

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held January 6, 2014**

Mayor Seibold called the meeting to order at 6:00 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Goebel, Graham, Miller, Skaggs and Mayor Seibold

Absent: None

Also Present: Assistant City Attorney O'Dowd; City Manager Donovan; Public Works Director Feldt; Finance Director Mushong; City Clerk Brower; Zoning Administrator Faasse; Planning Consultant LeBlanc

2014-1. No public comment was received.

2014-2. Commissioner Graham thanked the Public Works crews for their tireless work during the last few weeks dealing with heavy snow, watermain breaks, lift station power outages, subzero temperatures, cleanup of storm-damaged trees, and arctic wind chills. Commissioners Dills and Goebel echoed their appreciation for the work of these employees.

Commissioner Dills expressed sympathy to the Steinhart family on the death of their son on his way home at Christmas.

Mayor Seibold expressed the appreciation of all residents to the Public Works employees and Public Safety Department for their non-stop effort of the last several weeks to keep the roads and sidewalks clear of snow and downed trees and for their work to maintain the water and sewer systems that everyone depends on.

2014-3. Mayor Seibold announced the zoning variance hearing for Michael & Catherine Stevens, owners of 2030 San Lu Rae, has been withdrawn at the request of the applicants.

2014-4. Consider request to approve the division of land at 2151 Lansing.

Zoning Administrator Faasse outlined the request to demolish the existing home and then divide the property into two buildable lots.

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

- Eugene Williams, 2143 Lansing

Objected to the lot split as he felt the developer was not trustworthy. Objected to the clear cutting of the property and the destruction of trees.

- Diane Lange, 2150 Lansing

No objection to the land division but asked the Commission to place a condition that large trees not be removed unless necessary for the placement of the foundation.

- Mike Bosgraaf, Bosgraaf Homes

Stated trees could not always be saved.

No other public comment was received. Mayor Seibold closed the public hearing.

2014-4-A. Dills-Graham. That the request of Michael Harris and T. Bosgraaf Homes to divide 2151 Lansing into two equal parcels of .22 acres with 75' of frontage on Lansing Street, be approved with the following conditions:

1. Prior to the recording of the split, the existing home and accessory buildings must be demolished.
2. The relevant deed(s) or land contract(s) be recorded with the Kent County Registrar of Deeds within 90 days of approval; and
3. The split complies with the surveys presented in the land division application;

Commissioner Dills questioned whether trees would be considered when granting a building permit. City Manager Donovan reported the City does not have a tree protection ordinance. Mr. Faasse stated that trees in the right-of-way are not allowed to be cut down unless a permit is obtained prior to the work.

Assistant City Attorney O'Dowd stated the City should not condition a lot split on the preservation of trees on private property.

Mayor Seibold stated the City Commission needed to balance the rights of property owners with the interests of the community. She noted the ordinance contains measureable standards for size, easements, utilities and other factors, but stated the Commission could not deny a land division when the ordinance standards are met.

Commissioner Skaggs stated he would support the request as he felt it would fit well with the size of other lots in the area.

Commissioner Graham agreed it would be nice to save as many mature trees as possible, but understood this was not always possible. He asked the developers to avoid clear cutting the property if possible.

Commissioner Duncan expressed reservations about the change to the neighborhood and asked the owners to be sensitive to the neighbors when clearing out the land.

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7

Nays: -0-

2014-5. A zoning variance hearing was held regarding the request of Chad Koster, owner of 2129 Lansing to allow the construction of a new home with a front yard setback of 25' instead of the required 48.'

Zoning Administrator Faasse explained the applicant wished to build a new home off the end of the pavement of Lansing Street. City ordinances require using an average of existing home setbacks to determine the setback of a new home. Mr. Faasse noted the new home would be accessed by a driveway across the unimproved Lansing Street right-of-way.

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

- Eugene Williams, 2143 Lansing

Reported tree service had trespassed on his property begin clearing the lot and he had to call the police. Objected to a new home being built because the lot is isolated with no way to provide access.

- Diane Lange, 2150 Lansing

Felt the City should keep a closer watch on issues like the unauthorized access across city right-of-way and cutting down of city-owned trees. Developer should have worked with the city for permission to access and create a driveway, curb cuts, etc. Also wants as many trees protected as possible.

- Dave Horning, 435 Lakeside

Felt variance should be denied because everyone else on the street has complied with zoning regulations.

- Mike Bosgraaf, Bosgraaf Homes

Admitted trespassing on Mr. William's property and apologized for the error. Stated the variance was to allow a

setback normally permitted on a conforming lot. Offered to put up temporary fencing to make sure lot lines were respected during construction. Showed approximate location of planned driveway across city right-of-way to the corner of the property.

The following communications were received at City Hall concerning this variance request:

- Michael Smith, 529 Greenwood                      Opposed.

No other public comment was received. Mayor Seibold closed the public hearing.

2014-5-A. Miller-Goebel. That the request of Chad Koster, owner of 2129 Lansing to allow the construction of a new home with a front yard setback of 25' instead of the required 48' be approved.

Commissioner Miller felt the average requirement made sense on a long block of homes, but created difficulty in a small block with fewer homes. He felt it made sense to fall back to the 25' front setback rule, especially in light of the pending demolition of one of the two homes on this block. He supported granting the requested variance.

Commissioner Dills favored granting the variance to avoid having the Williams home in front of others on the street.

Mayor Seibold reported the new requirement to average setbacks was made because the prior straight rules often ended up in a haphazard looking line of homes, whereas using an average tended to create a harmonious look. She felt that in this case, however, it would look better for a new home at the end of the street to be at the requested 25' setback instead of the 48' required by ordinance.

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7

Nays: -0-

Mayor Seibold asked Mr. Bosgraaf to work with the neighbors on this street and to consider planting additional trees on the property after construction.

2014-6. Final Reading of an ordinance amendment to Section 5.20 of Chapter 50 of Title V of the City Code to rezone properties at 664, 700, 706, and 708 Crowell from B-1 Apartment District to PUD for the Crowell Mews development project.

Zoning Administrator Faasse asked the Commission to determine the maximum stories and height of the single-family unit for inclusion into the final PUD adoption document. He noted the median height of the 10-unit condo building is 34'7" and the private home to the south are 21' tall. The middle of these two structures is 28'-30.'

Brad Rottschafer of Mosaic Properties stated he was open to discussion on the single-family unit roof height.

Planning Consultant Leblanc stated he was initially concerned about allowing a 35' height for this structure giving the intent to provide a transition from commercial to single-family. The neighboring homes are all two-story homes under 35' in height, therefore a height limit of approximately 28' and two stories would be appropriate in his view.

Commissioner Dills pointed out that the draft PUD ordinance (page 3) states "top of the roof" and should be changed if necessary to be consistent with any motion of the City Commission.

City Manager Donovan noted that other requirements such as heights, setbacks and density match the discussion and recommendations of the Planning Commission and zoning staff.

Mayor Seibold asked if there were any public comment on this issue. No public comment was received.

- 2014-6-A. Dills-Miller. That an ordinance amendment to Section 5.20 of Chapter 50 of Title V of the City Code to rezone properties at 664, 700, 706, and 708 Croswell from B-1 Apartment District to PUD for the Croswell Mews development project be adopted as set forth in Exhibit "A" attached hereto with the addition of a height limit of 28' for the single-family unit as measured to the mid-point of the roof.

Commissioner Dills felt 28' was a good mid-point between the structures on either side. He noted the City has allowed several variations to the ordinances during the PUD process and felt this height limit was a fair average to provide a transition.

Commissioner Miller also supported the 28' height limit.

Commissioner Skaggs stated that no one knew what this neighborhood would look like in the future. He felt that homes may be redeveloped and built at the 35' height limit. He expressed opposition to the 28' height limit and suggested a more reasonable 32' or 2½ stories, as suggested by the developer's materials, would be more in keeping with what the neighborhood would look like in the future.

Mayor Seibold agreed the neighborhood may look different in the future, but stated the Commission can only react to what is in place now. She agreed a transitional was necessary and supported the motion of a 28' height limit. She felt this was a great project that would enhance the area and looked forward to more details during the site plan review in the coming months.

Yeas: Dills, Duncan, Goebel, Graham, Miller and Seibold – 6

Nays: Skaggs – 1

- 2014-7. Public Hearing on Cable Consent Agreement with Comcast of California/Massachusetts/Michigan/Utah LLC.

Attorney O'Dowd explained the consent agreement with Comcast was coming up for renewal. He explained there were differences between the Michigan and Federal laws governing cable providers and that Federal law was generally felt to be more advantageous to local governments. Mr. O'Dowd noted there was currently a legal challenge to the Michigan law and that several municipalities were proceeding with public hearings to protect their rights to process the renewal under Federal law if this option becomes available. He recommended the City Commission open a public hearing for the purpose of identifying the future cable-related needs and interests of the community and for reviewing the performance of Comcast under its consent agreement during the current term.

Mayor Seibold opened a public hearing. No public comment was received.

- 2014-7-A. Duncan-Skaggs. The public hearing regarding the Consent Agreement with Comcast of California/Massachusetts/Michigan/Utah LLC be recessed but kept open to be continued at a later date.

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7

Nays: -0-

- 2014-8. Introduction of an ordinance amendment to Chapter 81 of Title VIII of the City Code establishing a moratorium on ground-mounted signs.

City Manager Donovan explained that ground signs were not covered in the current sign ordinance and asked the City Commission to enact a moratorium on the placement of these signs until they can be studied and a recommendation forwarded to the City Commission on whether they will be permitted and any guidelines for their placement.

- 2014-8-A. Graham-Miller. That an ordinance amendment to Chapter 81 of Title VIII of the City Code establishing a 180-day moratorium on ground-mounted signs be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7

Nays: -0-

2014-9. Miller-Goebel. Motion to approve the consent agenda as follows:

- 2014-9-A. To approve the minutes of the regular meeting held December 16, 2013.
- 2014-9-B. To approve payroll disbursements of \$216,193.69; county and school disbursements of \$479,701.86, and total remaining disbursements of \$375,518.86.
- 2014-9-C. A resolution approving a change to the Grand Valley Metro Council's Articles of Incorporation approving the addition of Lowell Township as set forth in Exhibit "B" attached hereto.
- 2014-9-D. Ratification of a contract with HA Irish Tree Service of Byron Center in the amount of \$6,885.00 for tree removal services.
- 2014-9-E. An agreement with MC Smith Associates for professional services associated with the Reeds Lake Trail channel bridge and boardwalk project in the amount of \$69,218.00 with contingencies of \$6,921.00 for a total amount of \$76,139.00.
- 2014-9-F. Ratification of payment to Reith-Riley Construction for the resurfacing of a portion of Robinson Road in the amount of \$8,831.33.

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7  
Nays: -0-

The meeting adjourned at 7:21 p.m., subject to the call of the Mayor until January 6, 2014.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance Amendment to Chapter 50 regarding the Crosswell Mews PUD Development.  
B – Resolution approving an amendment to the GVMC Articles of Incorporation.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held January 20, 2014**

Mayor Seibold called the meeting to order at 6:02 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Goebel, Graham, Miller, Skaggs and Mayor Seibold

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Public Works Director Feldt; City Clerk Brower; Zoning Administrator Faasse

2014-10. Win Irwin, Jim Brady, Bob Evett and Anne Berquist from Opera Grand Rapids were present to invite everyone to the Opera Grand Rapids performance of Mozart's "The Abduction" at the EGR Performing Arts Center March 7-8, 2014.

Chris Afendoulis of Grand Rapids Township was present to introduce himself as a candidate for the 73<sup>rd</sup> District State Representative on the August 2014 ballot.

2014-11. Commissioner Skaggs stated he was looking forward to the Opera Grand Rapids performance in March. Mr. Skaggs clarified his vote on the Croswell development at the January 6<sup>th</sup> meeting by stating that although he did not agree with the height restriction on the single-family unit, he supported the entire project and looked forward to seeing the construction begin.

Commissioner Miller invited everyone to the EGR Community Foundation's Pancake Breakfast on Saturday, January 25<sup>th</sup> from 8:30 am to 10:30 am at the EGR Middle School.

Mayor Seibold announced the Community Foundation would be selling jars of trail mix at the pancake breakfast and asking people to fill them with spare change and donate the money back to the Boulevard Bridge project.

2014-12. Goebel-Miller. Motion to approve the consent agenda as follows:

2014-12-A. To approve the minutes of the regular meeting held January 6, 2014.

2014-12-B. To approve payroll disbursements of \$240,041.90; county and school disbursements of \$309,622.63, and total remaining disbursements of \$514,294.29.

2014-12-C. A contract with Ada Electric in the amount of \$5,322.00 to install electrical outlets in the locker rooms at the Public Safety Department.

2014-12-D. A change order in the amount of (\$27,077.18) with Lodestar Construction for the 2013 road construction contract.

2014-12-E. A contract with Prein & Newhof of Grand Rapids in the amount of \$12,000.00 for design work relating to the replacement of the culvert on Reeds Lake Blvd. near the Public Works Building.

2014-12-F. The preliminary minutes of the Joint Facilities Committee meeting held December 13, 2013.

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7

Nays: -0-

The meeting adjourned at 6:12 p.m., subject to the call of the Mayor until February 3, 2014.

Following the meeting, the City Commission conducted a worksession regarding land division requests. City Attorney Huff reviewed the city's ordinances and standards and explained the work and history that went into crafting the ordinance. He answered several questions from Commissioners and gave examples of how the ordinance was intended to be used.

The worksession adjourned at 7:00 p.m.

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Karen K. Brower, City Clerk

UNOFFICIAL  
Reference Only

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held February 3, 2014**

Mayor Seibold called the meeting to order at 6:02 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Duncan, Goebel, Graham, Miller, Skaggs and Mayor Seibold

Absent: Commissioner Dills

Also Present: City Attorney Huff; Public Works Director Feldt; City Clerk Brower; Finance Director Mushong; Parks & Recreation Director Bunn; Zoning Administrator Faasse

2014-13. John Decker, 5879 Stonecrop Dr, Belmont, was present to introduce himself as a candidate for the 73<sup>rd</sup> District House of Representative seat on the August ballot.

2014-14. Commissioner Skaggs reported he had used the City's website to report an issue in his neighborhood and that the problem was addressed very quickly.

Commissioner Graham thanked the public Works crews for their snow removal efforts in recent weeks. He noted East Grand Rapids neighborhoods are much easier to navigate than other parts of the metropolitan area.

Mayor Seibold also thanked the Public Works crews for their work to keep the roads clear recently. She noted a new sidewalk plow has just been received and would be put into service as soon as possible. She thanked the residents for their understanding while the city was waiting for a replacement.

2014-15. A zoning variance hearing was held regarding the request of Jim & Maryam Trout of 519 Edgemere to allow the expansion of a nonconforming portion of the home by adding a partial second story.

Zoning Administrator Faasse explained a variance was needed to expand a nonconforming structure.

Commissioner Skaggs asked if the second platted lot owned by the applicant was a buildable lot. Mr. Faasse responded it did not appear to contain enough square footage, but that he had not looked at it closely.

Jim & Maryam Trout, 519 Edgemere, were present to explain the request and answer questions. Mr. Trout stated the next door neighbor had given them verbal support of his plans but had not put it in writing.

Mayor Seibold opened a public hearing. The following communications were received at City Hall concerning this variance request:

- Ken & Michele Ross, 1945 Wealthy                      No objection.

No other public comment was received. Mayor Seibold closed the public hearing.

Mayor Seibold asked Public Works Director Feldt to explain how an upcoming proposal for a new waterfront ordinance would affect this property and this expansion project. Mr. Feldt explained that the ordinance being drafted would include a requirement for any addition of more than 100 square feet within 50' of the high water mark to implement some type of stormwater management. He noted that since this property was near one of the many inlets emptying into the lakes, the proposed regulations would apply to this project. Mayor Seibold explained to the applicants that some type of vegetative strip or landscaping to filter stormwater was likely the type of stormwater management that would be required.

Mayor Seibold requested, if approved, a condition be added to the variance to require the homeowners to work with city staff to comply with whatever ordinance requirements are adopted by the City Commission.

2014-15-A.Goebel-Miller. That the request of Jim & Maryam Trout of 519 Edgemere to allow the expansion of a nonconforming portion of the home by adding a partial second story be approved with the condition that the applicant must work with city staff to comply with any new regulations forthcoming from the Shoreline Buffer Subcommittee.

Commissioner Miller noted the footprint of the home was changing only slightly and only behind the home where it would not impact neighbors. He did not feel the second story addition would affect the neighboring property significantly.

Commissioner Skaggs expressed concern about the second-story addition so close to the property line, and felt other options might be available. He stated he would support the variance, but had reservations.

Mayor Seibold did not feel the addition would impact the neighbors as there was already a garage with a pitched roof along the property line.

Yeas: Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 6

Nays: -0-

2014-16. Graham-Skaggs. Motion to approve the consent agenda as follows:

2014-16-A. To approve the minutes of the regular meeting held January 20, 2014.

2014-16-B. To approve payroll disbursements of \$195,349.14; county and school disbursements of \$76,195.72, and total remaining disbursements of \$369,728.91.

2014-16-C. The appointment of Ann Nowak to the Board of Review for a term ending June 30, 2014.

2014-16-D. The quarterly financial reports for the period ended December 31, 2013.

2014-16-E. Request to approve the closure of the Streets & Utilities Building Fund and the transfer of remaining amounts to other funds as recommended by the Finance Director.

2014-16-F. The recommendation of the Finance Director that no changes be made to water and sewer rates at this time.

2014-16-G. Ratification of the emergency purchase of a tool cat machine from the Bobcat Company of West Fargo, North Dakota in the amount of \$49,181.17 and approval of a budget amendment in the amount of \$27,121.20 from the MERF fund balance to cover costs not covered by insurance coverage.

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7

Nays: -0-

The meeting adjourned at 6:34 p.m., subject to the call of the Mayor until February 17, 2014.

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Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held February 17, 2014**

Mayor Seibold called the meeting to order at 6:00 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Graham, Miller, Skaggs and Mayor Seibold

Absent: Commissioner Dills, Duncan and Goebel

Also Present: City Manager Donovan; City Attorney Huff; Finance Director Mushong; Public Safety Director Herald; City Clerk Brower

2014-17. No public comment was received.

2014-18. Mayor Seibold thanked the Public Works employees for their continued hard work and effort during the long lasting winter weather. She noted several water service leaks have occurred recently with the sustained colder weather.

2014-19. Public Hearing regarding adoption of a "Resolution to Terminate Participation in MERS Benefit Program DC and Adopt Non-MERS Defined Contribution Plan."

City Manager Donovan explained that an employee group had researched and interviewed several defined contribution plans and administrators and recommends the City terminate participation in the current MERS plan and to move assets to a different plan. Mr. Donovan noted a public hearing was being held to take input from residents and the resolution would be considered for adoption following a second public hearing at the next meeting.

Mayor Seibold opened a public hearing. No other public comment was received. Mayor Seibold closed the public hearing.

2014-20. Discussion of Spring Break meeting date.

2014-20-A. Miller-Graham. That the meeting currently scheduled for Monday, April 7, 2014 be moved to Monday, March 31, 2014 at 6:00 pm to avoid conflict with Spring Break.

Yeas: Graham, Miller, Skaggs and Seibold – 4

Nays: -0-

2014-21. Miller-Skaggs. Motion to approve the consent agenda as follows:

2014-21-A. To approve the minutes of the regular meeting held February 3, 2014.

2014-21-B. To approve payroll disbursements of \$200,677.62; county and school disbursements of \$-0-, and total remaining disbursements of \$128,737.10.

Yeas: Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 6

Nays: -0-

The meeting adjourned at 6:07 p.m., subject to the call of the Mayor until March 3, 2014.

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Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held March 3, 2014**

Mayor Seibold called the meeting to order at 6:00 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Goebel, Graham, Miller, Skaggs and Mayor Seibold

Absent: None

Also Present: City Manager Donovan; City Attorney Huff; Finance Director Mushong; Acting Public Works Director Lark; Zoning Administrator Faasse; City Clerk Brower

2014-22. No public comment was received.

2014-23. Commissioner Skaggs reminded everyone the Opera Grand Rapids performance of "The Abduction: Escape from the Seraglio" would be taking place at the EGR High School Performing Arts Center this weekend.

Commissioner Duncan reminded everyone to move their clocks forward one hour this weekend for Daylight Savings Time.

Commissioners Dills, Miller and Goebel expressed their continued appreciation for the Public Works crews who are working so hard to stay ahead of the winter weather and the potholes that are getting worse each day.

City Manager Donovan reported Public Works employees are also now dealing with multiple water system leaks due to the frost being driven so far into the ground with the cold temperatures. He asked that residents who see water in the streets to immediately report it to the City.

2014-24. A zoning variance hearing was held regarding the request of J. Petersen Investor Group, owner of 2525 Lake Drive, to allow the construction of a new home and detached garage covering 58% of the lot surface instead of the 40% permitted.

Zoning Administrator Faasse explained the zoning ordinance now limited lot coverage by buildings and impervious surfaces such as driveways, walkways and patios to 40% of the entire lot. In this case, the new home and detached garage would cover 28% of the lot; however adding the driveway, patio and walkways increase the coverage to 58% of the land. Mr. Faasse noted a reduction of 50% would be given if the applicant were to use pervious materials for square footage of the driveway and other surfaces. He estimated the project would still be above the 40% limit, but felt it would be much closer than the original proposal. Mr. Faasse also noted part of the pavement calculation was from a driveway being constructed for a neighboring home on an easement along the east edge of property.

Joel Peterson of J. Peterson Homes, owner of the property, stated the new home would be approximately 900 square feet on the first level with a standard detached garage and it was the requirement to use the driveway and walkways that put them over the ordinance limits.

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

- Brian & Gabriella Surmac, 2236 Elmwood      Buying the new home. Asked for permission to proceed as it is only the pavement that puts the project over the limit.
- J.D. Collins, 2546 Indian Trail      Concerned about drainage from new buildings in the low-lying area and crowding buildings onto small lots.

The following communications were received at City Hall concerning this variance request:

- Ryan & Katie Moser, 2470 Lake Drive      In Favor.
- Sue & Jeff Swain, 2527 Lake Drive      In Favor.

