

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held January 2, 2018**

Mayor Seibold called the meeting to order at 6:00 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 Favale, Walters, Zagel and Mayor Seibold

Absent: Commissioners Duncan, Hamrick and Miller

Also Present: City Attorney Huff; City Manager Donovan; Assistant City Manager LaFave; Finance Director Mushong; City Clerk Brower

2018-1. No public comment was received.

2018-2. No reports were received from the commission.

2018-3. Zagel-Favale. To approve the consent agenda as follows:

2018-3-A. To approve the minutes of the regular meeting held December 18, 2017.

2018-3-B. To approve payroll disbursements of \$224,217.37; county and school disbursements of \$386,946.07, and total remaining disbursements of \$157,702.00.

Yeas: Favale, Walters, Zagel and Seibold – 4

Nays: -0-

The meeting adjourned at 6:02 p.m., subject to the call of the Mayor until January 15, 2018.

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Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held January 15, 2018**

Mayor Seibold called the meeting to order at 6:00 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 Duncan, Favale, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: None

Also Present: Assistant City Attorney Buchanen; Assistant City Manager LaFave; Finance Director Mushong; City Clerk Brower; Zoning Administrator Urquhart

2018-4. Peter Dimitriou, 2621 Inverness, suggested the city place a climate change questionnaire on their website to gather data from citizens. He invited everyone to an energy presentation at Calvin College later this week.

Ken Fortier, 4441 Canterwood Dr NE, introduced himself as a candidate for the 73<sup>rd</sup> District House of Representatives seat.

2018-5. Commissioner Walters reminded everyone it was Martin Luther King Day and asked the city to explore setting aside this day to honor the legacy of Dr. King.

Commissioners Hamrick and Zagel welcomed Wok & Morter, a new restaurant, to Gaslight Village.

Mayor Seibold thanked everyone who attended the ribbon cutting for Wok & Morter earlier in the day and wished this new business every success. She also noted the work of the Public Safety Department and the Public Works Department to keep our citizens safe and informed about what's going on with regard to incidents and the myriad of concerns in the world today.

2018-6. A zoning variance hearing was held regarding the request of William Pearl of 2912 Beechwood to allow the construction of an attached garage creating a front yard setback of 4'6" instead of the average established 39.'

Zoning Administrator Urquhart outlined the request the build an attached, side-loading garage with a front yard setback of 4'6" instead of the 39' average setback established by the surrounding properties. He noted that the lot is conforming to the zoning district requirements even though it is an unusual shape. He explained the drainage easement that runs along the west side of the property and the variance granted in 2013 for the addition built on the east side. Mr. Urquhart noted the fence and home next door at 2855 Beechwood were non-conforming.

Mayor Seibold noted there were two other similar shaped lots in the area and that both had built two-car garages without needing variances.

Assistant City Manager LaFave explained the drainage system and easement were put in place by the Kent County Drain Commission in 1992 to drain the back yards of about 10 homes on that block.

Bill Pearl, 2912 Beechwood, apologized for not working to get the full support of all the neighbors but stated his family has nowhere to park their vehicles and cannot place a garage anywhere else on the property without running into other zoning, drainage or parking issues. He stated they went forward with the home addition in 2013 because they were having trouble finding a place for the garage and decided to do it later. After trying multiple options, they have decided to request the current front yard setback variance. Mr. Pearl addressed issues raised by neighbors and stated the height and location of the proposed garage would impact sight distance of those using the street or sidewalk and would not be out of scale with other homes in the area. Mr.

Pearl stated he had considered a two-car garage instead of a three-car version, but wanted to have the additional space for another vehicle without bringing it too close to the home.

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

- |                                   |                                                                                                                                                                                                                                                                |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| - Richard Stevens, 2926 Beechwood | Did not feel it would fit in and urged the applicants to find another location to build the garage or make it smaller.                                                                                                                                         |
| - Anthony Travis, 2948 Beechwood  | Opposed because the garage is a permanent structure three times taller than the fence and 4' from the sidewalk. Would also make the front yard mostly concrete as opposed to grass. Noted other front yard additions have been denied because they didn't fit. |
| - Ron Boynton, 2911 Beechwood     | Felt 4.5' was just too close. Suggested looking at a two-car garage instead of three.                                                                                                                                                                          |

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

- |                                          |           |
|------------------------------------------|-----------|
| - Traci Douglas, 2908 Hall               | Opposed.  |
| - Richard & Mary Stevens, 2920 Beechwood | Opposed.  |
| - Timothy Allard, 2931 Oakwood           | Opposed.  |
| - David Whitehouse, 2942 Beechwood       | Opposed.  |
| - Amanda Whitehouse, 2942 Beechwood      | Opposed.  |
| - Jennifer Ranville, 2928 Beechwood      | In Favor. |
| - Adam & Kirsten Rice, 2863 Beechwood    | In Favor. |

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

- 2018-6-A. Miller-Zagel. That the request of William Pearl of 2912 Beechwood to allow the construction of an attached garage creating a front yard setback of 4'6" instead of the average established 39' be approved.

Commissioner Miller stated the zoning laws were meant to help balance the rights of property owners with those of surrounding properties. His concerns about this project were 1) reducing the front yard setback to 4.5' basically makes the requirement obsolete, 2) the fence next door was non-compliant and should not be used in assessing the impact of the addition, and 3) the scale and size of this garage addition would be too much for this particular lot and neighborhood.

Commissioner Duncan agreed this proposal was too much to be so close to the street. She hoped the applicant could find a different plan that would allow a bigger setback.

Commissioner Favale empathized with the need for a larger garage, but felt the structure was too large.

Commissioner Hamrick also agreed and stated the garage would create too small a setback and be out of place in the area.

Mayor Seibold did not feel the situation was unique enough to warrant the variance and the applicant should have planned the home renovations and new garage at the same time so that a better location could be found for the garage. She stated that sometimes the house you want does not fit the lot that you own. She noted she would not be in favor of even allowing a two-car garage in this situation as it would not fit the neighborhood.

Commissioner Walters noted he could not support the request because of the objections of the neighbors. He urged the applicants to talk with their neighbors if considering submitting another proposal.

Yeas: -0-

Nays: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

2018-7. Resolution establishing water and sewer rates.

Finance Director Mushong explained the City of Grand Rapids had issued their annual rate study and will be increasing their wholesale sewer fees. After analyzing the new rate structure, the City of East Grand Rapids will need to increase the sewer commodity rate slightly to cover this increase while still allowing enough funding for infrastructure improvement projects. She noted the resolution adopting the new rates also contains a new charge for multiple businesses using the same water meter to match the structure set up for the residential users two years ago.

Commissioner Zagel noted that while raising rates was not his first choice, it was unavoidable because of the age of the infrastructure and the need for maintenance and upgrades of the system. He reported the staff and Finance Committee had reviewed this situation extensively and recommends the new rates be adopted.

2018-7-A. Zagel-Walters. That a resolution establishing new water and sewer rates effective immediately be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2018-8. Revised guidelines for fundraising campaign to install artwork at the Community Center.

Mayor Seibold explained the 2016 letter of understanding was being amended to include additional guidelines for the fundraising program to install artwork at the top of the main stairwell. The guidelines outline how the artist and the management company will raise the funds and report to the city and EGR Community Foundation over the next several months. She noted the agreement calls for the fundraising to be completed by June 30, 2018 and donations will be made to the foundation and then passed through to the city.

Commissioner Zagel asked that the materials used be clear about who is raising the funds and that the city and foundation are not participating in the fundraising.

2018-8-A. Walters-Hamrick. That six guidelines relating the fundraising campaign to install the Icebreakers artwork at the Community Center be approved as outlined in the City Manager's memo dated January 5, 2018 and incorporated into the letter of understanding approved in 2016.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2018-9. Zagel-Miller. To approve the consent agenda as follows:

2018-9-A. To approve the minutes of the regular meeting held January 2, 2018.

2017-9-B. To approve payroll disbursements of \$217,691.91; county and school disbursements of \$1,150,127.95, and total remaining disbursements of \$173,554.72.

2017-9-C. The preliminary minutes of the Planning Commission meeting held November 14, 2017.

2017-9-D. The preliminary minutes of the Parks & Recreation Commission meeting held December 11, 2017.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

The meeting adjourned at 7:17 p.m., subject to the call of the Mayor until February 5, 2018.

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Karen K. Brower, City Clerk

Attachments: A – Resolution establishing water and sewer rates  
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 February 5, 2018**

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 Duncan, Favale, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: None

Also Present: City Attorney Huff; Assistant City Attorney Tobias; City Manager Donovan; Assistant City Manager LaFave; Finance Director Mushong; Public Safety Director Herald; City Clerk Brower; Communications Specialist Greenleaf

2018-10. Peter Dimitriou, 2621 Inverness SE, GR, spoke about the big differences in drought conditions and temperatures across the country.

Chris Afendoulis, 73<sup>rd</sup> District State Representative, updated the city commission on several issues, including pension liability legislation, mental health programs, the opioid crisis and the upcoming state budget process.

Lynn Afendoulis, 3333 Falcon Bluff Ct, announced her candidacy for the 73<sup>rd</sup> District Representative office and talked about her work and community experience.

2018-11. Commissioner Miller asked everyone to use caution when venturing out onto the ice of Reeds Lake or Fisk Lake as the surface may be unsafe with the recent thaw and freeze cycles.

Commissioner Hamrick reported she had recently visited Bill Graham and found him in good spirits and doing well.

Commissioner Zagel announced a new clothing store, Blackbird East, would be opening next to Olive's Restaurant soon.

Commissioner Duncan urged everyone to get out and enjoy the Michigan winter weather.

2018-12. A zoning variance hearing was held regarding the request of Joel Peterson, owner of 705 Croswell, to allow the construction of a single-family home with a front yard setback of 13' instead of the required 25'.

Assistant City Manager LaFave explained a similar variance had been granted for a multi-family home on this lot but the owner now wishes to build a single-family home. All other zoning requirements are met except for the front yard setback, which is requested to be at 13' to match the other homes on this side of the street. He noted the average setback on the street is 12.5,' but that the multi-family zoning district did not require averaging of setbacks as other sections do.

Joel Peterson of J. Peterson Homes, stated that the lot had been sold and the new owner would be building a single-family home on the lot but would prefer the front setback at 13' to avoid looking out of place with the other homes.

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

2018-12-A. Miller-Zagel. That the request of Joel Peterson, owner of 705 Croswell, to allow the construction of a single-family home with a front yard setback of 13' instead of the required 25' be approved.

Commissioner Miller supported the variance as it clearly matched the others in the neighborhood.

Commissioner Walters suggested the city review the multi-family zoning district to look at including a requirement for average front yard setbacks.

Commissioner Duncan noted she would have loved to see a multi-family dwelling on this lot, but felt this would also be a great addition to the area.

Mayor Seibold agreed this home will fit in well with the very diverse neighborhood.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zigel and Seibold – 7

Nays: -0-

2018-13. Durant Street Special Assessment District.

Assistant City Manager LaFave reported city staff had compiled estimates and solicited feedback from the residents on Durant Street after receiving a request to pave the street. Six property owners are in favor of initiating a special assessment district to improve the street while three property owners are opposed. The City Commission will now begin discussions on the matter and decide whether to go ahead with the paving. Mr. LaFave noted the project did not include installing sidewalks, but there was room for them in the future. He also noted there is a 4" water main under the street that the City will need to replace in conjunction with any paving project.

2018-13-A. Walters-Duncan. That a resolution directing the City Manager to provide information and recommendations regarding the proposed improvement be adopted as set forth in Exhibit "A" attached hereto.

No public comment was received on this issue.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zigel and Seibold – 7

Nays: -0-

2018-13-B. Miller-Hamrick. That a Statement of Preliminary Proceedings for the Durant Street Special Assessment District be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zigel and Seibold – 7

Nays: -0-

2018-14. Introduction of an ordinance amendment to Section 9.63 of Chapter 93 of Title IX of the City Code pertaining to begging and soliciting.

Assistant City Attorney Tobias outlined the current ordinance and the recent state legislation that will preempt our local ordinance by allowing charitable organizations to solicit donations in the street. The legislature also reduced violations to civil infractions. He explained the city will have to either revise or repeal its ordinance. Mr. Tobias recommended revising the language of Section 9.63(B)5 to mirror the new state law while leaving all other provisions in place. He felt this would give the Public Safety Department the tools for further action if they encountered a situation that could not be easily resolved.

Mayor Seibold noted that when the current ordinance was adopted, the commission was concerned about the safety of those near or in the street and the potential for distracted driving due to people soliciting at busy intersections.

Mr. Tobias explained that if the city chose not to have its own ordinance prohibiting soliciting, violations could still be written under the state law, but that the city would not have any control over the prosecution and that the county may have more pressing issues that would dictate their priority in prosecuting the cases.



2018-16. Pension and Other Post Employment Benefit (OPEB) liability discussion.

Finance Director Mushong reported the defined benefit plan had been closed to new employees in 1999 and many of the existing employees converted to the new defined contribution plan at that time. There are now six current employees and 46 retirees using the DB plan. She reviewed the unfunded liability charts and the affect the payments may have on the city's budget and capital programs.

Ms. Mushong also reviewed the Other Postemployment Benefits (OPEB) Fund that pays retiree health care expenses until they are eligible for Medicare. At this point the city is able pay the yearly costs directly without spending down the fund balance and plans to continue this approach while reevaluating each year.

The meeting adjourned at 7:33 p.m., subject to the call of the Mayor until February 19, 2018.

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Karen K. Brower, City Clerk

Attachments:   A – Resolution Directing the City Manager to provide information for Special Assessment District  
                  B – Statement of Preliminary Proceedings for Durant Street Special Assessment District  
                  C – Ordinance amendment to Section 9.63 regarding 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 February 19, 2018**

Commission President Miller called the meeting to order at 6:00 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 Duncan, Favale, Hamrick, Miller, Walters and Zigel

Absent: Mayor Seibold

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

2018-17. No public comment was received.

2018-18. President Miller announced that Mayor Seibold had proclaimed February 19-23 as Snowplow Driver Appreciation Week and asked everyone to acknowledge the hard work done by everyone in the Public Works Department to keep the 50 miles of roads and 80 miles of sidewalks cleared and passable for our citizens.

2018-19. Durant Street Special Assessment District.

Assistant City Manager LaFave noted the revised project estimate is \$157,000 which is lower than the original projected cost.

2018-19-A. Duncan-Hamrick. That a resolution setting a hearing on the necessity regarding the Durant Street Special Assessment District be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Duncan, Favale, Hamrick, Miller, Walters and Zigel – 6

Nays: -0-

2018-20. Resolution recognizing Grand Rapids Junior Sailing Association as a non-profit organization.

Beth Reid of the Grand Rapids Junior Sailing Association outlined the operations of the GRJSA, which include sailing classes for adults and children at the Grand Rapids Yacht Club and a sailing team on Lake Michigan in the summer. The funds raised from the planned events will be used for equipment purchases and maintenance.

2018-20-A. Zigel-Walters. That a resolution recognizing the Grand Rapids Junior Sailing association as a non-profit organization operating in the community for the purpose of obtaining charitable gaming licenses be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Duncan, Favale, Hamrick, Miller, Walters and Zigel – 6

Nays: -0-

2018-21. The meeting scheduled for Monday, April 2 was rescheduled to Monday, March 26 at 6:00 p.m. to avoid a lack of quorum over spring break.

2018-22. Zigel-Favale. To approve the consent agenda as follows:

2018-22-A. To approve the minutes of the regular meeting held February 5, 2018.

2018-22-B. To approve payroll disbursements of \$222,821.54; county and school disbursements of \$142,780.81, and total remaining disbursements of \$205,181.78.

- 2018-22-C. The proposed list of meeting dates for FY 2018-19 for the City Commission, Planning Commission, Finance Committee, Library Commission, Parks & Recreation Commission and the Board of Review.
- 2018-22-D. A three-year contract extension with Great Lakes fireworks LLC in the amount of \$25,000 per year for the 4<sup>th</sup> of July Celebration.
- 2018-22-E. The preliminary minutes of the Planning commission meeting held January 9, 2018.
- 2018-22-F. The preliminary minutes of the Planning commission meeting held February 6, 2018.
- 2018-22-G. The Public Safety Department report for the quarter ending December 31, 2017.

Yeas: Duncan, Favale, Hamrick, Miller, Walters and Zagel – 6  
Nays: -0-

The meeting adjourned at 6:09 p.m., subject to the call of the Mayor until March 5, 2018.

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Karen K. Brower, City Clerk

Attachments: A – Resolution setting a hearing on necessity for the Durant Street Special Assessment District  
B – Resolution recognizing GR Junior Sailing Association

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 5, 2018**

Mayor Seibold called the meeting to order at 6:00 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 Duncan, Hamrick, Miller, Zagel and Mayor Seibold

Absent: Commissioners Favale and Walters

Also Present: City Attorney Huff; City Manager Donovan; Assistant City Manager LaFave; Finance Director Mushong; Parks & Recreation Director Bunn; City Clerk Brower

2018-23. Peter Dimitriou, 2621 Inverness, reported he was meeting with local meteorologists this week to discuss climate change and would be meeting with legislators soon to discuss a carbon tax.

2018-24. Commissioner Zagel announced that Blackbird East, a new clothing store, had opened in Gaslight Village this week. They are located next to Olive's Restaurant.

2018-25. Duncan-Zagel. To approve the consent agenda as follows:

2018-25-A. To approve the minutes of the regular meeting held February 19, 2018.

2018-25-B. To approve payroll disbursements of \$214,133.35; county and school disbursements of \$389,105.95, and total remaining disbursements of \$734,203.93.

2018-25-C. An informational report on the repaving of Breton Road scheduled to take place this summer.

2018-25-D. A three- year contract in the amount of \$156,325.00 with 20/20 Lawncare and Landscape LLC for lawn maintenance services on city-and school-owned properties.

2018-25-E. An agreement with Vredeveld Haefner LLC to conduct a procedures audit for a cost not-to-exceed \$10,000.00.

2018-25-F. A contract with Goose Control in the amount of \$5,400.00 for site visits to Collins Park and egg and nest removals for goose population control.

2018-25-G. The third amendment to the license agreement with Leidos, Inc. of Earth City, MO through December 31, 2028 for sampling and testing of monitoring wells in Gaslight Village as attached in Exhibit "A."

2018-25-H. An extension of the Metro Act Right-of-Way Unilateral Permit with MCImetro Access Transmission Services LLC through December 5, 2020 for existing aerial and buried lines as well and proposed aerial lines as attached in Exhibit "B."

2018-25-I. A contract with Corby Energy Services of Belleville, Michigan for cured-in-place pipe lining for sanitary and storm sewer mains as outlined in the Assistant City Manager memo dated February 19, 2018.

2018-25-J. A contract for water main replacement on Argentina Drive with Groundhawg Excavating LLC of Lowell in the amount of \$512,527.00.

Yeas: Duncan, Hamrick, Miller, Zagel and Mayor Seibold – 5  
Nays: -0-

The meeting adjourned at 6:03 p.m., subject to the call of the Mayor until March 19, 2018.

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Karen K. Brower, City Clerk

Attachments: A – Leidos agreement extension  
B – Metro Act permit with MCImetro Access Transmission 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 19, 2018**

Mayor Seibold called the meeting to order at 6:00 p.m. in the City Commission Chambers at the East Grand Rapids Community Center. Members of Scout Troops 215 and 271 led the audience in the Pledge of Allegiance.

Present: Commissioners Duncan, Favale, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: None

Also Present: City Attorney Huff; Assistant City Attorney Tobias; Assistant City Manager LaFave;  
Public Safety Director Herald; City Clerk Brower; Communications Specialist Greenleaf

2018-26. Todd Astrauskas, 435 Plymouth, questioned where he could find the minutes of the last city commission meeting. He also questioned the presence of Assistant City Attorney Tobias. Mayor Seibold stated that Mr. Tobias was present to assist with the discussion of a proposed ordinance amendment.

2018-27. Commissioner Miller noted that yard waste pickup begins on Monday, April 2 and reminded everyone to refrain from putting containers out by the street until the program begins.

2018-28. Review and distribution process for Comprehensive Master Plan.

Assistant City Manager LaFave reported the draft of the Master Plan is ready for public review and distribution to surrounding communities. The 42-day review period will allow citizens and neighboring communities to submit questions and suggestions prior to final adoption. Mr. LaFave noted that the city website has been updated to allow download of the latest draft and to show the upcoming meetings. He asked that commissioners and residents direct all input to City Clerk Karen Brower by email or at future meetings.

Mayor Seibold opened the meeting for public comment on this issue:

- Matt Feyen, 630 Rosewood

Felt input opportunities had been very limited thus far; questioned whether the height of buildings in Gaslight Village had been reviewed. Suggested providing more 4-5 story buildings because they would generate more revenue for the city.

- Gary Eberle, 2107 Lake Drive

Felt people did not know about the master plan process and suggested more communications with the residents.

No other public comment was received.

2018-28-A. Miller-Zagel. That the draft master plan dated March 2018 be distributed to neighboring communities and to begin the 42-day review process.

Commissioner Miller felt that a lot of public input had been received over the last six months and he encouraged everyone to review the draft and continue giving their comments. He thanked the Planning Commission for all their work on this draft document.

Commissioner Zagel also encouraged people to stay involved throughout the process.

Commissioner Walters reminded everyone that not all suggestions contained in the plan would be put into place; rather this was a guide for future discussions. All policy and ordinance changes suggested in the plan would still have to go through the planning commission and or city commission.

Mayor Seibold thanked everyone for their work thus far and encouraged everyone to continue the dialogue.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2018-29. Final Reading of an ordinance amendment to Section 9.63 of Chapter 93 of Title IX of the City Code pertaining to begging and soliciting.

Assistant City Attorney Tobias reported that a recent change in state law allowing certain types of solicitation in the roadway necessitated a change to the East Grand Rapids ordinance to avoid a conflict. He noted that the proposed ordinance changed the sections that were in conflict and kept the others in place.

Commissioner Zagel questioned the benefit of having a separate ordinance when existing state laws could be used if there were problems. Mr. Tobias stated that at some point there may be an issue and this would allow Public Safety to deal with the issue immediately. Public Safety Director Herald stated that having a local ordinance would allow the city to use its own prosecutor and to have more flexibility with enforcement and prosecution. Mr. Herald noted that this ordinance would be used when other efforts to get people the help they need are not successful.

Commissioner Miller asked what East Grand Rapids would lose if we do not have a local ordinance. Mr. Tobias stated that the Public Safety Department loses the authority to address situations other than roadside solicitations.

Commissioner Walters questioned whether state law addresses those who are on the side of the road soliciting something other than money, such as political campaigning, which could be just as distracting and dangerous. Attorney Tobias checked the state law and stated that there was no mention of this type of activity. Commissioner Walters did not see the rationale for changing the ordinance to reflect the state law and then adding other provisions that are broader than the state law. He suggested repealing our ordinance and just using the motor vehicle code provisions when needed.

Commissioner Hamrick asked how long it would take to enact a new ordinance if problems arise in the future. City Attorney Huff noted that most ordinances can be adopted in 30 days.

Commissioner Zagel noted that the proposed language seems to deal with the aggressive solicitors and agreed that a local ordinance would give more enforcement and prosecution options. Mr. Tobias noted that county prosecutors usually handle larger or more violent cases and that the city prosecutors undertake smaller, non-violent caseloads enforcing local ordinances that can be handled quicker and more effectively.

