\_
- 4) How many cul-de-sacs will be constructed as part of this project: \_\_\_\_\_
- 5) How many curb cuts to City, County or State roads are proposed: \_\_\_\_\_

E) Does the request contemplated in this application concern any hazardous materials:  
 No      Yes – describe the type and quantity of materials (attach extra pages if necessary):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_





VII. Signature and Declaratory Statement

A) Required attendance at public hearing(s) and/or meeting(s): The Planning Commission and Zoning Board of Appeals (ZBA) have established a policy requiring the applicant or a designated representative of the applicant to be present at any meeting or public hearing at which their application is to be considered. Failure of the applicant or designee of the applicant to appear may postpone consideration of the application by the Planning Commission or ZBA.

B) Declaratory Statement:

I, DAMON MARANO, hereby certify that all information contained in this application and accompanying documentation is true and correct to the best of my knowledge and further, I acknowledge the required attendance of the applicant as set forth in paragraph A above. I furthermore grant permission for identified members of the City of New Buffalo's Planning Commission or Zoning Board of Appeals to visit the site(s) referenced in this application.

DM → C) Applicant Signature: Damon Marano Date: 10/11/21

D) Notary Public Certification Statement:

I, JASON NITTI, Notary Public in and for the State of Michigan this 11<sup>th</sup> day of October, 2021 the above captioned applicant appeared before me and under oath, stated that all matters contained in this application are true.

My commission expires: 2/4/23

[Signature]



VIII. City Staff Review

A) Fire Department approval of Site and Building Plans, except for single family dwellings: This application and associated documentation must be reviewed by the Fire Chief or his designee, which can be arranged by calling the Fire Department: 269-469-4993.

Review Date: 11-2-21

Approval: Yes No

Signature: [Signature]

Conditions: Attached None

Title: Fire Chief

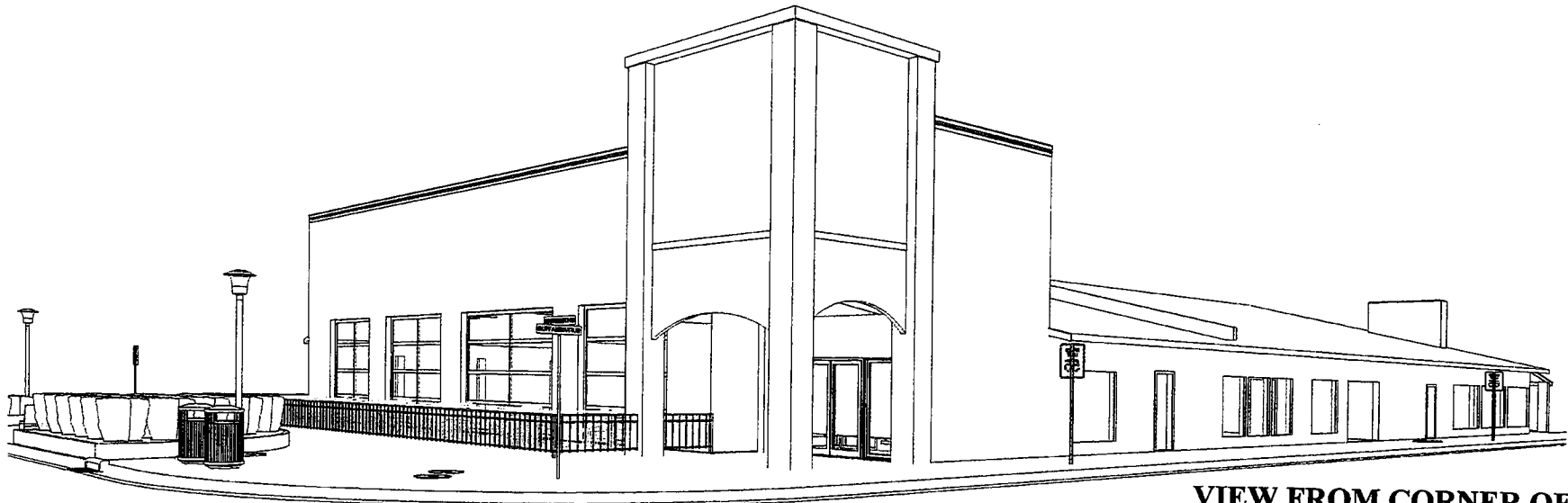
B) Note to applicant: The original application must be filed in the Office of the Zoning Administrator, where the following signatures are required for verification that this is a complete and valid application to be considered by the Planning Commission or the Zoning Board of Appeals.