- |   |           |
|---|-----------|
| - Shawn & Kristi Merritt, 1010 Lake Grove | In Favor. |
| - Andrew Chuba, 2544 Indian Trail         | Opposed.  |
| - J.D. Collins, 2546 Indian Trail         | Opposed.  |

No other public comment was received. Mayor Seibold closed the public hearing.

2014-24-A. Graham-Dills. That the request of J. Petersen Investor Group, owner of 2525 Lake Drive, to allow the construction of a new home and detached garage covering 58% of the lot surface instead of the 40% permitted be approved.

Commissioner Graham liked the addition of a new home in this area but expressed concern about crowding structures into small lots. He stated he would support the variance but wished there were other options.

Commissioner Miller felt the home would fit well on the lot but was also concerned about the amount of overall coverage when the pavement was added in. He stated he would support the project if the pervious materials could be used.

Commissioner Goebel agreed and wondered if conditions could be placed on the variance. Mr. Faasse stated the Commission could apply conditions.

Commissioner Dills stated he would not support a nearly 50% variance as proposed. He reported the ordinance limits had been adopted to encourage greenspace and limit stormwater runoff.

Commissioner Skaggs supported replacement of the dilapidated structure and a new home for the Surmac family; however he shared the concerns mentioned by others. He suggested placing a condition on the variance that pervious pavers be used by the driveway, patio and walkways. He did not feel the driveway being constructed by the neighbors on the easement should count against the property at 2525 Lake Drive.

Mayor Seibold reported she had been working on stormwater runoff issues with property owners around the lakes and agreed this was a serious issue that should be addressed across the city. She supported the construction of a new home, but felt every effort should be made to avoid excess runoff.

Mr. Peterson stated that although pervious paving materials would add cost and maintenance, the applicant would be willing to use pervious pavers for all surfaces with the exception of the neighbor's driveway.

2014-24-B. Skaggs-Miller. That the motion be amended to add a condition that the driveway, patio and front walkway be constructed of pervious paving materials.

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7

Nays: -0-

Commissioner Skaggs and Mayor Seibold thanked Mr. Peterson and Mr. and Mrs. Surmac for their willingness to work with the City on this important issue.

Vote on 2014-24-A., as amended:

Yeas: Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 6

Nays: Dills – 1

2014-25. Public Hearing regarding adoption of a resolution approving a grant application for funding of Waterfront Park II project.

Parks & Recreation Director Bunn explained the City's application was not funded last year due to a change in the funding formulas. He asked the City Commission hold a public hearing to gather input and then vote on a resolution authorizing a new grant application and the affirming the commitment of City funding.

City Manager Donovan noted the project would restore native species and wetlands to the site which had been filled in the 1980's in preparation for a condominium development. Mr. Bunn added that over 400 new native-species trees would be planted after the non-native plant materials were removed. He also noted the Waterfront Park Phase II project and the channel bridge/boardwalk project were listed in the 5-year Parks & Recreation Master Plan.

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

- Dennis Jones, 2750 Reeds Lake Blvd                      Is partial funding given? (No). How long would grant stay open? (1 year). How is the grant paid out? (State reimburses funds paid by City). Need to resubmit various DNR permits? (Yes). Could changes be required to the project? (Possibly). Could additional conditions be placed on the City? (Scope is determined prior to award, so unlikely).
- George Steinhart, 656 Manhattan                      Questioned whether this project would create stormwater runoff. Mayor Seibold noted the project would benefit the environment by adding plants and wetlands that filter stormwater naturally.

No other public comment was received. Mayor Seibold closed the public hearing.

2014-25-A.     Miller-Goebel. That a resolution authorizing a grant application for funding of Waterfront Park Phase II be adopted as set forth in Exhibit "A" attached hereto.

Yeas:     Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7  
Nays:     -0-

2014-26.     Public Hearing regarding adoption of a "Resolution to Terminate Participation in MERS Benefit Program DC and Adopt Non-MERS Defined Contribution Plan."

City Manager Donovan explained an employee group has researched options available and recommends terminating the MERS defined contribution plan and moving employee assets to a plan administered by ICMA Retirement Corporation.

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

- Dennis Jones, 2750 Reeds Lake Blvd                      Asked whether there was any cost to the City or its employees to make this change. Mr. Donovan replied there would be no costs to either employees or the City for the transfer.

No other public comment was received. Mayor Seibold closed the public hearing.

2014-26-A.     Goebel-Miller. That a Resolution to Terminate Participation in MERS Benefit Program DC and Adopt Non-MERS Defined Contribution Plan be adopted as set forth in Exhibit "B" attached hereto.

Yeas:     Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7  
Nays:     -0-

2014-27.     Consider request to adopt a resolution authorizing the City Manager to execute agreements with the International City Manager's Association Retirement Corporation to establish a new defined contribution plan for City employees.

Kevin Kilpatrick of ICMA-RC explained ICMA-RC is a non-profit organization that works only with local government employees for retirement programs. The transfer of assets will take place in an overnight transaction so there will be no loss of value of employee accounts during the move. Employees would work with advisors to choose investments that meet their needs and goals. There is no charge from ICMA to handle the transfer or initial investments. Ongoing costs would be similar to mutual funds.

Finance Director Mushong spoke in favor of the transfer and stated ICMA-RC provides the best option and the lowest cost of any of the firms researched.

Mayor Seibold opened a public hearing. No public comment was received. Mayor Seibold closed the public hearing.

- 2014-27-A. Skaggs-Graham. That a resolution authorizing the City Manager to execute agreements with the ICMA Retirement Corporation to establish a new defined contribution plan for City employees be adopted as set forth in Exhibit "C" attached hereto.

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7  
Nays: -0-

- 2014-28. Parks & Recreation Director Bunn gave an overview of the Reeds Lake Trail Boulevard Bridge project scheduled for construction next year. The project will replace the existing two-lane road and narrow pedestrian bridge with a combined bridge that will have a separate 14'-wide pedestrian lane. Mr. Bunn explained the roadway will have a 5' bike lane on each side to further separate vehicles from others using the road. In addition, an elevated boardwalk will extend 480' south of the bridge over the flood-prone areas to keep people from having to walk in the road to avoid the water.

City Manager Donovan reported that soil samples and other studies were being done right now and construction would likely take place in the late-winter and spring of 2015. He noted a State grant has already been awarded for this project and that the EGR Community Foundation is working to raise the remaining funds for the project above what the City has committed.

- 2014-29. Miller-Goebel. Motion to approve the consent agenda as follows:

2014-29-A. To approve the minutes of the regular meeting held February 17, 2014.

2014-29-B. To approve payroll disbursements of \$215,411.29; county and school disbursements of \$281,829.93, and total remaining disbursements of \$354,110.88.

2014-29-C. To accept the proposed list of meeting dates for various commissions and committees for FY 2014-15.

2014-29-D. An agreement with Cascade Township for inspection services as set forth in Exhibit "D" attached hereto.

2014-29-E. Authorization to proceed with bidding capital improvement projects as outlined in the City Manager's memo of February 14, 2014.

2014-29-F. Hiring Materials Testing Consultants of Grand Rapids to complete geotechnical services for the Reeds Lake Blvd. culvert/boardwalk projects at a cost of \$17,250.00.

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7  
Nays: -0-

The meeting adjourned at 7:18 p.m., subject to the call of the Mayor until March 17, 2014.

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Karen K. Brower, City Clerk

Attachments: A – Resolution to authorize grant application for Waterfront Park  
B – Resolution to Terminate Participation in the MERS Defined Benefit Program  
C – Resolution to Approve New Defined Contribution Program with ICMA-RC  
D – Agreement with Cascade Township for inspection services

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held March 17, 2014**

Mayor Seibold called the meeting to order at 6:01 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Goebel, Graham, Miller, Skaggs and Mayor Seibold

Absent: None

Also Present: City Manager Donovan; City Attorney Huff; Acting Public Works Director Lark; Parks & Recreation Director Bunn; Zoning Administrator Faasse; City Clerk Brower

2014-30. Pamela MacDougal, 500 Cambridge, asked the City Commission to protect historic homes in her neighborhood and prevent people from cannibalizing these assets by forming a study committee to look at setting up a historic district to prevent infill and deflation of value.

2014-31. Commissioners Dills, Miller, Goebel and Graham thanked all the residents attending the meeting for their interest and willingness to become involved in local issues.

Mayor Seibold noted the Irish Jig event went well on March 15<sup>th</sup> and thanked the Parks & Recreation Department for the assistance with preparations on the course.

2014-31-A. Skaggs-Miller. Motion to add to the agenda a discussion of creating a committee to study the creation of a historic district.

Commissioner Skaggs felt Ms. MacDougal's request was worth consideration in light of all the residents in attendance who were interested in this issue.

Commissioner Miller agreed more information and discussion would be helpful.

Mayor Seibold stated she would prefer to discuss this request at a different time when everyone could be prepared with information on the specific topic.

A roll call vote was taken.

Yeas: Duncan, Miller and Skaggs – 3

Nays: Dills, Goebel, Graham and Seibold – 4

2014-32. A zoning variance hearing was held regarding the request of Graham & Sara Irwin, owners of 2056 Wealthy, to allow the construction of a detached garage and driveway extension increasing the overall lot coverage by buildings and pavement to 55.4% instead of the permitted 45%.

Zoning Administrator Faasse stated this was a conforming property with a proposal to build a new garage and driveway extension with building coverage of 35% and building/pavement coverage of 55%. He stated the applicants are willing to consider using permeable materials for the driveway extension.

Graham Irwin, 2056 Wealthy, was present to explain the request and answer questions.

The following communications were received at City Hall concerning this variance request:

- Robert & Jane Lang, 2044 Wealthy                      In Favor.

No other public comment was received. Mayor Seibold closed the public hearing.

2014-32-A. Dills-Miller. That the request of Graham & Sara Irwin, owners of 2056 Wealthy, to allow the construction of a detached garage and driveway extension increasing the overall lot coverage by buildings and pavement to 55.4% instead of the permitted 45% be approved.

Commissioner Miller suggested requiring pervious paving materials for the new section of pavement as was required at a recent meeting. He felt it was not cost effective to require the applicant to replace existing pavement, but asked that new paving be made of materials that will allow stormwater to pass through.

2014-32-B. Miller-Skaggs. To amend the motion to add a condition to require new paving surfaces at 2056 Wealthy to be made of permeable materials.

Yeas: Dills, Duncan, Goebel, Miller, Skaggs and Seibold – 6  
Nays: Graham – 1

Commissioner Dills agreed that pervious surfaces were a good idea, but he felt there was a significant difference between the redevelopment of an existing home and the construction of a new home where there were more options. He supported the addition of permeable materials, but felt there was a definite difference between these circumstances and the prior instance where these were required.

Commissioner Graham felt the new area of paving was so small that little benefit would be gained by requiring more expensive paving materials.

Commissioner Duncan asked what percentage reduction would result from using different materials. It was estimated the coverage would be approximately 51% after the reduction allowed for using pervious materials.

Vote on 2014-32A., as amended:

Yeas: Duncan, Goebel, Miller, Skaggs and Seibold – 5  
Nays: Dills and Graham – 2

2014-33. A zoning variance hearing was held regarding the request of Thomas & Victoria Kimball of 429 Edgemere to allow the construction of a new home with a front yard setback of 24' instead of the required 34.5'.

Mr. Faasse explained the request to construct a new home with a reduced front yard setback. He noted the current home was approximately 19' from the street and new home would be 24' from the street, but that a variance was needed because the existing home was being demolished. He stated the applicants were aware of the proposed new regulations for construction near the water and although they would not be subject to the new regulations, the applicants were actually reducing the overall building and pavement area on the lot and managing stormwater as much as possible.

Mark Shuart of Shuart Associates, contractor for Mr. and Mrs. Kimball, stated the pilings and foundation of the existing home had settled and sloped in many locations requiring extensive structural work to save the home. The applicants wished to replace the home rather than renovate it. He noted the footprint of the new home would be smaller than the existing home and that the lot coverage and height were well below the city's maximums allowed.

The following communications were received at City Hall concerning this variance request:

- Bunny & Don Johnson, 416 Edgemere In Favor.

No other public comment was received. Mayor Seibold closed the public hearing.

2014-33-A. Graham-Goebel. That the request of Thomas & Victoria Kimball of 429 Edgemere to allow the construction of a new home with a front yard setback of 24' instead of the required 34.5' be approved.

Commissioner Skaggs questioned whether the 1985 variance granted for the front yard setback would still be in effect. City Attorney Huff stated the demolition of the home and abandonment of the use ended the variance granted.

Commissioner Graham felt the new home would be a good fit for the neighborhood.

Commissioner Dills supported the request because it was actually further back from the road than the existing home. He further noted the curve of the road meant there was no obvious setback line for homes to meet.

Commissioner Miller and Mayor Seibold thanked the Kimballs for making efforts to manage stormwater.

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7

Nays: -0-

2014-34. A zoning variance hearing was held regarding the request of Amy & Oisin Courtney of 417 Cambridge to allow the construction of a new home with a rear yard setback of 23.4' instead of the required 30' and with a building height of 27.4' instead of the maximum 25'.

Zoning Administrator Faasse explained the applicants had withdrawn the request for both fences and the request was now for a rear/west setback of 23' instead of the required 30' and for a building height of 27.4' instead of the permitted 25'. He reviewed drawings and answered questions on measurements and surrounding properties. Mr. Faasse explained there were many factors that had come under question in recent days that he cannot consider during his zoning review and variance application process, including how height compares to surrounding properties, historic preservation concerns, aesthetics, private deed restrictions, lot grades and future stormwater management.

Mayor Seibold addressed those present and stated that the City ordinances regulated setbacks and height to keep neighborhoods from becoming overcrowded with structures, but could not require a property owner to renovate a home rather than tearing it down. She stated it is a property owners right to demolish a home if they wished and to build any type of new home they choose as long as it meets zoning codes. She urged residents to keep comments to the height and setback requests.

Commissioner Dills asked if there were requirements in the sale contract that should be considered as had been mentioned in many letters. City Attorney Huff stated any such requirements were a private contract between the buyer and seller and as such the city has no standing to enforce them.

Oisin & Amy Courtney, 417 Cambridge, explained they had bought the property with the intention of renovating it for their family, but concluded the home could not be saved due to extensive mold and structural concerns. They now plan to raze the home and build a new home to blend in with the neighborhood. Mr. Courtney reviewed roof ridge heights of surrounding properties and stated they were extending the home toward Briarwood to save a large tree in the back yard. Mrs. Courtney showed photos of the extensive damage to the interior of the home.

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

- Tom & Judy Walker, 425 Cambridge

Opposed to demolition and variances. Felt new home would be a detriment to neighboring properties. Concerned about fill being added to change grade and affect drainage. Opposed to rear setback because their views would be obstructed on side of home. Also concerned about safety if fences are erected.

- Bill Jacobson, 415 Cambridge

Felt new home would tower over his home and block sunlight. Concerned about grading and flooding on Briarwood becoming worse.

- Fil Iorio, 431 Cambridge

Opposed demolition because new home would not fit in with other homes on the block built in the 1920's and would detract from charm and property value in the area. Felt city ordinance

- Elizabeth Iorio, 431 Cambridge  
was clear on variance standards and there was no need to alter rules as the applicants would be working with a vacant lot and could meet regulations. Questioned accuracy of drawings, expressed safety concerns with garage so close to the street and opposed adding the alley feel on Briarwood.
- Ellen Schendel, 429 Briarwood  
New home will not fit in with the area and will stand out as new home. Will create a wall effect in the back and contribute to unsightly alley feel.
- Miriam Aukerman, 425 Briarwood  
Felt granting setback and height variances would affect her property and upset precious balanced ecosystem of the neighborhood. Did not want to look at a garage across from her street. Stated new home should be built according to established ordinances and not given variances.
- Charles Pazdernik, 425 Briarwood  
Spoke about importance of protecting area from encroachment and upholding zoning limits so that all are playing by same rules. Cited ordinance standards that are not met. Objected to setback variance that would contribute to alley-like feel and against height variance because there was no compelling reason for the request. Concerned about the auction requirements not being met.
- Pamela MacDougal, 500 Cambridge  
Felt the Briarwood frontage was being ignored to the detriment of homes on that street.
- Jenny May, 421 Briarwood  
Oppose all variances because applicants haven't proven a need for variance and new home would be a detriment to her home and others. Stated drawings were misleading as to the height and that style and roofline would look bad next to the older homes.
- Steve Ratliff, 435 Cambridge  
Very concerned about making the alley feel worse on Briarwood and with the site distance coming out of the driveway.
- Dave Kagan, 533 Cambridge  
Concerned about asbestos abatement in demolition process. Did not feel variances were appropriate when new home would be constructed on a vacant lot and rules could be followed.
- Doug Dowling, 437 Briarwood  
Questioned why local architect could not be aware of EGR height ordinance and spoke about the new home detracting from the friendliness of the neighborhood.
- Shirley Francis, 457 Briarwood  
Felt variances were not necessary to build a nice home on this lot and setting a precedent by doing so should be avoided. Ask for a soft moratorium and study committee to begin protecting standout neighborhoods.
- Mimi Ray, 417 Briarwood  
Requested a study committee be established.
- Rachel Lee, 225 Diamond, GR  
Felt scale of home was out of proportion and would dwarf surrounding homes. Concerned about drainage and vehicles on narrow street.
- Joe Becker, 433 Cambridge  
Works in a historic district and felt the new home would not fit in. Urged study of historic district to protect area homes.

The following communications were received at City Hall concerning this variance request:

- |  |           |
|--|-----------|
| - Tom & Judy Freeman Walker, 425 Cambridge   | Opposed.  |
| - Bill Jacobson, 415 Cambridge   | Opposed.  |
| - Fil & Elizabeth Iorio, 431 Cambridge   | Opposed.  |
| - Douglas Dowling, 437 Briarwood   | Opposed.  |
| - Pamela MacDougal, 500 Cambridge  | Opposed.  |
| - Marlene & Rick DeBlasio, 420 Cambridge   | Opposed.  |
| - Heidi Roine, 445 Briarwood   | Opposed.  |
| - Ellen Schendel & Amorak Huey, 429 Briarwood (2)  | Opposed.  |
| - Charlotte Detamore, 451 Cambridge  | Opposed.  |
| - Laura Bouch, 441 Briarwood   | Opposed.  |
| - Mimi Ray, 417 Briarwood  | Opposed.  |
| - Miriam Aukerman & Charles Pazdernik, 425 Briarwood<br>and Jenny & Noell May, 421 Briarwood | Opposed.  |
| - Jennifer Gehl & Matt Schroeder, 503 Cambridge  | Opposed.  |
| - Cheryl VanTil, 358 Briarwood   | In Favor. |
| - Picard Family, 508 Cambridge   | Opposed.  |
| - Jason Bowman, 507 Cambridge  | Opposed.  |
| - Sandra Parks, 431 Plymouth   | Opposed.  |
| - Dave Kagan, 533 Cambridge  | Opposed.  |
| - Denise & Steve Winney, 534 Cambridge   | Opposed.  |
| - Jenie & Vin Altruda, 405 Cambridge   | In Favor. |
| - Gary & Kay Stec, 436 Cambridge   | Opposed.  |
| - Steven & Kathryn Ratliff, 435 Cambridge  | Opposed.  |

No other public comment was received. Mayor Seibold closed the public hearing.

2014-34-A. Dills-Graham. That the request of Amy & Oisin Courtney of 417 Cambridge to allow the construction of a new home with a rear yard setback of 23.4' instead of the required 30' be approved.

Commissioner Dills stated he did not support a setback of 23' as it would be far closer to the street than neighboring homes.

Commissioner Goebel agreed with the owners about the need for a new home but could not support the garage being so close to Briarwood.

Commissioner Skaggs felt the standards for granting a variance were not met. He stated the applicants had other options for laying out the house and using the property without encroaching into the Briarwood setback.

Commissioner Graham agreed that starting with a vacant lot afforded the applicants the means to avoid needing variances.

Commissioner Duncan sympathized with the Courtney's desire to build a new home for their family and thanked them for their efforts to match the home to those surrounding it, but felt there were options other than a reduced setback.

Commissioner Miller also stated there was sufficient square footage on this lot to build a nice home without building so close to Briarwood.

Mayor Seibold agreed that starting with a vacant lot gave the applicants options to build without requiring variances. She thanked those on Briarwood for stating their feelings about preserving their front yards. She reiterated that a property owner's rights allowed them to use their property within the parameters of the zoning ordinance and urged everyone to move forward with welcoming the new family to the neighborhood.

Yeas: -0-

Nays: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7

2014-34-B. Dills-Goebel. That the request of Amy & Oisin Courtney of 417 Cambridge to allow the construction of a new home with a building height of 27.4' instead of the maximum 25' be approved.

Commissioner Dills noted there had been some confusion on the height of the proposed home, and felt that the height would be in the same range as others in the area, however, because it was a new home that could be configured as needed, he did not favor granting a variance.

Commissioner Duncan questioned whether infill could be prevented. City Manager Donovan stated the issue was studied several years ago, but the city had not found a suitable way to control infill and lot grade.

Commissioner Miller felt granting the height variance would make the new home stand out in the neighborhood when everyone clearly wanted this house to fit in as much as possible, therefore, he did not support the variance for height.

Commissioner Goebel did not feel that 2' was a significant variation, but agreed that with new construction there was no need to grant a variance. He felt the new house was well designed to fit the neighborhood.

Commissioner Skaggs noted that variance criteria were not met and the applicants can still use the property without a height variance. He felt the height would adversely affect the neighboring properties and questioned the varying measurements that had been discussed. Mr. Skaggs again suggested a moratorium on the demolition of these types of homes and advocated for a discussion on establishing a historic district. He urged the owners to look again at saving this home.

Yeas: -0-

Nays: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7

The meeting recessed at 8:47 pm for a short break. The meeting resumed at 8:55 pm.

2014-35. Mayor Seibold announced the variance request of Kevin Brant, owner of 715 Croswell, would be postponed until a future meeting at the request of the applicant.

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

- Kevin Brant, owner of 715 Croswell                      Apologized for the delay. Looking forward to working with the city on the plans at a later date.

No other public comment was received. Mayor Seibold closed the public hearing.

2014-36. Site plan review for Croswell Avenue Townhouses PUD.

Zoning Administrator Faasse reported the Planning Commission had approved the site plan pending the resolution of four minor issues that are suggested as a condition of approval by the City Commission. A PUD agreement is now being reviewed by both parties before permits are issued.

