



CITY OF ALLEGAN

Downtown Development Authority
Allegan City Hall
231 Trowbridge Street, Allegan, MI 49010
Wednesday, May 8, 2024 8:00am

AGENDA

- 1. Call to Order**
- 2. Attendance**
- 3. Approval of Previous Meeting Minutes**
- 4. Public Comment**
- 5. Discussion Items**
 - a) Committee Bylaws
 - b) Streets, Sidewalks, and Other Public Places Ordinance
 - c) Cigarette Receptacle
 - d) Downtown Flag Placement
 - e) Electric Vehicle Charging Station
- 6. Comments from City Staff & Board Members**
- 7. Adjournment**

Meeting minutes may be obtained at cityofallegan.org
or Allegan City Hall 231 Trowbridge Street, Allegan, MI.
The City of Allegan is an equal opportunity provider and employer.



City of Allegan
Downtown Development Authority Meeting
City of Allegan Council Chambers
231 Trowbridge Street

April 10, 2024

1. Call to Order

Meeting was called to order at 8:00 am.

2. Attendance

Present: Chair Mark Heather, Vice Chair Michelle Liggett, Mayor Roger Bird, Carleigh Ackerman, Carl Canales, Nicole Heslip, Kelly McLean, Phil Siegler, Steve Tibbitts

Absent:

Others Present: Parker Johnson, Downtown and Community Services Manager
Joel Dye, City Manager

3. Approval of Previous Meeting Minutes

Motion to approve the minutes from March 13, 2024 by Siegler, supported by Tibbitts.
Motion carried 8-0. Heather abstained.

4. Public Comment

None

5. Discussion Items

a. Sidewalks – Proposed Rules and Regulations (Second Draft Review)

Johnson walked the group through the second draft review of proposed rules and regulations for a sidewalk ordinance to regulate sidewalk furniture, signs, etc in the downtown.

b. Mahan Park Improvement Project

Dye shared news of successfully obtaining a \$100K Consumers Energy Foundation Grant towards the \$400K Mahan Park Improvement Project. This is in addition to \$160K awarded by the MEDC and a crowdsourcing fundraiser through Patronicity that the MEDC will match up to \$50K raised.

c. Hubbard Street Parking Lot Improvement Project

Johnson reviewed the concept plan for and status of the Hubbard Street parking lot project.

6. Comments from City Staff & Board Members

Johnson shared the two applications received for the Summer 2024 Match on Main funding consideration – one from Hidden Alley Gaming and one from Tilt – to be submitted to the MEDC by city staff before the April 17 deadline. Motion to accept the recommendation by Heslip, supported by Bird. Motion carried 9-0.

Concerns were shared regarding the shared dumpster program, specifically regarding location 6 behind The Regent Theatre in the Hubbard Street parking lot. The board would like to consider closing the rear entry point and improve signage to stop the dumping of trash in recycling dumpsters that are resulting in fines for the City of Allegan. Recycling is important to the business owners, and they do not want to see that option taken away. Johnson shared that the enclosure improvements in this area that are planned to happen with the parking lot improvement should also help with current issues.

7. Adjournment

The meeting was adjourned at 9:11am.

**Respectfully Submitted,
Parker Johnson
Downtown & Community Services Manager**

BY-LAWS OF THE CITY OF ALLEGAN
DOWNTOWN DEVELOPMENT AUTHORITY

Article I – NAME

The name of this commission shall be the City of Allegan Downtown Development Authority.

Article II – OBJECTIVES

The objectives and purposes of the Authority are those set forth in Chapter 9 – Community Development, of the City of Allegan Code of Ordinances and shall have and exercise such powers and duties as are provided in PA 57 Section 125.4204, as amended.

Article III – OFFICERS AND THEIR DUTIES

Section 1. The officers shall be a Chair and Vice-Chair.