Building Inspector: [Signature] Date: 11-1-21

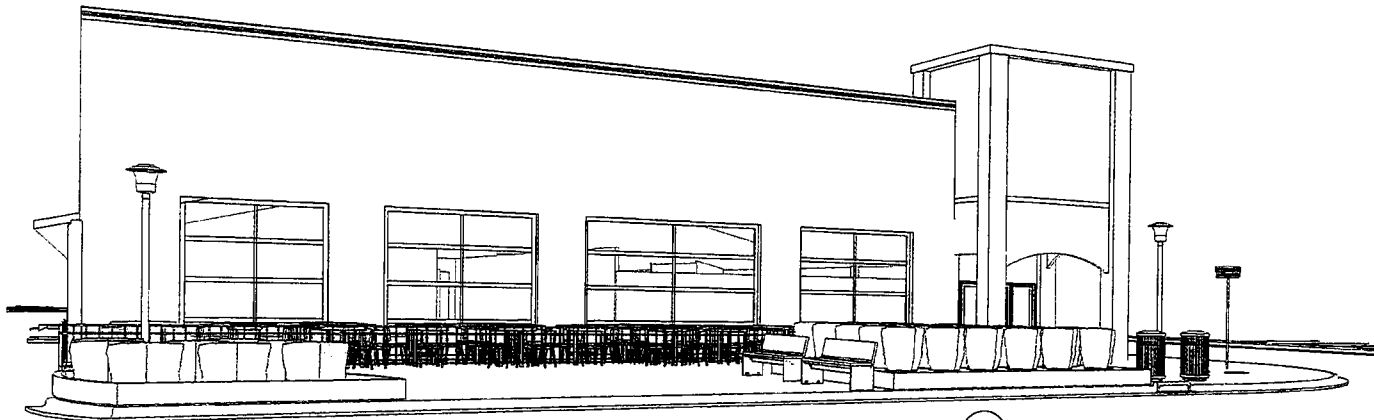
Zoning Administrator: [Signature] Date: 11-1-21

Initial meeting date: Nov 16, 2021

Ted Hanson



VIEW FROM CORNER OF  
**① WHITTAKER/BUFFALO ST.**



**② VIEW FROM WHITTAKER ST.**

Architect  
**William O.  
 McCollum**  
 16109 Red Arrow Hwy.  
 Union Pier, MI 49129  
 phone: (312) 559-7008  
 fax: (269) 469-9219

bill@mccollumarchitects.com

**1 NORTH WHITTAKER ST.**  
 NEW BUFFALO, MI 49117

**REVISIONS**

COUNCIL MTG	02/16/21
CITY COUNCIL	03/12/21
PLAN	04/19/21
COMMISSION	

Job Number: # 2573

Drawn by: Mince Harmon-Kidder

**3-D VIEWS**

**A-8**

Copyright ©  
 This design, drawing and detail is the  
 copyrighted property of The O'Connell  
 Architects. No part thereof shall be copied,  
 duplicated, distributed, sold, or used  
 in whole or in part without the consent of  
 The O'Connell Architects.

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND OR WHITE PAPER AND ORIGINAL DOCUMENT SECURITY SCREEN ON BACK WITH FABRICK SECURITY PLOTT