Paul Leblanc of LSL Planning explained the mixed-use development will contain 12 residential units on .62 acres with a density of 20 units per acre. The components of the plan are generally consistent with the Master Plan and the PUD approval, with only minor issues left to work out. He recommended the issues still to be resolved be placed as conditions to a final site plan approval.

Brad Rottschafer of Mosaic Properties stated they are working on the issues and are confident all will be resolved very soon. He stated all the tenants have moved out and the utilities are being disconnected so that demolition can begin within a few weeks. He hoped the project would be finished by the end of the year.

- 2014-36-A. Miller-Skaggs. That the Crowell Avenue Townhouses site plan dated February 24, 2014 be approved with the following conditions:
- A. Correction of four remaining items outlined by LSL planning on March 6, 2014:
    - 1. Revise site plans to be consistent with single family condo architectural plans (rear entry alcove);
    - 2. Show roof-top mechanical units on the live/work unit drawings and any planned screening;
    - 3. Delete window wells from single family condo side yard setback;
    - 4. Revise plans to move single family AC condenser unit from location along south lot line, if feasible to the rear of the garage or another permitted location.
  - B. Approval of storm water detention and drainage systems by City Engineering; and
  - C. Execution and recording of the PUD Agreement, including the Condominium Master Deed.

Commissioner Skaggs asked Mr. Rottschafer to revisit the color selections for the exterior paints as he felt they were very drab and would look better with brighter colors that fit into the neighborhood.

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7  
Nays: -0-

- 2014-37. Graham-Miller. Motion to approve the consent agenda as follows:

- 2014-37-A. To approve the minutes of the regular meeting held March 3, 2014.
- 2014-37-B. To approve payroll disbursements of \$200,999.33; county and school disbursements of \$136,486.10, and total remaining disbursements of \$657,773.26.
- 2014-37-C. A permit application for 4<sup>th</sup> of July fireworks as set forth in Exhibit “A” attached hereto.
- 2014-37-D. The purchase of a trailer-mounted air compressor from Hammersmith Equipment in the amount of \$15,500.00.
- 2014-37-E. The purchase of a front-mount plow from Truck & Trailer Specialties in the amount of \$7,223.00.
- 2014-37-F. Ratification of the emergency repair of the Gaslight Village snowmelt system in the amount of \$23,204.13 to River City Mechanical, and a fund transfer from the general Fund ending balance for these repairs.
- 2014-37-G. The preliminary minutes of the Parks & Recreation Commission meeting held November 12, 2013.
- 2014-37-H. The preliminary minutes of the Parks & Recreation Commission meeting held January 13, 2014.

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7  
Nays: -0-

The meeting adjourned at 9:12 p.m., subject to the call of the Mayor until March 31, 2014.

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Karen K. Brower, City Clerk

Attachments: A – Fireworks permit application

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Rescheduled Regular Meeting Held March 31, 2014**

Mayor Seibold called the meeting to order at 6:01 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Graham, Miller, Skaggs and Mayor Seibold

Absent: Commissioner Goebel

Also Present: City Manager Donovan; City Attorney Huff; Acting Public Works Director Lark; Parks & Recreation Director Bunn; Public Safety Director Herald; Finance Director Mushong; City Clerk Brower

- 2014-38. Mayor Seibold reported a request to consider a moratorium on the demolition of homes had been submitted to the City Commission earlier in the day. She noted this issue was not on the published agenda and could not be considered unless a motion was made to add the matter to the City Commission agenda. No motion was made to add the consideration of an emergency moratorium to the agenda.
- 2014-39. Fil Iorio, 431 Cambridge, explained the neighbors had again asked for an emergency moratorium as a means of halting the demolition and renovation of historic homes. He stated a moratorium would be limited in time and scope and would allow the city to review demolition permits during the moratorium and the study period if needed. He stated there is currently no protection of homes and neighbors would not find out about a demolition until the wrecking ball arrived. The neighbors felt a moratorium would be compatible with the preservation study to allow a review of proposals for renovation or demolition and a process for approval or denial. He asked that the City Commission reconsider a moratorium along with the study.
- 2014-40. Commissioners Dills and Miller welcomed everyone to the meeting and encouraged them to listen to the Public Safety annual report and the goals worksession.
- 2014-41. Public Safety Director Herald presented the Public Safety Department's 2013 Annual Report and detailed statistics on various crime categories, traffic citations and departmental accomplishments for 2013.
- Mr. Herald reminded everyone to lock their doors and windows and not to leave valuables in their vehicles as an easy way to further reduce crime in their neighborhoods.
- 2014-42. Discussion of Historic District Study Committee.
- City Manager Donovan explained the proposal to establish a study committee comprised of three city commissioners and four citizens, and to approve a proposal from LSL Planning to prepare a preliminary report detailing the authority and process to establish a historic district, the administrative implications for the city and property owners, and other options available at a cost of \$2,800.00.
- Mayor Seibold noted the report from LSL would provide basic information before the committee started looking at the specifics of housing, area, regulations, etc.
- Mayor Seibold opened the meeting for public comment on this proposal:
- \* Pamela MacDougal, 500 Cambridge
- Felt it would not be good for EGR to have development happen haphazardly. Mixing large new homes into existing neighborhoods would change the perceptions people have of our town. Supported the study committee so people would be prepared with facts. She hoped the committee would document the assets and propose an ordinance customized to East Grand Rapids.

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|---|---|
| * Mary Dersch, EGR History Room Curator | Supported efforts to establish a historic preservation.   |
| * Lynne Goede, 205 Rexford              | Volunteered to participate in study group.  |
| * Tom Wilson, 959 Ogden                 | Supported forming a study group.  |
| * Doug Dowling, 437 Briarwood           | Opposed unchecked development; favored preserving instead of replacing. Supported study and felt renovations should be limited while study is being conducted.  |
| * Steve Ratliff, 435 Cambridge          | East is known for old homes with character; felt these made the area special and should be protected.   |
| * Jennifer Metz, 303 Briarwood          | Historic preservation consultant hired to assist many areas with preservation. Have reached a tipping point where people will support preservation efforts. Didn't feel LSL was qualified to perform study and felt the preliminary report would delay the process. |
| * Gordon Jones, 325 Rosewood            | Felt City had granted too many exemptions to things like the height ordinance. Study group should consider people and how they use the buildings, not just structures.  |

Mayor Seibold closed the public comment.

- 2014-42-A. Dills-Graham. That a Historic District Study Committee be established with Commissioners Skaggs, Miller and Duncan appointed as members along with four citizens to be named by the Mayor, and that LSL Planning be hired to prepare a preliminary report on the process and implications of a historic district at a cost of \$2,800.00.

Commissioner Dills felt it was appropriate to prepare a preliminary report so the committee would have relevant information for the study.

Commissioner Skaggs supported the motion and thanked Mayor Seibold for forming the committee. He did not feel that waiting two weeks for a preliminary report from LSL would delay the process.

Commissioner Graham looked forward to getting more information and discussing any proposals.

Mayor Seibold noted that following the preliminary report, the committee would work to define the geographic areas of interest, age specifications, etc. in a small group format before disseminating information to the citizens and officials.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6

Nays: -0-

- 2014-43. Miller-Duncan. Motion to approve the consent agenda as follows:

2014-43-A. To approve the minutes of the regular meeting held March 17, 2014.

2014-43-B. To approve payroll disbursements of \$194,365.29; county and school disbursements of \$-0-, and total remaining disbursements of \$345,803.54.

2014-43-C. A contract with EMPCO Inc. of Troy, Michigan in the amount of \$9,950.00 to conduct the examination process for the promotion of a captain at the Public Safety Department, and a related budget amendment in the same amount from the General Fund Ending Balance.

2014-43-D. The purchase and installation of new carpeting for the Public Safety building from Superior Carpet Systems of Byron Center in the amount of \$5,159.54, and hiring of Custer Office Furniture to move office furniture at a cost of \$1,300.00 for a total project cost of \$6,459.54.

2014-43-E. A contract with Dean's Landscaping & Excavating, Inc. of Sand Lake in the amount of \$309,150.70 for the replacement of the watermain under Lakeside Drive, including project contingencies of \$30,915.07 for a total amount of \$340,065.77.

2014-43-F. An extension of the contract with Spurt Industries LLC at an annual cost of \$58,650.00 for yard waste disposal services through December 15, 2015.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6

Nays: -0-

2014-44. City Manager Donovan and the Department Directors presented highlights of the 2014-15 Goals & Objectives booklet and answered questions from the City Commission.

2014-45. Dills-Miller. Motion to enter into an executive session to discuss a collective bargaining agreement in accordance with Section 8(c) of the Open Meetings Act. A roll call vote was taken.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6

Nays: -0-

The meeting adjourned at 7:45 p.m., subject to the call of the Mayor until April 21, 2014.

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Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held April 21, 2014**

Mayor Seibold called the meeting to order at 6:02 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Graham, Miller, Skaggs and Mayor Seibold

Absent: Commissioner Goebel

Also Present: City Manager Donovan; City Attorney Huff; Acting Public Works Director Lark; Finance Director Mushong; City Clerk Brower; City Assessor Mesik, Engineer Slonecki

2014-46. Steve Edison, 2855 Elmwood, spoke on behalf of the EGR School Board regarding the May 6<sup>th</sup> Bond Proposal Election. He outlined the \$30.9 million request which would address safety concerns, and update technology and replace building items such as boilers and roofing materials.

Joseph Becker, 433 Cambridge, presented 61 signatures relating to a "Petition to Conduct a History Study" and asked the City Commission to establish a study committee and to enact a six-month moratorium on the demolition of structures until a study can be conducted. Mr. Becker stated the proposed district should be bordered by Wealthy, Cambridge, Lake Drive and Briarwood.

Miriam Aukerman, 425 Briarwood, presented maps showing support and opposition from property owners within the proposed district. She also asked for a moratorium preventing the demolition of homes within the proposed district.

Jennifer Metz, 303 Briarwood, asked about the status of the preliminary study approved by the City Commission at its last meeting. She stated transparency was important in this process and complained that the tone of City Commission meetings was unfriendly and unwilling to listen to the residents. She also questioned whether a company already on retainer with the City for other matters would submit a neutral report on the benefits of establishment of a historic district.

2014-47. Miller-Dills. Motion to add to the consent agenda a request to adopt a resolution designating a new Street Administrator for Michigan Department of Transportation purposes. A roll call vote was taken.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6

Nays: -0-

2014-48. Mayor Seibold showed a flowchart detailing the process of establishing a historic district. She stated that the entire process referred to in the chart would begin only after a decision was made to go ahead with setting up a historic district and that no such decision had been made yet. She reported she had heard from many residents in the last several weeks with various opinions and questions, and the City Commission was currently gathering information on the legal requirements, the process involved, and the benefits and drawbacks of the entire issue before taking any action toward forming a committee to form a historic preservation district. She reiterated that the committee being formed was being asked to research the process involved and make a report to the City Commission before a decision is made on whether or not to move forward. She announced the following residents are being appointed to the study committee: Fil Iorio, Lynn Goede, James Bill and Ellen Schendel, along with City Commissioners Phil Skaggs, Claudine Duncan, Brian Miller and City Manager Brian Donovan. She stated she would be contact these people to confirm the appointments and to work on setting up the first meeting of the group. Mayor Seibold noted that the City Commission had declined to take action on earlier requests to enact a moratorium on the demolition of homes and that none of the commissioners had spoken to her about revisiting this issue at this time.

Commissioner Skaggs asked the residents to stay informed about this issue and to withhold judgment until the committee finalizes its research and reports.

Commissioner Duncan stated she looked forward to beginning the research and to working with all the interested residents.

2014-49. Dills-Duncan. Motion to approve the consent agenda as follows:

2014-49-A. To approve the minutes of the regular meeting held March 31, 2014.

2014-49-B. To approve payroll disbursements of \$403,481.91; county and school disbursements of \$-0-, and total remaining disbursements of \$160,081.78.

2014-49-C. A one-year contract with Olameter Inc. for water meter reading service at a unit price of \$0.885 per meter read, and authorization for staff to renew the contract for up to four additional one-year terms at the same price if the service is satisfactory.

2014-49-D. The quarterly financial report for the period ended March 31, 2014.

2014-49-E. A resolution naming Engineer Joseph Slonecki as the East Grand Rapids Street Administrator for Michigan Department of Transportation purposes as set forth in Exhibit "A" attached hereto.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6

Nays: -0-

2014-50. Finance Director Mushong, City Assessor Mesik and Engineer Slonecki gave an overview of the upcoming budget process and highlighted some of the financial issues facing the City in the future.

The meeting adjourned at 7:20 p.m., subject to the call of the Mayor until May 5, 2014.

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Karen K. Brower, City Clerk

Attachments: A – Resolution designating a Street Administrator to the Michigan Department of Transportation.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held May 5, 2014**

Mayor Seibold called the meeting to order at 6:01 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Goebel, Miller, Skaggs and Mayor Seibold

Absent: Commissioner Graham

Also Present: City Manager Donovan; City Attorney Huff; Acting Public Works Director Lark; Finance Director Mushong; Parks & Recreation Director Bunn; Public Safety Director Herald; City Engineer Slonecki; City Clerk Brower

2014-51. Mayor Seibold announced the Waterfront Ordinance had been withdrawn from the agenda indefinitely pending renewal of the City's stormwater permit. She stated the City would be reviewing various options during the permitting process and would notify residents of any proposed new regulations at that time.

Commissioner Skaggs reminded everyone to vote on May 6<sup>th</sup>.

2014-52. Doug Dowling, 437 Cambridge, asked about the progress of the study that was approved on March 31<sup>st</sup> and expressed concern about the delay. Mayor Seibold stated she had contacted all the citizen representatives on the committee and staff was in the process of organizing the first meeting. She stated she wanted to make sure everything was carefully considered and thoroughly researched before any final decisions were made.

Joe Becherer, 443 Cambridge, announced there would be a speaker from the Michigan Historic Preservation Network giving a presentation at the Community Center on Tuesday, May 13, 2014 from 7-9 pm and invited everyone to attend the meeting to learn about historic preservation districts.

Bill Jacobson, 415 Cambridge, stated the citizens were still seeking a moratorium on the demolition of homes until the historic district can be studied. He noted there was currently no review process when a demolition permit application is submitted. He felt there should be a review process by staff and a notification of surrounding neighbors before approval is given.

2014-53. Miller-Goebel. Motion to approve the consent agenda as follows:

2014-53-A. To approve the minutes of the regular meeting held April 21, 2014.

2014-53-B. To approve payroll disbursements of \$211,728.40; county and school disbursements of \$-0-, and total remaining disbursements of \$303,485.73.

2014-53-C. Replacement of ceiling tiles at the Public Safety Building in the amount of \$11,178.00 from SBC, Inc. of Grand Rapids, and related electrical work from Ada Electric in the amount of \$2,800.00 for a total project cost of \$13,978.00.

Yeas: Dills, Duncan, Goebel, Miller, Skaggs and Seibold – 6

Nays: -0-

The meeting adjourned at 6:11 p.m., subject to the call of the Mayor until May 19, 2014.

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Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held May 19, 2014**

Mayor Seibold called the meeting to order at 6:00 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Graham, Miller, Skaggs and Mayor Seibold

Absent: Commissioner Goebel

Also Present: City Manager Donovan; City Attorney Huff; Acting Public Works Director Lark; Finance Director Mushong; Parks & Recreation Director Bunn; Public Safety Director Herald; City Clerk Brower

2014-54. Mayor Seibold announced there would be a presentation on the historic preservation district issue at one of the June City Commission meetings. She noted the study committee would have its first meeting next week.

2014-55. Rachel Smith, 919 Orchard, spoke against a new home to be built on Lakeside that would be placed on a double frontage lot with the rear yard facing Orchard. She asked the City Commission to protect their neighborhood from becoming an alley by enacting an ordinance prohibiting double frontage lots.

Joanie Dowling, 437 Briarwood, thanked the members of the City Commission who attended the historic preservation information session last week at the community center.

Bruce Smith, 915 Orchard, asked the City to address the new issue of double frontage through lots with frontage on two streets. He stated this situation was never the intention of the city planners. He urged the commission to hold the permit for the new home until this matter could be resolved to the satisfaction of the neighborhood.

Jane Kropewnicki, 932 Orchard, stated she had not been notified of the proposed plans for a new home on Lakeside and stated the elected officials were failing those they were supposed to protect. She asked the commission to stop the demolition before June and to allow residents to review the new home plans before damage is done to their neighborhood.

Eric Wendling, 1934 Sherman, asked the city to continue efforts to establish a historic district bordered by Robinson, Lakeside, Argentina and Gladstone. He felt all concerns and comments should be taken into consideration so that the project could be done correctly.

Jennifer Gale, 503 Cambridge, felt the city was wasting taxpayer money and using stall tactics on the historic district issue. She asked why the city spent \$2,800 on an outside consultant when volunteers would have done the research for free, why is the city not following the steps to create the historic district, and why Plymouth was not included in the study. She also asked for a moratorium on the demolition of homes. Mayor Seibold stated the process was proceeding at a pace that ensured all questions would be answered because once a historic district is established, many rules would be in place and she wanted to make sure everyone was comfortable with these rules. She stated the City hired an outside firm to get an independent review of the process and that boundaries had not yet been discussed, so no street had been left out.

Andy Behler, 915 Lakeside, stated he was the owner of the two lots in question on Lakeside and Orchard. He stated he was born on Orchard and currently lives on Lakeside and cared deeply about the neighborhood. He denied there would be a large garage facing Orchard and offered to talk with any neighbors who were concerned about the project.

Gordon Jones, 325 Rosewood, thanked the Commission for setting up the meetings to discuss historic preservation, but asked for more specific information on dates, times and public access to hold the city accountable to the residents and not to special interests. He referenced the recently proposed waterfront

ordinance that would require stormwater management and asked why variances were being considered later on tonight's agenda for building along the lakeshore. He felt the commission set too many precedents by granting variances and that zoning ordinances should be followed and not waived with variances.

Eric Gollanek, 2306 Burchard, supported efforts to increase awareness and action on the growing threat of teardowns to the community. He expressed concern about replacing beautiful homes with dramatically larger, out of scale structures that change the feeling of the streets. Requested a moratorium be enacted now because all the home sales were creating an urgency to save these homes.

Janet Smith, 915 Orchard, also requested the demolition of the home on Orchard be stopped now and not later when the commission holds a special presentation. She wanted the existing home to remain with a family and not turned into an alley.

Jennifer Metz, 303 Briarwood, reminded the Commission of the number of people who have been attending meetings regarding demolition and the need for historic preservation. She asked the City to pay attention to all the people who are asking for a moratorium on demolition and the preservation of historic homes.

2014-56. Commissioners Dills and Miller thanked the residents attending the meeting to speak about these issues.

Commissioner Skaggs stated the commissioners are listening to all the residents who have spoken at meetings and contacted them over the last several weeks. He stated it takes time to set things up and organize schedules for meetings.

Commissioner Graham also agreed many good points had been raised and would be considered when the committee began its research.

Commissioner Duncan stated she had also had many conversations on these topics and looked forward to beginning the research phase.

Mayor Seibold addressed the lakefront development issue by stating that there were many opinions to be considered and the commission ultimately decided not to pursue the ordinance after listening to the residents affected. She noted that historic preservation was another example of the city commission having to balance property rights with the good of the entire community.

2014-57. A zoning variance hearing was held regarding the request of Allison Sevensma of 3055 Manhattan Lane to allow the construction of a detached garage with a total area of 614 square feet instead of the permitted 336 square feet.

Zoning Administrator Faasse explained the city's new zoning ordinance limited the number and size of outbuildings such as this proposed garage.

Allison Sevensma, 3055 Manhattan Lane, was present to explain the request and answer questions. She noted other remodeling projects had already been completed and that the new garage would match the home.

No other public comment was received. Mayor Seibold closed the public hearing.

2014-57-A. Dills-Miller. That the request of Allison Sevensma of 3055 Manhattan Lane to allow the construction of a detached garage with a total area of 614 square feet instead of the permitted 336 square feet be approved.

Commissioner Skaggs noted this was a large lot that could potentially be split and suggested placing a condition on the variances that the lot not be divided in the future.

2014-57-B. Skaggs-. To amend 2014-57-A. to include a condition that the approval is for a minimum lot size of 1.28 acres.

The motion died due to lack of second.

Commissioner Dills stated he felt there seemed to be plenty of room for this garage to fit on the lot without overcrowding.

Commissioner Graham added the new garage was in a slightly wooded area and close to the existing garage and would not be obtrusive to the neighbors.

Commissioner Miller agreed a split would be possible in the future as others in the plat have been.

Commissioner Dills noted conditioning the variance would restrict the owner's future rights to divide this lot.

Ms. Sevensma stated the chain link fence on the property was the line where a split would be allowed in the future.

Mayor Seibold noted the ordinance was put in place to prevent overbuilding on residential lots, and a potential lot split was a valid concern once this garage was in place.

2014-57-C. Duncan-Graham. Motion to table this request until information on the existing deed restriction can be obtained and reviewed.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6  
Nays: -0-

2014-58. A zoning variance hearing was held regarding the request of Matthew & Patricia Williams, 1120 Breton, to allow the construction of an attached garage with a rear yard setback of 4.6' instead of the required 25', and to allow the enlargement of a nonconforming structure.

Zoning Administrator Faasse explained the request to extend the existing garage toward the rear lot line and explained the required setbacks for attached and detached garages.

Kurt Griffiths of Lighthouse Construction explained many options had been considered and an attached garage was viewed as the best solution to the need for additional garage space. He stated the new addition would not be seen from the street and would match the architectural style of the existing home. He also noted the properties behind the proposed garage are lower in elevation than the applicant's home and would likely not be able to see much of the addition.

Mayor Seibold opened a public hearing. The following communications were received at City Hall concerning this variance request:

- Scott & Ellen Custer, 1110 Breton In Favor.  
- Greg & Rashel Workman, 1130 Breton In Favor.

No other public comment was received. Mayor Seibold closed the public hearing.

2014-58-A. Graham-Skaggs. That the request of Matthew & Patricia Williams, 1120 Breton, to allow the construction of an attached garage with a rear yard setback of 4.6' instead of the required 25', and to allow the enlargement of a nonconforming structure be approved.