Mayor Seibold questioned whether repealing the local ordinance would then allow solicitors to approach people anytime and anywhere without any regard to the safety of the situation. Mr. Tobias agreed that this would no longer be prohibited behavior if the East Grand Rapids ordinance is repealed.

Commissioner Miller asked if aggressive behavior could be addressed using state law. Mr. Tobias stated that as long as they were not in the street, that situation would not be illegal.

Mayor Seibold opened the meeting for public comment on this issue:

- Rev. Jason Hubbard, 2205 Heather

Appreciated Public Safety's efforts to seek assistance for beggars, but did not feel there was a need for the ordinance. Suggested the City repeal the local law and address it later if needed.

- Kathleen Underwood, 2637 Hampshire

Asked the City to repeal the ordinance entirely as it would criminalize the homeless and enforce stereotypes. Felt there were other ways to deal with any issues.

- Mike Nelson, 2944 Hall  
Should be repealed because it infringes on free speech. Has never seen a panhandler in EGR and didn't think any would be aggressive. Shouldn't barricade ourselves from undesirables.
- Matt Feyen, 630 Rosewood  
Didn't see a need for the ordinance at all. Felt 2015 Federal court decision would strike down our ordinance. Wanted to protect everyone's right to free speech.
- Ellen Schendel, 429 Briarwood  
Stated free speech can be uncomfortable, but it is allowed and should not be unlawful.
- Miriam Aukerman, 2717 Hall  
Disagreed with the thought that it was ok for charities to solicit but not for poor people to do the same. Felt leaving the ordinance in place would send a message that some aren't welcome here. Urged to repeal in its entirety.
- Samantha Cornell, 311 Rosewood  
Heard only fear in the reasons that ordinance would be needed. Don't pass legislation based on hypothetical situations. Felt EGR already had a reputation for harassment and racial profiling and this ordinance would make it worse.

No other public comment was received.

2018-29-A. Walters-Miller. To direct the City Attorney to prepare an ordinance amendment to repeal Section 9.63 of Chapter 93 of Title IX of the City Code for consideration.

Commissioner Duncan supported repealing the ordinance as she did not feel there was a problem. Stated her family had no problem listening to and dealing with panhandlers.

Commissioner Miller felt repealing the ordinance was an opportunity to show our values and to correct the negative image people may have of East Grand Rapids. He commended the Public Safety Department for their handling of past cases.

Commissioner Favale stated there was not a problem currently and there would not be one in the future.

Commissioner Hamrick agreed that this issue could be revisited in the future if appropriate, but that she has never seen any problems. She felt keeping the ordinance would send a message of intolerance and inequality.

Commissioner Zagel felt people were focusing on the wrong issues when debating whether to keep an ordinance. He noted this ordinance was designed to address situations that go too far and impact people's safety. He agreed it was not against the law for people to ask for help, but felt it should not compromise the safety of others.

Mayor Seibold disagreed that the ordinance indicated we did not want the homeless or others here. She felt it dealt with the safety of those who are driving vehicles or using banks or restrooms. She noted the ordinance did not say people couldn't ask for money or assistance, only that they not put others safety at risk when doing it. She asked people to not overreact by imagining prohibitions or intentions that are not in the ordinance language.

Commissioner Walters stated his concern that the language of the local ordinance is not constitutional as it is written very clearly to punish those who ask for money or food. He felt there were other ways to deal with distracted drivers without prohibiting soliciting. He felt there was no reason to limit people's rights when there is not an issue in East Grand Rapids. He felt the current ordinance was too specifically prohibitive of people begging and not of other activity.

Yeas: Duncan, Favale, Hamrick, Miller, and Walters – 5

Nays: Zagel and Seibold – 2

2018-30. Durant Street Special Assessment District.

Assistant City Manager LaFave noted the materials had been prepared for the Durant Street improvement project and the neighbors had received updated materials and notices recently.

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

2018-30-A. Walters-Hamrick. That a resolution determining necessity be adopted as attached in Exhibit "A."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2018-31. Contract for legal representation services.

2018-31-A. Miller-Duncan. To approve a three-year proposal for legal representation with Varnum as outlined in the City Manager's memo dated March 13, 2018.

Commissioner Miller noted the importance of good legal counsel and thanked City Attorney Huff for his advice in all the situations that the city faces.

Commissioner Walters stated he would be abstaining from this vote because he was a partner at Varnum.

Yeas: Duncan, Favale, Hamrick, Miller, Zagel and Seibold – 6

Nays: -0-

Abstain: Walters – 1

2018-32. Zagel-Duncan. To approve the consent agenda as follows:

2018-32-A. To approve the minutes of the regular meeting held March 5, 2018.

2018-32-B. To approve payroll disbursements of \$214,108.67; county and school disbursements of \$58,860.88, and total remaining disbursements of \$554,070.83.

2018-32-C. A contract with Montgomery Excavating of Ionia in the amount of \$45,805.00 for the Manhattan storm sewer project.

2018-32-D. The purchase of computer hardware from Sehi Computer Products in the amount of \$8,992.16.

2018-32-E. The preliminary minutes of the Parks & Recreation Commission meeting held February 12, 2018.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2018-33. Mayor Seibold announced the goals and objectives would be discussed at the March 26 meeting when City Manager Donovan could be present.

The meeting adjourned at 7:34 p.m., subject to the call of the Mayor until March 26, 2018.

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Karen K. Brower, City Clerk

Attachments: A – Resolution Determining Necessity for the Durant Street Special Assessment District

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 26, 2018**

Mayor Seibold called the meeting to order at 6:00 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 Duncan, Favale, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Assistant City Manager LaFave; Public Safety Director Herald; Parks & Recreation Director Bunn; Finance Director Mushong; City Clerk Brower; Communications Specialist Greenleaf; Captain Williams; Captain Buikema

2018-34. No public comment was received.

2018-35. No commission reports were received.

2018-36. No public input was received on the draft Master Plan.

Commissioners agreed to submit their comments and suggestions for the plan by May 1 so that they can be discussed for incorporation into the plan.

2018-37. Public Safety Director Herald, Captain Buikema and Captain Williams reviewed the 2017 annual report for the Public Safety Department. It was noted that while East Grand Rapids is one of the safest cities in the country, property crimes continue to be an area where improvement can be made. Staff also noted that East Grand Rapids has the fastest response times in Kent County and that follow-up surveys show citizens feel the department personnel are very professional and polite.

2018-38. Authorization to solicit proposals for an installment purchase agreement for capital projects.

Finance Director Mushong explained the city was considering securing a short-term loan for capital projects in order to level out capital payments until the pension system payments are stabilized. She noted the bids would be submitted to the commission at its next meeting for discussion and a final decision.

2018-38-A. Zagel-Miller. To authorize the Finance Director to solicit proposals for an installment purchase agreement for capital improvements to the Community Center complex.

Commissioner Zagel commended the staff for researching all options related to the financial health of the city.

Yeas: Duncan, Favale, Hamrick, Miller, Zagel, Walters and Seibold – 7

Nays: -0-

2018-39. Zagel-Hamrick. To approve the consent agenda as follows:

2018-39-A. To approve the minutes of the regular meeting held March 19, 2018.

2018-39-B. To approve payroll disbursements of \$-0-; county and school disbursements of \$-0-, and total remaining disbursements of \$170,282.09.

2018-39-C. To establish June 4, 2018 as the date to hold public hearings for the budget and for delinquent accounts and to hold a special meeting to adopt the budget on this date.

- 2018-39-D. A resolution authorizing the Mayor and City Clerk to execute contract #18-5024 with the Michigan Department of Transportation for the Breton Road construction project attached as Exhibit "A."
- 2018-39-E. A resolution approving changes to the Grand Valley Metro Council adding the Village of Caledonia to the GVMC attached as Exhibit "B."
- 2018-39-F. A resolution authorizing Cascade Charter Township to conduct Construction Board of Appeals hearings on behalf of the City of East Grand Rapids, and setting the appeal fee at \$200.00 attached as Exhibit "C."
- 2018-39-G. A resolution approving the Fifth Amendment to the Water and Sanitary Sewer Service Agreement with the City of Grand Rapids attached as Exhibit "D."
- 2018-39-H. A reduction in the millage rate for the street and sidewalk millage to be levied on July 1, 2018 to compensate for revenue received from the state as outlined in the Finance Director's memo dated February 21, 2018.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zigel and Seibold – 7  
Nays: -0-

- 2018-40. City Manager Donovan and the department directors reviewed the goals and objectives for the upcoming year and answered questions from the city commission.

The meeting adjourned at 7:45 p.m., subject to the call of the Mayor until April 16, 2018.

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Karen K. Brower, City Clerk

- Attachments: A – Resolution authorizing signatures for the Michigan Dept. of Transportation contract  
B – Resolution approving an amendment to the GVMC Articles of Incorporation  
C – Resolution transferring the Construction Board of Appeals to Cascade Township  
D – Resolution approving the Fifth Amendment to the Grand Rapids Water/Sewer Contract

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 April 16, 2018**

Mayor Seibold called the meeting to order at 6:00 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 Duncan, Favale, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Assistant City Manager LaFave; Public Safety Director Herald; Parks & Recreation Director Bunn; Finance Director Mushong; City Clerk Brower; Communications Specialist Greenleaf; Zoning Administrator Mizikar

2018-41. No public comment was received.

2018-42. Commissioner Miller noted that the snowmelt system in Gaslight Village was apparently still in good working order as it was melting all of the late season snow.

Commissioner Walters and Mayor Seibold thanked the members of the Public Works Department for all their work combating the ice, sleet, freezing rain and snow during the last week.

2018-43. Master Plan input.

Deanna Eckert, 2827 Reeds Lake Blvd, had several suggestions for encouraging pedestrian use of the trail system, adding foliage, enhancing access to public lakefront areas and possibly adding additional demographic information to the charts already included.

2018-44. Request to approve the division of land at 340 Gracewood.

Zoning Administrator Mizikar explained the request to divide the property into two lots, one containing the existing home and a second parcel of vacant property. Both parcels will meet the size and setback requirements for the zoning district. Mr. Mizikar reviewed the standards in the ordinances and the size of the surrounding parcels. He noted that King & MacGregor had performed a preliminary analysis that concluded a home could be constructed on the higher elevations of the proposed lot without impacting the wet area. Mr. Mizikar stated the purchaser is willing to look at seeking a wetland delineation opinion from the DEQ as part of the redevelopment of the lot.

Assistant City Manager LaFave noted the DEQ does not have a required building setback from any wetland area. He also stated that a drainage plan is part of every building permit review and stormwater and drainage issues would have to be satisfactorily addressed before a building permit is issued.

Commissioner Walters asked City Attorney Huff whether the commission should be looking at the standard in 5.406A(3)c regarding wetlands and drainage. Mr. Huff stated that if the wetlands determination is already in place, the commission can use it in their discussion, but the ordinance does not require a written determination ahead of time.

Commissioner Hamrick questioned whether the DEQ could determine the lot isn't buildable at some point in the future. Assistant City Manager LaFave stated this was possible and the applicant would have to come back to the city or state with a variance request if that happens.

Joel Peterson, 654 Crosswell, stated he had worked with many waterfront and wetland situations and was familiar with the regulations. He showed the tentative location for a walkout home and noted he would taking

all necessary steps to build the home, including obtaining a wetlands determination, a soil erosion permit, and hooking the house drains into the storm sewer. He further noted the home would be built into the hill on the higher portion of the hill and would not require changes to the overall grade of the lot.

Mayor Seibold opened a public hearing. The following people spoke concerning this request:

- Ed Millermaier, 2851 Reeds Lake Blvd  
Opposed because of detrimental environmental impact due to the standing water, the number of trees that would have to be removed, and future storm water issues to surrounding properties. He felt a new home would not fit into the area and would disrupt wildlife paths through the woods.
- Benjamin Lane, 345 Manhattan  
Opposed. Having two small homes on small lots would not conform to a neighborhood which has a number of very large lots with mature trees in the area.
- Katherine & Johanna Balingit, 337 Manhattan  
Very concerned about the wildlife that would have to relocate if a human home was built on top of their habitat.
- Diana Klein, 128 El Centro  
Felt this area was different because they valued nature more than other parts of the city. Worried about the damage to the wetlands and the confusion of the deer herd in the area. Felt this would set a bad precedent.
- Chad Edwards, 128 El Centro  
Noted there was no guarantee the environment would be taken care of or the wetland contained on this property. Asked further study be done before granting.
- Jennifer Clary, 337 Manhattan  
Disagreed with the idea the neighborhood would not be harmed because no one can know the future. Stated people move to this area because it's special. Asked that more time be taken to consider the request.
- Patrick Walsh, 2841 Reeds Lake Blvd  
While the split meets the technical requirements, it doesn't take the neighbor's feelings into account. Other properties with wetland area are not at all comparable to this property.
- Deanna Eckert, 2827 Reeds Lake Blvd  
Spoke about the ecology of the wetlands and the issues with shallow aquifers and drainage pipes. Felt the character of the area would suffer if a new home is built and asked that the city acquire this land for an extension of the trail and parkland. Asked the lot split be denied until a smaller home with larger setbacks and restricted height be proposed or until the property is donated to the city.
- Greg Artz, 340 Gracewood  
Showed map with stream noted as being 90' from the proposed home.
- Kristi Artz, 340 Gracewood  
Reported they had appealed their assessment to the tax tribunal and was told it was a buildable lot.
- Mike Lewis, 361 Manhattan  
Asked the commission to delay a decision until they could come out and walk the area and use common sense to deny the request.
- Dick Gauthier, 2863 Reeds Lake Blvd  
Opposed because it would impede drainage for surrounding properties. Stated his yard is currently flooded and water would flood his house if any other drainage impairment were added.
- Glenn Hefner, 325 Hodenpyl  
Stated this street was mesmerizing with all the trees and space between houses. This proposed home was an acrobatic attempt to fit a new home where it doesn't belong.

- |                                  |                                                                                                                                                                                                                                               |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| - Ann Lowry, 3500 Hidden Lane SE | Former owner of 340 Gracewood. Stated a new home would block the view from the existing house.                                                                                                                                                |
| - Joel Peterson, 654 Croswell    | Didn't feel the Manhattan lots should be considered as the same neighborhood as the lot to be divided as they fronted on a street some distance away. Noted the city may need to inspect the drain in question to see if cleaning was needed. |

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

- |                                                      |          |
|------------------------------------------------------|----------|
| - Dale Hovenkamp/Patrick Walsh, 2841 Reeds Lake Blvd | Opposed  |
| - Chris Eckert, 2827 Reeds Lake Blvd                 | Opposed. |
| - Ann Saltsman, 2905 Reeds Lake Blvd                 | Opposed. |
| - Emilie Collins, 2817 Reeds Lake Blvd.              | Opposed. |
| - Jan & Ed Millermaier, 2851 Rees Lake Blvd          | Opposed. |
| - Jennifer Clary, 337 Manhattan                      | Opposed. |
| - Johanna Balingit, 337 Manhattan                    | Opposed. |
| - Katherine Balingit, 337 Manhattan                  | Opposed. |
| - Todd & Helen Smith, 324 Gracewood                  | Opposed. |

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

2018-44-A. Zagel-Hamrick. That the request of Gregory and Kristi Artz, owners of 340 Gracewood, to divide the property into two conforming parcels with the northern parcel containing the existing home measuring 125' wide by 144' long containing 18,072 square feet of property, and creating a new southern parcel of undeveloped land with a width of 174.25,' a northern side length of 144' a southern side length of 158.5' and approximately 23,636 square feet be approved, with the following conditions:

1. The split complies with the surveys and legal descriptions 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.

City Attorney Huff noted that for purposes of considering how the split will affect the area, the ordinance defines neighborhood as a 500' radius from the property in question. He stated the standards were put into place after city lost a court decision involving a lot split denied by the city because of the size of the lot.

Commissioner Zagel agreed it was beneficial to look at a larger area. He reported the Board of Review did determine the Gracewood lot was buildable according to size. He expressed concern about the proposed home's proximity to the existing home as this was not the norm in this neighborhood.

Mayor Seibold noted that 340 Gracewood was originally platted as four lots. She stated that all zoning ordinance standards are created to set minimum distances and measurements and to have factual, not emotional, discussions.

Commissioner Favale felt this was a unique area and stated she would like the wetlands issue addressed before approving a lot split.

Commissioner Duncan questioned the reference to 350 Manhattan in one of the resident letters. City Attorney Huff noted that was a different type of situation in that it was a land division proposal that was denied because it would have created a flag-shape lot with one lot behind another lot with only a driveway-width of frontage.

City Manager Donovan stated the City Commission has denied lot split requests where variances were required because the resulting lots would not meet zoning requirements. Lot splits are generally approved if the resulting lots meet all the zoning requirements.

Commissioner Miller spoke about balancing the laws as they are written with what people would like to see in individual situations. He agreed the wetland issue is a concern, but cautioned the neighbors that it might be a

wetland and still be buildable. He stated the lot split request could not be denied based on the size, but the split may be conditioned upon the resolution of the wetland designation and any required setbacks. He would be willing to delay a decision until the wetland discussion could take place.

Commissioner Walters noted tree removal could not be considered as a reason to deny the request. He agreed with the others about tabling this issue until a wetlands designation could be made.

2018-44-B. Walters-Miller. That the request of Gregory and Kristi Artz, owners of 340 Gracewood, to divide the property into two conforming parcels be tabled until a wetlands delineation report can be obtained for this property.

Yeas: Duncan, Favale, Hamrick, Miller, Zigel, Walters and Seibold – 7  
Nays: -0-

2018-45. Durant Street Special Assessment District.

Assistant City Manager LaFave explained the last few steps that would be taken at the next meeting and answered questions from the city commission.

2018-45-A. Miller-Zigel. That a resolution setting a hearing on the assessment roll for May 7, 2018 for the Durant Street Special Assessment District be adopted as attached in Exhibit “A.”

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zigel and Seibold – 7  
Nays: -0-

2018-46. Installment Purchase Loan Agreement.

Finance Director Mushong explained the city would be taking out a five-year loan at 2.85% interest in order to complete two projects without expending the entire amount in the next year. She noted there is no penalty for paying off the loan early, so this would be an option in the future if finances allow.

Commissioner Miller stated he was originally not comfortable with adding debt, but he now supported the installment agreement as a way to even out the cash flow situation.

2018-46-A. Zigel-Hamrick. That a resolution approving the purchase of certain equipment, authorizing the execution by the City of installment purchase agreements, authorizing the limited tax, full faith and credit pledge for the payment of said agreements and approving other actions be adopted as attached in Exhibit “B.”

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zigel and Seibold – 7  
Nays: -0-

2018-47. Zigel-Miller. To approve the consent agenda as follows:

2018-47-A. To approve the minutes of the regular meeting held March 26, 2018.

2018-47-B. To approve payroll disbursements of \$439,649.03; county and school disbursements of \$-0-, and total remaining disbursements of \$220,823.42.

2018-47-C. Grant Administration Policy and Procedures as attached in Exhibit “C.”

2018-47-D. A Conflict of Interest Policy attached as Exhibit “D.”

2018-47-E. A contract with Central Interconnect of Grand Rapids in the amount of \$89,643.51 for the upgrade of the commission chamber audio visual system.

2018-47-F. A contract for the replacement of the municipal complex chiller with Northwest Kent Mechanical of Cedar Springs in the amount of \$119,990.00.

2018-47-G. A contract with Nagel Construction of Moline in the amount of \$429,663.50 plus a 10% project contingency for the Boston water main improvement and the Arundel storm sewer improvement.

2018-47-H. A contract in the amount of \$85,500.00 plus an additional 10% contingency with Behrens Limited LLC of Lowell for the replacement of the permeable roof surface on Wege Plaza.

2018-47-I. A contract for grind and resurfacing street improvements with Superior Asphalt of Grand Rapids in the amount of \$239,555.00, and approval for staff to add an additional \$100,000 in additional street work to this contract based on asset ratings and conditions for a total cost not to exceed \$339,555.00.

2018-47-J. The preliminary minutes of the Planning Commission meeting held February 13, 2018.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2018-48. The regular meeting adjourned at 8:02 for a short break. The meeting resumed at 8:15 as a budget work session to discuss the overall budget situation and to review capital improvement requests for the upcoming fiscal year.

The work session adjourned at 9:15 p.m., subject to the call of the Mayor until May 7, 2018.

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Karen K. Brower, City Clerk

Attachments: A – Resolution setting a hearing on the assessment roll for the Durant Street Special Assessment District  
B – Resolution approving an installment purchase agreement  
C – Grant Administration Policy and Procedures  
D – Conflict of Interest Policy

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 7, 2018**

Mayor Seibold called the meeting to order at 6:00 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 Duncan, Favale, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Assistant City Manager LaFave; Zoning Administrator Mizikar  
City Clerk Brower; Communications Specialist Greenleaf; Planning Consultant LeBlanc

2018-49. Kim Rossi, 2206 Wilshire, invited the community to get involved in the programs of the Community Action Council that focus on prevention of underage drinking and illegal drug use. She noted they have speakers available for public gatherings or individual in-home presentations.

Bill Saxton, 1637 Pontiac, introduced himself as a Democratic candidate for the 73<sup>rd</sup> District representative position on the ballot later this year.

2018-50. Commissioner Walters reminded everyone that the master plan process was still ongoing and invited everyone to the open house and joint city/planning commission meeting on May 22.

Commissioner Zagel announced that Bang Blow Dry Bar is now open at 2180 Wealthy.

2018-51. Durant Street Special Assessment District.

Assistant City Manager LaFave explained this was the final step in the special assessment process to improve the gravel road on Durant Street. He noted that, if approved, the construction would take place in the fall of 2018 or spring of 2019.

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

2018-51-A. Walters-Duncan. That a Resolution Confirming Assessment Roll for the Durant Street Special Assessment District be adopted as attached in Exhibit "A."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2018-52. A zoning variance hearing was held regarding the request of Spectrum Health Blodgett Hospital to allow:

- a. Construction of a parking structure with a setback of 7.2' along Sherman instead of the 30' required (R-1 District), and two bays of surface parking with a setback ranging from 5' to 19.3" from the property line instead of the required 30.0' (R-1 District) or the required 25.0' (R-2 District).
- b. Overall lot coverage by buildings and structures of 47.7% instead of the 35% allowed.

Rick Redetzke of Spectrum Health reviewed the parking locations on the Blodgett campus from the 1960's through the present time, noting that parking has always been located along Sherman and Plymouth Streets either in surface lots or the ramp built in the 1970's. He stated that for the last several years, the hospital has spent considerable time and money to keep the ramp structurally maintained, but the condition of the ramp is the impetus for the current proposal. He noted the current parking is poorly balanced with 80% of the spaces on the south portion of the site. The proposal will replace the aging parking ramp with separate ramps on the north and south of the campus and a new surface lot closer to the entrance that will make it easier and safer for

drivers and pedestrians to access the hospital and professional office building. The plan will provide 1,202 spaces onsite while continuing to shuttle hundreds of employees from offsite. The proposal will also decrease the number of entrances into the hospital to reduce confusion, improve handicap parking and access, keep traffic flow within the campus and add more landscaping screening for those living on adjacent streets. He reported Spectrum has held seven meetings with neighbors to discuss the issues and used the feedback to refine the plans over the last several months.