McCOLLUM ARCHITECTS



71-732/712

10/12/21

PAY TO THE ORDER OF

CITY OF NEW BUFFALO

\$ 350<sup>00</sup>

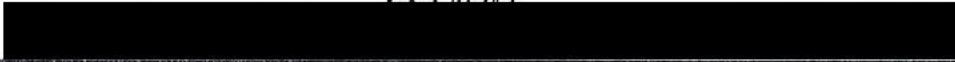
DOLLARS

THREE HUNDRED FIFTY

*[Handwritten Signature]*  
AUTHORIZED SIGNATURE MP

MEMO

I N. WITTAKER / PLAW COMMISSION.  
REVENUE



McCOLLUM ARCHITECTS



McCOLLUM ARCHITECTS

5223

**COPY**

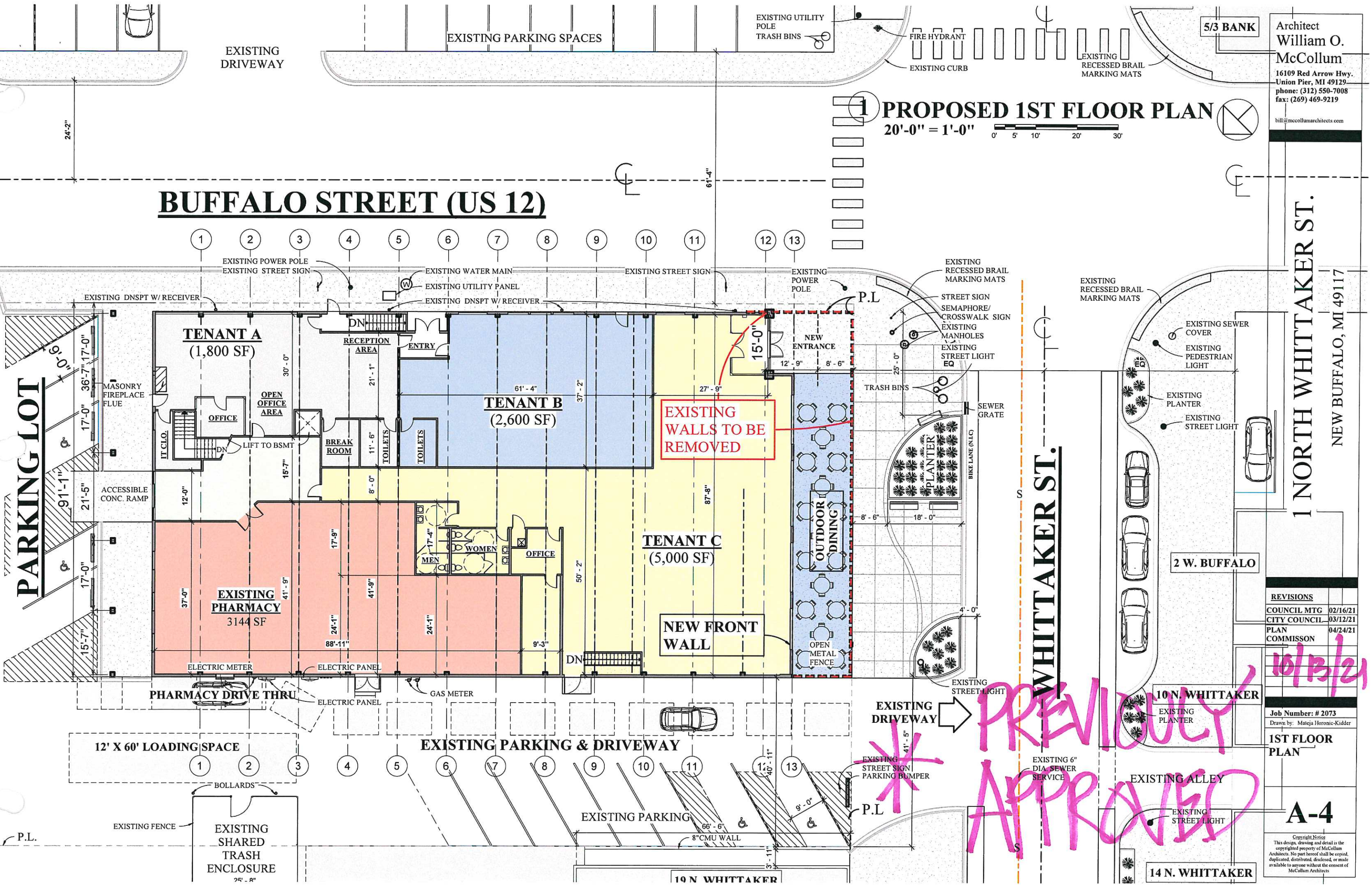
Architect  
**William O. McCollum**  
 16109 Red Arrow Hwy.  
 Union Pier, MI 49129  
 phone: (312) 550-7008  
 fax: (269) 469-9219  
 bill@mcollumarchitects.com