Commissioner Graham noted the many improvements already made to the home and felt a detached garage would detract from the home and property.

Commissioner Miller felt granting a variance for an attached garage would be better than seeing a detached garage on this property.

Commissioner Skaggs supported the request because neighboring properties were not opposed and the proposed roof height seemed reasonable.

Commissioner Dills questioned whether a second story could be added above the garage at a later time. Mr. Faasse stated a variance would be needed to enlarge a non-conforming structure.

Mayor Seibold also felt the request was reasonable and noted the grade change meant the homes behind will be see the addition. She felt a detached garage would not be as attractive as this proposed addition.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6  
Nays: -0-

- 2014-59. A zoning variance hearing was held regarding the request of Marney Salmon, owner of 2861 Bonnell, to allow the construction of a detached accessory building not in the rear yard.

Zoning Administrator Faasse explained the frontage on lower Reeds Lake Blvd created a second front yard for this property requiring a variance to place an accessory building on the lakefront.

Mayor Seibold questioned whether the lot split proposed for consideration at an upcoming meeting would affect the placement of this structure.

Mike Corby, architect for Mrs. Salmon, explained the proposed building met all setback requirements and only required a variance because this home has effectively two front yards. He stated the drawings had changed slightly to make the rooftop all vegetation and remove the stairway to the roof. He noted the Salmons have a land division request pending to move the line dividing the two lots and are considering the possibility of moving the house to the east. The new accessory structure will be on the same lot as the home once the land division is completed, but it is the applicant's intent to build the accessory structure in the proposed location no matter the outcome of the land division.

Mayor Seibold opened a public hearing. No other public comment was received. Mayor Seibold closed the public hearing.

- 2014-59-A. Miller-Dills. That the request of Marney Salmon, owner of 2861 Bonnell, to allow the construction of a detached accessory building not in the rear yard be approved.

Commissioner Miller noted this structure would be allowed without a variance if not for the gravel road. He appreciated the larger setback than required, the rooftop vegetation and the pervious materials being used.

Commissioner Skaggs stated he would support the request, and added that a 25' setback would be even better.

Commissioner Dills agreed he would like to see the building set further back, but supported the variance because it was only the gravel road that prohibited the proposed placement.

Mayor Seibold thanked Mr. and Mrs. Salmon for the efforts to minimize the building's environmental impact.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6  
Nays: -0-

- 2014-60. A zoning variance hearing was held regarding the request of Mark Fowler, 2905 Bonnell, to allow the construction of a detached accessory building not in the rear yard.

Zoning Administrator Faasse explained the new owners of the home had decided against completing the construction started by the previous owner in the exact manner proposed by the previous owner and instead would proceed in a slightly different position.

Commissioner Dills questioned whether the total square footage of all accessory structures exceeded the maximum allowed. Mr. Faasse stated he had not made that calculation because the original building permit was issued under the former zoning ordinance that did not have a maximum square footage limit.

Mayor Seibold opened a public hearing.

Ed Twohey, architect for the owner, stated they would be keeping the old foundation, adding pervious deck materials, a wooden boardwalk and would be restore a portion of the lawn to a natural area with native plants.

City Attorney Huff gave his opinion that the prior ordinance required only that all structures covered less than 35%, and these buildings would have been nowhere near that limit. The new ordinance uses a limit of 25% and these properties are also under that limit. So the only question is whether the new owners should be held to the limit of 1296 square feet that was put into place after the building permit was issued last year.

Mayor Seibold expressed concern about large construction vehicles damaging the gravel road in this area and asked whether the applicants would be willing to repair. Mr. Twohey stated all property owners who have done construction work should be asked to share the cost to repair the road.

Pamela MacDougal, 500 Cambridge, stated she felt the applicants should have to meet the requirements of the new ordinance.

Commissioner Dills asked if the size/shape of the proposed building was substantially the same as the prior permit allowed, and whether the applicant could choose to go ahead and continue the construction already begun by the previous owner. Mr. Faasse stated construction could continue under the original permit and that the size of the new structure was very close to the same size as the original plan.

Elizabeth Goede, 363 Forest Hills, stated the new owner should have to start over in the process if they were not continuing to build the same structure.

No other public comment was received. Mayor Seibold closed the public hearing.

2014-60-A. Dills-Graham. That the request of Mark Fowler, 2905 Bonnell, to allow the construction of a detached accessory building not in the rear yard be approved.

City Attorney Huff agreed with the statement that the new owner had the right to continue to build under the permit issued to the previous owner if constructing the original structure. He felt the commission should take the prior permit under consideration and make note of any changes approved if the variance request is granted. Mr. Huff stated the commission should at the very least rule on whether the new structure could be constructed.

City Manager Donovan stated that variances typically run with the land regardless of who owns the property.

2014-60-B. Duncan-Miller. That the request of Mark Fowler, 2905 Bonnell, be tabled until a future meeting.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6

Nays: -0-

2014-61. Skaggs-Miller. Motion to approve the consent agenda as follows:

2014-61-A. To approve the minutes of the regular meeting held May 5, 2014.

2014-61-B. To approve payroll disbursements of \$199,614.24; county and school disbursements of \$1,321.70, and total remaining disbursements of \$101,668.12.

2014-61-C. A hearing date of June 2, 2014 for public hearings on the proposed FY 2014-15 budget and the placement of delinquent accounts on the summer property tax bill.

2014-61-D. A resolution entering into a contract with the Michigan Department of Transportation in order to obtain federal funds for the reconstruction of Lakeside Drive from Wealthy Street to Greenwood Avenue as set forth in Exhibit "A" attached hereto.

2014-61-E. The replacement of the boiler system at Wealthy Pool in the amount of \$49,100.00 from Northwest Kent Mechanical Company of Cedar Springs.

- 2014-61-F. The preliminary minutes of the Planning Commission meeting held February 11, 2014.
- 2014-61-G. The preliminary minutes of the Joint Facilities Committee meeting held March 28, 2014.
- 2014-61-H. The preliminary minutes of the Library Commission meeting held April 28, 2014.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6  
Nays: -0-

The meeting adjourned at 7:55 p.m., subject to the call of the Mayor until June 2, 2014.

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Karen K. Brower, City Clerk

Attachments: A – Resolution approving a contract for the Lakeside Drive reconstruction project.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held June 2, 2014**

Mayor Seibold called the meeting to order at 6:01 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Duncan, Goebel, Graham, Miller, Skaggs and Mayor Seibold

Absent: Commissioner Dills

Also Present: City Manager Donovan; City Attorney Huff; Acting Public Works Director Lark; Finance Director Mushong; Parks & Recreation Director Bunn; Public Safety Director Herald; City Clerk Brower; Captain Williams, Captain Buikema; Sgt. Metternich, PSO Brown; PSO Moore; Sgt. Perez; Staff Sgt. Smith; PSO Karnes

2014-62. Commissioner Skaggs reported the study committee had met last week to discuss a possible historic preservation district and had started a list of questions and further information needed.

Commissioner Graham congratulated all the officers receiving awards and promotions this evening.

Mayor Seibold thanked the Public Works crews for their work during all the watermain breaks this week.

Mayor Seibold announced a public meeting would be held on Monday, June 16, 2014 from 5:00 to 5:45 pm to discuss development and redevelopment issues. She invited everyone interested to attend.

2014-63. Public Safety Director Herald presented departmental life-saving awards to Officers Bradley and Moore for saving the life of a newborn child, and to Officer Troy Brown for actions in dealing with a suicidal citizen. Certificates of Recognition were given to Captain Ric Buikema, Officers Jeff DeJonge, Beth Moore and Public Safety Clerk Donna Alexander for their efforts in transitioning to a new records management system.

Chief Herald officially performed promotion ceremonies for Captain Ric Buikema, Staff Sergeant Eric Smith and Sergeant Matthew Perez.

2014-64. A public hearing was held pertaining to the General Fund budget and the property tax levy for Fiscal Year 2014-15. No public comment was received. Mayor Seibold closed the public hearing.

2014-65. A public hearing was held on the special assessment roll of delinquent accounts for placement on the July 1, 2014 tax roll. No public comment was received. Mayor Seibold closed the public hearing.

2014-65-A. Graham-Miller. That the special assessment roll of delinquent accounts totaling \$66,284.90 be certified and placed on the July 1, 2014 tax roll.

Yeas: Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 6

Nays: -0-

2014-66. Skaggs-Miller. Motion to approve the consent agenda as follows:

2014-66-A. To approve the minutes of the regular meeting held May 19, 2014.

2014-66-B. To approve payroll disbursements of \$200,715.50; county and school disbursements of \$-0-, and total remaining disbursements of \$446,612.23.

2014-66-C. The emergency replacement of the coupler for the Public Works Department's front-end loader in the amount of \$6,097.67.

- 2014-66-D. The purchase of security fencing at the water tower site from Fence Consultants of West Michigan in the amount of \$29,300.00.
- 2014-66-E. Ratification of emergency services to top dress and gravel Reeds Lake Blvd southshore between Darby and Hall Street in the amount of \$6,479.50 to Dirt Cheap Excavating, and approval of a related budget amendment in the same amount from the Local Street fund ending balance.
- 2014-66-F. An extension of the pavement marking contract with M&M Pavement Marking of Grand Blanc in the amount of \$33,296.00 for pavement parking services on city streets.
- 2014-66-G. A contract with Kel Graphics of Cadillac, Michigan, in the amount of \$32,069.00 for t-shirts for Parks & Recreation programs for the upcoming year.

Yeas: Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 6  
Nays: -0-

- 2014-67. Ellen Schendel, 429 Briarwood, thanked the other members of the historic district study group for the welcoming atmosphere at the first meeting and stated she is looking forward to working on this issue.

Denise Symons, 336 Gladstone, spoke about her experiences with setting up a historic district in Clarkston and urged the City Commission to move forward with establishing a historic district in East Grand Rapids.

John Goede & Elizabeth, new owners of 417 Cambridge, invited commissioners to tour the home before renovations begin in a few weeks. They supported the establishment of a historic district.

Tom Wilson, 959 Ogden, submitted information on home demolitions since 2000.

Bruce Smith, 915 Orchard, spoke against double-frontage lots like the one being created on Lakeside/Orchard. He stated no city planner would ever lay out a neighborhood to include such lots and requested the City place a hold on the permit that would allow the lot combination until this can be studied. He cited ordinances from Cascade Township, Ada Township and Royal Oak as examples of prohibitions. Felt existing EGR ordinances allow the Commission to reject the combination based on the fact that substantial change would take place in the neighborhood.

Eric Gollanek, 2306 Burchard, showed photos of various homes that should not be lost to redevelopment and urged the City to adopt an ordinance to protect the local jewels or architecture.

- 2014-67-A. Miller-Duncan. Motion to enter into an executive session following the special budget meeting to discuss a collective bargaining agreement in accordance with Section 8(c) of the Open Meetings Act. A roll call vote was taken.

Yeas: Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 6  
Nays: -0-

The meeting adjourned at 6:45 p.m., subject to the call of the Mayor until June 16, 2014.

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Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Special Meeting Held June 2, 2014**

Mayor Seibold called the meeting to order at 6:46 p.m. in the City Commission Chamber at the Community Center.

Present: Commissioners Duncan, Goebel, Graham, Miller, Skaggs and Mayor Seibold

Absent: Commissioner Dills

Also Present: City Manager Donovan; City Attorney Huff; Acting Public Works Director Lark; Finance Director Mushong;  
Parks & Recreation Director Bunn; City Clerk Brower

2014-68. Consider request to adopt a resolution adopting the FY 2014-15 budget and setting a millage rate for FY 2014-15.

2014-68-A. Duncan-Miller. That a resolution adopting the FY 2014-15 budget as amended during the budget worksessions and setting millage rate for FY 2014-15 be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 6

Nays: -0-

2014-69. Consider request to adopt a resolution establishing water/sewer rates for FY 2014-15.

2014-69-A. Miller-Duncan. That a resolution setting water/sewer rates for the upcoming fiscal year be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 6

Nays: -0-

The special meeting was adjourned at 6:48 p.m.

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Karen K. Brower, City Clerk

Attachments: A – Resolution adopting FY 2014-15 budget.  
B – Resolution establishing water/sewer rates for FY 2014-15.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held June 16, 2014**

Mayor Seibold called the meeting to order at 6:02 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Goebel, Graham, Miller, Skaggs and Mayor Seibold

Absent: None

Also Present: City Manager Donovan; City Attorney Huff; Acting Public Works Director Lark; Finance Director Mushong; Public Safety Director Herald; City Clerk Brower; Zoning Administrator Faasse

2014-70. Commissioner Dills congratulated those who took part in the Reeds Lake Run on June 7<sup>th</sup> and thanked the city employees and volunteers who organized the event.

Commissioner Miller thanked those who attended the Zoning & Development meeting prior to the City Commission meeting.

Commissioner Goebel complimented Commissioner Miller, City Attorney Huff and Mayor Seibold on their presentations on zoning and the information shared with residents.

2014-71. Kent District Library Director Lance Werner, KDL Board Member Craig Wilson and EGR Branch Manager Dawn Lewis were present to give an update on KDL operations and statistics for 2013.

2014-72. A zoning variance hearing was held regarding the request of Katharine Koeze of 3211 Bonnell to allow the construction of an attached garage with a front yard setback of 50.6' instead of the required 71.3.'

Zoning Administrator Faasse explained the request to construct additional garage stalls in front of the current garage.

Jeff Stolz, contractor for Ms. Koeze, was present to explain the request and answer questions. He noted there are many trees and landscape features that screen the garage from view on the street and other properties.

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

- Nyna Sykes, 3205 Bonnell

Requested a deed restriction be added to prohibit any type of storage behind the new garage that would be seen from her property. City Attorney Huff stated a deed restriction of this type would be a private agreement and could not be a condition of city approval of the variance. Mr. Stolz stated the homeowners were agreeable to some type of deed restriction and were willing to install additional landscape screening behind the garage.

The following communications were received at City Hall concerning this variance request:

- Patricia Pease, 3175 Bonnell

Opposed.

No other public comment was received. Mayor Seibold closed the public hearing.

2014-72-A. Dills-Goebel. That the request of Katharine Koeze of 3211 Bonnell to allow the construction of an attached garage with a front yard setback of 50.6' instead of the required 71.3' be approved.

Commissioner Graham stated he could not support the variance because he did not feel it would fit with the neighborhood. Commissioner Duncan also expressed concern about the aesthetics of the addition.

Commissioner Skaggs reviewed the average setbacks of homes on both sides of the property and felt this home served as a transition between smaller setbacks on the north and larger setbacks on the south.

Commissioner Miller and Mayor Seibold expressed some concerns about the garage being prominent in the front yard and seen by those driving along the street.

Commissioners Dills noted that although he was not originally in favor of the garage addition, but since it now appeared the garage itself was not a significant issue with the neighbors, he did not oppose the variance.

Yeas: Dills, Goebel, Skaggs and Seibold – 4  
Nays: Duncan, Graham, Miller – 3

2014-73. The zoning variance hearing regarding the request of Allison Sevensma of 3055 Manhattan Lane to allow the construction of a detached garage with a total area of 614 square feet instead of the permitted 336 square feet was continued.

Zoning Administrator Faasse explained this request had been discussed and tabled on May 19<sup>th</sup> pending receipt of deed restriction language from when the lot was originally platted. The deed restriction on lots in this plat specifies that the lots may be split on a line 150 feet south of the northern property line, creating lots of approximately .9 acres and .4 acres.

2014-73-A. Miller-Duncan. Motion to take Item 2014-57-A. from the table for discussion.

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7  
Nays: -0-

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

- Allison Sevensma, 3055 Manhattan Lane Offered to answer questions from the City Commission.

No other public comment was received. Mayor Seibold closed the public hearing.

Commissioner Graham felt the garage would fit well and would not be an issue in the neighborhood.

Commissioner Skaggs stated that if the lot is divided in the future, the property containing the home and outbuildings will be overbuilt by ordinance standards. He felt this variance request was too much to ask given that the lot will likely be divided in the future.

Mayor Seibold noted this was a very large lot and while she would prefer the garage be attached to the home, the location of the pool and other structures made that impossible. She felt the additional garage structure would not make the lot feel overcrowded.

2014-73-B. Graham-Goebel. That the request of Allison Sevensma of 3055 Manhattan Lane to allow the construction of a detached garage with a total area of 614 square feet instead of the permitted 336 square feet be approved as requested.

Yeas: Dills, Duncan, Goebel, Graham, Miller and Seibold – 6  
Nays: Skaggs – 1

City Manager Donovan stated the ordinance may need to be reviewed in the future to determine if this section is overly restrictive due to the size of the average lot in East Grand Rapids.

- 2014-74. Introduction of an ordinance amendment to amend Section 8.61 of Article I of Chapter 83 of Title VIII of the City Code pertaining to fence regulations.

City Attorney Huff outlined the major changes proposed for the fence ordinance, including raising the height allowed in front yards to 36" with no more than 50% of the fence being opaque, adding options for corner lots, and including landscaping walls in the definition of fences. Mr. Huff noted additional language may be necessary to address swimming pool fences in front or side yards; he will have amended language for the final reading at the next meeting.

City Manager Donovan noted this new ordinance would apply to double-frontage lots. He also noted the change from 30" to 36" was made because most standard fencing available commercially is 36" tall.

Attorney Huff noted that the language requiring "clear vision areas" had been removed because all fencing in front yards is now required to be able to see through.

The following people were present and expressed their thoughts on this ordinance:

Bruce Smith, 915 Orchard

Questioned how the grade of the lot was measured. Mr. Huff answered the measurement is from the final grade. He stated this issue has been hard to define and regulate in the past.

- 2014-74-A. Miller-Duncan. That an ordinance amendment to amend Section 8.61 of Article I of Chapter 83 of Title VIII of the City Code pertaining to fence regulations be introduced as set forth in Exhibit "A" attached hereto.

Commissioner Miller stated the issue with raising the grade of the lot was still problematic in some instances, but that this ordinance amendment was a good step.

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7

Nays: -0-

- 2014-75. Skaggs-Miller. Motion to approve the consent agenda as follows:

2014-75-A. To approve the minutes of the regular and special meetings held June 2, 2014.

2014-75-B. To approve payroll disbursements of \$212,314.27; county and school disbursements of \$-0-, and total remaining disbursements of \$135,966.62.

2014-75-C. A resolution amending the FY 2013-14 Budget as set forth in Exhibit "B" attached hereto.

2014-75-D. The purchase and installation of upgraded equipment for the weather siren warning system in the amount of \$7,620.00 from West Shore Services of Allendale.

2014-75-E. The purchase and installation of upgraded equipment for the seven sewer left stations from Drew Wireless of Grand Rapids in the amount of \$46,600.00.

2014-75-F. A contract with Rusche Trucking of Comstock Park in the amount of \$20,625.00 for the purchase of sand, gravel and topsoil and the disposal of excavated earth.

2014-75-G. A contract in the amount of \$69,190.00 with Superior Asphalt Inc. for road repairs and watermain break street patching.

2014-75-H. The preliminary minutes of the Parks & Recreation Commission meeting held May 12, 2014.

2014-75-I. The preliminary minutes of the Joint Facilities Committee meeting held May 29, 2014.

2014-75-J. The Joint Facilities program budget for FY 2014-15 as recommended by the Joint Facilities Committee.

Yeas: Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 6  
Nays: -0-

2014-76. Rob Deane, 700 Plymouth, educated those present about the Senior Millage Request on the August 5<sup>th</sup> ballot and urged everyone to support the millage renewal and increase proposals.

Elizabeth & John Goede, 417 Cambridge, thanked the city commissioners who toured their new home and invited others to contact them if they wished to view the home and hear about the renovations planned.

Erin Frederickson, 400 Cambridge, thanked the City for the information presented at the 5:00 pm zoning meeting. She spoke against the proposed historic district and asked the city to find another way to preserve historic elements while not infringing on people's property rights.

Valerie Schultz, 401 Lakeside, had questions on the agenda item regarding the lift stations. City Manager Donovan offered to explain the repairs after the meeting.

Steve Ratliff, 435 Cambridge, spoke in favor of continuing to research the formation of a historic district.

Bruce Smith, 915 Orchard, thanked the City Commission for the zoning information presented earlier and for the dialogue started with residents. He felt the fence ordinance was a good step and asked that everyone continue the discussions on these issues.

Scott Gorsline, 958 San Jose, opposed a historic district but appreciated the public dialogue. He felt a historic district would be very divisive as he believed many people were opposed to it.

Rob Deane, 700 Plymouth, did not have a personal opinion, but understood both sides of the issue. He suggested city officials contact the City of Grand Rapids for advice and sample materials.

John Constantelos, 1727 Franklin, stated the study was worthwhile because the teardowns and unbridled development were troubling to him.

John Inhulsen, 615 Cambridge, felt EGR neighborhoods were not the same as the Heritage Hill area. He stated EGR streets are very connected communities and imposing too many restrictions would erode property rights unnecessarily. He favored other zoning methods to preserve aesthetics of the neighborhoods and significant homes. He also urged the commission to engage people on all sides of the issue and look several years down the road to gauge the long-term impact of a historic district.

Joerg Picard, 508 Cambridge, stated a historic district would imprison current property owners and limit the number of buyers interested in properties within the district.

The meeting adjourned at 7:15 p.m., subject to the call of the Mayor until July 7, 2014.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance Amendment to Section 8.61 of Chapter 83 pertaining to fence regulations.  
B – Resolution approving final budget amendments for FY 2013-14.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held July 7, 2014**

Mayor Seibold called the meeting to order at 6:03 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Graham, Miller, Skaggs and Mayor Seibold

Absent: Commissioner Goebel

Also Present: City Manager Donovan; City Attorney Huff; Acting Public Works Director Lark; City Clerk Brower; Zoning Administrator Faasse; Planning Consultant LeBlanc

2014-77. Commissioner Miller thanked all the city employees and volunteers involved in the 4<sup>th</sup> of July activities.

Mayor Seibold also thanked those involved in setting up, organizing and administering all of the events on July 4<sup>th</sup>. She stated the fireworks were amazing and the Trail Blazer and parade were so much fun to participate in.

2014-78. Mayor Seibold presented a gift of appreciation to Janyce Huff for her years of service on the Parks & Recreation Commission and on the Traffic Commission.