Section 2. The Chair, who shall be a citizen member of the Authority, shall have the privilege of discussing all matters before the Authority and to vote thereon. The Chair shall preside over all meetings and hearings of the Downtown Development Authority and shall have the duties normally conferred by parliamentary usage of such Officers. The Chair shall represent the Authority as needed before the City Council as requested by the Mayor.

Section 3. The Vice-Chair, who shall be a citizen member of the Commission, shall act for the Chair in their absence.

Section 4. Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.

Article IV - COMPOSITION

Section 1. The board shall consist of the chief executive officer and not less than eight (8) or more than twelve (12) members. Members shall be appointed by the chief executive officer, subject to approval by the council. No less than a majority of the members shall be persons having an interest in property located in the downtown district. No less than one (1) of the members shall be a resident of the downtown district, if the downtown district has one hundred (100) or more persons residing within it.

Section 2. Members shall be appointed to serve for a term of four (4) years, except that the members first appointed shall serve for terms of one (1) year, two (2) years, three (3) years, and four (4) years.

Section 3. If the board determines to employ a director of the authority such director shall furnish a bond in the penal sum of fifty thousand dollars (\$50,000.00) payable to the authority for use and benefit of the authority and shall file the same with the city clerk of the city.

Article V – ELECTION OF OFFICERS

Section 1. Nomination of office shall be made from the floor at the first meeting of each calendar year and the election shall follow immediately thereafter.

Section 2. A candidate receiving a majority vote of the entire membership of the Authority shall be declared elected and shall hold office until the member's successor is appointed and qualified.

Section 3. Vacancies shall be filled during the first meeting following the vacancies. A vacancy shall be filled by the chief executive officer for the unexpired term only.

Article VI – COORDINATION OF DUTIES

Section 1. Business meetings will be held the second Wednesday of each month at Allegan City Hall at 8:00 a.m., unless otherwise noticed.

Section 2. A quorum of the Authority shall be a majority of the membership. A majority vote of those present shall be necessary to pass any motion involving the adoption or amending of plans, policy statements, or recommendations to the Council.

Section 3. Special and work meetings may be called by the Chair or as requested by a majority of the membership of the Authority or by city staff. The notice of such a meeting shall specify the purposes of such meeting. Special meetings shall be announced to the public not later than 18 hours in advance of such special meeting by posting such announcement at City Hall.

Section 4. All meetings at which official action is taken shall be open to the public.

Section 5. Roberts Rules of Order shall govern parliamentary procedure in Authority meetings.

Section 6. An unexcused absence will mean a board member has not communicated to another board member or proper staff in a verbal or written manner their intention not to attend a duly called meeting. After three (3) unexcused absences in one year, the Authority may recommend the removal of said board member. Formal removal of a board member must be approved by a super majority of the City Council.

Article VII – ORDER OF BUSINESS

Section 1. The order of business at regular meetings shall be:

- a. Call to Order
- b. Attendance
- c. Approval of Minutes of Previous Meeting
- d. Public Comment
- e. Discussion Items
- f. Comments from City Staff & Board Members
- g. Adjournment

Section 2. Order of business may be suspended by a vote of two-thirds (2/3) of those members present.

Article VIII – HEARINGS

In addition to those required by law, the Authority may at its discretion hold public hearings when it decides that such hearings will be in the public interest.

Article IX – AMENDMENTS

These bylaws may be amended by a two-thirds (2/3) vote of the entire membership of the Authority.

CHAPTER 25 – STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

Section 3. Amendment. Chapter 25 of the Code of Ordinances, City of Allegan, Michigan, is amended to read in its entirety as follows:

Article I In General

Section 25-1. Public Improvement Financing.

- (a) All public improvements constructed by the city which specially benefit a parcel or parcels of land within the city shall be financed by special assessment levied against the land specially benefited in accordance with chapter 27, article II of this code.
- (b) All public improvements constructed by the city which benefit the city at large shall be financed from funds derived from the city at large.
- (c) All public improvements constructed by the city which benefit both specified areas of the city and the city at large shall be financed as provided in subsection (a) to the extent that a specified area is specially benefited, and as provided in section (b) to the extent that the city at large is benefited, as respectively determined by resolution of the city council.