# PROPOSED 1ST FLOOR PLAN

20'-0" = 1'-0"

## BUFFALO STREET (US 12)

1 NORTH WHITTAKER ST.  
 NEW BUFFALO, MI 49117



REVISIONS	
COUNCIL MTG	02/16/21
CITY COUNCIL	03/12/21
PLAN COMMISSION	04/24/21

Job Number: # 2073  
 Drawn by: Mateja Horonic-Kidder  
**1ST FLOOR PLAN**

**A-4**  
 Copyright Notice  
 This design, drawing and detail is the copyrighted property of McCollum Architects. No part hereof shall be copied, duplicated, distributed, disclosed, or made available to anyone without the consent of McCollum Architects.

*PREVIOUSLY APPROVED*

10/13/21

Architect  
**William O. McCollum**  
 16109 Red Arrow Hwy.  
 Union Pier, MI 49129  
 phone: (312) 550-7008  
 fax: (269) 469-9219  
 bill@mccollumarchitects.com

**1 NORTH WHITTAKER ST.**  
 NEW BUFFALO, MI 49117

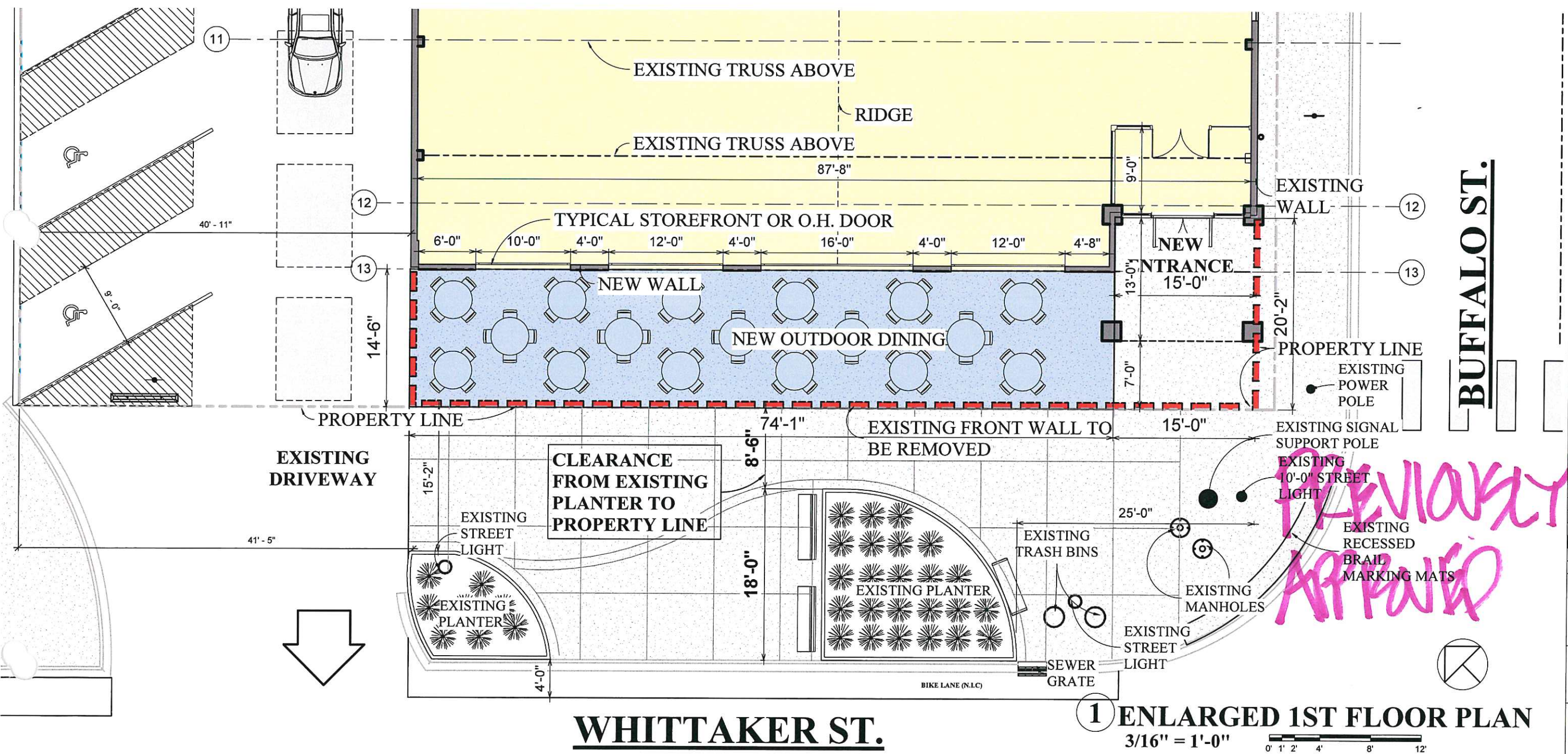
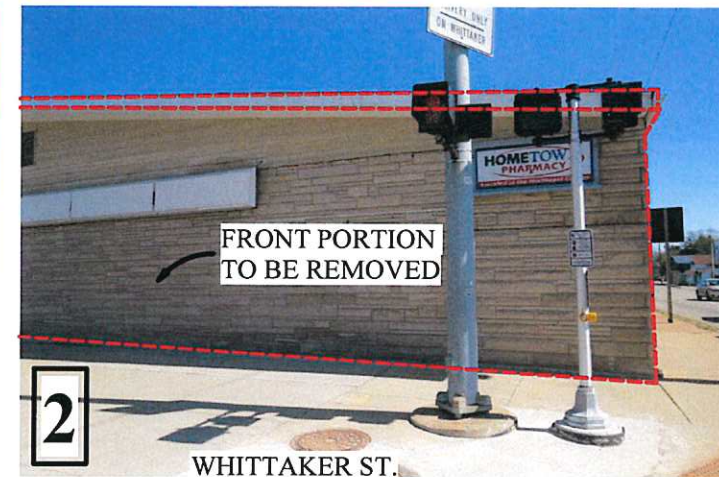
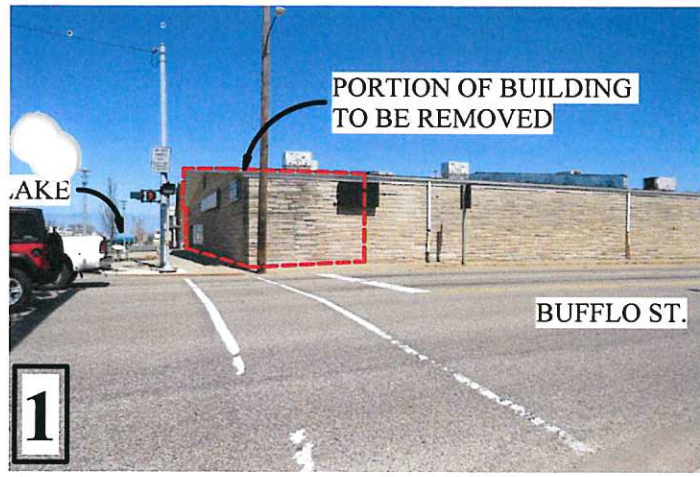
REVISIONS	
COUNCIL MTG	02/16/21
CITY COUNCIL	03/12/21
PLAN COMMISSION	04/24/21
	10/13/21

Job Number: # 2073  
 Drawn by: Mateja Horonic-Kidder

**ENLARGED 1ST FLOOR PLAN**

**A-5**

Copyright Notice  
 This design, drawing and detail is the copyrighted property of McCollum Architects. No part hereof shall be copied, duplicated, distributed, disclosed, or made available to anyone without the consent of McCollum Architects