2014-79. A zoning variance hearing was held regarding the request of David & Carol Distel of 900 San Lucia to allow the construction of an addition to the home creating a front yard setback of 87.0' instead of the required average front setback of 93.1.'

Zoning Administrator Faasse explained the request for an addition to the front of the garage that would encroach slightly into the front yard setback.

Rob Sears of Sears Architecture was present to explain the request and answer questions. He stated the owners wished to add a third stall and enlarge the existing garage.

Mayor Seibold opened a public hearing. The following communications were received at City Hall concerning this variance request:

- Carl & Sharyn Kubek, 920 San Lucia                      In Favor.

No other public comment was received. Mayor Seibold closed the public hearing.

2014-79-A.Graham-Skaggs. That the request of David & Carol Distel of 900 San Lucia to allow the construction of an addition to the home creating a front yard setback of 87.0' instead of the required average front setback of 93.1' be approved.

Commissioner Graham felt the new addition would fit in the space very well.

Commissioner Dills noted the orientation of the home meant the addition will not be in the direct line of sight for other neighbors or stand out along the street. Commissioner Skaggs agreed.

Mayor Seibold explained the new ordinance adds conformity to existing neighborhoods, but means variances may occasionally be needed for projects like this one.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6

Nays: -0-

2014-80. Consider request to approve the relocation of a property line between 2861 and 2883 Bonnell.

Planning Consultant LeBlanc explained the request to adjust the lot line between these two properties. He stated the resulting lots would continue to meet all zoning standards. He suggested the City Commission add a condition to the approval that requires an easement detailing driveway access between the two parcels.

Darrell DeHaan, representative for the property owners, explained the request to relocate the property dividing line with the intention of selling Parcel B in the future. He stated the owners planned to relocate the existing home on Parcel A and to reconstruct the driveway so that no access across Parcel B would be needed.

Mayor Seibold opened a public hearing. No other public comment was received. Mayor Seibold closed the public hearing.

2014-80-A. Miller-Dills. That the request of Alan & Mary Salmon, owners of 2861 and 2883 Bonnell, to adjust the property line between the two parcels, creating Parcel A (western), 253.2' wide, 2.13 acres with frontage on Bonnell, including an existing home; and Parcel B (eastern), 1 102.4' wide, 1.09 parcel with frontage on Bonnell, including an existing garage, be approved with the following conditions:

1. The split complies with the surveys presented in the land division application; and
2. The relevant deed(s) or land contract(s) be recorded with the Kent County Registrar of Deeds within 90 days of approval.
3. Prior to any property transfer, the applicant must record an easement with the Kent County Register of Deeds detailing access rights for the existing driveway for both properties if the existing driveway was still being utilized.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6  
Nays: -0-

2014-81. Final Reading of an ordinance amendment to amend Section 8.61 of Article I of Chapter 83 of Title VIII of the City Code pertaining to fence regulations.

City Attorney Huff explained a new section had been added to the proposed ordinance amendment to create a variance procedure for swimming pool fences. Mr. Huff noted the new ordinance would now allow a fence height of 36" in the front yard and require fences be at least 50% opaque. Mr. Huff further noted the ordinance did not address the use of shrubs, trees or other landscaping as screening for front or rear yards.

Commissioner Skaggs questioned the definition of "natural grade" when determining the allowable fence height. Zoning Administrator Faasse stated that unless the entire lot is raised, the existing overall grade of the property is used.

Mayor Seibold asked for public comment on this ordinance amendment. The following input was offered:

- Miriam Auckerman, 425 Briarwood Thanked the City Commission for addressing this issue.

2014-81-A. Duncan-Miller. That an ordinance amendment to amend Section 8.61 of Article I of Chapter 83 of Title VIII of the City Code pertaining to fence regulations be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6  
Nays: -0-

2014-82. Introduction of an ordinance amendment to add Section 9.63(L) to Chapter 93 of Title IX of the City Code pertaining to begging and soliciting.

Assistant City Attorney Rysberg reviewed the proposed ordinance amendment that would place basic restrictions on those soliciting any type of funding to ensure the safety of public and/or pedestrians and vehicular traffic. She stated that eight specific behaviors were prohibited, but other solicitations were allowed. Ms. Rysberg explained that soliciting had to be allowed as a freedom of speech, but could be restricted in

certain ways for safety reasons. She stated the ordinance is content neutral and narrowly tailored so as to allow alternate channels of free speech.

Commissioner Skaggs questioned whether school and non-profit groups could still go door-to-door soliciting for their projects. Attorney Rysberg stated the ordinance allowed groups to solicit in neighborhoods or from private property, but stated that if a private homeowner asks the entity not to solicit or places a no-solicitation sign up, then the person or group is prohibited from soliciting at that residence. The proposed ordinance is modeled after Kentwood's ordinance, which has been upheld by both the district and circuit court in Kent County, and was determined to be distinguishable from the James Speet federal case.

Commission Duncan asked how this relates to door to door sales and transient merchant licenses. Ms. Rysberg responded that door to door commercial sales still require a permit.

Commission Graham asked whether this Ordinance provides blanket permission from the city to solicit. Attorney Rysberg indicated that soliciting remains permitted in areas and circumstances not enumerated under the proposed Ordinance.

Commissioner Graham stated he was not entirely comfortable with allowing people to solicit in residential areas. Ms. Rysberg noted that the City could not prevent every instance and situation as it would restrict an individual's right to free speech.

Mayor Seibold felt this ordinance was a good beginning that would hopefully keep citizens safe without taking away the rights of those who wished to solicit donations.

Commissioner Skaggs asked if sidewalks remain open for solicitation. Attorney Rysberg indicated sidewalks remain open for solicitation, provided the solicitor is not soliciting from an operator or occupant of a motor vehicle, and provided that the solicitation does not fall under the other limited enumerated circumstances.

Mayor Seibold opened the meeting for public comment:

- Miriam Aukerman, ACLU Attorney      Stated begging was protected speech as determined by the federal courts and the city effectively prohibiting charitable walks, can drives, and other established activities. She stated there would be serious constitutional concerns with this ordinance. She stated buffer zones were not permitted and people would have no idea where soliciting would be allowed or not allowed. She stated traffic and safety concerns would be controlled with existing laws and not by targeting people asking for help.

2014-82-A. Graham-Miller. That an ordinance amendment to add Section 9.63(L) to Chapter 93 of Title IX of the City Code pertaining to begging and soliciting be introduced as set forth in Exhibit "B" attached hereto.

Commissioner Miller questioned whether the language could be revised to more clearly allow school or charitable organizations to collect cans or other donations for their causes. Attorney Rysberg agreed that clarifications could be made to eliminate any potential conflicting language between subsections.

Commissioner Duncan asked if schools would be exempt. Attorney Rysberg stated that rules would potentially apply equally to schools. Certainly schools would still be allowed to conduct fundraising, but theoretically, the ordinance would prohibit individuals or entities from soliciting at schools if they had been asked not to do so. Attorney Huff commented that we must be careful with blanket exemptions, so as to avoid creating an overly broad restriction.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6  
Nays: -0-

Mayor Seibold stated the ordinance would be considered again on July 21<sup>st</sup>. She suggested commissioners send questions or suggestions to the City Attorney's office before the next meeting.

2014-83. Election of President for FY 2014-15.

2014-83-A. Skaggs-Miller. That Commissioner Graham be elected President of the East Grand Rapids City Commission to assume leadership duties in the absence of the Mayor for FY 2014-15.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6  
Nays: -0-

2014-84. Miller-Duncan. Motion to approve the consent agenda as follows:

2014-84-A. To approve the minutes of the regular meeting held June 16, 2014.

2014-84-B. To approve payroll disbursements of \$207,979.66; county and school disbursements of \$-0-, and total remaining disbursements of \$353,975.56.

2014-84-C. Advisory board appointments as follows:

<b>Planning Commission</b>	John Barbour, 2540 Indian Trail Jeff Olsen, 1112 Eastwood	Three-year terms ending 6/30/17
<b>Parks &amp; Recreation Comm.</b>	Brad Andrzejewski, 3105 Bonnell Judith Baxter, 3060 Hall Dirk Buth, 1900 San Lu Rae Richard Sprague, Jr., 2332 Burchard Pam Witting, 1019 Floral Stacey Wykoski, 2311 El Dorado Carol Campbell, 2109 Elmwood	One-year terms ending 6/30/15
<b>Library Commission</b>	Carol Donovan, 2944 Hall Micki Benz, 817 Gladstone Ellen Schendel, 429 Briarwood Joel Schultze, 933 Pinecrest Azizah Hines, 2244 Hall Judy Freeman, 425 Cambridge Christopher Smith, 461 Lakeside	One-year terms ending 6/30/2015
<b>Board of Review</b>	Ann Nowak, 1033 San Lucia Martin Green, 2463 Oakwood Stephen MacGuidwin, 2559 Lake Drive Paul Howland, 2809 Woodcliff Circle	One-year terms ending 6/30/2015
<b>Traffic Commission</b>	Bob Saltsman, 2905 Reeds Lake Blvd Camille Donnelly, 2153 Wealthy Hunter Meriwether, 526 Lovett Laura Roy, 1119 Lakeside Frank Spies, 2122 Tenway	One-year terms ending 6/30/2015
<b>Construction Board Of Appeals</b>	Eric Hughes, 2722 Richards Brian Johnson, 709 Gladstone Nick Nicola, 1035 Wren	One-year terms ending 6/30/2015

2014-84-D. A resolution adopting revisions to the Kent County Emergency Management Plan as set forth in Exhibit "C" attached hereto.

2014-84-E. A contract with the Michigan Municipal League at a cost not to exceed \$12,000 to provide an executive search for the vacant Assistant City manager/Public Works Director position, and approval of a fund transfer from the General Fund ending balance for this expense..

2014-84-F. A contract with Prein & Newhof to supply engineering services for the Reeds Lake Blvd. culvert project at a cost of \$39,600.00.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6

Nays: -0-

2014-85. Gordon Jones, 325 Rosewood, questioned whether the city would be reintroducing the lakefront buffer zone regulations or if these had been abandoned. He also asked for an update on the work of the historic preservation study group. Mr. Jones reported there was a walnut tree in the northwest corner of Collins Park that needed attention before becoming unsafe to those using the park. He questioned whether ice cream trucks would be subject to any new soliciting ordinance.

Pamela MacDougal, 500 Cambridge spoke in favor of establishing a historic preservation district to protect the homes of East Grand Rapids for future generations. She stated the greatest threat to historic homes was development without preservation planning and urged everyone to do what it takes for the good of the community.

Eric Gollanek, 2036 Burchard, thanked the City Commission for their efforts and for listening to the residents when concerns are raised. He felt the panhandling ordinance proposal seeks to maintain the character of the community and that historic preservation should be given the same consideration.

2014-85-A. Graham-Miller. Motion to enter into an executive session to discuss collective bargaining agreements in accordance with Section 8(c) of the Open Meetings Act. A roll call vote was taken.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6

Nays: -0-

2014-86. The meeting recessed at 7:11 pm to conduct the Executive Session. The meeting resumed at 7:37 pm.

2014-87. Consider request to approve a collective bargaining agreement with the AFSCME Public Works Union.

2010-87-A. Duncan-Miller. That a three-year contract with the AFSCME Local Public Works Union beginning July 1, 2014 be approved as recommended by the City Manager.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6

Nays: -0-

2014-88. Consider request to approve a collective bargaining agreement with the Public Safety Officers Union.

2010-88-A. Miller-Skaggs. That a three-year contract with the Public Safety Officers Union beginning July 1, 2014 be approved as recommended by the City Manager.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6

Nays: -0-

2014-89. Consider request to approve a collective bargaining agreement with the Public Safety Command Union.

2010-89-A. Graham-Miller. That a three-year contract with the Public Safety Command Union beginning July 1, 2014 be approved as recommended by the City Manager.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6

Nays: -0-

The meeting adjourned at 7:39 p.m., subject to the call of the Mayor until July 21, 2014.

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Karen K. Brower, City Clerk

Attachments:   A – Ordinance Amendment to Section 8.61 of Chapter 83 pertaining to fence regulations.  
                  B – Ordinance Amendment to add Section 9.63(L) pertaining to begging and soliciting.  
                  C – Resolution approving changes to Kent County Emergency Operations Plan.

Attachments listed above are available for inspection at the office of the City Clerk.

UNOFFICIAL  
Reference Only

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held July 21, 2014**

Mayor Seibold called the meeting to order at 6:01 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Skaggs and Mayor Seibold

Absent: Commissioners Graham and Miller

Also Present: City Manager Donovan; City Attorney Huff; Acting Public Works Director Lark; Finance Director Mushong; City Clerk Brower; Zoning Administrator Faasse; Planning Consultant LeBlanc; Assistant City Attorney Tobias

2014-90. Commissioner Skaggs announced the news that Ramona's Table would be moving to Rockford. He hoped residents and the city were doing all they could to support local businesses.

City Manager Donovan reported the second phase of the Lakeside Drive construction had begun and reminded everyone to use the posted detours.

Mayor Seibold noted the passing of East Grand Rapids resident Peter Wege on July 7<sup>th</sup>. She thanked Mr. Wege for his many contributions to area projects, including several in East Grand Rapids. Mr. Wege donated funds for the construction and solar panels for the EGR Community Center and assisted with stormwater management projects and the Endowment Fund at the EGR Community Foundation.

Mayor Seibold reported the Historic Preservation Study Committee had met twice to review the report of LSL Planning. The group has been researching various questions raised during the meetings, including implementation, education, enforcement, and possible alternatives to accomplish similar objectives.

2014-91. Mayor Seibold presented appreciation gifts to Donald Lawless and Marnie Masterson for their service on the Planning Commission.

2014-92. A zoning variance hearing was held regarding the request of Stafford Smith & Ritsu Katsumata of 2310 Estelle to allow the construction of a two-story addition creating a front yard setback of 33.1' instead of the required setback of 37.4'.

Zoning Administrator Faasse explained the request to construct a two-story addition that would reduce the front yard setback.

Stafford Smith, 2310 Estelle, explained the proposal to replace the two-stall garage with a three-stall garage with living space above. He stated he had spoken with neighbors on all side and gained their support. He also noted part of the project would improve drainage issues by installing pervious pavers and downspouts..

Mayor Seibold opened a public hearing. The following communications were received at City Hall concerning this variance request:

- Tom Duinstra, 2253 Audobon	In Favor.
- Andrew & Sherri Rounds, 1432 Eastlawn	In Favor.
- Libor & Andrea Ondras, 2311 Estelle	In Favor.
- Matt & Deanna Rodriguez, 2316 Estelle	In Favor.

No other public comment was received. Mayor Seibold closed the public hearing.

2014-92-A.Dills-Duncan. That the request of Stafford Smith & Ritsu Katsumata of 2310 Estelle to allow the construction of a two-story addition creating a front yard setback of 33.1' instead of the required setback of 37.4' be approved.

Commissioner Duncan thanked the applicant for the visual aids provided and for taking the time to speak with their neighbors. She stated she would support the project.

Commissioner Dills stated that while he felt the 4.3' encroachment was not significant, he could not support the request because he felt the two-story addition was too massive and would change the entire corner.

Commissioner Goebel felt the addition would make this home very different from the other homes and would not fit in on this block.

Commissioner Skaggs noted other homes had very similar front yard setbacks and he did not see a need for absolute conformity in this case. He stated he would support the variance since the neighbors supported it.

Mayor Seibold felt the addition was so large that it would not fit in with the neighborhood, but agreed to support the variance because the 4.3' encroachment was minimal was the only part of the project to require a variance.

Yeas: Duncan, Skaggs and Seibold – 3  
Nays: Dills, Goebel – 2

City Attorney Huff noted that since four affirmative votes were required to grant a variance, this matter will need to be continued until Commissioners Graham and Miller can cast their votes at an upcoming meeting.

2014-93. Consider request to approve the division of land at 1916 Lake Drive and 681 Laurel Circle.

Planning Consultant LeBlanc explained the request to relocate the lot line between these two lots that was approved by a prior lot split. Mr. LeBlanc recommended conditioning the lot split on a 100' rear yard setback for Lot 1 to ensure proper drainage. He further noted that both lots would comply with zoning regulations.

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

- Nyal Deems, attorney for the property owner      Explained the boundary adjustment and stated no other changes were being made to the properties or the conditions approved by the Planning Commission for this development.
- Dirk Vermeulen, purchaser of 681 Laurel Circle      Stated they requested the additional property in the rear of the home so that they could protect the front entrance to the home (which is located in the rear yard).

No other public comment was received. Mayor Seibold closed the public hearing.

2014-93-A. Goebel-Duncan. That the request of Judy Maggini, owner of 1916 Lake Drive and 681 Laurel Circle, to adjust the property line between the two parcels, creating two parcels as follows: 1916 Lake Drive, a 253 to 284' deep, .62 acre unit (#7) with frontage on Lake Drive, and 681 Laurel Circle, a 300' to 366' deep, 1.68 acre unit (#1) with frontage on Laurel Circle, including an existing home and detached garage, be approved with the following conditions:

1. The split complies with the surveys presented in the land division application; and
2. The relevant deed(s) or land contract(s) be recorded with the Kent County Registrar of Deeds within 90 days of approval.
3. Unit #1 shall have a rear yard setback of 100' from the rear (west) lot line for a distance of 160' from the side (south) lot line. North of that area, the rear yard setback shall be 25'. The rear yard delineated by the setback shall contain no buildings or any impervious surfaces without prior approval of the Engineering Division of the City of East Grand Rapids

Commissioner Skaggs stated his support of the property line adjustment since the lot sizes appear to match those of surrounding properties.

Mayor Seibold stated she had always felt Unit #7 was an awkward shape and that this new division would rectify the situation.

Yeas: Dills, Duncan, Goebel, Skaggs and Seibold – 5

Nays: -0-

2014-94. Final Reading of an ordinance amendment to add Section 9.63(L) to Chapter 93 of Title IX of the City Code pertaining to begging and soliciting.

Assistant City Attorney Tobias explained the proposed ordinance was modeled after a Kentwood ordinance that allows soliciting in many public places, but places reasonable restrictions for safety purposes. He reviewed changes made to the ordinance at the request of the City Commission at the prior meeting, including the removal of references to the entrances to buildings, athletic facilities and payphones.

Commissioner Skaggs questioned whether the court decision rendered on the Kentwood ordinance had been upheld by higher courts. Mr. Tobias explained the defendant had not appealed the decision.

Commissioner Dills asked whether school groups or charitable organizations could still solicit donations under the new ordinance. Attorney Tobias stated that anyone could solicit donations, from locations other than those prohibited by the ordinance, even on private property unless requested not to do so.

Mayor Seibold opened the meeting for public comment:

- Gordon Jones, 325 Rosewood  
Questioned the motivation for the new ordinance as he did not feel it was necessary for public safety. Suggested no decision be made until all commissioners were present to participate in the debate. Mr. Tobias explained the ordinance had been drafted at the request of the Public Safety Department after responding to a complaint of a person soliciting donations near a busy intersection.
- Pamela MacDougal, 500 Cambridge  
Questioned whether a study had been done to warrant this extraordinary response. Suggested hiring a constitutional law expert and tabling the matter for further discussion to avoid embarrassment.
- Diane Lange, 2150 Lansing  
Related a story of someone begging at her front door that made her uncomfortable. Stated this was a complicated issue that deserved more consideration.
- Lynne Brower, 2433 Berwyck  
Asked if people needed a license to go door-to-door. Mayor Seibold explained that people selling a product or service needed a license to go door-to-door.

2014-94-A. Dills-Goebel. That an ordinance amendment to add Section 9.63(L) to Chapter 93 of Title IX of the City Code pertaining to begging and soliciting be adopted as set forth in Exhibit "A" attached hereto.

Mayor Seibold highlighted key points of the ordinance for the benefit of those in the audience and explained the ordinance was being proposed to prohibit solicitation in certain places or instances to avoid potentially unsafe situations.

Commissioner Skaggs stated he felt East Grand Rapids did not have a problem in this area and should not be enacting ordinances based on problems in other communities. Questioned why drastic changes were made since the introduction two weeks ago when commissioners were assured of the constitutionality of the original ordinance. He stated he was unwilling to rely on the advice of attorneys who presented information and then changed their minds. Mr. Skaggs wondered why the Public Safety Director was absent if this was an issue his

department was dealing with and asked for details on any reported problems. He stated that while the revised ordinance was an improvement over the original version, East would be sending the wrong message about being a welcoming and tolerant community. Commissioner Skaggs felt many problems would be created by enacting the ordinance, including prohibiting children from asking for candy during the 4<sup>th</sup> of July parade. He suggested Judge Redford's opinion on the Kentwood case may not be upheld by higher courts if challenged, meaning East Grand Rapids would be placed in a position of defending itself against lawsuits brought by civil liberties groups looking for a test case. Mr. Skaggs stated his opinion that this ordinance was a solution in search of a problem which would cost tens of thousands of dollars to defend. He suggested deleting several dangerous subsections that would not stand up in state or federal court.

2014-94-B. Skaggs-. Motion to amend 2014-94-A to remove Subsections 2, 3, and 5 from Section B of the ordinance amendment.

The motion died due to lack of a second.

Mayor Seibold stated she did not feel this would make East appear unwelcoming or intolerant, but would rather restrict unsafe locations for those asking for assistance. She did not feel the City Commission should decline to act based on a perceived threat of legal action, but should act to protect the safety of those asking for assistance and those in moving vehicles or other unsafe locations. She did not feel anyone should be in the street unnecessarily. Mayor Seibold reported several organizations were recommending that people not give money to those begging, but rather give to programs and services that assist in other ways that does not endanger safety. She reiterated that the ordinance would not prohibit free speech or requests for money or other assistance, but would attempt to make sure it was being done in safer areas.

Commissioner Skaggs stated the City of Grand Rapids declined to enact a similar ordinance. He argued that since the ordinance was being called a "begging and soliciting ordinance" rather than a "public safety ordinance," it was targeting those requesting assistance. Mr. Skaggs stated this ordinance would place the city in tremendous legal jeopardy and felt the city should wait and see if the Kentwood or other ordinance were challenged. He favored allowing other communities to be sued and to spend their taxpayer dollars defending these lawsuits.

Commissioner Dills stated he had given this issue a lot of consideration over the last few weeks and did not feel this was an injustice to those seeking assistance as it does not target any individual or group of individuals, but rather sets restrictions to protect the safety of pedestrians and motor vehicle operators.