Section 25-2. Public Improvement Standards and Specifications.

All public improvements constructed by the city shall be constructed in accordance with applicable Michigan Department of Transportation Standard Specifications for Construction and standard plans, as amended from time to time.

Article II Construction and Repair of Sidewalks

Sec. 25-21. Grades and specifications.

All new, reconstructed, or repaired sidewalks shall be constructed in strict conformity with alignment and grade specifications as established by the city manager. Further, all sidewalk improvements constructed in the city, whether by the city or by other parties, shall be constructed in accordance with applicable Michigan Department of Transportation standards and standard road plans, as amended from time to time.

Sec. 25-22. Permit.

No new sidewalks, reconstruction of existing sidewalks, nor repairs for same shall hereinafter be constructed in the right-of-way without a construction permit therefor having been obtained from the city manager or designee. The city manager or designee is hereby authorized to issue such permits, upon application and payment of an applicable fee as established by the city council, and the permit shall contain the date issued, the name of owner of property where the sidewalk is to be constructed, a description of the property, the estimated square feet of sidewalk to be constructed, and a statement to be signed by the owner agreeing to conform in every way to applicable grade specifications and the regulations in this article.

Sec. 25-23. Construction.

All sidewalk construction, including new sidewalks, reconstruction or repairs thereto, shall be done by experienced and qualified contractors. Qualifications shall include adequate financial stability, insurance, proper equipment, and experience in like construction work. The city manager or designee may refuse to issue a construction permit if, in his or her opinion, the contractor lacks the proper qualifications to do satisfactory work or if past performance has been unsatisfactory. Nothing in this

section shall be construed to prevent the owner of adjacent or abutting property from constructing, reconstructing or repairing sidewalks adjacent to or abutting upon his property, upon obtaining a permit under this section, if qualified to do so.

Sec. 25-24. Revocation of permit.

The city manager or designee may revoke any permit issued under this article for any of the following reasons: unsatisfactory workmanship, failure to comply with and adhere to grades, alignment and specifications, failure to commence work within 6 months of the permits approval; cessation of work for a period of more than 6 months; and any other violation of this article. To invoke the terms of this section, the city manager or designee may cause all work under a construction permit to be temporarily stopped to allow time to consider and examine the work.

ARTICLE III

**Construction, Maintenance and Use of Mains, Service Pipes, Conductors,
Conduits, Poles or Other Appliances**

Sec. 25-31. Filing plans.

All persons owning, constructing, maintaining, or proposing to own, construct or maintain any mains, service pipes, conduits, conductors, poles or other appliances pertinent thereto in the city shall file with the city manager or designee a plan or map, drawn to a scale not smaller than four hundred (400) feet to one (1) inch, showing thereon by standard symbols, the location of all mains, service pipes, conduits, conductors, poles or other appliances owned by the person in the city. The plan or map shall remain a part of the permanent files of the city. In the case of electrical installations the provisions of Michigan Public Service Commission Order No. 1679 and amendments thereto, shall suffice.

Sec. 25-32. Permit required.

No person shall lay, construct, repair, extend or alter the location of any main, service pipe, or appliance pertinent thereto in any street, alley or public place in the city before having obtained a permit therefor from the city manager or designee; and no person shall lay, construct, extend or alter the location of any conduits, conductors, poles or pertinent appliances before having obtained a permit therefor from the city manager or designee. The provisions of this section shall not apply to service wire connections to serve a consumer where no additional poles are required. The provisions of this section shall not apply in the case of unforeseen emergencies.

Sec. 25-33. Permit application process and standards.