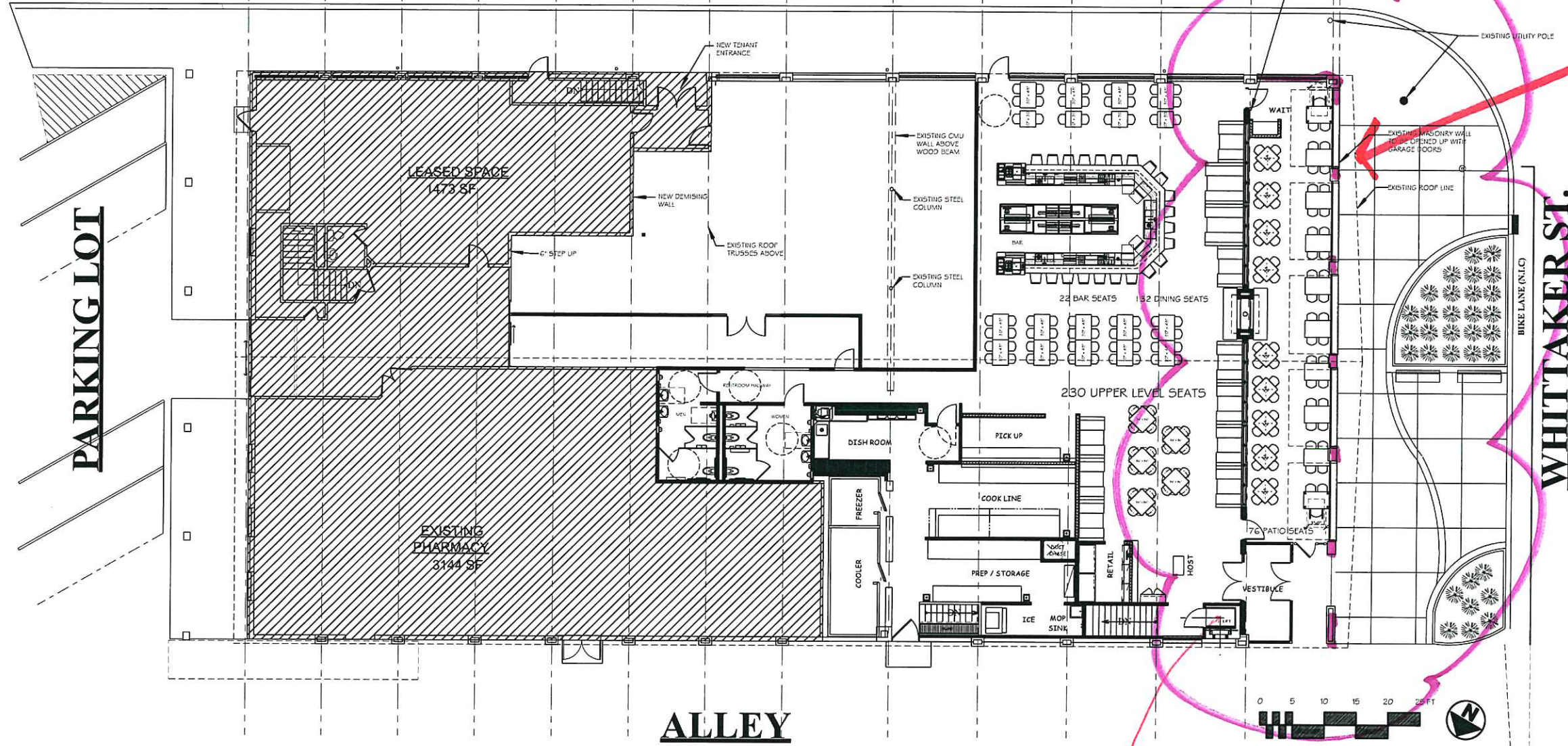


**WHITTAKER ST.**

**1 ENLARGED 1ST FLOOR PLAN**  
 3/16" = 1'-0"  
 0' 1' 2' 4' 8' 12'

**BUFFALO STREET (US 12)**

**EXISTING FACADE TO  
REMAIN IN PLACE AS  
IS.**



**PARKING LOT**

**WHITTAKER ST**

**ALLEY**

*ACCESS FROM  
LIFT.*

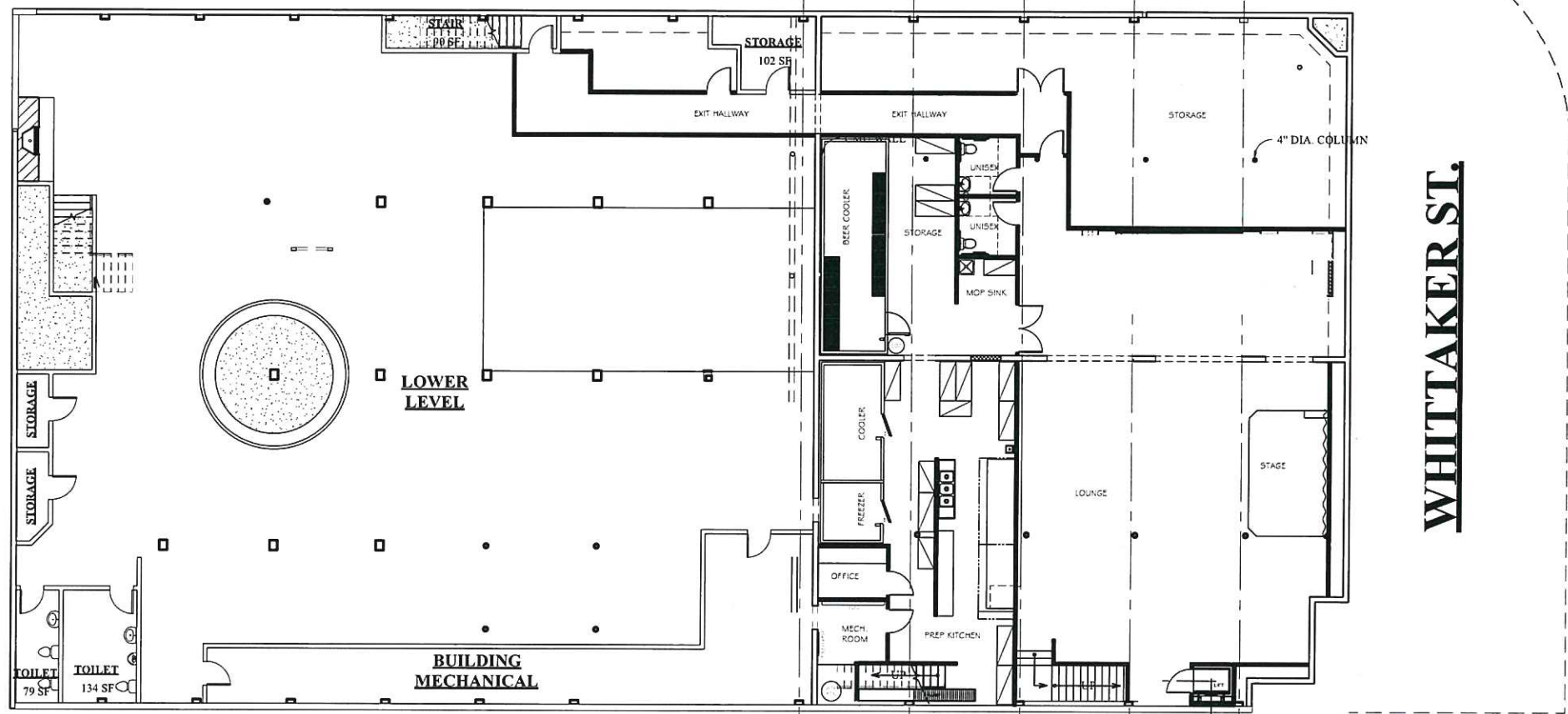
**PROPOSED**

1ST FLOOR PLAN

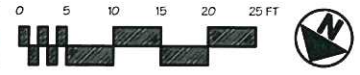
**10/13/21**

**BUFFALO STREET (US 12)**

OUTLINE OF EXISTING  
SIDEWALK ABOVE



**WHITTAKER ST.**



BASEMENT PLAN

*PROPOSED*  
*10/13/21*



COLOR VARIATIONS - FRONT VIEW

PROPOSED  
10/13/21







ARIAL CORNER VIEW

PROPOSED  
10/13/21



FRONT ELEVATION VIEW

PROPOSED  
10/13/21