Commissioner Goebel agreed with Commissioner Dills and stated he felt the restrictions set by the ordinance were reasonable. He also wondered if the city would be liable for damages if they failed to act on a known public safety issue and someone were injured.

Commissioner Duncan stated that after much thought, she would not be supporting the ordinance because she felt panhandling was not a significant issue in East Grand Rapids. She agreed there are safety concerns with panhandling, but stated she had never been approached in East Grand Rapids and could not support an ordinance unless she felt it was a problem here.

Mayor Seibold stated that instances of theft, panhandling and unsafe behavior do happen in East, and that this ordinance would be a tool to be used to protect people.

2014-94-C. Skaggs-Duncan. Motion to table the ordinance amendment until all seven members were present to discuss and vote on the matter.

Yeas: Duncan, Skaggs – 2

Nays: Dills, Goebel, Seibold – 3

Vote on 2014-94-A:

Yeas: Dills, Goebel, Seibold – 3

Nays: Duncan, Skaggs – 2

2014-95. Dills-Geobel. Motion to approve the consent agenda as follows:

2014-95-A. To approve the minutes of the regular meeting held July 7, 2014.

2014-95-B. To approve payroll disbursements of \$207,051.25; county and school disbursements of \$2,981.57, and total remaining disbursements of \$567,595.71.

2014-95-C. A time and materials contract with Moore & Bruggink of Grand Rapids for construction inspection and staking of Lakeside Drive at an estimated cost of \$49,857.50.

Yeas: Dills, Duncan, Goebel, Skaggs and Seibold – 5

Nays: -0-

2014-96. Ellen Schendel, 429 Briarwood, expressed her offense at hearing about “those” people or “creepy” people and drawing lines between people. Stated this intolerant of diversity, and that this ordinance was not about “so called” safety issues.

Gordon Jones, 325 Rosewood, expressed his shame for the three commissioners who voted for the ordinance.

Pamela MacDougal, 500 Cambridge, recommending suspending the effectiveness of the ordinance until further consideration could be given and the full commission could vote on such a monumental issue.

Martha Adams, 2439 Berwyck, and Lynne Brower, 2433 Berwyck, asked the City Commission for assistance with overgrown trees and brush on school property behind their homes. They stated their fences and gates have been damaged and they have not responded to their inquiries. City Manager Donovan offered to speak with these ladies after the meeting.

Lynne Goede, 205 Rexford, stated she felt the city commission should not have acted within two weeks to enact this ordinance when residents asking for assistance with historic preservation were still waiting for a resolution to their issue.

Amorak Huey, 429 Briarwood, spoke in support of historic preservation to promote economic diversity.

The meeting adjourned at 7:36 p.m., subject to the call of the Mayor until August 4, 2014.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance Amendment to add Section 9.63(L) pertaining to begging and soliciting.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held August 4, 2014**

Mayor Seibold called the meeting to order at 6:01 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Goebel, Graham, Miller, Skaggs and Mayor Seibold

Absent: Commissioners Dills and Duncan

Also Present: City Manager Donovan; City Attorney Huff; Public Safety Director Herald; Finance Director Mushong; City Clerk Brower; Zoning Administrator Faasse; Planning Consultant Jirousek

2014-97. Commissioner Skaggs reminded everyone to vote in the primary election on August 5, 2014.

2014-98. A zoning variance hearing was held regarding the request of Christopher O'Connor of 2722 Maplewood to allow the construction of an addition to the home creating a side yard setback of 5.8' instead of the required 7.0', and to allow a combined side yard setback of 15.7' instead of the required 18.'

Zoning Administrator Faasse explained the current detached garage will be taken down and a new attached garage built in the same place.

Christopher O'Connor, 2722 Maplewood, explained the new garage would be in the same location but would now be attached to the home. The new garage would also be deeper than the current garage. He stated he had spoken with the neighbors on both sides of his property and neither had any objection to the project.

Mayor Seibold opened a public hearing. No other public comment was received. Mayor Seibold closed the public hearing.

2014-98-A. Graham-Miller. That the request of Christopher O'Connor of 2722 Maplewood to allow the construction of an addition to the home creating a side yard setback of 5.8' instead of the required 7.0', and to allow a combined side yard setback of 15.7' instead of the required 18' be approved.

Mayor Seibold noted the new garage would be no more intrusive than the prior garage and expressed her support for the project.

Yeas: Goebel, Graham, Miller, Skaggs and Seibold – 5

Nays: -0-

2014-99. Introduction of an ordinance amendment to amend Section 5.28 (B) of the City Code pertaining to through lots.

David Jirousek of LSL Planning explained the new ordinance would require the Public Works Director to determine a primary and secondary street of any through lot for zoning purposes and to determine which sides would be the primary front and the secondary front yards. The ordinance encourages the mass of any new home to be weighted toward the primary street and uses an average of the rear yards of adjacent lots to determine the secondary front yard setback.

Commissioner Miller asked how this ordinance would deal with streets where there were no homes facing the secondary street, such as the 400 block of Cambridge where all lots were through lots. City Manager Donovan noted this situation had been excluded from the current ordinance, but provisions may need to be added to address this.

City Manager Donovan explained this ordinance would be sent to the Planning Commission for discussion and recommendation starting with its September 9<sup>th</sup> meeting and would return to the City Commission for a final reading and adoption later this fall.

2014-99-A. Graham-Miller. That an ordinance amendment to amend Section 5.28 (B) of the City Code pertaining to through lots be introduced as set forth in Exhibit "A" attached hereto and sent to the Planning Commission for review and recommendation.

Yeas: Goebel, Graham, Miller, Skaggs and Seibold – 5  
Nays: -0-

2014-100. Miller-Goebel. Motion to approve the consent agenda as follows:

2014-100-A. To approve the minutes of the regular meeting held July 21, 2014.

2014-100-B. To approve payroll disbursements of \$214,529.51; county and school disbursements of \$2,875,044.07, and total remaining disbursements of \$224,588.48.

2014-100-C. The appointment of Sara Lachman of 849 Pinecrest to the Planning Commission for a term ending June 30, 2017 and the appointment of Vasily Gagin of 2935 Pioneer Club to the Traffic Commission for a term ending June 30, 2015.

Yeas: Goebel, Graham, Miller, Skaggs and Seibold – 5  
Nays: -0-

2014-101. Elizabeth Goede, 417 Cambridge, asked why through lots are permitted at all as she felt they destroyed the sense of community on individual blocks. She urged the City Commission to consider the damage that would be done to neighborhoods if through lots are allowed.

The meeting adjourned at 6:24 p.m., subject to the call of the Mayor until August 18, 2014.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance Amendment to add Section 5.28 (B) pertaining to through lots.

Attachments listed above are available for inspection at the office of the City Clerk.



Commissioner Miller noted the project was well within the limits for lot coverage and non-permeable surfaces and stated he had no issues with the request.

Commissioner Dills stated he was originally concerned about the extra square footage, but agreed this ordinance may need to be revised to be more specific to East Grand Rapids. He also noted the neighbors supported the project and stated he would likely support the variance.

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7  
Nays: -0-

Mayor Seibold asked city staff and consultants to review the provisions of this ordinance section for possible revisions as noted above and to also look at whether multiple accessory buildings should be discouraged.

2014-104. Goebel-Dills. Motion to approve the consent agenda as follows:

2014-104-A. To approve the minutes of the regular meeting held August 4, 2014.

2014-104-B. To approve payroll disbursements of \$211,609.76; county and school disbursements of \$7,519,612.44, and total remaining disbursements of \$180,574.33.

2014-104-C. An extension of the agreement with Waste Management to provide disposal services of the street sweeping waste at a cost of \$22.00 per cubic yard through September 30, 2015.

2014-104-D. The preliminary minutes of the Parks & Recreation Commission meeting held June 9, 2014.

2014-104-E. The preliminary minutes of the Planning Commission meeting held July 8, 2014.

2014-104-F. The preliminary minutes of the Traffic Commission meeting held July 28, 2014. The City Commission took no action on the motion of the Traffic Commission to establish a two-hour parking limit for the Crosswell Avenue parking area for a one-year test period. The motion will take effect automatically.

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7  
Nays: -0-

2014-105. No other public comment was received.

2014-106. Miller-Goebel. Motion to enter into an executive session to conduct a personnel evaluation for the City Manager in accordance with Section 8(a) of the Open Meetings Act. A roll call vote was taken.

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7  
Nays: -0-

The meeting adjourned at 6:20 p.m., subject to the call of the Mayor until September 2, 2014.

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Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held September 2, 2014**

Mayor Seibold called the meeting to order at 6:00 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Goebel, Graham, Miller, Skaggs and Mayor Seibold

Absent: None

Also Present: City Manager Donovan; City Attorney Huff; Public Safety Director Herald; Finance Director Mushong; Parks & Recreation Director Bunn; City Clerk Brower; Engineer Slonecki

2014-107. No commissioner reports were received.

2014-108. Graham-Goebel. Motion to approve the consent agenda as follows:

2014-108-A. To approve the minutes of the regular meeting held August 18, 2014.

2014-108-B. To approve payroll disbursements of \$208,075.02; county and school disbursements of \$7,537,404.10, and total remaining disbursements of \$675,824.73.

2014-108-C. The appointment of Reynolds Brander of 2648 Lake Drive to the Traffic Commission for a term ending June 30, 2015.

2014-108-D. The quarterly financial reports for the period ending June 30, 2014.

2014-108-E. A three-year extension of the contract with Great Lakes Fireworks LLC in the amount of \$25,000 annually for the 4<sup>th</sup> of July fireworks show with the right to increase or decrease the dollar amount for any of the three years.

2014-108-F. The purchase an installation of new flooring in the employee fitness room from American Home Fitness in the amount of \$2,812.00.

2014-108-G. The purchase of a tilt trailer from John's Trailer Sales in Middlebury, Indiana in the amount of \$5,400.00.

2014-108-H. A three-year extension of the contract with Pavement Restoration of Kalamazoo at a cost of \$10,000 per year to perform unit cost pavement crack sealing work on city streets.

2014-108-I. Approval of a final balancing change order for the contract with Dean's Landscape and Excavating in the amount of \$(9,561.23) for the Lakeside Drive Water Main Upgrade project.

2014-108-J. A right-of-way licensing agreement with Andy Robel of 2712 Darby for the placement of pillars at the entrance to the driveway with the condition that a revocable license agreement be executed prior to the placement of the pillars.

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7

Nays: -0-

2014-109. No public comment was received.

The meeting adjourned at 6:02 p.m., subject to the call of the Mayor until September 15, 2014.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held September 15, 2014**

Mayor Seibold called the meeting to order at 6:00 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Goebel, Graham, Miller, Skaggs and Mayor Seibold

Absent: None

Also Present: City Attorney Huff; Public Safety Director Herald; Finance Director Mushong; Parks & Recreation Director Bunn; Acting Public Works Director Lark; Zoning Administrator Faasse; City Clerk Brower; Planning Consultant LeBlanc

2014-110. Commissioner Dills congratulated those who participated in the Reeds Lake Triathlon on September 6<sup>th</sup> and thanked all the staff members and volunteers who worked so hard to make the event a success.

Commissioner Goebel announced he was resigning his position as 2<sup>nd</sup> Ward Commissioner effective September 16<sup>th</sup> because he had taken a new job out of town and would no longer be able to attend meetings. He thanked his fellow commission members and the city staff for the discussions and assistance over the past three years and stated he would miss working with everyone.

Mayor Seibold thanked Commissioner Goebel for his service to the community for the past three years and expressed her appreciation for his contributions to many issues facing the city. She stated the City Commission would need to appoint someone to fill this position within 90 days.

Mayor Seibold also thanked the Parks & Recreation Department and the Public Safety Department for the many hours and the effort involved in overseeing and implementing a fun and safe event such as the Reeds Lake Triathlon. She reported the Historic District Study Group would be presenting their findings at a meeting tentatively scheduled for Monday, November 17<sup>th</sup>. The meeting would be held at the EGR High School's Performing Arts Center to accommodate as many people as would like to attend.

Mayor Seibold welcomed Cadence reporter Jan Holst back to work after her injury over the summer. Ms. Holst thanked the commission for the flowers sent to her home and for the many well wishes received while she was recovering.

2014-111. A zoning variance hearing was held regarding the request of Alan & Marnie Salmon of 2861 Bonnell to allow the relocation of the existing home creating a front setback of 90' instead of the required average front setback of 112.6.'

Zoning Administrator Faasse explained the plan to rotate the existing house and build a new garage wing. The current front yard setback is 74' and the proposal is to place the home at a 90' setback. The average front setback required by ordinance is 112.'

Mike Corby of Integrated Architecture showed drawings and elevations of the existing home and proposed new location with new garage.

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

Ed Twohey, attorney representing owner of 2905 Bonnell and 2883 Bonnell, stated his client feels the front yard setback will be adequate but is concerned about the plans to build the pool and accessory structures so close to the property line between their properties. He felt a 10' setback would be preferred over the 3' proposed currently.

Edward F. Twohey, architect representing owner of 2905 Bonnell and 2883 Bonnell, explained his client objects to the plans to build a raised patio and pool accessory building just a few feet from the property line. He stated the steep slope of the property would make the structure appear even taller next to the lot line. He asked that the city carefully review the ordinances for references to measurements made on sloped ground.

Alan Salmon, owner of 2861 Bonnell, stated the front yard setback was the only variance being requested as all other setbacks and zoning requirements were met by the current proposal. He noted that objections to the side yard setback and height of the pool accessory building should not be considered this evening. He stated he had already revised the plans to accommodate Mr. Fowler, but feels the request to move build structures farther from the lot line than currently required was not reasonable. Mr. Salmon felt the front yard setback requested would be an improvement to the current situation and more attractive to the neighborhood.

The following communications were received at City Hall concerning this variance request:

- Edward Twoney on behalf of Greenbrier Trust	Opposed.
- Peter Secchia, 2833 Bonnell	In Favor.

No other public comment was received. Mayor Seibold closed the public hearing.

2014-111-A. Dills-Skaggs. That the request of Alan & Marnie Salmon of 2861 Bonnell to allow the relocation of the existing home creating a front setback of 90' instead of the required average front setback of 112.6' be approved.

Mayor Seibold questioned how issues regarding the pool structure would be addressed. City Attorney Huff stated the building permit review process would ensure compliance with all regulations. If zoning rules are met, the permit is issued. If rules are not met, the permit is not issued but the owner would be able to apply for a further variance. Any challenge of the zoning ordinance interpretations would be brought to the City Commission.

Commissioner Graham questioned whether the applicant had considered moving the house further west to allow a greater setback on the east. Mr. Corby stated the slope of the land on the west side prevented moving the house any farther.

Commissioner Skaggs felt the proposed front setback was a noticeable improvement over what currently exists and he would be supporting the variance.

Mayor Seibold agreed the proposed setback would be an improvement. She noted that using the average setback requires homes to be placed so that homes are more pleasing to the eye. She also agreed that the slope of the land toward the lake limited placement of the home.

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7  
Nays: -0-

2014-112. A zoning variance hearing was held regarding the request of Kevin Brant, owner of 715 Croswell, to allow the construction of a two-family home with the following variances:

- A minimum lot width of 50' instead of the required 80,'
- A front yard setback of 8.2' instead of the required 25,
- A combined side yard setback of 13.7' instead of the required 20,'
- A least side yard setback of 5' instead of the required 8'
- A maximum lot coverage for buildings of 40.7% instead of the maximum allowed 40%
- A maximum lot coverage for buildings and pavement of 55.4% instead of the maximum allowed 45%.

Planning Consultant LeBlanc explained the proposal to demolish two homes and built two identical duplexes at 715 and 721 Croswell. He reviewed the variances needed for setbacks and lot coverage and noted the Planning Commission recommends approval with some minor plan corrections as noted in his report.

Commissioner Dills reported the Planning Commission had looked at many aspects of this project and worked with the developer on several modifications, including windows for the garage, the front wall, landscaping, rooftop details and stormwater management. He suggested the City Commission discuss the site plan as well as the variances requested before voting on any of the requests.

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

- Kevin Brant, owner of both properties      Described the two buildings and how they would fit into the neighborhood. Reviewed modifications made since the inception, and stated this project will have front setbacks similar to the Bagley Townhomes and Crosswell Mews projects. Stated buildings were placed very close to the sidewalk to allow the drainage system in the rear. Noted the buildings would have 3-4 bedroom units each and include rooftop decks for resident's use.
- Arne Larson, Holland Engineering      Explained stormwater detention area on the rear of the property. Stated underground detention tank was hard to clean/maintain and not cost effective due to the reinforcement needed.
- Gordon Jones, 325 Rosewood      Asked that the building next to the church be done first to avoid a "gaping tooth" effect if the second building is never built. Felt further softening of the façade was needed with front porches or other type of transition to make pedestrian friendly. Didn't feel detention area was needed. Expressed concern about the appearance of a member of the Planning Commission asking for such significant variances.
- Steve Ratliff, 435 Cambridge      Questioned why this was not considered a multi-family dwelling and how the requirements differed.

The following communications were received at City Hall concerning this variance request:

- Barry & Lance Miller, 711 Crosswell      In Favor.
- Star Nicklow & Lyn Parks, 720 Crosswell      In Favor.
- Steven Cencich, 716 Crosswell      In Favor.
- Mark VanDellen, 2119 Lake Dr      In Favor.
- Cindy Johnson, 2150 Wilshire      Opposed.
- Kristin Siegel, 405 Edgemere      Opposed to the look of the building.
- Gary Eberle, 2107 Lake Dr      Opposed.

No other public comment was received. Mayor Seibold closed the public hearing.

Planning Consultant LeBlanc explained the zoning ordinance allowed single-family, two-family or multiple-family developments. Because these were separately platted lots, two-family zoning requirements were followed. However, more strenuous stormwater management rules were required because of the total number of units being added in this area. Mr. Faasse noted the project will be combined into a condominium on one parcel when completed.

Commissioner Graham thanked Mr. Brant for investing in the community with this type of project, but expressed his concern about the front façade of the building not being very attractive. He felt it was very austere and institutional and could look much better.

Commissioner Dills agreed. He noted the Planning Commission was not as concerned with the number of variances needed as with the look and feel of the project. He stated he would be willing to reduce the front yard setbacks even further to get small balconies or porches on the front the buildings. Mr. Dills also stated he did not like the brick wall along the sidewalk.

Commissioner Duncan felt these new homes would be a valuable asset, but also suggested softening the fronts of the buildings with porches or other design elements.

Commissioner Goebel supported the multi-family units in this neighborhood, but felt the character of the buildings could be improved to fit into the neighborhood better.

Commissioner Skaggs noted there were lots of elements that go into designing an infill project such as this on two small lots. He cited the Master Plan as designating this area as mixed use and anticipating projects that have a residential feel. He supported the project but felt the current façade would negatively affect surrounding properties.

Commissioner Miller stated he was originally skeptical, but after looking at the mix of styles in the surrounding area, felt it could be a real asset to the neighborhood. He agreed that some type of relief was needed from the stark brick front, but felt it could be done so that the project would fit in.

Mayor Seibold was not opposed to the variances requested as she felt that development on these small lots would require zoning relief to some extent. She summarized everyone's thoughts that the improvement to the neighborhood was welcome, but work was needed on the front façade.

Commissioner Duncan questioned whether trees could be added in the front. Mr. Brant stated there was no room for trees with the very small strip of front lawn, but overall they would be planting five trees when construction was complete.

Commissioner Dills suggested tabling the request until the applicant could submit revised designs for the façade of the buildings.

2014-112-A. Duncan-Graham. That the request of Kevin Brant, owner of 715 Croswell and 721 Croswell, to allow the construction of two duplexes with multiple variances and the requested site plan be tabled until a future meeting:

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7  
Nays: -0-

2014-113. Miller-Duncan. Motion to approve the consent agenda as follows:

2014-113-A. To approve the minutes of the regular meeting held September 2, 2014.

2014-113-B. To approve payroll disbursements of \$205,044.57; county and school disbursements of \$100,766.72, and total remaining disbursements of \$247,895.18.

2014-113-C. The purchase of a treadmill for the employee fitness room from Fitness Things Inc. in the amount of \$4,095.00.

2014-113-D. The purchase of a salt spreader from Truck & Trailer Specialties in the amount of \$10,121.00.

2014-113-E. The purchase of a vehicle for the Public Safety Department in the amount of \$13,013.00 from Stehouwer Auto Sales.

2014-113-F. The preliminary minutes of the Parks & Recreation Commission meeting held August 11, 2014.

2014-113-G. The preliminary minutes of the Planning Commission meeting held August 12, 2014.

Yeas: Dills, Duncan, Goebel, Graham, Miller, Skaggs and Seibold – 7  
Nays: -0-

- 2014-114. Mayor Seibold announced that Acting Public Works Director Chuck Lark was attending his last meeting tonight before retiring on October 3<sup>rd</sup>. The City Commission thanked Mr. Lark for his 27 years of service to the citizens of East Grand Rapids, beginning with his time in the Parks & Recreation Department, his years of service in the Public Safety Department, and the last eight months as Acting Director of the Public Works Department. Everyone wished him well in his future endeavors.
- 2014-115. Bob Synk, candidate for 19<sup>th</sup> District Kent County Commissioner, introduced himself to the City Commission and offered to discuss any issues of interest after the meeting.

John Nowak, 2831 Woodcliff Circle, asked for an update on the historic district issue. Mayor Seibold explained the current status and the upcoming meeting. Mr. Nowak further asked that consideration be given to using other streets for some of the races around Reeds Lake, and questioned whether donor recognition plaques would be placed on the newly renovated Canepa Tennis Center Courts. He offered further assistance with the Canepa Tennis Center if needed in the future.

The meeting adjourned at 8:05 p.m., subject to the call of the Mayor until October 6, 2014.

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Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held October 6, 2014**

Mayor Seibold called the meeting to order at 6:02 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Graham, Johnson, Miller, Skaggs and Mayor Seibold

Absent: None

Also Present: City Manager Donovan; City Attorney Huff; Public Safety Director Herald; Finance Director Mushong; Parks & Recreation Director Bunn; Zoning Administrator Faasse; City Clerk Brower; Planning Consultant LeBlanc

2014-116. Commissioner Skaggs thanked former commissioner Paul Goebel for his service to the community and wished him well in his future endeavors.