Mr. Redetzke stated that while residents had developed two of their own plans for parking on the site, Spectrum Health was not able to use their concept plans because of traffic conflicts on city streets, inefficient site circulation, lack of emergency access, issues with providing safe and convenient handicap access to various locations on the site, additional variances required and several engineering-related concerns with the foundation levels and water tables.

Mr. Redetzke reported that following neighbor input, several modifications were made to the plans to reduce the height of the structure along Plymouth by 17-26' as well as add greenspace, relocate and redesign the ramps and staircases, and to add more trees, landscaping islands and buffer walls. Mr. Redetzke showed various elevation drawings depicting the new structures and parking areas with height notations and perspectives for pedestrians and neighboring homes. He provided detailed information on the parking setback variances granted in 2008 and the areas where the new parking structure and surface lots would require new setback variances.

Mr. Redetzke reviewed the current and proposed lot coverages by buildings, structures and pavements and noted the differences in what was allowed in residential zones versus commercial areas. He stated the lot coverage by buildings/structures would increase from the 44% to 47.7% under this proposal while the combined lot coverage by all buildings and surfaces would decrease from 76.6% to 75.8%. He then outlined how the project would be divided into two phases of construction over the next three years.

Chris Meyer, Spectrum Health legal counsel, stated there were two variances being requested to complete the site plan approved by the Planning Commission in April. He reviewed the practical difficulty standard contained in the city's zoning ordinance which allows property owners to request a variance if there are reasons why the owner feels it is necessary to do so. Mr. Meyer showed aerial photos of the campus from the 1960s and 1970s that showed how the campus has evolved and noted that parking lots have been located within the setbacks since at least the 1960s. He also reviewed the requested setback variances along Sherman to accommodate the corner of the parking ramp and one row of surface parking. He stated that there is already a wide greenbelt of right-of-way along Sherman Street because of the narrower one-way street, and while this wide right-of-way does not count toward the setback requirement, it does provide additional greenspace between the edge of the parking area and the property line that would not be available on most other streets.

Mr. Meyer reviewed the circumstances that make this property unique in this area. He noted that all three street frontages are considered front yards, thereby requiring a 25' setback in R-2 or 30' setback in R-1—on all three sides instead of the 10' that would be allowed if two of the three boundaries could be considered side yards. He further noted that the proximity to the water table of Fisk Lake limited the underground depth that a parking lot could be constructed. The development of the hospital structures in the center of the site means that parking necessarily has to be built around the edges and has to line up with the heights and entrances of the existing buildings. He stated the hospital is not seeking to increase the number of parking spaces on the site, just to replace the old parking garage with newer garages and some surface parking to better balance the availability of convenient parking. Mr. Meyer felt the 2008 special use designation and variances granted balanced the needs of Blodgett Hospital to use their campus and the neighbors to use their property. He stated the plans for a wide aisle for drop off and traffic flow at the main entrance necessitated pushing the parking spaces further south toward Sherman Street.

Mr. Meyer addressed the lot coverage variance by saying the Blodgett campus already provides storm water management on the site and the new construction will actually increase the greenspace on the campus.

Mr. Meyer noted that the 2008 variance granted by the city for a 0' setback along Plymouth is still in place, meaning Blodgett does not have to seek another variance to build the new south garage up to that 0' setback.

Julie Wolowitz, Vice President of Operations for Blodgett Hospital, spoke about the benefits of the proposed parking and wayfinding reconfiguration for the patients and families visiting Blodgett Hospital each year who need safe and efficient parking areas and walkways.

Planning Consultant LeBlanc noted the city commission is considering two variances tonight and then, if the variances are approved, a site plan submittal. He noted the portion of Blodgett Hospital fronting Sherman Street was actually divided between the R-1 and R-2 single-family residential zoning district, thereby needing variances from two different setback requirements for the south parking areas. He reviewed the variances and special use designation granted by the City Commission in 2008 that legitimized all prior building and parking configurations existing on the site at the time as well approved as the variances requested at that time. The only things now requiring approval are the Sherman setback, the lot coverage variances and the overall site plan. Mr. LeBlanc gave his opinion that the south ramp does not need a variance for the Plymouth setback because it was already granted a 0' variance in 2008 which now runs with the land.

Mr. LeBlanc referenced his memo to the City Commission outlining the three specific criteria contained in the city zoning ordinances for granting zoning variance requests. He stated that institutional uses like hospitals are quite often designed with a separate zoning district designation; however, East Grand Rapids does not currently have this type of designation, requiring Blodgett Hospital to use the residential zoning rules and exist with various non-conformities. Addressing the criteria for granting variances, he noted the property's triangular shape, high water table, streets on three sides and prior building development all effectively create a practical difficulty regarding how the property can be used. Since the hospital predated zoning in East Grand Rapids, he stated that development of the site wasn't dictated by spatial requirements; therefore, some existing structures impede the arrangement of new improvements. He stated this proposal reconfigures the parking on the site but does not add additional parking spaces and is consistent with the requirements and directions given in the 2008 variances and special use designation. Mr. LeBlanc reported the Planning Commission spent considerable time discussing the standards requiring the new development be harmonious with the surrounding area and not posing substantial detriment to those properties before recommending approval.

Mr. LeBlanc briefly outlined the proposed site plan and the conditions recommended by the Planning Commission. He reviewed the standards for approval of site plans contained in Section 5.87 and noted that the site plan must be approved if the Commission finds that it meets all the standards. He noted the Planning Commission attached several recommended conditions for approval of the site plan.

Commissioner Walters questioned the practical difficulty request for the Sherman setback request. Mr. Meyer explained the hospital had pushed the parking spaces south toward Sherman to allow a wide driveway with plenty of space for multiple drop offs and vehicle maneuvering around the front entrance. He stated approximately 55 parking spaces would be lost if the setback variance were denied.

Commissioner Miller asked whether the 4' wall along Sherman could be reviewed to make sure it blocked headlights effectively. Mr. LeBlanc agreed this could be added as a condition and that a 6' wall was allowed without an additional variance.

Commissioner Walters asked whether the existing retaining wall and landscaping along Wealthy could be kept as requested by the neighbors. Mr. Redetzke stated that the hospital planned to construct two shorter walls to break up the grade change to make the wall more attractive and that much of the existing wall and landscaping would have to be removed to facilitate construction of the north garage.

Commissioner Hamrick questioned whether the stormwater system constructed during the 2008 project would be sufficient. Mr. LeBlanc noted the lot coverage would actually decrease, meaning slightly less stormwater. City Manager Donovan stated all drainage and engineering plans would be reviewed before building permits are issued.

Planning Commission Chairman John Barbour explained the Planning Commission's review of the proposed site plan and the input from neighbors that resulted in revised plans requiring fewer variances. He noted the Planning Commission extensively discussed the conditions of Section 5.87 before ultimately recommending approval. Mr. Barbour thanked the neighbors for their commitment to making the project less intrusive and thanked Blodgett Hospital for their willingness to listen to the neighbors and planning officials. He felt this

proposal was well balanced and would improve the campus and the patient experience. Mr. Barbour noted that the new master plan makes several references to East Grand Rapids being a welcoming and inclusive community and stated the improvements to the Blodgett campus would help welcome those who need to use the hospital services.

Jim Bruinsma, attorney for several property owners, spoke against the requested variances and site plan. He noted that variances were not a substitute for rezoning and that public policy is set forth by the zoning ordinances. Section 5.26 is meant to protect the neighborhoods, not the hospital. He stated that dimensional variances should be precise and limited to specific issues and not dismissed because Spectrum has tried to justify their plans by saying the residential standards don't make sense for the hospital. Mr. Bruinsma felt the approvals granted in 2008 allowed only those specific expansions but did not approve future expansions. He read from a 2008 public notice that stated no addition or extension to the parking ramp was proposed.

Mr. Bruinsma stated that any height within a setback was not permitted because you can't build anything within a setback. When the variance was granted in 2008, it was not granted to later build the garage taller; it was a variance to approve what already existed at 9' above grade. He noted this was important because the new south garage was not within the footprint approved in 2008, but is 78' longer along Plymouth than the existing garage. He stated a variance has not been granted for that location and the city does not have the authority to ignore this fundamental violation of the ordinance. Mr. Bruinsma noted the city cannot approve a site plan that doesn't meet or ask to meet the ordinance requirements. He further noted that no practical difficulty or special conditions had been proven and the effect on neighboring properties had not been analyzed in 2008.

He also did not feel that Blodgett had currently proven any practical difficulty relating to unique situations such as grade changes, water table or the three required front yards. Mr. Bruinsma showed there are actually four separate parcels within the Blodgett campus and if the setbacks are applied to all four parcels, the hospital has actually received special treatment with the current buildings.

Mr. Bruinsma also stated the existing buildings are all self-created hardships and a variance cannot be granted because the variance process doesn't allow it. He acknowledged Blodgett's attempts to improve the campus but stated this does not relieve them from the past actions that created the existing buildings. He cited the city's denial of the Lakewood Hills variance requests several years ago. He stated that Blodgett can rebuild the garage they have in the existing location or use the neighbors plans that show it can be rebuilt in the existing footprint.

Mr. Bruinsma addressed the substantial detriment standard and stated that coverage, density and intensity of the use were overburdening the site and did not meet the ordinance requirement to protect against encroachment on neighboring properties. Mr. Bruinsma referenced a statement by Mr. VanDokkumburg about the fundamental change in neighborhood character that will result from pushing the hospital activity to the edges of the property past the established setbacks where it will most affect the neighbors.

Mr. Bruinsma addressed the site plan submittal by stating the site plan cannot be allowed to go forward because a variance was never granted for a portion of the south parking garage. He noted that harmonious is not defined but that the implication is that the buildings have to work together with the neighborhood and that will not happen here. He concluded the proposal will not complement the area and must fail.

David Brown, 551 Plymouth, read from a report submitted by a landscaping firm identifying several issues with the proposed plantings, including the lack of full sunlight, conflicting plant species, soil textures and water retention issues. He concluded that the plants will struggle and fail because of the unrealistic plans put forward by Spectrum.

James VanDokkumburg, 521 Plymouth, expressed concerns about the proposed courtyard that he felt would eventually be used for fire exits and therefore would not count as greenspace as intended. He noted there would be major issues with handicap egress and fire department access in the event of an emergency.

Commissioner Walters asked for a legal determination on the argument that the south parking garage cannot be built without an additional variance. City Attorney Huff stated he and Planning Consultant LeBlanc have

reviewed the ordinances and feel that a new variance is not required because a 0' setback was approved along the Plymouth frontage in 2008. Mr. LeBlanc concurred that since the City Commission's 2008 approval did not include any conditions, the setback and has been permanently changed in this location and no further variance is needed.

Mayor Seibold opened a public hearing on both the variance requests and the site plan request. The following people were present to express their opinions:

- Penny Wilson, 737 Cambridge  
Enjoys the pedestrian environment around the hospital and felt the patients that use the campus will benefit from the improvements.
- Michelle Gordon, JH Realty  
Stated neighbor concerns about loss of property values are valid and new walls will further decrease values.
- Sean Tilton, 1842 Sherman  
Opposed setback variances; requested that strict conditions be imposed to allow only parking in that setback area.
- Deb Sprague, 2332 Burchard & guest  
Participate in the hospital's advisory council and feel Spectrum does a good job of listening to suggestions about improving patient experiences.
- Larry Smeagle, Spring Lake  
Wanted to make sure that patients are considered in this discussion because wayfinding is very important to them. Supports the proposals.
- Mary Dougherty, 2639 Hall  
Over 39,000 emergency room patients seen in 2016. Making traffic flow and parking better is the right thing to do.
- Kevin Troop, Grant  
Urged keeping the patients and what can be done to get them in and out safely as the focus of discussions.
- Karen Nash, 7149 Armadale NE  
Was recently a patient at Blodgett and had difficulty finding parking and using stairs and handicap walkways. People deserve better than the old ramp and unsafe walkways.
- Stephanie Young, Ada  
Reviews patient surveys and helps implement suggestions. Noted people are often stressed and distracted when visiting the hospital and need convenient parking and easy to navigate paths in and out of the campus.
- Stacy Lynch, 1860 Sherman  
Requested 6' wall to buffer headlights so people don't loiter there smoking and invading privacy of the neighbors. Other hospitals make ramps and walkways work. This plan doesn't provide enough safety for neighbors and pedestrians.
- Genevieve Swanson, 2945 Bonnell  
Blodgett Hospital and this project are very important to the area. The current situation is untenable and Blodgett should be allowed to improve conditions.
- Tim Berg, 321 Rosewood  
Noted many EGR residents support this project. Felt it was in everyone's interest to keep hospital working and maintained. Liked the look of the proposed buildings.
- Janet Chobanian, 535 Plymouth  
Grave concerns about landscaping failing along the wall. Didn't feel 7' strip of ground could support the massive growth and they would be left with looking at a big building that isn't harmonious.
- Mary Ellen Mika, 2530 Hampshire  
Supported Blodgett's requests because on street parking is not a good option. Appreciated their efforts to improve the current situation.

The following communications were received at City Hall since the Planning Commission meeting held April 24, 2018. Other correspondence regarding this issue can be found in the Planning Commission materials.

- |                                    |          |
|------------------------------------|----------|
| - Kris & Bill Andrus, 1779 Asbury  | Opposed. |
| - Dale Ferriby, 1833 Wealthy       | Opposed. |
| - Janet Chobanian, 535 Plymouth    | Opposed. |
| - Adam & Stacy Lynch, 1860 Sherman | Opposed. |
| - David Murkowski, 1862 Sherman    | Opposed. |

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

- 2018-52-A. Miller-Duncan. That the request of Spectrum Health Blodgett Hospital to allow the construction of a parking structure with a setback of 7.2' along Sherman instead of the 30' required (R-1 District), and two bays of surface parking with a setback ranging from 5' to 19.3" from the property line instead of the required 30.0' (R-1 District) or the required 25.0' (R-2 District) be approved with the following conditions:
1. Variance only authorizes the intrusions and uses shown on the site plan submitted by the applicant dated April 13, 2018.
  2. Any suggested modification of those intrusions, including any change in the parking structure or any changes of parking spaces illustrated in the surface lot, would require the issuance of a new variance by the City Commission.
  3. That the headlight barrier wall along Sherman be inspected by city staff upon completion to prove its ability to block headlights for residents on Sherman.
  4. That the curb cut and driveway on Sherman be removed during the project as shown on the drawings.

Mayor Seibold thanked the neighbors and Spectrum for all their effort on this project. She noted that Blodgett Hospital has been located on this property since 1916 – much longer than the zoning has been in place in the area – and that the buildings have been constructed over time and were made nonconforming when various zoning rules meant for residential uses were enacted. She reported the ramp was not popular when it was constructed and is certainly unattractive now. She supported the variances as she felt the new buildings will be an improvement—not a detriment—and housing values will remain stable over time.

Commissioner Zagel remarked on the challenge of applying residential zoning rules to a hospital use. He noted that by definition, the special use designation acknowledges a special situation on this property. He agreed with the city's planning consultant and attorney that the variance requests are the proper requests to consider. He felt the current proposal was fundamentally better for the community because of the process of approval provided by the ordinances. He did not feel there was a substantial detriment to property values if the project goes forward as homes surrounding the hospital have likely been slightly lower for some time because of the hospital use and are not dependent on the current proposals.

Commissioner Miller stated he has struggled with these requests over the last few months but can support the proposals with the stated conditions as they produce the best situation possible. He acknowledged that the past variances granted without conditions have contributed to the current considerations. He felt that variances and site plan as proposed are actually a better solution than what could be happening. Variances often deal with situations where the goal is to allow applicants to use their property while minimizing the impact on surrounding properties. Commissioner Miller noted that having surface parking along Sherman was the best situation given the hospital use and that many challenges remain on this site with or without variances being granted. He supported the setback variance as conditioned above.

Commissioner Duncan also stated she was previously uncertain about approving the requests but has spent several hours reading materials from both hospital and resident representatives. She noted that while it was not an easy decision, she supported the overall proposals because of the improvements that will be made. She suggested continuing discussions on smoking, headlights, traffic, etc. with Blodgett and the neighbors.

Commissioner Hamrick also supported the variances because of the parking improvements that will be made. She noted it was very confusing to drive through the current ramps and agreed changes were needed. She felt

the landscaping and screening had been made better with the resident input and it would be very important to be maintained over time.

Commissioner Walters was not convinced that a practical difficulty existed that required a variance from the residential setback requirements along Sherman for a net gain of 55 parking spaces. He did not feel those spaces met this very high standard. While agreed that this was a special use in this area, he equated the situation to trying to fit a square peg into a round hole. He noted the proposal, including offsite parking, has 162 more spaces than required by ordinances and would still meet those standards even if they lost the 55 spaces and built entirely behind the required setback. He did not feel the variance along Sherman was necessary. Mr. Walters did not feel the proposal would cause a substantial detriment to the surrounding area because of the greenspace along Sherman; however, he would be voting against the setback variance.

Commissioner Favale agreed to support the variance, but felt the headlight screening wall and the ongoing condition of the landscaping may need to be revisited in the future.

Yeas: Duncan, Favale, Hamrick, Miller, Zigel and Seibold – 6  
Nays: Walters – 1

2018-52-B. Zigel-Miller. That the request of Spectrum Health Blodgett Hospital to allow overall lot coverage by buildings and structures of 47.7% instead of the 35% allowed be approved.

Commissioner Walters spoke in favor of this request as there would be a significant practical difficulty in meeting the ordinance requirements with this type of use. In addition, he noted the buildings were inherent to the special use designation as a hospital. He didn't feel the actions of Spectrum Health had created the need for a lot coverage variance and was not a drastic increase over the existing lot coverage or contrary to the spirit of the ordinance.

Commissioners Zigel, Duncan and Favale agreed.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zigel and Seibold – 7  
Nays: -0-

2018-53. Spectrum Health Blodgett Hospital Site Plan Submittal.

2018-53-A. Miller-Zigel. That the site plan submitted by Spectrum Health Blodgett Hospital dated April 13, 2018 be approved with the following conditions:

1. Limit hours and days for construction, as noted in the letter from Spectrum Health;
2. Restrict routes for construction traffic to designated major streets;
3. Require construction workers to park off-site;
4. Require the applicant to provide the name and contact information of an individual to whom complaints can be directed during construction, as noted in the letter from Spectrum Health;
5. Require base-line foundation monitoring of adjacent homes to verify potential construction impacts, as noted in the letter from Spectrum Health;
6. Require that all comments in the City engineering consultant's review letter of April 19 be addressed;
7. Require installation of gas lights and entry signage harmonious with the character of Gaslight Village, as was illustrated in the applicant's presentation;
8. Monitor and maintain the landscaping to ensure healthy conditions; and
9. Require acoustical panels be installed on the back side of the Plymouth Street walls to mitigate the noise from ambulances.

The commission discussed the need for continual monitoring and eventual replacement of landscaping components, but decided against placing additional conditions or restrictions on the site plan over what is addressed in condition #8 above. They reiterated to Blodgett that continual monitoring and replacement of the landscaping components will be expected. City Manager Donovan noted staff would contact Blodgett in the future if issues arise.

Commissioner Miller noted that increasing the height of screening walls may only cause smokers to move out onto the sidewalks and will not solve the issue. Rather than dictating the height of the wall, he challenged Spectrum to continue working to address the smoking concerns and neighbor privacy. Mayor Seibold agreed that those aren't a part of the site plan approval but will be addressed with Spectrum in the future.

Mayor Seibold felt the proposed buildings would look and perform better than what is currently in place and would be more harmonious and have less impact than the large addition constructed in 2008. She felt the improvements would make the neighborhood safer and would benefit patients and visitors. She felt the setbacks, greenery, aesthetics, traffic flow and access will be better.

Commissioner Zagel supported the site plan because it eliminates the Sherman exit and breaks up the height of the parking garages with tiered landscaping and screening walls of varied materials that will better match the neighborhood. Mayor Seibold agreed, giving the example of the high school pool where a very tall brick wall was built directly on the sidewalk versus the proposed parking ramp that will have tiers and landscaping to soften the impact.

Commissioner Miller noted that emergency access and storm water impact were governed by other state and federal regulations and compliance would be required before permits are approved. He noted that he felt the plan as presented would be harmonious with the surrounding area.

Commissioner Walters stated approval should not be given based on what's best for patients or how it looks to surrounding properties, but rather on the four strict criteria in the ordinance. He felt standards A, C and D have been met, but the last standard that requires the design be "harmonious to the greatest extent possible" has not been met. He did not feel the hospital had done the best they could to meet this standard and there may be better options. He didn't feel a 14-22' parking deck so close to the sidewalk was the most harmonious option. He noted parking requirements were more than met and the parking lots could be reduced to meet the setback requirements and make them more harmonious. He stated he could not support the site plan request.

Commissioner Favale stated that at the end of the day, the ramps would be imposing and not harmonious. She also stated the entire approval should not hinge on landscaping to make it acceptable to the neighbors. She felt the proposal could be made better and she could not support this request.

Mayor Seibold felt that even without the trees and landscaping, the new ramps would be more harmonious with better materials than the existing ramp and a lower height than surrounding homes.

Commissioner Zagel noted that the ramps would still be visible in the winter and appreciated the efforts to design structures to make the best of what will be visible.

Commissioner Miller spoke in favor of the parking compromise to utilize offsite spaces and shuttles while providing as many onsite spaces as possible and minimizing street parking issues. He felt it was a more harmonious solution to provide surface parking rather than building taller parking ramps.

Commissioner Duncan stated that while she still had some reservations about project, she would support the site plan based on the conditions put on the approval and urged Spectrum Health to maintain the landscaping to the best condition possible.

Commissioner Hamrick also reiterated the need to monitor and maintain the landscaping. She appreciated the effort Spectrum Health had made to compromise from their first proposal.

Yeas: Duncan, Hamrick, Miller, Zagel and Seibold – 5

Nays: Favale and Walters – 2

2018-55. Duncan-Zagel. To approve the consent agenda as follows:

- 2018-55-A. To approve the minutes of the regular meeting held April 16, 2018.
- 2018-55-B. To approve payroll disbursements of \$220,246.06; county and school disbursements of \$-0-, and total remaining disbursements of \$479,825.94.
- 2018-55-C. Resolution waiving the penalty associated with not filing property transfer affidavits timely as attached in Exhibit "B."
- 2018-55-D. An amendment to the contract with Superior Asphalt not to exceed \$73,895.86 to add Brighton Drive and Rosalind Rd to the grind and resurface improvement work for the upcoming construction season.
- 2018-55-E. The preliminary minutes of the Planning Commission meeting held March 20, 2018.
- 2018-55-F. The preliminary minutes of the Planning Commission meeting held April 24, 2018.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

The work session adjourned at 10:21 p.m., subject to the call of the Mayor until May 21, 2018.