- (a) Any person desiring a permit under the provisions of this article shall file an application with the city manager or designee, upon forms prepared by him for that purpose, and shall attach a detailed plan with specifications showing the nature, object and location of the work for which a permit is desired.
- (b) The city manager or designee may deny a permit application for any of the following reasons:
 - (1) The applicant does not have a franchise or license authorizing use of the right-of-way where the proposed work is to be done.
 - (2) The applicant has failed to comply with a permit issued by the city under this section within the last two years.
 - (3) The proposed addition would interfere with a present or future use of the right-of-way.
 - (4) The proposed addition would impair clear vision or otherwise create a traffic hazard.
 - (5) The proposed work does not comply with construction or installation standards established by the department of public works.

Sec. 25-34. Permit fees.

The council may, by resolution, determine and fix fees and charges sufficient to meet the cost of the issuance of any permit required under the provisions of this article. No permit shall be issued until such fees or charges shall have been paid to the city.

Sec. 25-35. Public liability and property damage insurance.

Each person making application for a permit under the provisions of this article agrees to do no injury to any pavement except as otherwise provided herein, nor to any sidewalk, parkway, shade tree, shrub, lawn or other like improvement in any public street, alley, or public place; nor injure or interfere with any sewer, water main, service pipe, conduit, or any other public or private appliance now or hereafter laid or constructed by any authorized person, and shall fully indemnify and save harmless the city from any and all claims and damages for which the city might be made or become liable to pay by reason of the work authorized to be done under the permit. The person making application for a permit shall furnish to the city manager or designee satisfactory evidence of public liability and property damage insurance in the sum as prescribed by resolution of the council, or satisfactory evidence of financial responsibility.

Sec. 25-36. Mains, service pipes, conduits and cable underground.

- (a) All operating and conducting mains, service pipes, conduits, and cables which are laid below the surface of the ground, in any street, alley or public place shall be thoroughly coated and wrapped or otherwise insulated in a manner satisfactory to the city manager or designee to the end that it will satisfactorily withstand abrasion, corrosion and mechanical injury, and be impervious to water where deemed necessary. All of the mains, conduits and cables laid in streets, alleys and public places shall be parallel to the axis of the street, alley, or public place and at such distance from center of same as shall be designated by the city manager or designee, and of such reasonable depth as he may specify. All service pipes to consumers shall be connected only to the nearest main source of supply in the street, alley, or place nearest to the consumer.
- (b) Wherever it becomes necessary to break an opening into pavement, or to break a sidewalk, for the purpose of installing, repairing, or extending any main, service pipe, conduit, cable or appliance pertinent thereto, or to make any excavation in any street, alley or public place, the entity performing the work shall maintain suitable barriers at a place where work is being done, and the barriers shall be suitably lighted by night until such time as the pavement has been repaired and until excavation has been properly filled and the hazard removed. The work of patching holes cut into pavements as outlined above shall be done by the city and all costs incurred therein shall be charged to the person to whom a permit for the work was issued, and he shall pay such sum as charged forthwith. The restoration of backfill and the removal of debris and excess material shall be done by and at the expense of the person to whom the permit was issued for the work done and in a manner satisfactory to the city manager or designee.

Sec. 25-37. Order of removal.

When any mains, service pipes, conduits, conductors, poles or appliances laid or constructed under the provisions of this article, or which may have been laid or constructed prior to the adoption hereof, interfere in any way with the use, improvement, or alteration of any street, alley, or public place by the city, the council may direct and order the removal of same, or such alterations in relation thereto as will obviate such interference; failure to so alter or remove the same shall be considered a violation of this article.

Article IV

Removal of Snow and Ice from Sidewalks

Sec. 25-41. Responsibility for sidewalks adjacent to properties.

The owner or occupant of every property within the city, occupied or vacant, on which a sidewalk abuts, shall keep the abutting portion of the sidewalk free and clear of snow, ice or other obstructions which could impair or impede public travel. For purposes of this section, any accumulation of two (2) or more inches of snow on a sidewalk shall be presumed to impair or impede public travel. Such accumulation shall be removed within forty-eight (48) hours of the cessation of snowfall.