City Manager Donovan announced the EGR Community Foundation would be holding a spaghetti dinner prior to the home football game on Friday, October 17<sup>th</sup> from 4 pm to 7 pm at the EGR Middle School. The cost is \$5 per person with proceeds going to the Boulevard Bridge project on the Reeds Lake Trail.

Mayor Seibold also thanked Paul Goebel for serving the residents of the 2<sup>nd</sup> ward for three years.

2014-117. Public Safety Director Herald introduced David Katje and Evan Stuart as new officers of the Public Safety Department. City Clerk Brower administered the oath of office to Mr. Katje and Mr. Stuart.

2014-118. Mayor Seibold recommended the appointment of former commissioner Cindy Johnson to fill the vacant 2<sup>nd</sup> Ward City Commission seat.

2014-118-A. Graham-Miller. That Cindy Johnson of 2150 Wilshire be appointed to fill the vacant 2<sup>nd</sup> Ward City Commission position with a term ending December 2015.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6

Nays: -0-

City Clerk Brower administered the Oath of Office. Commissioner Johnson took her seat on the city commission.

Commissioner Johnson stated she was privileged to return to the City Commission and was very excited to work with the elected and appointed leadership of the city again.

2014-119. Peter Varga, CEO of The Rapid, presented information on the current services, and recent route enhancements and future plans of the transit system.

2014-120. Consider request to approve the division of land at 2815 Lake Drive.

Zoning Administrator Faasse explained the request to divide the parcel into two separate lots with a shared driveway and asked that any approval given include conditions for the easements relating to utilities and driveways.

Commissioner Skaggs asked whether underground utilities had been located to make sure problems did not arise during construction. Mr. Faasse stated the water and sewer lines were located along the property line and would be covered by one of the recommended easements.

Commissioner Miller questioned the second easement requiring the relocation of the driveway in the future. Mr. Faasse stated this second easement was recommended because some day the properties would be owned by different owners and the shared driveway may no longer be agreeable to both parties.

Commissioner Dills asked whether this situation met the definition of a "flag" lot. Mr. Faasse defined a flag lot as one where the frontage requirements were not met following the land division, and noted that both proposed lots met the current zoning standards for frontage, width and square footage.

Mr. Faasse further noted the front yard of the new parcel for zoning purposes would face Lake Drive and not the shared driveway. The existing parcel would also use Lake Drive and the separated frontage as its front yard for zoning purposes.

Brian Pearson, attorney for the applicants, explained the garage proposed for the new parcel would face the brick wall along Lake Drive and that the driveway location would be closer to Lake Drive than shown in the application materials. He stated the owners had no problems with the proposed easements and conditions recommended by staff.

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

- |                                     |   |
|-------------------------------------|---|
| - Clay Stiffler, 2934 Beechwood     | Felt that many lot splits taking place in the city were creating undesirable situations and this split would set a precedent for future splits. Asked City Commission to deny to protect neighborhoods. |
| - John Nowak, 2831 Woodcliff Circle | Has no problem with lot split. Noted there used to be a house on this same lot many years ago.  |

The following communications were received at City Hall concerning this variance request:

- |                                    |          |
|------------------------------------|----------|
| - Joel Peterson, J. Peterson Homes | In Favor |
|------------------------------------|----------|

No other public comment was received. Mayor Seibold closed the public hearing.

2010-120-A. Dills-Graham. That the request of Patti Gostine, owner of 2815 Lake Drive, to divide the property, creating a vacant parcel to the east of the existing residence with a frontage of 103' and 18,864 square feet on Lake Drive and be approved, with the following conditions:

1. The split complies with the surveys presented in the land division application; and
2. The relevant deed(s) or land contract(s) be recorded with the Kent County Registrar of Deeds within 90 days of approval; and
3. Recording of an easement for ingress and egress for the newly-created parcel from the existing driveway across the remainder parcel prior to authorization of any building permit for the new parcel, including language to advise future owners that a separate driveway and termination of the easement agreement may be required if either property passes to another owners who is not immediate family.
4. Separate utilities for both resulting properties. An easement across the newly created parcel for the existing water and sewer services to the parent parcel must be recorded prior to the authorization of any building permit for the new parcel.

Mayor Seibold stated that while both resulting lots would both be of sufficient size to meet the zoning ordinance, she was very concerned about the orientation of the houses and having the existing home end up in the rear of the new home. She did not feel the proposal would meet the zoning standard requiring consistency and harmony with the surrounding properties. She noted many larger properties in East Grand Rapids could do something similar with very few resulting in conformity with the surrounding properties.

Zoning Administrator Faasse reported there were similar situations in the surrounding area where smaller lots had been carved out of larger parcels, most approved and constructed many years ago prior to the current zoning ordinance.

Commissioner Dills shared Mayor Seibold's concern about the varied orientation of the homes not matching others along the street in the event the wall is taken down.

Commissioner Graham felt property owners should be able to divide their property as they wish if the zoning standards are met, which they are in this case.

Mayor Seibold demonstrated her thoughts that the existing home takes up the entire width of the rear of the property and that placing a new home in the front yard would not be consistent with the ordinance or with the other homes on the street.

Commissioner Skaggs agreed the resulting properties would not be consistent with the surrounding area and stated he could not support the proposal.

Commissioner Miller theorized some of the similar situations that have been allowed years ago may be the reason the current ordinances were enacted and stated he did not support the current request.

Commissioner Johnson agreed. She noted that if the existing house were located in a different position or oriented differently, she could support the request, but did not feel it would work with the current conditions.

Yeas: -0-

Nays: Dills, Duncan, Graham, Johnson, Miller, Skaggs and Seibold – 7

2014-121. A zoning variance hearing was held regarding the request of Kevin Brant, owner of 715 Croswell, to allow the construction of a two-family home with the following variances:

G. A minimum lot width of 50' instead of the required 80,'

H. A front yard setback of 8.2' instead of the required 25,

I. A combined side yard setback of 13.7' instead of the required 20,'

J. A least side yard setback of 5' instead of the required 8'

K. A maximum lot coverage for buildings of 40.7% instead of the maximum allowed 40%

L. A maximum lot coverage for buildings and pavement of 55.4% instead of the maximum allowed 45%.

Zoning Administrator Faasse explained the applicant had submitted new front elevations addressing the City Commission's prior concerns about the front façades. The drawings change the front façade only and do not change any of the earlier variance requests.

2014-121-A. Miller-Johnson. To remove the variance requests and site plan review applications for 715 and 721 Croswell from the table for consideration.

Yeas: Dills, Duncan, Graham, Johnson, Miller, Skaggs and Seibold – 7

Nays: -0-

Kevin Brant, owner of 715 and 721 Croswell, reviewed the new elevations and detailed the increased side yards and green space between what currently exists and the proposed homes. David Maxam of Maxam Architecture, went over the changes made to move the entrances, and create variations in the siding, entrances and windows.

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

- Gordon Jones, 325 Rosewood

Reiterated prior concerns that first building should be built next to the church to avoid gap if second is not constructed, buildings are too close together and too close to the sidewalk, and a conflict of interest exists since Mr. Brant is on the Planning Commission.

- Lance Miller, 713 Croswell

Fully supported the development and Mr. Brant for keeping the neighbors informed of his plans and seeking feedback.

- Barry Miller, 713 Croswell

No issues with setback or development. Will benefit the neighborhood.

No other public comment was received. Mayor Seibold closed the public hearing.

2014-121-B. Graham-Miller. That the request of Kevin Brant, owner of 715 Croswell, to allow the construction of a two-family home with the following variances be approved:

- A. A minimum lot width of 50' instead of the required 80,'
- B. A front yard setback of 8.2' instead of the required 25,
- C. A combined side yard setback of 13.7' instead of the required 20,'
- D. A least side yard setback of 5' instead of the required 8'
- E. A maximum lot coverage for buildings of 40.7% instead of the maximum allowed 40%
- F. A maximum lot coverage for buildings and pavement of 55.4% instead of the maximum allowed 45%.

Commissioner Miller felt the concerns had been addressed admirably and thanked Mr. Brant for the information on setbacks along the street. While he would still like to see front porches, he understood the limitations created by locating the stormwater detention area in the rear yard.

Commissioner Johnson stated she had originally submitted a letter of opposition to this project, but now supported it after reviewing the additional information and new drawings.

Commissioner Graham felt the new drawings were a vast improvement. He noted small lots can be hard to work with and commended Mr. Brant for his efforts.

Commissioner Skaggs felt the new design was only a marginal improvement because there were still no front porches or setbacks from the front façade. He suggested the City Commission wait for a different developer who would do a better job using these and other properties on the block to create a larger overall development that would include bigger setbacks, porches and useable greenspace.

Mayor Seibold appreciated the revised efforts to give relief to the flat front of the building. She agreed small lots could be difficult and often required variances and this proposal made the most of the land available. She noted that advisory board members are never asked to give up their property rights when agreeing to serve the community and that Mr. Brant has made many adjustments to his plans based on input from the Planning Commission and staff members to make this project a better fit for everyone.

Yeas: Dills, Duncan, Graham, Johnson, Miller and Seibold – 6

Nays: Skaggs – 1

2014-122. A zoning variance hearing was held regarding the request of Kevin Brant, owner of 721 Croswell, to allow the construction of a two-family home with the following variances:

- A. A minimum lot width of 48.8' instead of the required 80,'
- B. A front yard setback of 8.2' instead of the required 25,
- C. A combined side yard setback of 11.2' instead of the required 20,'
- D. A least side yard setback of 3.6' instead of the required 8'
- E. A maximum lot coverage for buildings of 43.8% instead of the maximum allowed 40%
- F. A maximum lot coverage for buildings and pavement of 58.4% instead of the maximum allowed 45%.

Mayor Seibold opened a public hearing. No other public comment was received. Mayor Seibold closed the public hearing.

2014-122-A. Graham-Dills. That the request of Kevin Brant, owner of 721 Croswell, to allow the construction of a two-family home with the following variances be approved:

- A. A minimum lot width of 48.8' instead of the required 80,'
- B. A front yard setback of 8.2' instead of the required 25,
- C. A combined side yard setback of 11.2' instead of the required 20,'
- D. A least side yard setback of 3.6' instead of the required 8'
- E. A maximum lot coverage for buildings of 43.8% instead of the maximum allowed 40%

F. A maximum lot coverage for buildings and pavement of 58.4% instead of the maximum allowed 45%.

Commissioner Graham spoke in favor of the project, noting that pushing back the buildings to allow porches would reduce the greenspace in the rear of the building.

Commissioner Skaggs felt the greenspace in the rear of the property was not useable and felt a higher premium should be placed on creating the green space in the front yard.

Yeas: Dills, Duncan, Graham, Johnson, Miller and Seibold – 6  
Nays: Skaggs – 1

2014-123. Request to approve a site plan for the Brant Croswell Avenue Townhouses at 715 and 721 Croswell.

Mayor Seibold opened a public hearing. No other public comment was received. Mayor Seibold closed the public hearing.

- 2014-123-A. Johnson-Miller. That the site plan and related materials dated September 29, 2014 for the Brant Croswell Avenue Townhouses at 715 and 721 Croswell be approved as submitted with the following conditions:
1. Approval of storm water and utility plans by the City Engineer prior to site development and building permits.
  2. Revision of the appropriate plan set sheets as required to show the approved final design prior the building permits.
  3. That the building at 721 Croswell be constructed before the building at 715 Croswell.

Commissioner Dills spoke in favor of requiring 721 Croswell to be built first to avoid a gap along the street. Commissioner Miller agreed.

Yeas: Dills, Duncan, Graham, Johnson, Miller, Skaggs and Seibold – 7  
Nays: -0-

2014-124. Request to adopt a resolution approving a cable franchise agreement and a letter agreement.

City Attorney Huff explained that new franchise agreements were necessary because Comcast was divesting all of its Michigan franchises in anticipation of a merger. He reviewed the amount of funding received for public programming, the upgrades to digital signals, and the new public access channel for Plainfield Township.

2014-124-A. Skaggs-Miller. That a resolution approving a Uniform Video Services Local Franchise Agreement and letter agreement with Comcast of California/Massachusetts/Michigan/Utah, LLC be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Dills, Duncan, Graham, Johnson, Miller, Skaggs and Seibold – 7  
Nays: -0-

2014-125. Miller-Johnson. Motion to approve the consent agenda as follows:

2014-125-A. To approve the minutes of the regular meeting held September 15, 2014.

2014-125-B. To approve payroll disbursements of \$426,628.01; county and school disbursements of \$248,769.37, and total remaining disbursements of \$441,711.86.

2014-125-C. The appointment of City Manager Brian Donovan and Public Safety Director Mark Herald to the EMS Partnership of Kent County Board, and to appoint Captain Richard Buikema as an alternate representative.

2014-125-D. The purchase of a sewer vacuum truck from Jack Doheny Company of Northville, Michigan in the amount of \$368,091.00.

Yeas: Dills, Duncan, Graham, Johnson, Miller, Skaggs and Seibold – 7  
Nays: -0-

2014-126. Gordon Jones, 325 Rosewood, complimented those involved in creating Waterfront Park.

The meeting adjourned at 8:16 p.m., subject to the call of the Mayor until October 20, 2014.

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Karen K. Brower, City Clerk

Attachments: A – Resolution approving a cable franchise agreement with Comcast.

Attachments listed above are available for inspection at the office of the City Clerk.

UNOFFICIAL  
Reference Only

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held October 20, 2014**

Mayor Seibold called the meeting to order at 6:02 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Graham, Johnson, Skaggs and Mayor Seibold

Absent: Commissioner Miller

Also Present: City Manager Donovan; City Attorney Huff; Public Safety Director Herald; Finance Director Mushong; Parks & Recreation Director Bunn; City Clerk Brower

2014-127. Commissioner Skaggs reminded everyone to vote on Tuesday, November 4<sup>th</sup>!

City Manager Donovan announced the Lakeside Drive construction project is nearing completion. The line painting will be done Tuesday or Wednesday and then the road will reopen to vehicle traffic.

Mayor Seibold thanked those who volunteered for and attended the Pioneer Spaghetti Dinner on Friday, October 17<sup>th</sup>. The dinner was hosted by the East Grand Rapids Community Foundation as a fundraiser for the Reeds Lake Trail Boulevard Bridge Project.

2014-128. A zoning variance hearing was held regarding the request of Catherine Giguere of 2628 Richards to allow the construction of a detached garage creating a rear garage setback of 1.7' instead of the required 3.0', a side garage setback of 1.8' instead of the required 3.0' and to allow a nonconforming structure to be reconstructed.

City Attorney Huff outlined the request to build a new garage in the same footprint as the structure that collapsed under the ice and snow last winter. The applicant plans to reuse the foundation and concrete from the former garage. He noted the applicant is in the process of getting written approval from Consumers Energy to place the structure in an easement owned by Consumers Power and recommended that the City Commission condition variance approval on written agreement by Consumers Energy for this project.

Catherine Giguere, 2628 Richards, explained she has hired an attorney to work with Consumers Energy on the necessary approval. She also noted that many garages in her neighborhood are located very close to the property lines.

Mayor Seibold opened a public hearing. The following communications were received at City Hall concerning this variance request:

- Ardy Frey, 2641 Albert	In Favor.
- Glenn Hendrix, 2621 Richards	In Favor.
- Jill Willey, 2624 Richards	In Favor.
- Patrick VanderVeen, 2615 Albert	In Favor.
- Jack Greene, 2645 Richards	In Favor.

No other public comment was received. Mayor Seibold closed the public hearing.

2014-128-A. Graham-Duncan. That the request of Catherine Giguere of 2628 Richards to allow the construction of a detached garage creating a rear garage setback of 1.7' instead of the required 3.0', a side garage setback of 1.8' instead of the required 3.0' and to allow a nonconforming structure to be reconstructed be approved with the condition that written acknowledgement from Consumers Energy to allow the garage to be constructed in the previous location within the easement be submitted to the Public Works Department before a building permit is issued.

Yeas: Dills, Duncan, Goebel, Graham, Skaggs and Seibold – 6  
Nays: -0-

2014-129. Doug Vredevelde of Vredevelde-Haefner presented the FY 2013-14 audited financial statements and answered questions from the City Commission.

Mayor Seibold thanked Finance Director Mushong, City Manager Donovan and all employees for their careful spending and monitoring of the city's financial resources.

2014-130. Skaggs-Johnson. Motion to approve the consent agenda as follows:

2014-130-A. To approve the minutes of the regular meeting held October 6, 2014.

2014-130-B. To approve payroll disbursements of \$221,077.34; county and school disbursements of \$34,441.96, and total remaining disbursements of \$286,564.46.

2014-130-C. The purchase of fitness equipment for the employee fitness room from American Home Fitness in the amount of \$6,306.46.

2014-130-D. A contract with ASR Corporation to provide health benefit administration services for the employee benefit plans.

2014-130-E. The preliminary minutes of the Planning Commission meeting held September 9, 2014.

Yeas: Dills, Duncan, Graham, Johnson, Miller, Skaggs and Seibold – 7  
Nays: -0-

2014-131. Aaron Cline, 540 Rosewood, expressed his opposition to the City's placement of a fence alongside the Public Works building to block access to the channel between Reeds Lake and Fisk Lake. He felt this was a navigable waterway and should be available for public use. City Attorney Huff answered that Fisk Lake was a private lake with no public access and that the City was simply reconstructing a fence that existed for many years but was taken down during the renovations to the Public Works building a few years ago. The channel is likely not a navigable waterway since there are two culverts which would impede travel and commerce. Mr. Cline argued that there was no city ordinance prohibiting access to the channel and therefore the city should allow people to use the channel to access Fisk Lake.

The meeting adjourned at 6:41 p.m., subject to the call of the Mayor until November 3, 2014.

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Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held November 3, 2014**

Mayor Seibold called the meeting to order at 6:04 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Graham, Johnson and Mayor Seibold

Absent: Commissioners Miller and Skaggs

Also Present: City Manager Donovan; City Attorney Huff; Public Safety Director Herald; Finance Director Mushong; Parks & Recreation Director Bunn; City Clerk Brower

2014-132. Commissioners Dills and Johnson commented on the cold and windy weather for Halloween last week and thanked the Public Safety Department for the extra patrols to keep everyone safe.

2014-133. Johnson-Dills. Motion to add to the agenda an executive session to discuss pending litigation in accordance with Section 8(e) of the Open Meetings Act. A roll call vote was taken.

Yeas: Dills, Duncan, Graham, Johnson and Seibold – 5

Nays: -0-

2014-134. Johnson-Graham. Motion to approve the consent agenda as follows:

2014-134-A. To approve the minutes of the regular meeting held October 20, 2014.

2014-134-B. To approve payroll disbursements of \$280,743.62; county and school disbursements of \$29,179.62, and total remaining disbursements of \$366,508.30.

2014-134-C. The quarterly financial report for the period ending September 30, 2014.

2014-134-D. Property and liability insurance with Berends Hendricks Stuit Insurance Agency in the amount of \$211,688.00.

2014-134-E. City Commission committee assignments as recommended by Mayor Seibold.

2014-134-F. The purchase of road salt for the 2014-15 winter season through the Kent County Road Commission in the amount of \$64.24 per ton from the North American Salt Company for pre-winter supply and in the amount of \$66.63 per ton for the remainder of purchases for the winter.

Yeas: Dills, Duncan, Graham, Johnson and Seibold – 5

Nays: -0-

2014-135. John Barbour, 2540 Indian Trail, was present to introduce himself as the new Chairman of the Planning Commission and to thank everyone for the opportunity to play a role in the city government.

2014-136. Johnson-Graham. Motion to enter into an executive session to discuss pending litigation in accordance with Section 8(e) of the Open Meetings Act. A roll call vote was taken.

Yeas: Dills, Duncan, Graham, Johnson and Seibold – 5

Nays: -0-

The meeting adjourned at 6:09 p.m., subject to the call of the Mayor until November 17, 2014.

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Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held November 17, 2014**

Mayor Seibold called the meeting to order at 6:01 p.m. in the Performing Arts Center at the East Grand Rapids High School and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Graham, Johnson, Miller, Skaggs and Mayor Seibold

Absent: None

Also Present: City Manager Donovan; City Attorney Huff; Public Safety Director Herald; Finance Director Mushong; Parks & Recreation Director Bunn; Zoning Administrator Faasse; City Clerk Brower; Planning Consultant LeBlanc

2014-137. Commissioners Dills and Miller thanked everyone in attendance for coming to the meeting.

Commissioners Johnson and Duncan remarked on the number of letters and emails they have received recently regarding the historic preservation issue and thanked all those who had written in.

Mayor Seibold also thanked everyone for attending in spite of the snowy weather and the conflict with the schools foundation dinner.

2014-138. Duncan-Graham. Motion to approve the consent agenda as follows:

2014-138-A. To approve the minutes of the regular meeting held November 3, 2014.

2014-138-B. To approve payroll disbursements of \$209,768.86; county and school disbursements of \$35,930.81, and total remaining disbursements of \$197,509.13.

Yeas: Dills, Duncan, Graham, Johnson, Miller, Skaggs and Seibold – 7

Nays: -0-

2014-139. Mayor Seibold gave an overview of the historic preservation issue to date, outlined the agenda for the remainder of the meeting, and reviewed the steps that would be taken if the City Commission voted to go forward with a formal study.

2014-140. Fil Iorio and Ellen Schendel presented the committee's recommendation to proceed with establishing a formal study of a historic preservation district. Mr. Iorio noted the proven positive economic impact on homes within historic districts, the non-economic impacts of historic preservation and community pride. He stated the administration of a historic district is usually routine and non-controversial. Further, a historic district is the only mechanism that can limit home demolitions. Mr. Iorio spoke in favor of conducting a formal study of the possibility of setting up a historic district and felt the study could be done by volunteers with a minimum of cost to the city.

Ms. Schendel reviewed the recommendation from the pre-study committee to appoint a non-binding, fact-finding Historic District Study Committee to examine the feasibility and desirability of a historic district composed of the blocks of Briarwood, Cambridge, and Plymouth that are bounded by Lake and Wealthy. She stressed the City Commission could decide later to not move forward with creating the historic preservation district, but felt the study would be useful to gather more information on the city's historic assets and create more dialogue in the community. She stated the pre-study committee recommended a survey of residents within any proposed district and that 2/3 of residents should be in favor of a historic district before any further action was taken. She also recommended the historic district ordinance be very broad to give maximum flexibility for renovations and the final historic district commission should be transparent and accountable to the residents.