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Karen K. Brower, City Clerk

Attachments: A – Resolution confirming assessment roll for the Durant Street Special Assessment District  
B – Resolution waiving fine for late payment of property transfer affidavits

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 21, 2018**

Mayor Seibold called the meeting to order at 6:00 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 Duncan, Favale, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Assistant City Manager LaFave; Public Safety Director Herald; Parks & Recreation Director Bunn; Finance Director Mushong; Zoning Administrator Mizikar; Human Resources Administrator DaSilva; Account Clerk York; City Clerk Brower; Communications Specialist Greenleaf

- 2018-56. Peter Dimitriou, 2621 Inverness, spoke about climate change issues and asked the city to keep various issues in mind for future generations.
- 2018-57. Commissioner Hamrick invited the public to the master plan open house from 3-5 pm tomorrow to review the draft master plan and give input to the consultants.
- Commissioner Zagel also reminded everyone of the joint Planning Commission / City Commission meeting planned for 5:30 pm tomorrow.
- City Manager Donovan announced the hanging baskets had been installed for the season.
- 2018-58. No public input was received on the draft Master Plan.
- 2018-59. Jennifer Franson from Resurrection Life Church in Wyoming presented an appreciation banner to the Public Safety Department signed by the members of their congregation to thank law enforcement officers for all they do each day to protect citizens.
- 2018-60. Miller-Duncan. To approve the consent agenda as follows:
- 2018-60-A. To approve the minutes of the regular meeting held May 7, 2018.
  - 2018-60-B. To approve payroll disbursements of \$235,247.76; county and school disbursements of \$117.20, and total remaining disbursements of \$570,824.78.
  - 2018-60-C. Quarterly financial reports for the period ended March 31, 2018.
  - 2018-60-D. A resolution approving budget amendments for the quarter ending March 21, 2018 as attached in Exhibit "A."
  - 2018-60-E. A contract with Express Press of Springfield, MO in the amount of \$42,223.19 for t-shirts for recreation programs and events.
  - 2018-60-F. The purchase of 24 pairs of structural firefighting boots from SAMM Fire Equipment in the amount of \$6,840.00.
  - 2018-60-G. The purchase of two thermal imaging monoculars from FLIR Outdoor and Tactical Systems of San Francisco, CA in the amount of \$7,900.00.

2018-60-H. The sale of decommissioned equipment with Orbitbid.com of Byron Center.

2018-60-I. The Public Safety Department quarterly report for the period ended March 31, 2018.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2018-61. Miller-Duncan. Motion to enter into an executive session to discuss an attorney's opinion in accordance with Section 8(h) of the Open Meetings Act. A roll call vote was taken.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2018-62. The meeting recessed at 6:20 p.m. to conduct the Executive Session. The meeting reconvened at 6:54 p.m.

2018-63. Decision on pending legal action.

2018-63-A. Duncan-Favale. To approve a settlement in the amount \$206,592.00 with Davita Health Care Partners, to submit the expense to the City's stop loss carrier for coverage, and approval of attorney's fees at a cost not-to-exceed \$40,000.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

The meeting adjourned at 6:55 p.m., subject to the call of the Mayor until June 4, 2018.

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Karen K. Brower, City Clerk

Attachments: A – Resolution amending the budget for the quarter ending March 31, 2018

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 4, 2018**

Mayor Seibold called the meeting to order at 6:00 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 Duncan, Favale, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Assistant City Manager LaFave; Public Safety Director Herald; Parks & Recreation Director Bunn; Finance Director Mushong; Zoning Administrator Mizikar; City Clerk Brower

2018-64. Winnie Brinks, candidate for 29<sup>th</sup> District State Senate, expressed her interest in hearing about any items of interest to East Grand Rapids officials and residents.

Mike Lewis, 361 Manhattan, spoke against the land division request for 340 Gracewood as he felt there was no way a house could be constructed without disturbing the wetland.

Deanna Eckert, 2827 Reeds Lake Blvd., also spoke against the land division because of the substantial change to the character of the neighborhood, the loss of woods and the increase in drainage issues.

2018-65. Commissioner Miller thanked the Public Safety Department for assisting a resident whose dog fell into an old well last week. He also noted that the city is aware of the development proposal off Griggs south of the city limits and will be updating residents in the area as soon as more information is available.

Commissioner Zagel congratulated City Manager Brian Donovan on his recent retirement announcement and thanked him for his many years of dedicated service to the community. Mr. Zagel also noted that a retirement open house would be held tomorrow for School Superintendent Sara Shubel.

Mayor Seibold announced the city commission would be working to establish a process for the search for a new city manager. She also noted that Brian Donovan would be greatly missed.

2018-66. Permit application for private fireworks show.

Parks & Recreation Director Bunn explained the request for a 7-10 minute private fireworks show over Fisk Lake at approximately 9:45 pm on July 28 for a wedding celebration. He noted that all lakefront residents, Spectrum Health and the Public Safety Department have been notified about the request.

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

- |                              |                                                                                                               |
|------------------------------|---------------------------------------------------------------------------------------------------------------|
| - Martin Stein, 350 Plymouth | Requested approval of the show; noted there would be more than 200 children in attendance.                    |
| - Noelle Stein, 350 Plymouth | Spoke in favor of the fireworks. Felt people could comfort their pets if they know about the show in advance. |

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

- |                                     |           |
|-------------------------------------|-----------|
| - Chad Edwards, 128 El Centro       | Opposed.  |
| - Don & Bunny Johnson, 416 Edgemere | In Favor. |
| - Chris Muller, 1950 Robinson       | In Favor. |

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

- 2018-66-A. Miller-Favale. That a permit application for a fireworks display submitted by Great Lakes Fireworks on behalf of Rachel Smith and Martin Stein of 350 Plymouth Rd. for a show over Fisk Lake on July 28 be approved as requested.

Commissioner Miller noted that a past request had been denied because of the short notice given, but felt there was sufficient time to process this request and notify the residents. He suggested developing a policy for future requests.

Commissioner Zagel and Mayor Seibold noted that this request was for a Saturday night during the summer and would have less impact than during the school year.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

- 2018-67. A zoning variance hearing was held regarding the request of Kyle & Heidi Norcutt of 1930 Lake Drive to allow the construction of a detached accessory structure with a total size of 1,214 square feet instead of the 720 square feet allowed and to allow the structure to be located in the front yard instead of the side/rear yard as required.

Zoning Administrator Mizikar explained the request to construct a garage/storage/pool equipment building partially in the area defined as the front yard. He reviewed the standards in the ordinance and noted the building will line up well with the homes and structures on this side of the street.

Robert Sears, architect and next door neighbor at 1916 Lake Drive, noted the building would be behind the front yard setback line and wouldn't need a variance if it was attached to the house. He stated there was a discrepancy with the city's records that stated the lot was over one acre, when in fact it was just under an acre, limiting the square footage of the building that could be constructed.

Kyle Norcutt, 1930 Lake Drive, stated he purchased the lot thinking it was over an acre and that he could build this structure eventually. He noted he is still working on the landscaping plans that will shield the pool and building from the neighbors behind the property.

Mayor Seibold opened a public hearing. No other public comment was received. The following communications were received at City Hall concerning this variance request:

- Rob & Julie Sears, 1916 Lake Drive	In Favor
- Nyal Deems, 701 Laurel Circle	No objection; questions about landscaping
- Tim Jacobson, 651 Laurel Circle	In Favor
- Rob & Monica Jandernoa, 702 Laurel Circle	In Favor
- John McCulloch, 1874 Lake Drive	In Favor.
- Dirk & Kerry VerMeulen, 681 Laurel Circle	In Favor

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

- 2018-67-A. Walters-Favale. That the request of Kyle & Heidi Norcutt of 1930 Lake Drive to allow the construction of a detached accessory structure with a total size of 1,214 square feet instead of the 720 square feet allowed as required be approved.

Commissioner Walters stated he was reluctant to approve this at first, but was willing to approve because of the error in the city's records that was not the applicant's fault. He didn't feel the building would be a detriment to the surrounding houses.

Commissioner Hamrick agreed it should be granted because of the error in the records.

Mayor Seibold asked which records were inaccurate. Finance Director Mushong explained the city's assessing records often use lot size calculations that were produced before electronic surveying and therefore some of the records are slightly above or below the actual size. She stated they are aware of the issue and are beginning to check lots with the county and GIS systems that are more accurate. Ms. Mushong noted that there is a disclaimer on the city's assessing records stating that the records are not guaranteed to be accurate and property owners should have their own surveys completed for accuracy purposes.

Mayor Seibold expressed concern about the size of the proposed structure as it is the size of an additional house on this lot. She felt that since there was already a garage attached to the home, this new structure could be built smaller to be in compliance with the zoning ordinance.

Yeas: Favale, Hamrick, Walters and Zagel – 4  
Nays: Duncan, Miller and Seibold – 3

2018-67-B. Miller-Hamrick. That the request of Kyle & Heidi Norcutt of 1930 Lake Drive to allow the construction of a detached accessory structure in the front yard instead of the side/rear yard as required be approved.

Commissioner Miller noted that the angle of the road did not match the setbacks of the homes on either side of the applicant's property, making this a bit of a unique situation for the placement of an accessory building. Due to the shape of the lot and the surrounding structures, he did not object to the proposed location.

Mayor Seibold noted that it was a zoning definition that made this in the front yard, but everyone else would look at this and think it was in the side yard.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-68. Request to approve the division of land at 340 Gracewood.

2018-68-A. Duncan-Zagel. Motion to take the following motion from the table for consideration.

2018-44-A. Zagel-Hamrick. *That the request of Gregory and Kristi Artz, owners of 340 Gracewood, to divide the property into two conforming parcels with the northern parcel containing the existing home measuring 125' wide by 144' long containing 18,072 square feet of property, and creating a new southern parcel of undeveloped land with a width of 174.25,' a northern side length of 144' a southern side length of 158.5' and approximately 23,636 square feet be approved, with the following conditions:*

1. *The split complies with the surveys and legal descriptions 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.*

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

Zoning Administrator Mizikar reported the Michigan Department of Environmental Quality (MDEQ) has issued a report stating that no special permit would be required as the proposed home would not be built within the wetland area. Mr. Mizikar noted there will be further review of the specific construction plans during the building permit process and the site would be monitored for compliance with all regulations.

Commissioner Miller questioned how close a structure could be built to the wetland. Mr. Mizikar stated that East Grand Rapids does not have a local ordinance establishing a setback from a wetland. Assistant City Manager LaFave noted that the building envelope shown on the plans is for reference only and that specific home construction plans have not yet been submitted showing the specific location of any structure or driveway; however, this will all be reviewed again during the building permit process.

Commissioner Walters noted that the MDEQ has jurisdiction within the wetland only and that East Grand Rapids can control what happens outside the wetland. Mr. Walters reported that other municipalities have local ordinances requiring a 10'-25' setback from the edge of a wetland. He stated he would like to see a condition added to the land division approval requiring a 10' setback from the edge of the wetland.

- 2018-68-B. Walters-Hamrick. Motion to amend 2018-44-A. to add an additional condition to the land division approval stating that no structure or non-permeable surface can be constructed within 10' of the wetland delineation line shown on the King & MacGregor report submitted May 24, 2018.

City Manager Donovan noted that East Grand Rapids had proposed a similar shoreline setback and buffer ordinance several years ago, but did not ultimately adopt the regulations because of strong public objection. Commissioner Walters agreed that a permanent ordinance should go through a public input process with research from other communities. He also noted that the new master plan contains language about preserving natural features. He stated he was open to discussion on the exact setback amount, but felt that some type of setback should be required in this case and the ordinance allowed reasonable conditions to be placed on land divisions.

Commissioner Zagel expressed concern about changing the rules or conditions after the applicant has made the application and submitted all of the materials. City Attorney Huff stated that if the commission wishes to establish a wetland setback, the appropriate way to make this change would be through an ordinance change rather than doing it on an individual basis.

Commissioner Hamrick questioned what a reasonable condition would be if not this type of restriction. She noted the neighbors have spoken in favor of keeping the building away from the wetland.

City Manager Donovan noted that the city staff reviews every building project for storm water management and wetland protection issues. These are all handled the same way using engineering standards and MDEQ regulations without involving the commission because there are policies and procedures on how to handle them. The only reason the city commission is seeing this request is because of the land division request—normally all of this type of work would be handled by staff according to MDEQ regulations.

Commissioner Zagel reported the public opposition to additional regulations was very clear when discussed a few years ago.

Mayor Seibold read from the MDEQ letter with the protection language and the steps that would have to be taken to avoid and preserve the wetlands. She noted this was very specific language, but definitely allowed development outside the delineated wetland boundary.

Commissioner Walters reiterated that the City can decide what happens outside the wetland. He pointed to the ordinance that says conditions can be imposed on land divisions and specifically mentions wetlands as a point to consider. He stated he is proposing a 10' setback because that is the normal side yard setback from property lines to avoid infringement on a neighboring use.

Commissioner Miller questioned why the original proposal did not list this area as a wetland if the MDEQ now says it is. He was also skeptical of whether the site could be excavated and a home constructed without somehow impacting the wetland. He was not satisfied that the ordinance condition on negative impact to a wetland was met with this proposal. Assistant City Manager LaFave stated that the MDEQ maps show known wetlands, but may not show every area where water collects or flows. Staff checked the maps before this proposal was submitted to the commission and this area was not listed at that time. He noted it is common practice to perform an initial review when inquiries or purchases are made and then a more detailed review is completed when building permits are submitted showing the scope of a project with exact measurements.

Mayor Seibold spoke against imposing rules on this lot split and home that have not been imposed on others.

Commissioner Duncan stated that while she was not always in favor of changing the rules, she had to listen to the residents who were speaking out in favor of protecting the wetlands. She felt that times and opinions change and the issue of a wetland setback should be revisited as a public process soon.

Vote on 2018-68-B-A:

Yeas: Hamrick and Walters – 2  
Nays: Duncan, Favale, Miller, Zagel and Seibold – 5

Commissioner Walters again expressed concern about meeting condition 3(c) of the lot split ordinance since it specifically mentions not disturbing wetlands.

Commissioner Miller was also uncertain on whether the wetland standard had been met with this proposal. He likened this discussion to the through-lot issue a couple of years ago where it was not an ideal situation but there were not detailed regulations in place to prevent it.

Mayor Seibold favored letting the experts on the staff and with the MDEQ make these types of decisions with regard to wetland regulations and oversight of construction projects. City Manager Donovan agreed that there is a detailed process in place for a stringent review during the building permit and inspection process and that the builder would have to comply with all applicable regulations or risk fines and penalties.

Commissioner Walters asked why the lot split ordinance contained the standard mentioning wetlands if the commission was not going to use it. He felt the commission should consider the issue and deny the lot split if it was felt the proposal did not meet the standard. Commissioner Duncan agreed that the commission was charged with reviewing this standard by its inclusion in the ordinance.

Assistant City Manager LaFave restated that all building plans would be reviewed by staff when submitted and would have to conform to not only building codes but water management, drainage, wetland and any other regulations that apply.

Commissioner Zagel spoke in favor of the land division request because both resulting lots confirm and some type of building envelope exists on the new lot. He noted that people may not like the result of the MDEQ report, but we have to trust that the process will work as intended.

Vote on 2018-44-A.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-69. Resolution adopting updated Master Plan.

Mayor Seibold noted the map on page 24 is correct and matches what the Planning Commission adopted on at the May 22 meeting. Some of the smaller maps will need to be corrected to match this map.

Commissioner Zagel also noted the reference to the Gaslight Village Business Association should be corrected in the two action tables at the end.

2018-69-A. Miller-Walters. That a resolution adopting the 2018 East Grand Rapids Master Plan be adopted as attached in Exhibit "A" with the corrections noted above.

Mayor Seibold thanked the members of the Planning Commission, City Commission and all of the city staff and residents who have spent so much time on this master plan over the last several months.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-70. A public hearing was held pertaining to the General Fund budget and the property tax levy for Fiscal Year 2018-19. No public comment was received. Mayor Seibold closed the public hearing.

2018-71. A public hearing was held on the special assessment roll of delinquent accounts for placement on the July 1, 2018 tax roll. No public comment was received. Mayor Seibold closed the public hearing.

2018-71-A. Walters-Favale. That the special assessment roll of delinquent accounts totaling \$46,456.09 be certified and placed on the July 1, 2018 tax roll.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-72. Duncan-Hamrick. To approve the consent agenda as follows:

2018-72-A. To approve the minutes of the regular meeting held May 22, 2018.

2018-72-B. To approve payroll disbursements of \$228,420.99; county and school disbursements of \$-0-, and total remaining disbursements of \$176,324.22.

2018-72-C. A contract with American Legal Publishing in the amount of \$15,000 for the recodification of the city code.

2018-72-D. A license agreement with Kent County Dispatch Authority in the amount of \$1 per year for 30 years to locate antenna equipment on the city water tower as attached in Exhibit "B."

2018-72-E. An amendment to the letter of understanding with the City of Wyoming regarding health insurance benefits for a former city employee as attached in Exhibit "C."

2018-72-F. The Joint Facilities Budget for FY 2018-19 as recommended by the Joint Facilities Committee.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-73. Miller-Zagel. Motion to enter into an executive session following the special meeting to discuss an attorney's opinion in accordance with Section 8(h) of the Open Meetings Act. A roll call vote was taken.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

The meeting adjourned at 7:47 p.m., subject to the call of the Mayor until June 18, 2018.

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Karen K. Brower, City Clerk

Attachments: A – Resolution adopting updated master plan  
B – Water tower lease agreement  
C – Letter of Understanding with City of Wyoming

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

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Special Meeting Held June 4, 2018**

Mayor Seibold called the meeting to order at 7:48 p.m. in the City Commission Chambers at the East Grand Rapids Community Center.

Present: Commissioners Duncan, Favale, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Assistant City Manager LaFave; Public Safety Director Herald; Parks & Recreation Director Bunn; Finance Director Mushong; Zoning Administrator Mizikar; City Clerk Brower

2018-74. Consider request to adopt a resolution adopting the FY 2018-19 budget and setting a millage rate for FY 2018-19.

2018-74-A. Zagel-Duncan. That a resolution adopting the FY 2018-19 budget and setting the millage rate for FY 2018-19 be adopted as attached in Exhibit "A."

Commissioner Zagel noted the millage rate had been reduced from last year due to Proposal A and the Headlee amendment requirement.

Yeas: Dills, Duncan, Hamrick, Miller, Schad, Zagel and Seibold – 7

Nays: -0-

Mayor Seibold thanked everyone involved in the preparation and review of the annual budget.

2018-75. Consider request to adopt a resolution establishing water/sewer rates for FY 2018-19.

2018-75-A. Zagel-Miller. That a resolution setting water/sewer rates for the upcoming fiscal year be adopted as attached in Exhibit "B."

Yeas: Dills, Duncan, Hamrick, Miller, Schad, Zagel and Seibold – 7

Nays: -0-

The meeting adjourned at 7:50 p.m., subject to the call of the Mayor until June 18, 2018.

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Karen K. Brower, City Clerk

Attachments: A – Budget adoption resolution  
B – Water/Sewer rate resolution

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 18, 2018**

Mayor Seibold called the meeting to order at 6:00 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 Favale, Hamrick, Zagel and Mayor Seibold

Absent: Commissioners Duncan, Miller and Walters

Also Present: City Attorney Huff; City Manager Donovan; Assistant City Manager LaFave; Finance Director Mushong; City Clerk Brower

2018-76. No public comment was received.

2018-77. No commissioner reports were received.

2018-78. Hamrick-Favale. To approve the consent agenda as follows:

2018-78-A. To approve the minutes of the regular and special meetings held June 4, 2018.

2018-78-B. To approve payroll disbursements of \$223,333.33; county and school disbursements of \$608.18, and total remaining disbursements of \$214,125.24.

2018-78-C. A resolution amending the budget for the quarter ending June 30, 2018 as attached in Exhibit "A."

Yeas: Favale, Hamrick, Zagel and Seibold – 4

Nays: -0-

The meeting adjourned at 6:02 p.m., subject to the call of the Mayor until July 2, 2018.

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Karen K. Brower, City Clerk

Attachments: A – Resolution amending the budget for the quarter ending June 30

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 2, 2018**

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 Duncan, Favale, Miller, Walters, Zigel and Mayor Seibold

Absent: Commissioner Hamrick

Also Present: City Attorney Huff; Assistant City Manager LaFave; Zoning Administrator Mizikar; Communications Specialist Greenleaf; City Clerk Brower

2018-79. No public comment was received.

2018-80. Commissioner Walters reminded everyone of the 4<sup>th</sup> of July activities taking place on Wednesday, including the annual Trail Blazer 5K walk/run which begins at 8:30 am as a fundraiser for the Community Foundation. He noted additional volunteers were needed if anyone was able to work for a few hours.

Commissioners Miller and Favale looked forward to all of the events on the 4<sup>th</sup> of July as well.

Commissioner Zigel announced Clean Juice will open in Gaslight Village later this month.

Mayor Seibold also invited everyone to all the wonderful events planned for July 4.

2018-81. Election of President for FY 2018-19.

2018-81-A. Zigel-Duncan. That Commissioner Miller be elected President of the East Grand Rapids City Commission to assume leadership duties in the absence of the Mayor for FY 2018-19.

Yeas: Duncan, Favale, Miller, Walters, Zigel and Seibold – 6

Nays: -0-

2018-82. A zoning variance hearing was held regarding the request of Rusty Ross of 750 San Jose to allow the construction of an addition to the home with a side yard setback of 3.6' instead of the required 7.0' and a combined side yard setback of 12.7' instead of the required 18.0.'

Zoning Administrator Mizikar noted it was his understanding this request had been withdrawn by the applicant. No one was present to speak about this request, so it was removed from the agenda.

2018-83. A zoning variance hearing was held regarding the request of Joseph Gavin of 2510 Lake Drive to allow the construction of a detached garage with a side yard setback of 1.4' instead of the required 3.0.'

Zoning Administrator Mizikar explained the request to tear down the existing garage and build a wider and deeper garage. He noted there did not appear to be any special conditions or circumstances peculiar to this property and that the new garage would not be a substantial detriment to surrounding properties.

Joseph Gavin, 2510 Lake Drive, explained the request and noted the structure would be too close to the property line due to the angle of the lot line.

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

- 2018-83-A. Miller-Favale. That the request of Joseph Gavin of 2510 Lake Drive to allow the construction of a detached garage with a side yard setback of 1.4' instead of the required 3.0' be approved.

Commissioner Walters stated that he understood why the applicant wished to build a larger garage and did not see it as a substantial detriment to the neighboring property; however, he noted there was currently a two-stall garage on this property so it could obviously be done within the ordinance without requiring a variance. Mr. Walters noted that since he did not feel the standard requiring special conditions were met, he would not be voting in favor of the variance.

Commissioner Miller agreed, stating he believed there were alternatives that would not need a variance. He was also concerned about the proximity to the property line and the neighbor's garage.

Commissioner Duncan also felt the garage could be smaller or located differently to avoid needing a variance.

Mayor Seibold noted the request could be tabled to allow Mr. Gavin's builder to attend the meeting to address the specifics of why the garage could not be built without a variance.

- 2018-83-B. Walters-Miller. That the request of Joseph Gavin of 2510 Lake Drive to allow the construction of a detached garage with a side yard setback of 1.4' instead of the required 3.0' be tabled to allow the applicant time to consult with his contractor.

Yeas: Duncan, Favale, Miller, Walters, Zagel and Seibold – 6  
Nays: -0-

- 2018-84. Resolution regarding Right-of-Way permit on Oxford Road for the proposed 2200 Griggs Street Development.