Sec. 25-42. Depositing of Snow.

It shall be unlawful for any person, in removing snow or ice from public or private property, to deposit the same on any sidewalk or on the roadway portion of any street in a manner that impedes pedestrian or vehicular traffic or creates a pedestrian or traffic hazard.

Sec. 25-43. Enforcement and penalty.

City police department personnel and such other individuals as authorized by the city manager shall enforce this article and shall be authorized to issue and serve citations with respect to violations. A violation of this section is a municipal civil infraction punishable in accordance with section 1-14 of this Code of Ordinances.

Sec. 25-44. No additional duty of enforcement.

Nothing in this article shall create any additional duty on the city, its police department, its police officers, or other individual authorized to enforce this article, to remove snow and/or ice or to inspect public sidewalks for snow and/or ice. However, the City may, at its discretion, remove snow or ice from any sidewalk within a public right-of-way, either as part of a regular plowing program or on an *ad hoc* basis.

Article V

Business Use of Downtown Sidewalks

Sec. 25-51. Downtown Sidewalks Defined.

For purposes of this article, the term “downtown sidewalk” means a sidewalk abutting the following street segments:

- (a) Hubbard Street from Walnut Street to Water Street.
- (b) Brady Street from State Street to Hubbard Street.
- (c) State Street from Brady Street to Water Street.
- (d) Water Street from State Street to Cutler Street.
- (e) Locust Street from Hubbard Street to Water Street.
- (f) Trowbridge Street from Water Street to Walnut Street.
- (g) Chestnut Street from Trowbridge Street to Hubbard Street.
- (h) Walnut Street from Trowbridge Street to Hubbard Street.

Sec. 25-52. Open Hours (A-Frame and T-Frame) Signs.

Open hours signs are permitted on certain downtown sidewalks subject to the regulations provided in the city’s zoning ordinance.

Sec. 25-53. Sidewalk Café Service.

Sidewalk café service on downtown sidewalks may be operated by a restaurant or other food establishment that sells food for on-premise consumption, subject to a permit granted by the city manager that imposes the following conditions:

- (1) A sidewalk café must be located directly adjacent to the establishment.
- (2) A minimum of five feet of unobstructed, pedestrian access along the sidewalk shall be maintained.
- (3) Sidewalk café service shall be allowed only during the normal operating hours of the establishment.
- (4) The exterior of the premises shall be kept clean, orderly and maintained or the permit may be revoked. All food preparation shall be inside of the premises.
- (5) The city shall not be held liable or responsible for any type of damage, theft or personal injury which may occur as a result of a sidewalk cafe operation. Applicant shall submit a certificate of insurance to meet requirements of the City Attorney.
- (6) All sidewalk cafes shall comply with applicable regulations of the county health department and the state.
- (7) Any other conditions deemed appropriate by City Manager or designee.

Sec. 25-25-54. Sales Racks and Sidewalk Furniture.

Temporary movable sales racks and movable sidewalk furniture (*i.e.*, chairs or tables where patrons can sit, but where food or drink service is not provided) are permitted on the public sidewalk provided that:

- (1) Such items are associated with a permanent business operating in a building immediately adjacent to the sidewalk where the items are placed;
- (2) Such items are placed as close to the building as is reasonably possible;
- (3) A minimum of five feet of unobstructed, pedestrian access along the sidewalk is maintained;
- (4) Sales racks do not exceed one hundred fifty (150) square feet or twenty (20) linear feet of frontage and are only present in the right-of-way during operating hours. These limitations do not apply during community events authorized by the City; and
- (5) Property owners shall be required to first obtain a right of way encroachment permit from City Hall before placing movable sales racks or movable sidewalk furniture on downtown sidewalks.