- 2014-141. Brian Miller presented the dissenting opinion that the city not proceed with a formal study or the establishment of a historic preservation district. Mr. Miller stated a formal study would be more than just a research project, but would propose boundaries and an ordinance to be adopted, steps that lead to a historic district. He felt the study and ongoing administration of a historic district would incur costs for the city and add additional government regulations. He further noted that flexibility would rest on the members of the historic commission and not with the elected officials or residents. Income tax credits have also been eliminated, removing the incentives for residents that used to be in place. Mr. Miller noted district boundaries cannot be determined prior to the study or arbitrarily determined before all the historic homes were studied in the city, thus opening the possibility of a much larger district than originally proposed impacting many more residents.

Mr. Miller reported that in speaking with many people about this issue, many were more concerned about the size and scale of the new homes being built after older homes were torn down than with the loss of specific homes. These types of concerns could be better addressed with better zoning restrictions, possibly including form-based code or other alternative methods of controlling what is rebuilt after a home is demolished.

- 2014-142. Mayor Seibold opened a public hearing on this issue. The following people expressed their opinions:

**Supported historic district and/or study**

Joanie Dowling, 437 Briarwood  
Chris Byron, 959 Ogden  
Pamela MacDougal, 500 Cambridge  
Shirley Francis, 457 Briarwood  
Amanda Reintjes, MI Hist. Preservation Network  
Doug Dowling, 437 Briarwood  
Tom Walker, 425 Cambridge  
Judy Freeman, 425 Cambridge  
Jennifer Gehl, 503 Cambridge  
Elizabeth Iorio, 431 Cambridge  
Betsy Galbreith, 329 Rosewood  
Eric Gollanek, 2306 Burchard  
Jan Smith, 915 Orchard  
Bruce Smith, 915 Orchard  
Tom Wilson, 959 Ogden  
Elizabeth Goede, 417 Cambridge  
John Goede, 417 Cambridge  
Karen Zivi, 608 Laurel  
Steve Ratliff, 435 Cambridge  
Joe Becherer, 443 Cambridge  
Amorak Huey, 429 Briarwood

**Opposed to study and/or historic district**

Don Lawless, 2539 Albert  
Mike Sekulich, 736 Cambridge  
Rhonda Miller, 455 Plymouth  
Mark Peters, 750 Plymouth  
Mark Murray, 649 Cambridge  
Alexis Boyden, 547 Cambridge  
John Inhulsen, 615 Cambridge  
John Constanelos, 1727 Franklin  
John Green, 563 Belvedere  
Joe Crawford, 1649 Seminole  
Elizabeth Murray, 649 Cambridge  
Collin Hansen, 2144 Tenway  
Erin Fredrickson, 400 Cambridge  
Charlotte McLavy, 451 Cambridge  
Paul McMahan, 1100 Cambridge  
Scott Gorsline, 950 San Jose  
Dan Bogo, 1620 Pontiac  
Todd Fredrickson, 400 Cambridge  
Micki Benz, 817 Gladstone  
Shelli Whallon, 2663 Hampshire  
Rob DeVilbiss, 935 Cambridge  
Andrew Norden, 620 Cambridge  
Kathie VonGruben, 649 Cambridge  
Michael Bell, 426 Cambridge  
Rick Merpi, 617 Plymouth  
Michael Naltner, 1661 Fisk  
Rob Sears, 958 Pinecrest  
John Nowak, 2831 Woodcliff Circle  
Cam Najar, \_\_\_\_\_  
Bill Lewis, 1063 San Lucia  
Roger Cares, 263 Briarwood  
Jeff Olson, 1112 Eastwood  
Gail Nowak, 2831 Woodcliff Circle  
Kathy Zago, 954 Cambridge

Mayor Seibold closed the public hearing. She reported that more than 500 letters/emails had been received regarding this issue over the last several months with a majority of those writing in opposed to a study and/or the creation of a historic preservation district.

2014-142-A. Skaggs-Duncan. Motion to approve a historic preservation district study and a historic district study committee as set forth in Public Act 169.

Commissioner Skaggs stated he had learned a lot during this process and felt the committee did an excellent job researching the issue and addressing many of the concerns and myths associated with historic preservation districts. He agreed with the majority report that listed the benefits as enhanced identity, increased property values, and reduced demolitions and loss of historic homes. He disagreed with the argument that a formal study would automatically lead to the establishment of a historic district. He stated the city would have greater flexibility in the creation of a historic preservation ordinance since the State Historic Preservation Office (SHPO) was no longer required to approve the regulations now that the tax credits were eliminated. Mr. Skaggs addressed many of the fears people had about historic districts, stating the city could write its own regulations, had adequate fund balance to fund a study without affecting other services, and could choose the boundaries at the end of the study. He concluded that although this was a divisive issue, the community had faced difficult decisions before and pulled together for the good of the community.

Commissioner Graham did not feel that additional regulations or a historic preservation district were needed. He noted there were many lovely historic homes that were well maintained, but felt that people viewed homes differently and should be allowed to renovate and update them to fit their needs. He felt East Grand Rapids has so much to offer people, including diverse neighborhoods with many different styles and price ranges of housing and lifestyles.

Commissioner Duncan stated that while she understood why many people were opposed to the study and a historic preservation district, she supported going forward with the formal study. She felt gathering information would be beneficial to making the right decision down the road.

Commissioner Johnson was concerned about the added cost and difficulty of conforming to historic standards for those who want to live in the area but not be able to take on the added responsibility of a historic home. She felt a study was not the best way to proceed and that there were better ways to document and preserve the history of the area. She stated there was not enough community support for her to vote in favor of a study.

Commissioner Miller reported there have been 13 home demolitions in East Grand Rapids this year as of September 30<sup>th</sup> and that this was not a dramatic increase over past years. He did not feel this warranted significant changes or a historic preservation district. He stated the city's zoning requirements and variance process produced results that were good for the community as a whole. He stated the character of a neighborhood was not exclusive of age or architecture and that diverse styles and sizes were welcome throughout East Grand Rapids. He did not feel a historic preservation district was needed.

Commissioner Dills appreciated all the research that had been done and all the resident input received on this matter. He stated the correspondence received showed approximately 100 people in favor of a historic district study and 400 people opposed to a study. His concerns included the number of people opposed, increasing government regulations, no way for residents to opt out of being included, and the immediate and future costs associated with a historic preservation district. He felt everyone should trust their neighbors to maintain and update their homes appropriately.

Mayor Seibold commended the remarkable passion shown for the East Grand Rapids community by people on both sides of this issue. She felt that rebuilding tired homes could bring new life and diversity of housing to neighborhoods and new homes and remodeling were necessary to keep neighborhoods viable and the city vibrant. She did not feel that requiring preservation was the correct approach, especially since there were fantastic homes built in many different decades and all were important to the character of East Grand Rapids. She urged those who had already collected historical information on individual homes to submit the research to the history room.

Mayor Seibold stated all neighborhoods in East were special for one reason or another with many containing historical properties, and she did not feel it was appropriate to single out only three blocks for special designation. She worried about the loss of property rights for those who did not wish to participate in the historic designation and noted there were other ways to accomplish some of the same goals.

Yeas: Duncan and Skaggs– 2  
Nays: Dills, Graham, Johnson, Miller and Seibold – 5

Mayor Seibold thanked everyone for coming to the meeting and for sharing their views. She noted that East Grand Rapids is a fantastic community and asked everyone to treat their neighbors with kindness and respect no matter what side of this issue they were on.

The meeting adjourned at 9:03 p.m., subject to the call of the Mayor until December 1, 2014.

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Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held December 1, 2014**

Mayor Seibold called the meeting to order at 5:30p.m. in the City Commission Chambers at the East Grand Rapids Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Graham, Johnson, Miller, Skaggs and Mayor Seibold

Absent: None

Also Present: City Manager Donovan; City Attorney Huff; Public Safety Director Herald; Finance Director Mushong; Parks & Recreation Director Bunn; Zoning Administrator Faasse; City Clerk Brower

2014-143. Graham-Johnson. Motion to enter into an executive session to discuss pending litigation in accordance with Section 8(e) of the Open Meetings Act. A roll call vote was taken.

Yeas: Dills, Duncan, Graham, Johnson, Skaggs and Seibold – 6

Nays: -0-

2014-144. The meeting adjourned at 5:31 pm to conduct the executive session. Commissioner Miller arrived.

2014-145. The meeting reconvened at 6:15 pm following the executive session.

2014-146. Commissioner Skaggs congratulated his daughter and the Swim/Dive Team at the high school on their state championship over the weekend. Commissioner Graham also congratulated Miss Skaggs and the other members of the team.

Commissioner Duncan reported she had attended the Chris VanAllsburg event at the library last week with her family and felt it was a great event with many people attending.

Commissioner Dills remarked on what an honor it was to receive all the public comment at the November 17<sup>th</sup> meeting concerning historic preservation. He noted how respectful and professional everyone was, especially in light of how contentious the issue was over the last several months.

Mayor Seibold agreed the November 17<sup>th</sup> meeting was a great example of how citizens came together respectfully to advocate about an issue of great importance to the entire community. Mayor Seibold also reported there was a great turnout in Gaslight Village for the tree lighting ceremony on November 28<sup>th</sup> and everyone had a great time.

2014-147. A zoning variance hearing was held regarding the request of Cree Unit Properties, owner of 2604 Albert, to allow the construction of a detached garage with a separation between the house and garage of 8'2" instead of the required 10.0,' and for a side yard setback of 2.0' instead of the required 3.0'.

Zoning Administrator Faasse explained there was no garage currently at this property and the proposal to build a detached garage slightly closer to the home and the side yard than allowed by ordinance was due to the small rear yard.

Taylor Stonehouse of Cree Unit Properties explained many other homes in the neighborhood had one-stall detached garages. He noted the new garage would be built to match the house and the style of the area.

Mayor Seibold opened a public hearing. The following communications were received at City Hall concerning this variance request:

- R. Catherine Giguere, 2628 Richards In Favor.

No other public comment was received. Mayor Seibold closed the public hearing.

2014-147-A. Johnson-Duncan. That the request of Cree Unit Properties, owner of 2604 Albert, to allow the construction of a detached garage with a separation between the house and garage of 8'2" instead of the required 10.0,' and for a side yard setback of 2.0' instead of the required 3.0' be approved.

Commissioner Johnson noted garages are important in Michigan and felt this was a reasonable request. She appreciated the use of pervious pavers to keep the lot coverage within the allowable range.

Commissioner Duncan also felt this was a reasonable request.

Yeas: Dills, Duncan, Graham, Johnson, Miller, Skaggs and Seibold – 7

Nays: -0-

2014-148. A zoning variance hearing was held regarding the request of J. Peterson Homes, prospective owner of 2113 Wealthy, to allow the construction of a new home and detached garage with lot coverage of 59% instead of the allowed 40%.

Zoning Administrator Faasse explained the proposal to demolish the current two-story home and rebuild a new home of a similar size more centrally located on the lot with a detached two-car garage in the rear yard. The new home would have larger side yards than the current home, but would cover 59% of the lot instead of the 40% allowed when the garage was added.

Joel Peterson of J. Peterson Homes stated this home would be rebuilt on almost the same size footprint with only the addition of the garage to increase the lot coverage. He stated his intention to put up fencing during construction to assist the neighboring property. He further stated his willingness to use pervious pavers for the entire driveway to reduce the amount of lot coverage to approximately 46%.

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

- Mary-Margaret Munski, owner of 2115 Wealthy No problem with the project, but requestes solid fencing during construction and a permanent fence around the window well to keep people from falling in.
- Andrew Howard, 606 Greenwood Great project. Asked that the black locust tree on the rear property line be saved if possible. Stated a 2-car garage would seem very large on that lot.
- Dan Cunningham, 612 Greenwood New home would be an improvement. Questioned if tree in the outlawn would have to be trimmed or removed to allow construction.
- Jean Pawlenty, 553 Lovett Concerned about massive homes being built and loss of charm in the area.

The following communications were received at City Hall concerning this variance request:

- Mary-Margaret Munski, of 2115/2121 Wealthy Requests for fencing and drainage plan.

No other public comment was received. Mayor Seibold closed the public hearing.

2014-148-A. Dills-Miller. That the request of J. Peterson Homes, prospective owner of 2113 Wealthy, to allow the construction of a new home and detached garage with lot coverage of 59% instead of the allowed 40% be

approved with the condition that the driveway, walk and patio areas be constructed of pervious surfaces, reducing the lot coverage to approximately 46%.

Commissioner Graham stated his support for the project as it would be only 86 square feet larger but more in keeping with today's standards with a modern home and a garage.

Commissioner Miller supported the variance because the reduction to 46% with the use of pervious pavers is in the same general range as the existing home.

Commissioner Johnson questioned how the lot coverage would be monitored in the future and whether a new owner would be able to replace the pavers with regular concrete without the city's knowledge. Zoning Administrator Faasse stated it would likely not be noticed if no other permits were required. City Manager Donovan agreed that permits are not required to install concrete, so if no other zoning review was needed, it was not certain it would be caught in the future. He stated that if the variance were approved, that city officials would make certain any conditions were adhered to during the initial construction. Commissioner Johnson stated she could not support the variance if there was no guarantee that the lot coverage could not be changed in the future.

Mayor Seibold felt it would be less expensive for someone to repair a few damaged or sunken pavers without having to replace an entire area of concrete.

Commissioner Skaggs felt that variances should not be granted lightly if the home was being demolished and the applicant was starting with a clean building site. He supported the lot coverage ordinance as written and felt the purchaser should have been willing to work within the ordinances when they bought the property.

Commissioner Dills felt the home would be an improvement and appreciated the use of pervious pavers, but stated to stay consistent with other variance denials in the past, he would not support the request.

Mayor Seibold noted that while a new home would be good for the area, she felt there were inherent limitations that come with smaller lots, and the ability to place a two-stall garage was one such issue. She felt a one-stall garage and the use of pervious pavers would be acceptable to her, but the two-stall garage was too much for this lot.

Yeas: Graham and Miller – 2

Nays: Dills, Duncan, Johnson, Skaggs and Seibold – 5

2014-149. Duncan-Graham. Motion to approve the consent agenda as follows:

- 2014-149-A. To approve the minutes of the regular meeting held November 17, 2014.
- 2014-149-B. To approve payroll disbursements of \$207,103.71; county and school disbursements of \$32,923.22, and total remaining disbursements of \$201,522.89.
- 2014-149-C. A resolution exercising the city's right to exempt itself from the requirements of Public Act 152 of 2011 as set forth in Exhibit "A" attached hereto.
- 2014-149-D. The reappointment of Aaron Smith of 1645 Laurel to the Interurban Transit Partnership Board for a two-year term ending December 31, 2016.
- 2014-149-E. Contracts with Symetra for stop loss insurance, Physicians Care as the PPO provider and Madison National Life for life/ADD insurance and long-term disability for the employee benefit programs, and to approve changes to benefit plans as outlined in the Finance Director's memo of October 27, 2014.
- 2014-149-F. The purchase and installation of audio and visual hardware components for the Community Center from Central Interconnect, Inc. in the amount of \$9,990.50.

2014-149-G. A contract with Sabo Communications to provide a part-time employee to assist with strategic communications services at a cost of \$40 per hour at an estimated 16 hours per week.

2014-149-H. The substitution of Lite Lodes Inc. of Hamilton for the 2014 Road Repairs and Water Leak Restoration project.

Yeas: Dills, Duncan, Graham, Johnson, Miller, Skaggs and Seibold – 7

Nays: -0-

2014-150. No public comment was received.

The meeting adjourned at 6:54 p.m., subject to the call of the Mayor until December 15, 2014.

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Karen K. Brower, City Clerk

Attachments: A – Resolution exempting the City from the requirements of Public Act 152 of 2011.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held December 15, 2014**

Mayor Seibold called the meeting to order at 6:01 p.m. in the City Commission Chambers at the East Grand Rapids Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Graham, Johnson, Miller and Mayor Seibold

Absent: Commissioner Skaggs

Also Present: City Manager Donovan; City Attorney Huff; Finance Director Mushong; Parks & Recreation Director Bunn; Assistant City Manager LaFave; Zoning Administrator Faasse; City Clerk Brower

2014-151. Commissioner Johnson announced there would be a dedication ceremony at 11:30 am on Saturday, January 3, 2015 to honor Coach Butch Briggs at the High School Pool.

2014-152. A zoning variance hearing was held regarding the request of Michael & Liz TerHorst, owners of 927 Ogden, to allow the construction of an addition to the rear of the home creating lot coverage of 48.6% instead of 40.0% allowed.

Zoning Administrator Faasse explained the request for a two-story addition to the rear of the home increasing the lot coverage from the current 42.4% to the proposed 48.6%. He noted the proposal included using pervious materials for the new patio.

Joel Peterson of J. Peterson Homes explained there were many similar homes in this area and most would not be able to add on to their homes without obtaining variances. Mr. Peterson noted there were no plans to replace the current concrete driveway as the addition was on the other side of the home and did not require changes to the driveway.

Michael TerHorst, 927 Ogden, stated they were trying to add space to their home for their growing family and that they were excited to be moving back to East Grand Rapids.

Mayor Seibold opened a public hearing. The following communications were received at City Hall concerning this variance request:

- Ray & Carol Geskus, 2318 Lake Drive	In Favor.
- Thomas Sarb & Ruth Ann Brevits, 923 Ogden	In Favor.
- Alan & Michelle Davis, 919 Ogden	In Favor.
- Ted & Debbie Cox, 912 Maxwell	In Favor.
- Maggie & Greg Mielczarek, 911 Ogden	In Favor.
- Jeff Hayden, 937 Ogden	No Objection.
- Kath & Larry VandeVoren, 918 Maxwell	In Favor.
- Mary Kaneti, 954 Ogden	In Favor.
- Jennifer & Aaron VanZee, 2346 Lake Drive	In Favor.

No other public comment was received. Mayor Seibold closed the public hearing.

2014-152-A. Graham-Miller. That the request of Michael & Liz TerHorst, owners of 927 Ogden, to allow the construction of an addition to the rear of the home creating lot coverage of 48.6% instead of 40.0% allowed be approved.

Commissioner Graham applauded the efforts to bring older homes up to modern standards and acknowledged it can be difficult to add on to a home that is already over the lot coverage limit. He felt this was a modest addition to the home and he supported the variance.

Commissioner Miller noted the existing home is under the percentage allowed for coverage and that it is the driveway pavement that puts this property over the allowable limit. Given there is no way for these 50'-wide lots to conform to the current ordinance, he questioned whether the City should study the issue further and possibly revise the ordinance accordingly. He stated he did not feel this was an unreasonable request given there was no way for the applicants to conform with the ordinance as written and he would be supporting the request.

Commissioner Duncan reluctantly supported the request because it was a small addition, but felt more effort should be given to replacing the driveway to reduce the lot coverage percentage.

Commissioner Dills agreed this addition would be an improvement to the property, but felt the ordinance was put into place for many very good reasons and should be upheld. He noted that replacing the driveway with pervious materials would reduce the lot coverage to approximately 38%, thereby conforming with the ordinance.

Mayor Seibold appreciated the fact the applicants were renovating the property instead of tearing down the house, but agreed that the ordinance was put into place to maintain greenspace and reduce stormwater runoff. She also agreed that perhaps the ordinance should be reviewed in light of the number of non-conforming properties that are not able to comply with the ordinance provisions.

Yeas: Duncan, Graham, Johnson, Miller and Seibold – 5  
Nays: Dills – 1

- 2014-153. Mayor Seibold reported the Streets & Sidewalks Task Force she convened in October had completed their research and have submitted a recommendation regarding future street funding.

Finance Director Mushong explained the rating system used to rate streets and gave several examples of local street conditions. She reported the Task Force members had spent several hours learning about the funding of local street repairs and maintenance, reviewing road conditions and estimated repair projections, and discussing ways to improve street conditions. The Task Force recommends the City Commission seek a 2.0 mill dedicated street millage to improve street and sidewalk conditions over the next several years. She noted a 2.0 mill property increase would equate to \$300 per year to the owner of a \$300,000 home. Ms. Mushong explained the Task Force and staff had created a proposed policy that would be used to govern how the additional funds from a street millage were spent that would be used if the millage is approved by the voters.

City Manager Donovan explained the Michigan Legislature was currently working to provide additional funding for road repairs, but it is not yet known when or if the City will receive any more funding. The Task Force recommends going ahead with the millage proposal and then adjusting the amount collected if state funding is received.

Mayor Seibold thanked the volunteers who served on the Streets & Sidewalks Task Force for their work on this issue. She announced the City Commission would be accepting public comment until January 19<sup>th</sup>, including at the January 5<sup>th</sup> and January 19<sup>th</sup> City Commission meetings. She urged residents to review the materials on the City's website at [www.eastgr.org/streets](http://www.eastgr.org/streets) and to submit comments to City Clerk Karen Brower or to attend one of the January meetings.

- 2014-154. Johnson-Miller. Motion to approve the consent agenda as follows:

2014-154-A. To approve the minutes of the regular meeting held December 1, 2014.

2014-154-B. To approve payroll disbursements of \$200,408.76; county and school disbursements of \$170,172.70, and total remaining disbursements of \$414,665.90.

2014-154-C. The purchase of a John Deere SUV 825i from Greenmark Equipment of Jenison in the amount of \$21,883.01 and a related budget amendment of \$883.01 for this purchase..

2014-154-D. The purchase of six fire hydrants and fittings from East Jordan Iron Works in the amount of \$14,978.19.

2014-154-E. The purchase and installation of new fencing along the Reeds Lake Trail near Hodenpyl Rock in the amount of \$11,875.00 from AAA Fence.

2014-154-F. The preliminary minutes of the Parks & Recreation Commission meeting held October 13, 2014.

Yeas: Dills, Duncan, Graham, Johnson, Miller and Seibold – 6

Nays: -0-

2014-155. Peter Dimitrial suggested the city look for ways to reduce emissions to improve the environment, including having a community work day to rake leaves instead of using leaf blowers and lawn mowers.

The meeting adjourned at 6:32 p.m., subject to the call of the Mayor until January 5, 2015.

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Karen K. Brower, City Clerk