Assistant City Manager LaFave explained the city had received preliminary plans for a multi-family housing development south of the city limits in Grand Rapids that proposed access through Oxford Street in East Grand Rapids. While formal plans have not yet been submitted to the City of Grand Rapids or the Michigan Department of Environmental Quality, EGR staff had commissioned a review of the developer's traffic study by an independent consultant. While only the Oxford access was included in the traffic study, EGR's consultant concluded there was no constraint to accessing the proposed development from Griggs Street within Grand Rapids. Mr. LaFave noted the city attorney had prepared a resolution for consideration outlining reasons the city would not approve a right of way access permit through Oxford Road based on the current development proposal. Mr. LaFave noted that East Grand Rapids has authority over the right of way access permit, but does not have authority over the MDEQ process or approval or over the site plan review process that will be undertaken by the City of Grand Rapids.

City Attorney Huff noted the City Commission would not normally be considering an access permit until an application is formally submitted, but due to the strong concerns from the residents of the area, staff placed the item on this agenda to seek input on the traffic impact of the proposed development.

Assistant City Manager LaFave reiterated that East Grand Rapids doesn't have authority over the site plan process or the wetlands mitigation proposal, but can give input to the City of Grand Rapids on the traffic impact of the development as it is currently proposed. The proposed resolution is only an advisory step and East Grand Rapids may have to formally consider this access request at a later date if the developer submits a formal proposal.

Ron Redick of Mika Meyers, representing Oxford Hamlet, LLC, requested that the City Commission table the proposed resolution in order to research the various issues raised in his letter earlier in the day. He noted it was very unusual for a commission to act in an advisory capacity, especially since there was no specific proposal pending. He quoted from the traffic study and the city's traffic consultant to argue the traffic impact will be the same no matter where access is placed. He showed a copy of the original plat map and noted that access to a public street should be available to all, not just residents of East Grand Rapids. Mr. Redick indicated the developer would pursue the matter in court if necessary.

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

- Frank Spies, 2122 Tenway Requested the city commission adopt the resolution as proposed due to the traffic impact on already congested streets in the area. Noted on-street parking, the nearby school and heavy volume on Breton Road already impact traffic in their neighborhood. Submitted petition from property owners.
- Gary Barnes, 1720 Oxford Agreed it is already difficult to access Breton at some times and this dense development would make it worse.
- Jeff Lloyd, 1779 Breton Any additional traffic will make accessing Breton worse. Felt it was already a problem area and residents often circle the block to avoid turning left off Englewood onto Breton.
- John Corbett, 1630 Oxford Stated 425 trips per day from the new development will be a significant change for this area. Asked that other access points be explored.
- Kevin Hagler, 1771 Warwick Asked how the development would be serviced by police and fire for emergencies. Felt it would be easier if accessed from Grand Rapids streets.
- Cathy Cohen, 1750 Whitfield Noted that the wear and tear on East streets from the vehicles should not be paid by East. Noted there have been repeated traffic issues in the past in this area and more vehicles would make it worse.
- Bill Andrus, 1779 Asbury Disputed the “insignificant impact” conclusion. Objected to the traffic, maintenance and wetlands impact of the development.
- William Johnson, 1770 Oxford Felt Oxford would be overwhelmed with cars. Asked to see the materials submitted by Mika Meyers.
- Sara Forist, 2050 Tenway Noted the impact on Tenway Street was not studied; would be significant for this quiet street. Felt there was no benefit to East Grand Rapids.
- Courtney Moskal, 2041 Tenway Stated this was a quiet neighborhood sometimes forgotten because of the dead-end streets. Wanted to keep the area as it is now.
- Jenna Ludeman, 2258 Englewood Requested the city reject the access request. Stated the city advertises safe neighborhoods, but additional traffic will impact safety. This will also impact the infrastructure.
- Ray Fisher, 2108 Tenway Stated traffic from 55 units will adversely impact the entire neighborhood.
- Eric Gollanek, 2354 Englewood Noted that original plat maps show low-density single family homes on large lots, not high-density housing. Adding 420 trips per day is definitely significant.
- David Neuhaus, 1771 Whitfield Noted many streets were not included in the traffic study and disagreed with the conclusion that there aren't backups with the current situation. Liked the resolution because it sends a message to the developer to look at all options.
- Sean Corcorran, 2225 Englewood Stated parking on the street often creates bottlenecks and backups on area streets and would be worse with additional vehicles.
- Randy Flood, 1764 Whitfield Turning left onto Breton is already tricky and time consuming. Crossing on foot is often impossible. Felt safety was the main concern if more traffic is added.
- Melissa Conway, 1700 Laurel Noted traffic to and from Breton Downs school at certain times of the day was very heavy and was her biggest concern with children walking to school. Requested that all other access points be studied.

- Matt Ludeman, 2258 Englewood Stated there was already a lot of traffic in the area and some narrow points make it worse. Supported adopting the resolution to send input that this was not the right proposal.
- Jenny Moo, 2144 Tenway Englewood and Breton are already very busy with few stop signs to slow traffic. Already dangerous for kids in the area.
- Kris Andrus, 1779 Asbury High-density housing is not suited for this area, especially with the extraordinary increase in traffic.
- Tom Hesselschwerdt, 2136 Tenway Noted that emergency vehicles, snowplows and garbage trucks will all have to travel through their neighborhoods. Felt access off Breton or Griggs would make more sense.

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

- |                                                         |                                              |
|---------------------------------------------------------|----------------------------------------------|
| Kari Wilson, 1771 Asbury                                | Opposed to development.                      |
| Michael & Mary Cook, 2342 Elliott                       | Opposed to development.                      |
| Bill & Kris Andrus, 1779 Asbury                         | Opposed to development.                      |
| Marshall Battani, 1771 Asbury                           | Opposed to development.                      |
| J.D. Collins                                            | Opposed to development.                      |
| Gary Barnes, 1720 Oxford                                | Opposed to development.                      |
| Allison Hutt, 2330 Argentina                            | Opposed to development.                      |
| Jenna Ludeman 2258 Englewood                            | Opposed to development.                      |
| Jennifer Moo, 2144 Tenway                               | Opposed to development.                      |
| Ken Kranz, 2150 Tenway                                  | Opposed to development.                      |
| Nicholas Kurpansky, 2450 Maplewood                      | Opposed to development.                      |
| Janet Cocciarelli, Elliott Street                       | Opposed to development.                      |
| Patricia Beck                                           | Opposed to development.                      |
| Sue Keil, Amberley Ct                                   | Opposed to development.                      |
| George McBane, 1750 Asbury                              | Opposed to development.                      |
| Susanne Buchau, 1750 Asbury                             | Opposed to development.                      |
| Patrick Gerkin, 2341 Englewood                          | Opposed to development.                      |
| Kathy & Matthew MacGregor, 2222 Englewood / 1748 Oxford | Opposed to development.                      |
| Anne Fox, 1775 Warwick                                  | Opposed to development.                      |
| Elizabeth Woods, 1770 Warwick                           | Opposed to development.                      |
| Jordan Powers, 2326 Englewood                           | Opposed to development.                      |
| Elizabeth Christopherson, 1622 Amberley                 | Opposed to development.                      |
| Natalie Owen, owner of 1740 Vesta                       | Opposed to development.                      |
| Patrick Coulston, 2350 Englewood                        | Opposed to development.                      |
| Wyatt Martin, Greenridge Realty                         | Opposed to development.                      |
| Julie & George Payne, 1754 Oxford                       | Opposed to development.                      |
| Adam Ophoff, 2115 Tenway                                | Opposed to development.                      |
| Ronald Redick, Mika Meyers                              | Raised legal questions.                      |
| Commissioner Hamrick, 2nd Ward                          | Felt traffic should be placed on GR streets. |
| Petition submitted by Frank Spies                       | 156 signatures opposing development          |

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

- 2018-84-A. Duncan-Zagel. That a resolution 1) agreeing with the findings of the City’s traffic engineer regarding the location of the ingress and egress to the proposed development, and 2) stating the City of East Grand Rapids would not approve a right of way permit from the developer of the proposed 2200 Griggs Street Development allowing access to Oxford Road in the City of East Grand Rapids if such request was based on the current development proposal, be adopted as attached in Exhibit “A.”

Commissioner Duncan stated that the resolution will convey the concerns of the East Grand Rapids residents and officials to the City of Grand Rapids as they work through any request submitted for this development. She felt that there is already a lot of vehicle and pedestrian traffic in this area and adding a high-density development would not be compatible with the congested situation, especially if there are other options

available. She requested that the developer provide additional information on different access points and the traffic impact on additional streets in the area as has been requested by EGR staff on several occasions. She read an email from Commissioner Hamrick stating that she felt that traffic generated by the development should be placed on Grand Rapids streets.

Commissioner Zagel noted the new Master Plan calls for multi-family development near Gaslight Village, but not in neighborhoods made up of only single-family homes. He agreed that the traffic study is incomplete and should be updated to show alternate access points and the traffic impact on additional surrounding streets.

Commissioner Miller noted the City has a responsibility to review traffic proposals that will impact its residents. He stated there are many instances where access has been shared with Grand Rapids where the residential styles have matched the existing homes. He felt that adding a high-density development in this area of existing single-family homes will be difficult. Mr. Miller disagreed with the traffic study's conclusion that Oxford will see an insignificant impact from a development that will add 55 homes to a street with only 6 homes currently. He felt the resolution accurately conveys the concerns and encourages everyone involved to find a better solution. He noted he fully supports multi-family housing in areas with the correct infrastructure and traffic capacity, but did not feel that it would fit in this particular neighborhood.

Commissioner Walters agreed with the concerns noted above and stated this proposal would have major traffic implications for residents. He also noted it would more difficult for emergency vehicles and maintenance operations to access this area efficiently. Mr. Walters stated that while an unusual step, he supported the resolution as a way to communicate our concerns to everyone involved in the project.

Commissioner Favale also supported the resolution and asked for a more complete traffic study. She felt any development on this property should impact Grand Rapids and East Grand Rapids equally.

Mayor Seibold also supported the resolution as a way to advise Grand Rapids of the concerns of the city officials and residents as they move through the process. She felt any increase in traffic will affect every street in this area. She felt it was very unusual to propose a large, dense development in one city with the only access through another city. She has not seen any documentation on why this is the only or the best option. Mayor Seibold noted that adding additional traffic on Breton is also a concern. She encouraged the developer to take the time to look at all of the options and the input given by residents and staff.

Yeas: Duncan, Favale, Miller, Walters, Zagel and Seibold – 6  
Nays: -0-

2018-85. Request for placement of temporary “No Parking” signs on Manhattan Road.

Assistant City Manager LaFave explained that residents have requested temporary parking restricts due to a large construction project on their streets.

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

- Carla Boyd, 645 Manhattan Rd	Requested assistance with on street parking due to three large construction projects on their street starting this year that create pinch points, blocked driveways and traffic bottlenecks. Noted the construction will likely last longer than November.
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2018-85-A. Walters-Miller. That the request to place temporary “No Parking” signs on the north and west side of Manhattan Road south of Pioneer Club through November 16, 2018 be approved as requested.

Commissioner Miller thanked the neighbors for organizing this request and working with the city to solve the issue. He stated he would be willing to consider an extension of the no parking signs in November if needed.

Yeas: Duncan, Favale, Miller, Walters, Zagel and Seibold – 6  
Nays: -0-

2018-86. Zagel-Favale. To approve the consent agenda as follows:

2018-86-A. To approve the minutes of the regular meeting held June 18, 2018.

2018-86-B. To approve payroll disbursements of \$221,009.39; county and school disbursements of \$-0-, and total remaining disbursements of \$529,566.03.

2018-86-C. Advisory board appointments as follows:

<b>Planning Commission</b>	John Arendshorst, 2056 Wilshire Michael Naltner, 1661 Fisk	Three-year terms ending 6/30/21
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<b>Parks &amp; Recreation Comm.</b>	Nicholas Abraham, 1108 Lakeside Brad Andrzejewski, 3105 Bonnell Carol Campbell, 2109 Elmwood Elizabeth Mitchell, 1146 San Jose Aaron Smith, 1645 Laurel Richard Sprague, Jr., 2332 Burchard Adam Rogalski, 933Lakeside	One-year terms ending 6/30/19
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<b>Library Commission</b>	Micki Benz, 817 Gladstone Betsy Brown, 1410 Sherwood Carol Donovan, 2944 Hall Judy Freeman, 425 Cambridge Charles Myers, 1050 Monterey Christopher Smith, 461 Lakeside	One-year terms ending 6/30/19
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<b>Board of Review</b>	Paul Howland, 2809 Woodcliff Circle Andrea Borden, 1445 Breton	Two-year terms ending 6/30/20
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Yeas: Duncan, Favale, Miller, Walters, Zagel and Seibold – 6

Nays: -0-

The meeting adjourned at 7:48 p.m., subject to the call of the Mayor until July 16, 2018.

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Karen K. Brower, City Clerk

Attachments: A – Resolution regarding the 2200 Griggs Street development

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 16, 2018**

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 Duncan, Favale, Miller, Walters, Zagel and Mayor Seibold

Absent: Commissioner Hamrick

Also Present: Assistant City Attorney Tobias; Assistant City Manager LaFave; Finance Director Mushong; Public Safety Director Herald; Parks & Recreation Director Bunn; Zoning Administrator Mizikar; City Clerk Brower

2018-87. No public comment was received.

2018-88. Commissioner Zagel announced that Clean Juice will be holding a grand opening celebration on Saturday, July 21 at their new location in Gaslight Village and invited everyone to check out this new business.

Commissioners Duncan, Miller and Walters thanked all the staff members who worked on the 4<sup>th</sup> of July events for making it such a great community celebration from start to finish.

Mayor Seibold also thanked all those who worked on the July 4<sup>th</sup> events, especially the Public Safety Department for working at various traffic posts throughout the day in 90+ degree heat. She took a moment to remember Public Safety Officer Bruce VanPopering who was hit by a drunk driver while directing traffic after the fireworks in 1994 and died from his injuries several days later.

2018-89. Mayor Seibold removed the zoning variance request of Todd & Melissa Hart of 2525 Oakwood to allow the construction of a fence in the street side yard from the agenda until a subcommittee could review the fence ordinance and determine if any changes or clarifications were needed in the ordinance.

2018-90. Request for placement of temporary "No Parking" signs on Gladstone Avenue.

Assistant City Manager LaFave explained that Gladstone was a very narrow street and plow trucks often have trouble navigating the street in the winter when snowbanks further narrow the width of the road. He noted that firetrucks and ambulances may also have difficulty accessing certain sections of this road if cars are parked on both sides of the street. After surveying the neighbors about various options, staff is recommending that "no parking" signs be placed along the east side of Gladstone between Robinson and Wealthy to ensure traffic flow and access by service vehicles.

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

- John Kilbourne, 261 Gladstone

Noted that Aquinas students are the main concern and preferred the seasonal restrictions during the school year as a better option.

- Joel Allchin, 311 Gladstone

Stated Aquinas students, multi-family housing on the street and vehicles from homes on Wealthy all contribute to the issue. Asked the city implement a permit parking system or a November-March restriction on parking. Did not favor limiting parking to only one side of the street as this would create speeding issues.

- Denise Symons, 336 Gladstone

Preferred "resident parking only" over the one-side option.

- Thomas Burks, 320 Gladstone

Asked the city to research a permit parking system.

City Manager Donovan reported the city had investigated a permit parking system for this area many years ago, but ultimately decided it would be difficult to oversee and enforce and that there would be too many unintended consequences, such as guest parking, service/delivery vehicles, etc.

Assistant City Manager LaFave noted that a permit parking system would not solve the access issue if cars are still allowed to park on both sides of the street. He also stated the city doesn't currently have the staff to issue passes or to patrol/enforce a permit system.

Commissioner Favale reported she used to live on a street that used permit parking and eventually everyone got used to the system of stickers for the resident vehicles and dash passes for visitors.

- 2018-90-A. Walters-Miller. To place seasonal odd-even parking restrictions to rotate parking between both sides of Gladstone between Robinson and Wealthy during the winter months only.

Commissioner Walters stated this was the least restrictive option to achieve the goal of allowing plow and emergency access since some residents don't want a permanent one-sided parking rule.

Commissioner Miller noted that there would still be an issue with potentially restricted access during the spring, summer and fall each year if two large vehicles are parked across from each other. He did not feel this would be a good option if there was still a potential for access being blocked. Assistant City Manager LaFave confirmed the 26' width of the road does not allow for two 10' travel lanes and two 7' parking lanes recommended by national standards.

Mayor Seibold stated this was her least favorite solution because there are very few odd/even situations in the city and the east side has several fire hydrants that will reduce the parking available on certain days.

Commissioner Zagel did not support this option as he felt it would be confusing and there was less parking on days when the east side was being utilized.

Commissioner Favale favored looking at a parking permit system.

Yeas: Duncan, Walters – 2

Nays: Favale, Miller, Walters, Zagel and Seibold – 4

- 2018-90-B. Zagel-Miller. That "No Parking" signs be placed on the east side of Gladstone between Robinson and Wealthy for a one-year trial period to allow for maintenance and emergency vehicle access.

Commissioner Zagel felt this was the best step to take at this time while continuing to monitor the situation and gather input from residents.

Commissioner Miller supported this option as it would increase access and allow continued feedback during the one year trial to see if changes or other measures are needed.

Yeas: Duncan, Favale, Miller, Walters, Zagel and Seibold – 6

Nays: -0-

- 2018-91. Lee Mueller of Davey Resource Group gave a presentation on the current gypsy moth population and answered questions from the City Commission and residents. He stated there are several concentrations near Coronado and recommended the city monitor the situation during the next several months to determine if action is needed in the early spring next year. He offered to assist with educational materials, communication to residents and monitoring of the egg masses this fall. He recommended several control strategies and suggested extended surveys to see if there were other areas of concern in the area.

City Manager Donovan reported the city sprayed three times in the 1990's as a joint project with surrounding cities to control wider areas of infestation. Mr. Mueller agreed it was most effective in conjunction with other cities and had to be done at a very specific time during the insect's growth. He stated he would do extensive surveying of the egg masses after the leaves fall this autumn and then make a recommendation for next year.

Commissioner Duncan stated spraying was an unappealing option and she preferred to avoid it if possible. Mr. Mueller reported that sticky tape and burlap bands on trees can help as well as power washing to remove the egg masses and placing bird feeders to attract birds that will prey on the moths.

City Manager Donovan stated the city will send periodic updates to residents in the area and will work with Grand Rapids to determine their plans for controlling the outbreak. Mr. Mueller offered his assistance.

Mayor Seibold noted many residents will be opposed to aerial spraying for environmental and health reasons.

The following residents were present to speak about this issue:

- Lynn Clark, 2017 Coronado                      Concerned that if residents take down egg masses, it will skew the survey this fall.
- Mark Hoffman, 2012 Coronado                Stated the situation will continue to get worse and he would not put up with inaction from the city. East has to do something, even without Grand Rapids.
- Eugene Bonofiglio, 2033 Coronado        Asked the city to take action in this neighborhood even if it doesn't affect the entire community. He has spent over \$1,000 on supplies so far and wants the city to do something about the moths next year.
- Ellen Chervney, 2003 Coronado            Stated information sent has been mediocre and not helpful. Her family is allergic to the moths and cannot play outside due to itchy skin and sleep issues. Understands the need for monitoring but feels it is so bad right now that something has to be done. Asked the city to provide funds and supplies to combat the moths now and to spray in the spring.
- Mary Sue Hoefler, 1129 San Jose            Stated the situation is very bad and the city needs to maintain the city-owned trees on the street and by the creek. Requested spraying.

Mayor Seibold thanked everyone for their input and stated the city would monitor the situation this summer and conduct extensive surveying this fall to determine the best course of action for next year.

2018-92. Duncan-Miller. To approve the consent agenda as follows:

- 2018-92-A. To approve the minutes of the regular meeting held July 2, 2018.
- 2018-92-B. To approve payroll disbursements of \$227,103.18; county and school disbursements of \$-0-, and total remaining disbursements of \$394,515.74.
- 2018-92-C. An extension of the contract with Groundhawk Excavating and Landscaping LLC of Lowell in the amount not-to-exceed \$150,000 for sidewalk rehabilitation and replacement work.
- 2018-92-D. The purchase of 25 firefighting helmets from Dinges Fire Company in the amount of \$8,292.50.
- 2018-92-E. The purchase and installation of a chemical controller for Wealthy Pool from Aquatics Source in the amount of \$6,520.00.
- 2018-92-F. The preliminary minutes of the Parks & Recreation Commission meeting held June 11, 2018.

Yeas: Duncan, Favale, Miller, Walters, Zagel and Seibold – 6

Nays: -0-

The meeting adjourned at 7:29 p.m., subject to the call of the Mayor until August 6, 2018.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held August 6, 2018**

Mayor Seibold called the meeting to order at 6:00 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 Favale, Hamrick, Walters and Mayor Seibold

Absent: Commissioners Duncan, Miller and Zagel

Also Present: City Attorney Huff; Assistant City Manager LaFave; Finance Director Mushong; Public Safety Director Herald; Parks & Recreation Director Bunn; Zoning Administrator Mizikar; City Clerk Brower

2018-93. Kris Pachla, 425 Briarwood, complained about the lack of communications to residents for the private fireworks on Saturday evening and about Blodgett employees parking illegally on their street.

2018-94. Commissioner Walters thanked all of the clerk's staff and election workers for all of the work put in to prepare and implement the elections in our city.

Commissioner Hamrick reminded everyone to vote tomorrow.

2018-95. KDL Director Lance Werner, KDL Board Member Penny Weller and EGR Branch Manager Dawn Lewis presented the Kent District Library's 2017 Annual Report.

2018-96. Request to approve the division of land at 2649 Hampshire.

Zoning Administrator Mizikar explained the request to adjust the property line to match the current fencing and landscaping. He stated that both lots will still meet all zoning ordinance standards.

Mayor Seibold opened a public hearing. No public comment or communications were received regarding this request. Mayor Seibold closed the public hearing.

2018-96-A. Walters-Favale. That the request of Richard & Sue Brown of 2657 Hampshire and Susan Roberts of 2649 Hampshire to transfer a 6' strip of property from 2649 Hampshire to 2657 Hampshire be approved, with the following conditions:

3. The split complies with the surveys and legal descriptions presented in the land division application; and
4. The relevant deed(s) or land contract(s) be recorded with the Kent County Registrar of Deeds within 90 days of approval.

Commissioner Walters made sure the applicants were aware of the tax implications of the property transfer.

Commissioner Hamrick noted there was no reason to oppose the request.

Mayor Seibold thanked the residents for working so well together when this issue was noticed and finding an amicable solution.

Yeas: Favale, Hamrick, Walters and Seibold – 4

Nays: -0-

2018-97. Request of Finance Department to pay invoices prior to commission approval.

Finance Director Mushong stated the Finance Department currently processes checks but holds them until after the commission meeting when those disbursements are approved, resulting in several days delay in the payment of invoices. She stated that many municipalities have changed their processes to send the checks immediately and submit the numbers for approval after they've been paid.

Mayor Seibold asked that the city send a letter to our legislators requesting that the antiquated state laws surrounding the payment of invoices be updated to match current practices and technology.

2018-97-A. Walters-Hamrick. Resolution allowing the Finance Department to pay invoices before the approval of the City Commission as attached in Exhibit "B."

Yeas: Favale, Hamrick, Walters and Seibold – 4

Nays: -0-

2018-98. Hamrick-Favale. To approve the consent agenda as follows:

2018-98-A. To approve the minutes of the regular meeting held July 16, 2018.

2018-98-B. To approve payroll disbursements of \$479,859.51; county and school disbursements of \$1,701,486.42, and total remaining disbursements of \$2,397,827.58.

2018-98-C. A resolution updating the street lighting contract with Consumers Energy to reflect a recent streetlight audit and approving the conversion of mercury vapor lights to LED as attached in Exhibit "A."

2018-98-D. The installation of a camera overflow system in the amount of \$19,790.27 from Central Interconnect with using funding from the rebate received from the chiller project.

2018-98-E. The purchase of an irrigation reel for grounds maintenance operations from SiteOne Landscape Supply in the amount of \$6,836.00.

2018-98-F. The appointment of Finance Director Mushong as the officer delegate for the 2018 MERS annual meeting.

Yeas: Favale, Hamrick, Walters and Seibold – 4

Nays: -0-

The meeting adjourned at 6:28 p.m., subject to the call of the Mayor until August 6, 2018.

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Karen K. Brower, City Clerk

Attachments: A – Resolution amending contract with Consumers Energy  
B – Resolution allowing changes to the accounts payable processes

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 20, 2018**

Mayor Seibold called the meeting to order at 6:00 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 Duncan, Favale, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: None

Also Present: City Manager Donovan; City Attorney Huff; Assistant City Manager LaFave; Finance Director Mushong; Public Safety Director Herald; Parks & Recreation Director Bunn; Zoning Administrator Mizikar; City Clerk Brower; Communications Specialist Greenleaf

2018-99. Peter Dimitriou, 2621 Inverness, gave information on a national youth event promoting sustainability and other events in Michigan. He also asked that East Grand Rapids eliminate gas powered vehicles in the 4<sup>th</sup> of July parade.

Heidi Kattula, East Grand Rapids School Superintendent, introduced herself to the city commission and stated her interest in working with the city on a variety of issues.

2018-100. Commissioner Walters reported he had received a call from a resident near the hospital complaining about the early start to the construction on Saturday morning. Mayor Seibold asked that this be relayed to the hospital in the hopes it can be worked out.

Commissioner Miller thanked the Public Safety Department for all the assistance at local schools on the first day of school.

Commissioner Hamrick reminded everyone that there are no left turns allowed from Lake Drive into the middle school.

Commissioner Duncan thanked all staff and contractors who were involved in the Breton Road project.

Commissioner Zagel reported that the Taste of East event last week was very successful with thousands of people in attendance and good weather.

Commissioner Favale agreed the Breton Road project was very well done and much appreciated by all.

2018-101. Miller-Hamrick. Motion to add to the agenda a contract for an executive search for the city manager position. A roll call vote was taken.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2018-102. Communications Specialist Greenleaf presented two pedestrian safety videos that will be used to educate students on safe habits for walking and biking to and from school.

2018-103. Resolution of intent to participate in the Redevelopment Ready Communities program through the Michigan Economic Development Corporation.

Zoning Administrator Mizikar explained the program that assists cities with various factors to prepare for redevelopment projects.

Commissioner Miller questioned whether the city will be required to adopt all of the guidelines mentioned in the materials or whether we would be allowed to choose those that work best for East Grand Rapids. Mr. Mizikar stated it was his understanding that entering the program was non-binding and that the city would have some flexibility on how various recommendations are implemented. Mayor Seibold agreed it would be important to be able to discuss and implement regulations that fit our area.

2018-103-A. Zagel-Walters. That a resolution stating the intent of the City of East Grand Rapids to participate in the Redevelopment Ready Communities program through the Michigan Economic Development Corporation be adopted as attached in Exhibit "A."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-104. Contract for improvements to Durant Street.

Assistant City Manager LaFave reported the bids for the Durant Street improvements had been received and reviewed by staff. While the overall cost is lower, the costs to be assessed to the property owners may end up being slightly higher than originally estimated due to higher asphalt costs. He recommended awarding the contract and then waiting until the final bills are received to make any changes to the assessment roll.

2018-104-A. Walters-Miller. That a contract be awarded to CL Trucking & Excavating LLC of Ionia in the amount of \$174,432.35 plus contingencies and engineering for a total not-to-exceed \$221,657.52 for improvements to Durant Street.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-105. Contract for an executive search to fill the city manager's position.

Mayor Seibold reported that three proposals were received to conduct a search for the next city manager. After interviewing two firms, the subcommittee recommends awarding the contract to the Michigan Municipal League.

2018-105-A. Miller-Duncan. That a contract with the Michigan Municipal League for an executive search to fill the city manager's position in the amount of \$17,000 plus reimbursements and travel costs of up to \$5,000 for a total not-to-exceed \$22,000 be approved.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-106. Duncan-Favale. To approve the consent agenda as follows:

2018-106-A. To approve the minutes of the regular meeting held August 6, 2018.

2018-106-B. To approve payroll disbursements of \$214,215.13; county and school disbursements of \$4,338,240.48, and total remaining disbursements of \$2,347,194.90.

2018-106-C. A contract with MCSA Group, Inc. in the amount of \$14,850.00 plus related expenses for the completion of a Community Park, Recreation, Open Space and Greenway Plan.

2018-106-D. A contract for the replacement of water meters and residential cross connection control programs with HydroCorp of Troy, Michigan in the amount of \$95 per meter with a one-year renewal increase of the CPI or 3%, whichever is less for FY 19-20.

2018-106-E. The purchase of a packer truck body and chassis, claw bucket, salter, wing plow attachment, an enclosed utility trailer and a sewer line rapid assessment tool for the Public Works Department as outlined in the Assistant City Manager memo dated July 26, 2018.

2018-106-F. A Metro Act Right-of-Way Unilateral Permit extension with Michigan Bell Telephone Company d/b/a AT&T for existing/future aerial and buried lines through December 31, 2023 as attached in Exhibit "B."

- 2018-106-G. A contract for water main cured-in-place pipe rehabilitation with Fer-Pal Construction USA LLC of Taylor, Michigan in the amount of \$675,860.00 plus restoration, rental and contingencies for a total project budget of \$833,300.00.
- 2018-106-H. Contracts with Advance Rehabilitation Technology of Bryan, Ohio in the amount of \$19,912.50 for sanitary sewer manhole rehabilitation, and with Havnertech of Troy, Michigan in the amount of \$93,215.00 for storm sewer catch basin rehabilitation.
- 2018-106-I. A contract with EMPCO Inc of Troy, Michigan not-to-exceed \$15,807.00 with a corresponding budget amendment to conduct a sergeant examination process.
- 2018-106-J. The purchase of firefighting helmets from Dinges Fire Company in the amount of \$1,987.30 and from 5 Alarm of Delafield, Wisconsin in the amount of \$5,571.00.
- 2018-106-K. The preliminary minutes of the Planning Commission meeting held May 22, 2018.
- 2018-106-L. The preliminary minutes of the Parks & Recreation Commission meeting held July 9, 2018.
- 2018-106-M. The preliminary minutes of the Planning Commission meeting held June 10, 2018.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

- 2018-107. The City Manager and Department Directors presented a quarterly update on the departmental goals and objectives and answered questions from the City Commission.

The meeting adjourned at 7:10 p.m., subject to the call of the Mayor until August 6, 2018.

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Karen K. Brower, City Clerk

- Attachments:   A – Resolution of intent to participate in the Redevelopment Ready Communities program  
                  B – Resolution Metro Act Right-of-Way Unilateral Permit with AT&T

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 September 4, 2018**

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 Duncan, Favale, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: None

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

2018-108. No public comment was received.

2018-109. Commissioner Miller thanked the Public Safety Department, school staff and parents for a safe start to the school year.

Mayor Seibold noted the pedestrian safety videos have been placed on the city's website and urged parents to watch them with their children to teach safe habits.

2018-110. Introduction of an ordinance amendment to repeal Section 9.63 of Chapter 93 of Title IX of the City Code pertaining to begging and soliciting.

City Attorney Huff explained that a new state law allowing charities to solicit funds in the streets has preempted a section of the city's ordinance. He noted that while the other sections of the ordinance are not in conflict with state law and could remain in place, the commission had directed him to prepare an ordinance repealing all of Section 9.63. Mr. Huff stated that there are other ordinance provisions addressing disturbing the peace and disorderly conduct, in addition to state law provisions that might be used to address issues that arise.

Commissioner Zagel questioned which sections of city ordinance were impacted by the new state law. City Attorney Huff stated that only the paragraph prohibiting solicitation from people in a motor vehicle in traffic on a public street was preempted by state law.

Mayor Seibold asked whether the current ordinance allowed people to solicit in East Grand Rapids. Mr. Huff stated that outside of the few distance or specific prohibitions, it had always been legal to solicit in the city.

Commissioner Zagel questioned whether repealing the ordinance would change the direction of the Public Safety Department. Public Safety Director Herald stated that while the current ordinance was a useful tool, there were other ordinances that could possibly be used if needed.

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

- Jeff Olsen, 1112 Eastwood

Asked what problem the city was trying to solve with the current ordinance.

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

2018-110-A. Walters-Favale. That an ordinance amendment to repeal Section 9.63 of Chapter 93 of Title IX of the City Code pertaining to begging and soliciting be introduced as attached in Exhibit "A."

Mayor Seibold explained the city had enacted the current ordinance in 2014 as several other local cities were adopting ordinances to deal with increasing issues. She noted the East Grand Rapids ordinance did not seek to outlaw soliciting, but rather focused on safety issues for both citizens and those soliciting. A

similar ordinance was upheld in Kentwood. Now that the state law has brought this issue up again, the commission voted to begin the repeal of the entire ordinance, not just the section preempted by state law. Mayor Seibold stressed that the city ordinance was about safety and protecting those that may feel unsafe in certain situations and not about keeping outsiders out of East Grand Rapids or making asking for help illegal. She reiterated the current ordinance only limits certain situations for safety reasons but does not prohibit people asking for help in most places. Mayor Seibold addressed the issue of a “solution in search of a problem” by stating that many of the city’s ordinances have been enacted following minor issues or to prevent issues in the future, such as the anti-discrimination ordinance, the windmill guidelines or the helmet ordinance. She felt it was the city’s job to be proactive and address situations before they become large problems. She cited the recent public outcry about pedestrian safety for the children going to and from school and wondered why it was then alright for those soliciting to step into the street to ask for money. She felt the city should be concerned for the safety of all residents and visitors. She felt the city ordinance should be amended to remove only the paragraph preempted by state law and to leave the remaining safety provisions.

Commissioner Zagel agreed there was not a current widespread problem, but felt there could be a problem in the future and favored giving staff the tools to use if needed. Mr. Zagel stated that Gaslight Village is a safe and thriving business district and every effort should be made to protect those working and shopping in our community.

Commissioner Walters stated he didn’t believe that asking for money was an inherently unsafe activity. He felt laws should focus on people’s conduct and not on the content of the message. Mr. Walters did not think asking for money should be a punishable offense.

Mayor Seibold noted that the City Attorney has given the opinion that the ordinance is constitutional. Commissioner Walters agreed that this has been upheld recently but was still not comfortable with having this in our ordinances.

Commissioner Miller stated that the need to amend the ordinance due to the state law has raised other concerns about the image being projected about being a welcoming community. He felt safety concerns could be addressed using other local ordinances or state laws and that he was comfortable repealing the entire city solicitation ordinance.

Commissioner Duncan noted she voted against this ordinance in 2014 and was in favor of repealing it. She felt there was not a problem in East Grand Rapids and there were other ways to control behavior.

Commissioner Hamrick spoke in favor of repealing the ordinance and stated that any future problems could be addressed quickly if needed.

Commissioner Favale agreed safety was important but didn’t feel asking for money was unsafe. She stated that this was not a problem now, but could be addressed in the future if needed.

Yeas: Duncan, Favale, Hamrick, Miller, Walters – 5  
Nays: Zagel and Seibold – 2

2018-111. Permit application for private fireworks show.

Parks & Recreation Director Bunn explained Calvin College is seeking a permit for a fireworks show on Saturday, Sep 29 as part of their homecoming events. The 15- minute show would begin at 9 pm and contain 700 shells. The college has secured insurance and has done a walk through with the Public Safety Dept. to review the site and make necessary arrangements. Mr. Bunn noted that 480 notices had been sent out about the request and several emails were received in favor and a few opposed to granting the permit.

Mayor Seibold questioned whether the city would be liable if there were any damage from the show. City Attorney Huff stated the city would not be liable since the permit is granted by the State, not the City. He also noted the city would be named as an additional insured on Calvin’s policy for this event.

Mr. Bunn stated the city does not currently have an application process or fee for private fireworks events, but he is currently working on putting this in place for future requests. City Manager Donovan noted the city commission could dictate a radius for notices to be sent. He also noted that the city would use the e-newsletter, social media and the website to notify residents about the show, if approved.

Rick Treur from Calvin College outlined the plans to distribute fliers to the surrounding neighborhoods inviting everyone to participate in the homecoming activities. He stated they looked at the entire campus but felt the proposed area was the safest because of the distance from roads and parking areas. He agreed to assist with publicity for this event so people know what is going on.

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

- |                                |                                                                                                                                               |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| - Kathy DeFouw, 1691 Woodcliff | Opposed due to noise pollution and frightening her dogs. Stated many other people are opposed but did not attend.                             |
| - Ed Whyntott, 1555 Edgewood   | Felt it would be loud and annoying and he would have to leave the area with his dog and cat. Did not feel this was a benefit to the area.     |
| - Kris Pachla, 425 Briarwood   | Thanked the city for taking comments about communicating the information to residents seriously after the last fireworks show over Fisk Lake. |

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

- |                                           |                                   |
|-------------------------------------------|-----------------------------------|
| - Judy Mroz, 1331 Woodshire               | Opposed                           |
| - Dani Clark, 1731 Ridgemoor              | Opposed                           |
| - Mike VanDinther, 1724 Sherwood          | In Favor                          |
| - Nelson Grit                             | In Favor                          |
| - Fred & Jennifer McWain, 1700 Ridgemoor  | In Favor                          |
| - Joanna Meyer                            | In Favor                          |
| - Julie & Chris Marshall, 1215 Woodshire  | Opposed                           |
| - Helen Cannon, 1548 Woodcliff            | Would prefer a different location |
| - Jim Sluiter, 1720 Woodcliff             | Concerned about wind and safety.  |
| - Jodi Overman, 1617 Sherwood             | In Favor.                         |
| - Julie Voskuil, 2660 Oakwood             | In Favor.                         |
| - Dennis & Kathy Sikkema, 3345 Lake Drive | In Favor.                         |
| - Nancy Meyer, 1676 Ridgemoor             | In Favor.                         |
| - John Britton, 2254 Brighton             | In Favor.                         |
| - Mitchell Schroder, 1848 Morningside     | In Favor.                         |
| - Paul Kratochwill, 2011 Argentina        | In Favor.                         |
| - Deirdre Honnor, 2011 Argentina          | In Favor.                         |
| - Rachel Eardley, 1611 Alexander          | In Favor.                         |
| - Jamie VanHekken, 535 Manhattan          | In Favor.                         |
| - Abraham Vogelzang, 1861 Wealthy         | In Favor.                         |
| - Lynn Reilly, 2740 Bonnell               | In Favor.                         |
| - Larry & Jay Jo Louters, 1706 Sherwood   | In Favor.                         |

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

- 2018-111-A. Miller-Walters. That a permit application for a fireworks display submitted by Melrose Pyrotechnics, Inc. on behalf of Calvin College for a show over Calvin College on September 29 be approved with the condition that notices be sent out or delivered to a wider radius at Calvin's expense and that every effort be made to inform people about the fireworks.

Commissioner Miller felt that adequate notice could mitigate the annoyance for those who don't like fireworks while allowing others to enjoy the festivities.

Commissioner Duncan stated she would not support this request because there are those who don't like fireworks.

Commissioner Walters asked that a policy be put in place soon to manage expectations and timelines. He stated he would vote in favor because it was a modest show at a reasonable hour.

Commissioner Hamrick noted the city has set a precedent by approving other shows and she would reluctantly support this request. She did not favor approving these types of requests because they bother some people.

Mayor Seibold noted this will be heard for miles and many would not be happy about hearing fireworks on a random Saturday night. She blamed the state for changing the laws to allow more fireworks at all times of the year. She stated that while she supported Calvin College, she would not be voting in favor of this request.

Yeas: Favale, Hamrick, Miller, Walters and Zigel – 5  
Nays: Duncan and Seibold – 2

2018-112. Duncan-Miller. To approve the consent agenda as follows:

2018-112-A. Minutes of the regular meeting held August 20, 2018.

2018-112-B. Payroll disbursements of \$218,063.40; county and school disbursements of \$15,259,802.00, and total remaining disbursements of \$2,748,638.47.

2018-112-C. An annually renewing contract with the Children's Assessment Center in the amount of \$5,500 per year for services rendered to child victims of sexual assault.

2018-112-D. The purchase of five sets of firefighting turnout gear from Apollo Fire Equipment of Romeo, Michigan in the amount of \$10,280.00.

2018-112-E. Communications services with Sabo Public Relations in the amount of \$2,880 per month with additional costs for extra services.

2018-112-F. Communication services with Sabo Public Relations to the Gaslight Village Business Association of 15 hours per month for June, July, August, November and December and 10 hours per month for the remainder of the year at \$75 per hour, with the GVBA paying at least \$1,000 of the annual cost.

2018-112-G. A revised program and league sport cancellation refund policy for the Parks & Recreation Department as attached in Exhibit "B."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zigel and Seibold – 7  
Nays: -0-

2018-113. Miller-Zigel. 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: Duncan, Favale, Hamrick, Miller, Walters, Zigel and Seibold – 7  
Nays: -0-

The meeting adjourned at 7:18 p.m., subject to the call of the Mayor until September 17, 2018.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to repeal Section 9.63 pertaining to begging and soliciting  
B – Parks & Recreation cancellation refund policy

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 September 17, 2018**

Mayor Seibold called the meeting to order at 6:00 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 Duncan, Favale, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: None

Also Present: City Manager Donovan; City Attorney Huff; Assistant City Attorney Tobias; Assistant City Manager LaFave; Public Safety Director Herald; Parks & Recreation Director Bunn; City Clerk Brower; Communications Specialist Greenleaf

2018-114. Peter Dimitriou, 2621 Inverness, spoke about the current abnormally warm weather and a new website about climate science.

Laurel Abraham, 1108 Lakeside, introduced herself as a candidate for the 19<sup>th</sup> District County Commission seat and offered her contact information to anyone interested in speaking with her.

2018-115. Commissioners Walters, Miller, Duncan and Zagel all thanked the Public Safety Department for their quick response and excellent communication during the partial lockdown at the high school earlier in the day and for working so well with Grand Rapids to apprehend the suspect accused of making the threat.

Commissioner Hamrick reported she had attended the redevelopment ready workshop last week and was looking forward to exploring the many resources available.

Commissioner Favale noted that the high school staff had stepped up and fed everyone lunch during the lockdown.

Commissioner Duncan thanked Jose Babushka's and other local businesses for assisting with food delivery during the unexpected need to keep everyone in the building when they otherwise would have been able to go out for lunch.

City Manager Donovan reported the Public Works Department would be again be placing pellets into the storm drains to control the mosquito population due to the continued threat of the west Nile virus. He urged citizens to remove any standing water on their properties and take precautions against mosquito bites.

Mayor Seibold also thanked the Public Safety Department and the school district for their handling of the potential threat at the high school earlier in the day. She also noted that Calvin College would be shooting off fireworks on Saturday, September 29 at approximately 9 p.m. for their homecoming activities. Mayor Seibold also thanked the Parks & Recreation Dept. staff for all their work on the recent triathlon.

2018-116. A zoning variance hearing was held regarding the request David & Beverly Verdier of 3043 Mary to allow the construction of an accessory structure on Reeds Lake.

Zoning Administrator Mizikar explained the request to tear down and rebuild a small structure near Reeds Lake. The building would be approximately 400 square feet with only storage and work areas. He noted this request meets the standards contained in the ordinance to grant a variance and that several similar requests have been granted in the immediate area.

Ben Kortz of Insignia Homes noted the structure would be 136 square feet larger than the old building.

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

2018-116-A. Zagel-Miller. That the request of David & Beverly Verdier of 3043 Mary to allow the construction of an accessory structure on Reeds Lake be approved.

Commissioner Zagel felt this was a reasonable request and noted that others have been allowed to do much the same thing.

Commissioner Walters agreed this was an appropriate variance to grant.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2018-117. Request to rezone property at 2755 Hall to R-2 Residential.

Mayor Seibold announced this request was being postponed to a future meeting at the request of the applicant. Since the public hearing had been noticed to surrounding properties, Mayor Seibold opened a public hearing to allow those who were present a chance to speak. The following people gave their opinions:

- Adam Panter, 2820 Lake Dr Opoosed because it would create inconsistency in the neighborhood.
- Brian Gill, 2760 Lake Dr Supported the recommendation of the Planning Commission to deny this request.

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

- Adam & Christine Panter, 2820 Lake Dr Opposed.
- Brian & Elena Gill, 2760 Lake Dr. Opposed.

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

2018-118. Final Reading of an ordinance amendment to repeal Section 9.63 of Chapter 93 of Title IX of the City Code pertaining to begging and soliciting.

City Attorney Huff reviewed the history of soliciting ordinances in the area and noted that while the Grand Rapids ordinance was overturned, the ordinance enacted by Kentwood had been upheld by the courts. The East Grand Rapids ordinance—modeled after the Kentwood ordinance—was enacted in 2014. Mr. Huff noted that the Michigan legislature had changed the state law in 2017 to exempt charitable organizations from regulations banning solicitations in the roadway, requiring the East Grand Rapids ordinance to be changed to avoid conflict with the new state law. During the amendment process, the city commission voted to repeal the entire law rather than amend the one section in conflict.

Commissioner Zagel asked for clarification on the statements made by some questioning the constitutionality of the existing ordinance. City Attorney Huff stated that the current ordinance was constitutional and that the proposed amendment required by state law was also constitutional.

Mayor Seibold questioned whether the Kentwood decision had been appealed. Mr. Huff said it had been appealed to circuit court where it was upheld.

Commissioner Hamrick asked if Kentwood's ordinance was only tested on the section banning soliciting from a vehicle. Mr. Huff said that was correct as far as the appeal was concerned. Assistant City Attorney Tobias stated as far as he knew, the entire ordinance was still in place and being used when needed.

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

- Jeff Olsen, 1112 Eastwood  
Thinks EGR is very welcoming with many public properties, restrooms and parking. He felt that repealing the ordinance was not consistent with the new master plan. Asked the commission to listen to the 500+ people who signed an online petition to retain the current ordinance. Concerned about the many children that use Gaslight Village being approached by aggressive solicitors.
- Kris Pachla, 425 Briarwood  
Fully support the repeal because the ordinance punishes behavior that is not dangerous. There are other ordinances to keep people safe.
- Brett Bolt, 1701 Pontiac  
Submitted petition to keep the existing ordinance. Don't want to risk repealing and experiencing consequences. Gaslight Village businesses want to keep the ordinance; don't see the harm in keeping it as it is.
- Mary Alice Williams, 529 Lakeside  
Please repeal this unnecessary ordinance. Has no problem telling people no and they shouldn't be punished for asking. She has been approached but not accosted.
- Julie Newhouse, 1771 Whitfield  
Concerned that those asking for money may have mental illness and not react as expected if told no. Asked to keep in place to be used if needed for safety.
- Jason Hubbard, 2205 Heather  
Works intimately with those that others fear. Don't feel most are interested in coming to EGR to solicit. Current ordinance isn't used and not needed. Great cities are not built on fear and Public Safety Dept. has tools they need to keep us safe.
- Rob Kowaleski, 2652 Maplewood  
Believed solicitation in Gaslight Village would be detrimental to the businesses there. Favored amending the ordinance to keep some provisions in place.
- John Inhulsen, 615 Cambridge  
Troubling that some members of the commission had been disseminating misinformation. Current ordinance has been upheld in court and is not unconstitutional. Those wanting ordinance left in place are not doing so out of fear. Stated existing local ordinance is compassionate by regulating unsafe behavior and allowing assistance rather than giving ticket under state law. Increasing the potential for unsafe behavior and risk to children by repealing ordinance is unacceptable.
- Matt Feyen, 630 Rosewood  
Felt the petition to retain ordinance warned of lots of bad things if the ordinance was repealed. We haven't had a problem and aren't likely to have one. Children won't be at risk. Life will go on. These people don't present a danger.
- Dave Hollis, EGR Public Safety Officer  
Officers have limited tools to use in some situations, asked that it not be repealed. Soliciting is not illegal, just regulated in some areas. Felt the ordinance was reasonable and protected both parties.
- Ellen Schendel, 429 Briarwood  
ACLU has great arguments. We don't need this and should repeal it. Most people have never seen a panhandler. Grateful we have other laws to keep us safe. Submitted 170 signatures supporting repeal.

- Samantha Cornell, 311 Rosewood Urged repeal as she has never feared for the safety of her children here and never encountered anyone asking for money here.
- Miriam Aukerman, 2717 Hall ACLU Attorney. Asking for money is protected speech. EGR ordinance does not comply with the Constitution and contains many violations. Gave examples of situations that would be illegal under the ordinance.
- John Inhulsen, 615 Cambridge Noted an attorney's opinion is not a court decision. Courts had reviewed and issued decision. Felt anything placing kids in potential danger is unacceptable.
- Miriam Aukerman, 2717 Hall Noted there was no way to know if the ordinance would withstand a challenge unless sued. Quoted Judge Jonker regarding prohibiting free speech. Nothing to keep EGR from enforcing motor vehicle code, but can't restrict speech.

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

- 38 emails supporting repeal of ordinance
- Petition containing 171 signatures from across the country supporting repeal of ordinance
- 28 emails supporting retaining and amending the ordinance
- Petition containing 505 signatures from across the country supporting retaining and amending the ordinance

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

2018-118-A. Hamrick-Miller. That an ordinance amendment to repeal Section 9.63 of Chapter 93 of Title IX of the City Code pertaining to begging and soliciting be adopted as attached in Exhibit "A."

Public Safety Director Herald stated he was in favor of retaining the current ordinance and amending as needed. He felt the majority of East Grand Rapids is open for solicitation and the ordinance only restricts certain situations to protect people. He felt the 9/restrictions were reasonable and balanced to allow free speech while protecting all citizens.

Commissioner Hamrick noted the Michigan vehicle code contains identical language to the state law and questioned whether it could be used in East Grand Rapids. Attorney Tobias stated it could be used even if the other ordinance is repealed. He did not know why Grand Rapids has chosen not to enforce the Michigan Vehicle Code. Commissioner Hamrick reiterated that EGR is still able to enforce all of the provisions of the existing ordinance—with the exception of the section pre-empted by state law—using other sections of state law and traffic codes.

Commissioner Zagel noted that while all agree they want to keep citizens safe, the difference of opinion comes in how to accomplish this. He stated that officers always use their discretion in handling issues, but need tools to be able to enforce rules when necessary. He noted that it is not the job of the commission to decide what is constitutional, but to represent the stakeholders in the community. He would be voting to keep and amend the existing ordinance because the businesses in Gaslight Village and over 500 others had asked that it be retained.

Commissioner Hamrick felt there was a lot of misinformation about the repeal movement and she did not feel it was taking tools away from the police. She stated that Chief Herald had said there are other ways available so she felt this ordinance wasn't needed. She had never been approached by panhandlers in East, and regulations could be put in place within 30 days if needed. She felt the ordinance made the city vulnerable to many legal issues that would be expensive to defend and she did not want to take the risk. She concluded the ordinance was unnecessary and legally suspect and needs to be repealed.

Commissioner Favale cited many court cases from across the country where similar laws had been overturned in very expensive litigation. She reported there was also a nationwide effort to eliminate panhandling

ordinances and felt East would be sued soon. She noted that safety is not at risk here and the ordinance restricts asking for help, which makes the city vulnerable to costly lawsuits.

Commissioner Walters addressed questions he had received about his efforts to repeal the ordinance. He stated understands the concerns raised by many, but did not feel asking for help was a crime to be punished. He agreed that this was not a burning issue here, but felt the ordinance was a problem. He noted he had decided against trying to find a way to revise the ordinance because panhandling is simply not a problem here and it would be a waste of time. He felt there were other ways to address any problems that arise in the future. His advocated for repeal because it was bad public policy to criminalize asking for help, he was concerned about the constitutionality of the current ordinance and the current ordinance was ultimately not necessary.

Commissioner Miller stated that every protection offered by the current ordinance is found somewhere else in either state or local ordinances, and there would be no harm in repealing the current ordinance. He reviewed several sections of city code and how people and officers will be able to handle any situations that arise. He felt we already have good laws and there is not a need for this specific ordinance which focuses on begging.

Commissioner Duncan stated she has looked at the laws we have and what we need. She did not feel that we should prohibit people from coming into East Grand Rapids and asking for help. She felt the specific prohibitions in the current ordinance were very problematic and impossible to police. She stated those who want to keep the existing ordinance were praying on fear and politicizing the issue, which shouldn't happen. She stated that the emails she received from local residents held more weight than online petitions. Ms. Duncan stated that asking for money is not unsafe and the five commissioners in favor of repealing the ordinance have kids in school so they are very focused on safety. She noted the situation at the high school today showed there are truly scary situations that happen here, but that panhandling is not one of them.

Mayor Seibold addressed several of the reasons for repeal cited in the online repeal petition. She noted that there are many city ordinances that are not used regularly but are put in place to prevent issues or address problems immediately when they occur. She noted that an identical ordinance in Kentwood had been tested by the courts and had not been overturned, so the argument that the current ordinance is unconstitutional is not correct. She noted that the ordinance does not prohibit free speech but only puts some parameters on where solicitation can occur to address safety concerns. She noted that the business owners were in favor of amending and retaining the current ordinance so that people using Gaslight Village will be safe. She listed many cities across Michigan that have nearly identical ordinances and they are not being accused of being unwelcoming or unfriendly. She noted that 75% of those sending emails or signing petitions were in favor of keeping safeguards in place and felt the commission listen to the preference of the majority by keeping the ordinance. She did not understand why it was an issue to have one ordinance that organized rules for soliciting if all of these same laws were already in place elsewhere in state and local laws.

Yeas: Duncan, Favale, Hamrick, Miller, Walters – 5  
Nays: Zagel and Seibold – 2

2018-119. Introduction of an ordinance to amend Sections 2.1, 2.4, 2.5, 2.5A, 2.5-1, 2.10, 2.11 and 2.13 of Chapter 21 of Title II of the City Code pertaining to combustible waste and solid waste.

City Attorney Huff explained this amendment added wording for compost hauling, consolidated the insurance requirements and adjusted language to match current practices.

2018-119-A. Walters-Zagel. That an ordinance to amend Sections 2.1, 2.4, 2.5, 2.5A, 2.5-1, 2.10, 2.11 and 2.13 of Chapter 21 of Title II of the City Code pertaining to combustible waste and solid waste be introduced as attached in Exhibit "B."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-120. Introduction of an ordinance to amend Sections 2.77 and 2.79 of Chapter 23 of Title II of the City Code pertaining to city sewer service.

2018-120-A. Miller-Duncan. That an ordinance to amend Sections 2.77 and 2.79 of Chapter 23 of Title II of the City Code pertaining to city sewer service be introduced as attached in Exhibit "C."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-121. Introduction of an ordinance to amend Chapter 80 of Title VIII of the City Code pertaining to the building code.

City Attorney Huff noted this section would consolidate many codes that are now referenced separately and would address the city's use of Cascade Township for code enforcement and appeal procedures.

2018-121-A. Walters-Miller. That an ordinance to amend Chapter 80 of Title VIII of the City Code pertaining to the building code be introduced as attached in Exhibit "C."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-122. Introduction of an ordinance to amend Chapter 82 of Title VIII of the City Code pertaining to swimming and other pools.

Mr. Huff noted this amendment would eliminate some obsolete language, change the established fee to reference the fee schedule and referring to county standards for water quality. The amendment also removes the allowance to use an automatic pool cover as a fence due to safety concerns in densely populated neighborhoods.

2018-122-A. Zagel-Favale. That an ordinance to amend Chapter 82 of Title VIII of the City Code pertaining to swimming and other pools be introduced as attached in Exhibit "E."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-123. Introduction of an ordinance to amend Chapter 84 of Title VIII of the City Code pertaining to the property maintenance code.

City Attorney Huff noted this amendment removed some outdated sections and added provisions for the city to recover costs if needed.

2018-123-A. Miller-Hamrick. That an ordinance to amend Chapter 84 of Title VIII of the City Code pertaining to the property maintenance code be introduced as attached in Exhibit "F."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-124. Introduction of an ordinance to repeal Chapter 86 of Title VIII of the City Code pertaining to the plumbing code.

City Attorney Huff noted that with the adoption of the new building code in Chapter 80, Chapters 86, 87 and 89 would no longer be needed and should be repealed.

2018-124-A. Zagel-Favale. That an ordinance to repeal Chapter 86 of Title VIII of the City Code pertaining to the plumbing code be introduced as attached in Exhibit "G."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-125. Introduction of an ordinance to repeal Chapter 87 of Title VIII of the City Code pertaining to the electrical code.

2018-125-A. Miller-Favale. That an ordinance to repeal Chapter 87 of Title VIII of the City Code pertaining to the electrical code be introduced as attached in Exhibit "H."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zigel and Seibold – 7  
Nays: -0-

2018-126. Introduction of an ordinance to repeal Chapter 89 of Title VIII of the City Code pertaining to the mechanical code.

2018-126-A. Duncan-Favale. That an ordinance to repeal Chapter 89 of Title VIII of the City Code pertaining to the mechanical code be introduced as attached in Exhibit "I."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zigel and Seibold – 7  
Nays: -0-

2018-127. Introduction of an ordinance to repeal Article VI of Chapter 91 of Title IX of the City Code pertaining to grass and noxious weeds.

City Attorney Huff noted that the provisions of Article VI are now covered by the property maintenance code in Chapter 84.

2018-127-A. Walters-Miller. That an ordinance to repeal Article VI of Chapter 91 of Title IX of the City Code pertaining to grass and noxious weeds be introduced as attached in Exhibit "J."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zigel and Seibold – 7  
Nays: -0-

2018-128. Zigel-Miller. To approve the consent agenda as follows:

2018-128-A. Minutes of the regular meeting held September 4, 2018.

2018-128-B. Payroll disbursements of \$227,993.30; county and school disbursements of \$502,680.79, and total remaining disbursements of \$157,660.00.

2018-128-C. Quarterly financial statements for the period ending June 30, 2018.

2018-128-D. The purchase of extrication equipment from MI Rescue Resources, LLC of Hastings in the amount of \$11,040.50.

2018-128-E. An updated Grounds Maintenance Agreement with the East Grand Rapids Public Schools as attached in Exhibit "K."

2018-128-F. The purchase of internet service and of failover equipment through Trivalent Group at a cost of \$890 per month.

2018-128-G. Preliminary minutes of the Parks & Recreation Commission meeting held August 13, 2018.

2018-128-H. Preliminary minutes of the Planning Commission meeting held August 14, 2018.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zigel and Seibold – 7  
Nays: -0-

The meeting adjourned at 8:12 p.m., subject to the call of the Mayor until October 1, 2018.

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Karen K. Brower, City Clerk

Attachments:   A – Ordinance amendment to repeal Section 9.63 pertaining to begging and soliciting  
                  B – Ordinance amendment to Chapter 21 regarding combustible waste  
                  C – Ordinance amendment to Chapter 23 regarding city sewer service  
                  D – Ordinance amendment to Chapter 80 regarding the building code  
                  E – Ordinance amendment to Chapter 82 regarding swimming pools  
                  F – Ordinance amendment to Chapter 84 regarding property maintenance code  
                  G – Ordinance amendment to repeal Chapter 86 pertaining to the plumbing code  
                  H – Ordinance amendment to repeal Chapter 87 pertaining to the electrical code  
                  I – Ordinance amendment to repeal Chapter 89 pertaining to the mechanical code  
                  J – Ordinance amendment to repeal Article VI of Chapter 91 regarding grass and weeds  
                  K – Grounds Maintenance Agreement with EGR Schools

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

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Special Meeting Held September 24, 2018**

Mayor Seibold called the meeting to order at 5:30 p.m. in the City Commission Chambers at the East Grand Rapids Community Center.

Present: Commissioners Duncan, Favale, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: None

Also Present: City Clerk Brower

2018-129. No public comment was received.

2018-130. Kathie Grinzinger from the Michigan Municipal League conducted a work session with the city commission on the qualifications and traits desired in the next city manager.

The meeting adjourned at 7:44 p.m., subject to the call of the Mayor until October 1, 2018.

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Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held October 1, 2018**

Mayor Seibold called the meeting to order at 6:00 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 Duncan, Favale, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: None

Also Present: City Attorney Huff; Assistant City Manager LaFave; Public Safety Director Herald; City Clerk Brower; Communications Specialist Greenleaf

2018-131. Peter Dimitriou, 2621 Inverness (GR), presented information on several climate change events happening this week and gave an update on the rain forests.

Paul Hegele, 2073 Hall, reported on the recent conviction of a fraudulent contractor and thanked the Public Safety Department and City Attorney for working to bring justice for the residents affected.

Curt Benson, candidate for circuit court judge, was present to introduce himself to the city commission.

2018-132. No commissioner comment was received.

2018-133. Acceptance of crosswalk study and approval of related traffic orders.

Assistant City Manager LaFave reviewed the report prepared by the city's engineering traffic consultant analyzing all of the city's crosswalks near schools and recommending several changes to standardize the height and location of signage and warning lights, remove obstructions and to consider some long-term improvements to traffic bump outs. Mr. LaFave reported that the Infrastructure Committee would be meeting next week to discuss the use of in-street signage to draw further attention to the crosswalks to promote safety. Following that meeting, a policy and recommendation will be presented to the city commission for approval.

Mr. LaFave addressed the many suggestions from residents for lights, stop signs and traffic lights by noting that each road crossing needed to be considered separately because not every solution fits each situation and variables as road width, speeds, volume, parking lanes, etc. needed to be considered from an engineering standpoint. For instance, 4-way stop signs are only warranted when the traffic coming from all directions is relatively equal, which is not the case in front of the high school. Placing a 4-way stop sign there would cause long back-ups on Lake Drive and would increase the traffic and speeds on adjacent streets as people seek to avoid the backups.

Assistant City Manager LaFave also noted the crosswalk at Lake Drive and Kenesaw was upgraded with new consistent signage, lighting and new bumpouts when the road was resurfaced so that it is consistent with all other school crosswalks. He stated that some of the changes recommended in the report—such as signage or lighting—can be done within the next few weeks, while upgrades like bumpouts will need to be planned in conjunction with future construction projects. Mr. LaFave also stated that a uniform approach to all crossings ultimately increases safety when both drivers and pedestrians know what to expect at each area they approach. Other efforts such as education videos for elementary and middle school students and other reminders for drivers are being coordinated by city staff.

Mayor Seibold asked that these issues be discussed during the planned mobility study so that both pedestrian and vehicle safety and access are considered together. She also asked that staff prepare a chart of various traffic and pedestrian safety measures, their applications and pros/cons so that commissioners can answer questions they receive from the public.

Mayor Seibold opened this issue for public comment. The following people expressed their opinions:

- |                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| - Michael Terhorst, 927 Ogden | Reported some Chicago neighborhoods purposely made their neighborhoods confusing and narrow to slow traffic and suggested EGR revisit the easy traffic flow on Lake Drive to make it less appealing to commuters. Assistant City Manager LaFave stated that because of the two lakes, East GR has very few options for east/west and north/south traffic flow. He also noted that several measures have been taken to keep Lake Drive a two-lane street with parking where possible, bike lanes and bumpouts to keep speeds low while allowing the efficient flow of traffic. |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

The following communications were received at City Hall concerning this issue:

- |                                 |                                                            |
|---------------------------------|------------------------------------------------------------|
| - Amy Broersma, 931 Ogden       | Concerned about Bagley/SanLuRae/Lake Drive intersection.   |
| - Colleen Kanaan, 2535 Hall     | Concerned about Bagley/SanLuRae/Lake Drive intersection.   |
| - Michelle Langley, 1032 Floral | Concerned about Bagley/SanLuRae/Lake Drive intersection.   |
| - Amy Williamson, 957 Ogden     | Concerned about several Lake Drive intersections.          |
| - Mary Kaneti, 954 Ogden        | Concerned about Bagley/SanLuRae/Lake Drive intersection.   |
| - Deb Cox, 912 Maxwell          | Concerned about Bagley/SanLuRae/Lake Drive intersection.   |
| - Catherine Schwartz, _____     | Concerned about Bagley/SanLuRae/Lake Drive intersection.   |
| - Traci Douglas, 2908 Hall      | Requested lighted crossing signs at all school crosswalks. |

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

2018-133-A. Walters-Miller. That the School Pedestrian Crossings Review report and related traffic control recommendations be approved as presented by Progressive AE subject to the development of a policy for in-street crosswalk signage by the Infrastructure Committee and with the request that staff create a chart of traffic control measures and their uses.

Mayor Seibold reported the city has been using several traffic calming measures for several years to address many of the issues raised by residents and that each request is studied individually with input from residents.

Commissioner Walters spoke about the short, intense peaks of pedestrian traffic in front of the high school and wanted to continue discussions for possible added traffic safety measures at this intersection. He liked the idea of in-street signage for the crosswalks.

Commissioner Favale noted that many students leave the high school during the lunch hour as well.

Mayor Seibold noted that these are all good first steps and ongoing review and oversight would be important going forward.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2018-134. Introduction of an ordinance to amend Article I of Chapter 83 of Title VII of the City Code pertaining to general fence requirements.

Zoning Administrator Mizikar reported the Infrastructure Committee is recommending several changes to the fencing requirements, including the addition of an intent statement, reducing the setbacks for fences on corner lots to allow more flexibility for residents, and adding a permit process so that the city can make sure people are aware of the regulations before they start building. The permit would be free to obtain, but will hopefully increase compliance and reduce complaints and variance requests.

Mayor Seibold opened this issue for public comment. The following people expressed their opinions:

- Pat Walsh, 2841 Reeds Lake Blvd                      Asked questions about putting a fence on his specific property. Suggested adding “at least” to the first line of paragraph C for the distance off the street right-of-way.

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

- 2018-134-A. Miller-Duncan. That an ordinance to amend Article I of Chapter 83 of Title VII of the City Code pertaining to general fence requirements be introduced as attached in Exhibit “A” with the addition of “at least” before “ten (10) feet” in the first line of paragraph C.

Commissioner Favale liked the addition of the free permit system to increase compliance with the rules.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zigel and Seibold – 7  
Nays: -0-

- 2018-135. Final Reading of an ordinance to amend Sections 2.1, 2.4, 2.5, 2.5A, 2.5-1, 2.10, 2.11 and 2.13 of Chapter 21 of Title II of the City Code pertaining to combustible waste and solid waste.

- 2018-135-A. Walters-Favale. That an ordinance to amend Sections 2.1, 2.4, 2.5, 2.5A, 2.5-1, 2.10, 2.11 and 2.13 of Chapter 21 of Title II of the City Code pertaining to combustible waste and solid waste be adopted as attached in Exhibit “B.”

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zigel and Seibold – 7  
Nays: -0-

- 2018-136. Final Reading of an ordinance to amend Sections 2.77 and 2.79 of Chapter 23 of Title II of the City Code pertaining to city sewer service.

- 2018-136-A. Miller-Favale. That an ordinance to amend Sections 2.77 and 2.79 of Chapter 23 of Title II of the City Code pertaining to city sewer service be adopted as attached in Exhibit “C.”

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zigel and Seibold – 7  
Nays: -0-

- 2018-137. Final Reading of an ordinance to amend Chapter 80 of Title VIII of the City Code pertaining to the building code.

- 2018-137-A. Duncan-Miller. That an ordinance to amend Chapter 80 of Title VIII of the City Code pertaining to the building code be adopted as attached in Exhibit “D.”

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zigel and Seibold – 7  
Nays: -0-

- 2018-138. Final Reading of an ordinance to amend Chapter 82 of Title VIII of the City Code pertaining to swimming and other pools.

- 2018-138-A. Zigel-Hamrick. That an ordinance to amend Chapter 82 of Title VIII of the City Code pertaining to swimming and other pools be adopted as attached in Exhibit “E.”

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zigel and Seibold – 7  
Nays: -0-

2018-139. Final Reading of an ordinance to amend Chapter 84 of Title VIII of the City Code pertaining to the property maintenance code.

2018-139-A. Favale-Hamrick. That an ordinance to amend Chapter 84 of Title VIII of the City Code pertaining to the property maintenance code be adopted as attached in Exhibit "F."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-140. Final Reading of an ordinance to repeal Chapter 86 of Title VIII of the City Code pertaining to the plumbing code.

2018-140-A. Miller-Favale. That an ordinance to repeal Chapter 86 of Title VIII of the City Code pertaining to the plumbing code be adopted as attached in Exhibit "G."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-141. Final Reading of an ordinance to repeal Chapter 87 of Title VIII of the City Code pertaining to the electrical code.

2018-141-A. Hamrick-Miller. That an ordinance to repeal Chapter 87 of Title VIII of the City Code pertaining to the electrical code be adopted as attached in Exhibit "H."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-142. Final Reading of an ordinance to repeal Chapter 89 of Title VIII of the City Code pertaining to the mechanical code.

2018-142-A. Zagel-Favale. That an ordinance to repeal Chapter 89 of Title VIII of the City Code pertaining to the mechanical code be adopted as attached in Exhibit "I."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-143. Final Reading of an ordinance to repeal Article VI of Chapter 91 of Title IX of the City Code pertaining to grass and noxious weeds.

2018-143-A. Duncan-Favale. That an ordinance to repeal Article VI of Chapter 91 of Title IX of the City Code pertaining to grass and noxious weeds be adopted as attached in Exhibit "J."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-144. Zagel-Miller. To approve the consent agenda as follows:

2018-144-A. Minutes of the regular meeting held September 17, 2018.

2018-144-B. Payroll disbursements of \$224,680.29; county and school disbursements of \$236,286.02, and total remaining disbursements of \$706,472.36.

2018-144-C. A policy and guidelines for the use of radar speed feedback signs as attached in Exhibit "K."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

The meeting adjourned at 7:00 p.m., subject to the call of the Mayor until October 15, 2018.

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Karen K. Brower, City Clerk

Attachments:   A – Ordinance amendment to Article I of Chapter 83 pertaining to general fence requirements  
                  B – Ordinance amendment to Chapter 21 regarding combustible waste  
                  C – Ordinance amendment to Chapter 23 regarding city sewer service  
                  D – Ordinance amendment to Chapter 80 regarding the building code  
                  E – Ordinance amendment to Chapter 82 regarding swimming pools  
                  F – Ordinance amendment to Chapter 84 regarding property maintenance code  
                  G – Ordinance amendment to repeal Chapter 86 pertaining to the plumbing code  
                  H – Ordinance amendment to repeal Chapter 87 pertaining to the electrical code  
                  I – Ordinance amendment to repeal Chapter 89 pertaining to the mechanical code  
                  J – Ordinance amendment to repeal Article VI of Chapter 91 regarding grass and weeds  
                  K – Radar Speed Feedback Sign policy

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 October 15, 2018**

Mayor Seibold called the meeting to order at 6:00 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 Duncan, Favale, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: None

Also Present: Assistant City Attorney Tobias; Assistant City Manager LaFave; Public Safety Director Herald; Finance Director Mushong; City Clerk Brower; Communications Specialist Greenleaf

2018-145. Mayor Seibold announced the request to rezone the property at 2755 Hall had been withdrawn by the applicant.

2018-146. Peter Dimitriou, 2621 Inverness (GR) spoke about reducing carbon emissions and the effect of climate change on Arctic ice levels.

Adam Panter, 2820 Lake Drive, questioned whether the rezoning request for 2755 Hall Street had been withdrawn temporarily or permanently. Mayor Seibold noted it had been withdrawn permanently.

Mariel Poortenga, 2755 Hall, stated that everyone else supports her rezoning effort, but that she had decided to pursue another option.

2018-147. Commissioner Zagel congratulated Assistant City Manager LaFave on his appointment to the State Water Asset Management Council representing communities with drinking water, waste water and water asset management experience.

Commissioner Miller thanked Finance Director Mushong and Vredeveld-Haefner for their in-depth presentation to the Finance Committee last week regarding the year-end financial statements.

Commissioner Walters thanked all of those involved in the upcoming election for their hours of training and preparation leading up to November 6.

Mayor Seibold invited the public to participate in the search for a new city manager by taking a survey available on the website.

2018-148. A zoning variance hearing was held regarding the request of Philip & Elizabeth Skaggs of 2615 Hall to allow:

- a. the construction of a 6.0' fence in the street side yard instead of the allowed 3.0' and to be located 1.0' from the property line instead of the required 20.0'
- b. A detached pool accessory structure in the street side yard 1.0' off the property line
- c. The detached pool accessory structure to be located 7'1" from the principle structure instead of the required 10.0.'

Zoning Administrator Mizikar explained the request for a 6.0' privacy fence 1.0' from the sidewalk in the side yard of this corner lot and the request for a small shed within the side yard inside the fence located 7'1" from the home. He noted that the Michigan building code allows an exception to be granted for a 4' fence around a swimming pool. Mr. Mizikar reviewed the ordinance standards for granting variances and the policy adopted by the city commission in 2016 regarding building separation requests of less than 10.'

Mr. Mizikar further noted this application is being reviewed under the existing fence ordinance but commissioners can discuss the provisions of the proposed amendment in relation to this request.

Elizabeth Skaggs and Philip Skaggs of 2615 Hall explained the recent renovations to their home and yard. Mr. Skaggs noted that the fence has been installed in the exact same location as the fence that was installed in the 1980's. He stated his contractor had received verbal permission from the engineering department in April to replace the fence in the exact location of the old fence. The contractor then began construction of the fence until he received notice the fence did not meet requirements. Mr. Skaggs explained they delayed construction of the fence while he applied for a variance request, but when the city delayed the variance hearing to review the fence ordinance, he decided to go ahead and finish the new fence as he felt the temporary fencing was unsafe. Mr. Skaggs also reviewed the variance standards and stated the variance should be granted because it was a small, unique corner lot with a pre-existing pool and the location of the pool prevented him from building a fence 20' from the property line. He felt it would be a substantial injustice to make them build the fence anywhere else as it would render much of their back yard unusable. He reiterated the need for safety for the neighborhood children and the privacy of his family when using the pool. He did not feel the fence impeded sight distance when backing out of the driveway as his family always backs out very slowly.

Mr. Skaggs addressed the accessory building request by stating this was the only place on his property to place the shed and that it wouldn't be visible above the fence.

Elizabeth Skaggs reiterated that the new fence is the same height and in the same location as the old fence.

Mayor Seibold questioned whether the concrete and other surfacing in the back yard had been changed with the renovations. Mrs. Skaggs stated that some of the concrete had been replaced with pavers and landscaping.

Mr. Skaggs stated various options that staff had given him, such as a berm or alternate locations were viable options for him.

Commissioner Walters asked how the fence impacted the ability to see down the sidewalk when backing up. Mrs. Skaggs noted their vehicles often hung over the sidewalk since the driveway is not very long and that they have always backed up very carefully and have never had an issue.

Commissioner Walters asked if the Skaggs would consider moving the fence back from the sidewalk 10' and how that would impact their living space in the back yard. Mr. Skaggs responded that they would have to deconstruct everything that they've already done and make the area outside the fence worthless.

Commissioner Favale questioned who gave the approval to construct the fence. Richard Angel of Harder & Warner Landscape stated that he had spoken with the engineering office and they said it was ok if it was replaced in the same location. He acknowledged that he was given a copy of the fence ordinance at that time and was told the fence had to comply with the ordinance.

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

- Petition signed by 15 property owners on Hall and Conlon                      In Favor.

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

2018-148-A. Miller-Favale. That the request of Philip & Elizabeth Skaggs of 2615 Hall to allow the construction of a 6.0' fence in the street side yard instead of the allowed 3.0' and to be located 1.0' from the property line instead of the required 20.0' be approved.

City Manager Donovan stated that fence provisions have been reviewed several times during his tenure and that the safety issue of clear sight distance allowing cars and pedestrians to see each other has always been a top priority. He noted the City Commission has always upheld this priority several times by keeping clear vision areas in the ordinances through setbacks along side yards and corner properties.

Commissioner Walters asked if the commission could set a specific distance for the fence other than what the applicant had requested. Assistant City Attorney Tobias verified the city could allow a different setback than what was requested.

Commissioner Duncan questioned if landscaping could be used as a privacy buffer in conjunction or in place of a fence. Zoning Administrator Mizikar stated that landscaping can be used for privacy as long as clear vision for cars and pedestrians is maintained and the plants do not overhang the sidewalk.

Mayor Seibold clarified the options in this case are either a 4' fence along the sidewalk or a 6' fence 20' from the sidewalk or 10' from the sidewalk as proposed in the upcoming amendment as long as the clear vision area is maintained.

Commissioner Walters agreed that the standards for a variance request are met by this request, although not to the extent applied for by the applicant. Mr. Walters noted he would be able to support 6' fence with a 10' setback from the sidewalk and appropriate clear vision triangle. He felt that while not ideal for the applicant, it would allow both privacy and safety. He also stated he would be able to support a 4' fence at 1' from the sidewalk as long as safe sight distance is maintained with fencing materials or angling of the fence.

Commissioner Miller noted there were several examples in the city where fences were built before the current ordinance and now create walls along the sidewalks. He didn't feel it was reasonable to say this fence is not a safety issue that just because an accident had not yet occurred. He stated it was the magnitude of the variance request that troubled him even though the standards appear to be met. Commissioner Miller noted he may be able to support one of the alternatives discussed above, but could not support the original request.

Mayor Seibold noted the commission always looks very carefully at situations where the entire fence or structure was removed, creating a clean slate where the applicant has a better opportunity to meet ordinance requirements without needing a variance. She noted the Skaggs had removed and replaced the fence and much of the concrete around the pool during this project which would have allowed them to plan for the placement of the fence, landscaping and other elements in locations that would comply with the requirements. Mayor Seibold did not feel that backing out slowly did not completely address the safety concerns. She doubted that any staff member would give a verbal approval when there have been issues like this in the past, and even if misinformation was given, it does not excuse a property owner from complying with the ordinance. She felt that since the fence was completely removed, she could not support the variance request as presented but was open to discussing the alternatives presented by others.

Philip Skaggs stated he asked his contractor to visit city hall and he said he was given permission so they proceeded with their plans. He didn't feel it was fair to him to change that permission after the fact because an employee gave the wrong information. He noted there have apparently been similar problems before because the city is implementing a fence permit process with the new fence ordinance. He did not understand what issue the fence ordinance was trying to solve by requiring such extensive setbacks or allowing a 4' fence instead of 6.' Mr. Skaggs stated when he was on the commission they granted variances all the time to rebuild garages and other things in the same spot as before. He felt reconstructing the fence would be costly and not accomplish anything except making his family less safe. He stated there was no reason to not allow the rebuilt fence to remain and asked the commission to vote on his original request.

Commissioner Zagel noted the contractor had received a copy of the fence ordinance before the project began, that the work was halted for several weeks when the noncompliance was discovered and the applicant decided to finish the fence before receiving the variance. He felt the commission had offered several alternatives to give the Skaggs additional space in their back yard, but these were apparently not acceptable to them.

Mayor Seibold suggested the commission vote on the original request and then let Mr. and Mrs. Skaggs decide if there were alternatives they wished to put forward in another application.

Commissioner Favale noted that the clear vision triangle was not contained in the old ordinance and Mr. Skaggs would not have had to consider this when planning his fence. She the applicants had done their due diligence by contacting the city and then proceeding after getting permission. She noted that a 4' fence would not give the family any privacy and she supported the variance request.

Assistant City Manager LaFave noted it would unusual for staff to give a blanket verbal approval, but was not present when this exchange happened and doesn't know what was said. He stated the front desk staff gives out a copy of the fence ordinance and tells residents and contractors that all requirements have to be met or a

variance application submitted. Assistant City Attorney Tobias confirmed that misinformation does not release a property owner from having to comply with the ordinance.

City Manager Donovan stated the applicants could submit another variance request if it is substantially different from the original request. Staff will make the determination if it is different, and the applicant can appeal any decision to the full city commission.

Elizabeth Skaggs stated that when they stopped work immediately and applied for a variance when received notice the fence was not compliant. When the variance request was delayed, they decided to finish the fence. She stated this whole situation would not have happened if the commission had voted on the request when it was supposed to be heard.

Mayor Seibold addressed this concern by stating that there had been several fence variance requests in recent months and she felt it was important to review the rules to see if the regulations were reasonable. She stated the delay was intended to help those seeking variances, not to unnecessarily delay.

After discussing several alternatives, including various locations and heights that would be acceptable for sight distance, privacy and use of the back yard, the city commission decided to vote on the current request and allow the applicant to submit a substantially different request in the future if they decide to do so.

Yeas: Favale – 1

Nays: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 6

2018-148-B. Walters-Duncan. That the request Philip & Elizabeth Skaggs of 2615 Hall to allow a detached pool accessory structure in the street side yard 1.0' off the property line and to be located 7' 1" from the principle structure instead of the required 10.0' be approved.

Elizabeth Skaggs stated the shed would a small storage area for pool supplies or outdoor items and would be built to match the home.

Because the proposed location for the accessory building would be both outside any compliant fence and located within the clear vision area, the commission opted to table this portion of the request.

2018-148-C. Miller-Duncan. That the request of Philip & Elizabeth Skaggs of 2615 Hall to allow a detached pool accessory structure in the street side yard 1.0' off the property line and to be located 7' 1" from the principle structure instead of the required 10.0' be tabled to allow the applicant time to consider the placement of the shed following the denial of the fence location variance.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2018-149. Peter Haefner of Vredeveld Haefner reviewed the audited financial statements for the fiscal year ended June 30, 2018 and answered questions from the City Commission.

Commissioner Miller noted that the city has been able to get slightly ahead of some of the infrastructure capital needs instead of falling behind. Everyone agreed this was an accomplishment to be proud of. Mayor Seibold reported the Governor's office had also recognized the city for its approach to these improvements.

2018-150. Final Reading of an ordinance to amend Article I of Chapter 83 of Title VII of the City Code pertaining to general fence requirements.

Zoning Administrator Mizikar reviewed the changes included in this amendment, including reducing the setback on corner lots from 20' to 10' and adding a free permit system to assist residents with understanding the ordinance and ensuring compliance with the ordinance requirements.

2018-150-A. Miller-Duncan. That an ordinance to amend Article I of Chapter 83 of Title VII of the City Code pertaining to general fence requirements be adopted as attached in Exhibit "A".

Commissioner Miller reported the Infrastructure Committee had discussed the fence requirements in great detail and recommend the proposed changes which will add more options for many homeowners.

Commissioner Favale liked the addition of the free permit system to make sure people understand the requirements.

Commissioner Walters asked staff to make sure the reference to Section 3.40 in Section 8.61(c) is adjusted to match the new Chapter 32 numbering when it is adopted at the next meeting.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

- 2018-151. Introduction of an ordinance to amend Chapter 32 of Title III of the City Code pertaining to trees, shrubs and plants.

Assistant City Manager LaFave outlined the changes proposed to Chapters 32, 41 and 42 that will update definitions and terminology, remove obsolete procedures and add language for house moving, damage repair and sidewalk maintenance responsibilities.

Mayor Seibold asked that Section 4.45 of Chapter 42 be reviewed again to reflect that this section is intended for extreme weather situations and not intended to force homeowners to clear sidewalks each time it snows. Staff will review this language and make a recommendation at the next meeting.

- 2018-151-A. Walters-Hamrick. That an ordinance to amend Chapter 32 of Title III of the City Code pertaining to trees, shrubs and plants be introduced as set forth in Exhibit “A” attached hereto.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

- 2018-152. Introduction of an ordinance to amend Chapter 41 of Title IV of the City Code pertaining to street and sidewalk provisions.

- 2018-152-A. Favale-Zagel. That an ordinance to amend Chapter 41 of Title IV of the City Code pertaining to street and sidewalk provisions be introduced as attached in Exhibit “C.”

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

- 2018-153. Introduction of an ordinance to amend Chapter 42 of Title IV of the City Code pertaining to sidewalks.

- 2018-153-A. Hamrick-Favale. That an ordinance to amend Chapter 42 of Title IV of the City Code pertaining to sidewalks be introduced as attached in Exhibit “D.”

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

- 2018-154. Policy for the placement of in-street pedestrian crossing signs.

Assistant City Manager LaFave explained the proposal to place portable signs in several school crosswalks during the morning and afternoon school commutes to raise awareness of the requirement to yield to pedestrians in the crosswalks. Mr. LaFave is recommending the portable signs so that people don't ignore them after a period of time and so they aren't damaged during other times of the day. Mr. LaFave noted the signs would say “yield” rather than stop because there is no local law requiring cars to stop, only to yield.

2018-154-A. Miller-Zagel. That a policy and guidelines for the use of in-street pedestrian school crossing signs be adopted as attached in Exhibit "E."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-155. Hamrick-Favale. To approve the consent agenda as follows:

2018-155-A. Minutes of the special meeting held September 24, 2018.

2018-155-B. Minutes of the regular meeting held October 1, 2018.

2018-155-C. Payroll disbursements of \$222,191.58; county and school disbursements of \$50,933.11, and total remaining disbursements of \$210,329.03.

2018-155-D. A resolution approving budget amendments for the quarter ending September 30, 2018 as attached in Exhibit "F."

2018-155-E. A contract in the amount of \$209,183 for property and liability insurance with Travelers Insurance through VanWyk Risk Solutions.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-155-F. Miller-Zagel. Motion to enter into an executive session to discuss an attorney's opinion in accordance with Section 8(h) of the Open Meetings Act. A roll call vote was taken.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

The meeting adjourned at 8:29 p.m., subject to the call of the Mayor until November 5, 2018.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Article I of Chapter 83 pertaining to general fence requirements  
B – Ordinance amendment to Chapter 32 regarding trees, shrubs and plants  
C – Ordinance amendment to Chapter 41 regarding street and sidewalk provisions  
D – Ordinance amendment to Chapter 42 regarding sidewalks  
E – Policy for placement of in-street pedestrian crossing signs  
F – Resolution approving budget amendments for September 30, 2018

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 November 5, 2018**

Mayor Seibold called the meeting to order at 6:00 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 Duncan, Favale, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: None

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

2018-156. No public comment was received.

2018-157. Commissioner Walters thanked all of the election staff and precinct workers for their work in preparing for tomorrow's election.

Commissioner Miller noted the first in-street crosswalk sign is being used near the high school. He asked that everyone drive safely near the schools and observe all crosswalks.

Commissioners Hamrick and Duncan thanked the Public Safety Department for their recent efforts to find a missing middle school student that was found safe over the weekend.

Commissioner Zagel extended thoughts and prayers for the city of Pittsburg following the recent synagogue shooting. He also thanked the Public Safety Department for their handling of the threat made to the EGR high school recently.

Commissioner Favale also thanked the Public Safety for all their work recently with the school situations. She also noted there was a good turnout on Saturday for the work day to remove invasive species from the parks and wetlands.

City Manager Donovan reported the Public Works Department has been very busy picking up leaves and is not currently able to adhere to the weekly schedule. Residents are encouraged to continue placing their leaves at the curb and the crews will pick them up as soon as possible.

Mayor Seibold noted there was a great turnout for the Public Safety Open House on October 27. She encouraged everyone to vote in tomorrow's election. She also reminded both adults and children to wear some type of flashing light when walking and biking at dusk and in the morning/evening darkness.

2018-158. Final Reading of an ordinance to amend Chapter 32 of Title III of the City Code pertaining to trees, shrubs and plants.

2018-158-A. Walters-Zagel. That an ordinance to amend Chapter 32 of Title III of the City Code pertaining to trees, shrubs and plants be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2018-159. Final Reading of an ordinance to amend Chapter 41 of Title IV of the City Code pertaining to street and sidewalk provisions.

2018-159-A. Miller-Favale. That an ordinance to amend Chapter 41 of Title IV of the City Code pertaining to street and sidewalk provisions be adopted as attached in Exhibit "B."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-160. Final Reading of an ordinance to amend Chapter 42 of Title IV of the City Code pertaining to sidewalks.

Assistant City Manager LaFave noted that Section 4.45 had been updated since the introduction to reflect some of the service limitations for sidewalk snow removal.

2018-160-A. Hamrick-Favale. That an ordinance to amend Chapter 42 of Title IV of the City Code pertaining to sidewalks be adopted as attached in Exhibit "C."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-161. Request to approve an extension of parking restrictions on Manhattan Road.

Assistant City Manager LaFave reviewed the no parking restrictions that were put in place earlier this year due to several construction projects on the street. The residents have requested these temporary restrictions be extended for one year to allow the projects to be completed. The new request removed one block on the north end of the street from the parking restrictions.

2018-161-A. Walters-Miller. That the temporary no parking signage for a section of the north and west side of Manhattan Road from Manhattan Lane to the cul-de-sac be extended until October 1, 2019.

Commissioner Walters asked the Public Works Department to lift the restrictions early if the projects wrap up before the traffic order expires.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-162. Establishment of dates for public open house and interviews for the city manager position.

2018-162-A. Duncan-Favale. That the following dates be set for special meetings related to the search for a new city manager:

Tuesday, December 18, 2018 Closed session for commission to review screening  
1:00 – 5:00 p.m. reports and select candidates to interview.

Thursday, January 10, 2019 Public Open House to Meet Candidates  
Time to be determined

Friday, January 11, 2019 Candidate interviews in open session.  
8 a.m. – 6:00 p.m.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-163. Miller-Favale. To approve the consent agenda as follows:

2018-163-A. Minutes of the regular meeting held October 15, 2018.

2018-163-B. Payroll disbursements of \$230,137.76; county and school disbursements of \$86,395.73, and total remaining disbursements of \$576,323.48.

2018-163-C. Resolution electing to comply with the provisions of Public Act 152 of 2011 by exercising the city's right to exempt itself from the requirements of the act for the period from January 1, 2019 to December 31, 2019 as attached in Exhibit "D."

2018-163-D. The quarterly financial reports for the period ending September 30, 2018.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2018-164. Zagel-Duncan. Motion to enter into an executive session to discuss an attorney's opinion in accordance with Section 8(h) of the Open Meetings Act. A roll call vote was taken.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

The meeting adjourned at 6:16 p.m., subject to the call of the Mayor until November 19, 2018.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Chapter 32 regarding trees, shrubs and plants  
B – Ordinance amendment to Chapter 41 regarding street and sidewalk provisions  
C – Ordinance amendment to Chapter 42 regarding sidewalks  
D – Resolution opting out of Public Act 152

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



Commissioner Walters stated that while this would be a good project, he would be voting no because he felt variances should be for special circumstances. He felt the ordinance needed to be changed to allow modest front porches since the commission regularly grants these types of requests.

Mayor Seibold also felt the city should look at amending the ordinance to differentiate between roofs over open porches and enclosed additions. She didn't see this project as an issue, but the next one might be and would like to look at changing the provisions.

Yeas: Duncan, Favale, Hamrick, Miller and Zigel – 5  
Nays: Walters and Seibold – 2

2018-169. Adoption of a policy for private fireworks show permits.

Parks & Director Bunn explained there have been four private fireworks shows in the last few years with varying degrees of community acceptance. To help regulate the requests and minimize the disruption to those who don't like fireworks, the Parks & Recreation Department has developed a policy to formalize the application and notification process.

The commission discussed various components of the proposed policy at length and asked that language be added to place some type of limit on the number of permits issued each year and how close the fireworks shows could be to each other. They also wanted to make sure the commission had flexibility to deny any permit request at their discretion. Staff will work to update the language and then return with a revised policy for the commission's review.

2018-170. Zigel-Miller. Motion to add to the agenda consideration of an ordinance amendment regarding recreational marihuana establishments. A roll call vote was taken.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zigel and Seibold – 7  
Nays: -0-

2018-171. Introduction of an ordinance amendment to add Chapter 79C to Title VII of the City Code to prohibit marihuana establishments and facilities in the City of East Grand Rapids.

City Attorney Huff explained that the passage of Proposal 1 on November 6 allowing the sale and use of recreational marihuana in Michigan has caused a lot of confusion and concern from local municipalities over how to implement the new laws. While the state law will go into effect in early December, it will take the state government several months to create and implement the accompanying law changes and new regulations to allow recreational marihuana. Many municipalities are adopting ordinances that prohibit the establishment of marijuana facilities while the state implements new regulations and procedures. Mr. Huff stated he has prepared an ordinance amendment for East Grand Rapids to take a "no for now" approach by prohibiting business facilities within the city. This would prevent someone from obtaining a license through the state and setting up a business in East Grand Rapids between the effective date of the law and when the regulations are established. Once the new rules are in place, the City Commission can determine whether to allow limited businesses within the City. Mr. Huff noted that the new ordinance would not affect people's right to purchase marihuana elsewhere or to use marihuana as allowed by the new law. Mr. Huff further noted that the existing medical marihuana ordinances would not be affected by the proposed recreational marihuana ordinance.

City Attorney Huff reiterated that adopting the proposed ordinance would allow the city time to study the new regulations, gather public input and then decide whether or not to allow marihuana businesses to be located in East Grand Rapids. Mr. Huff suggested the ordinance be introduced tonight and then adopted on December 3 with an immediate effective date.

Commissioners asked that staff communicate with residents about the proposed ordinance ask for input between now and the December 3 City Commission meeting.

City Manager Donovan noted that State law does not allow marihuana on school property and prohibits marihuana on public property like parks unless specifically designated by the local municipality.

2018-171-A. Walters-Favale. That an ordinance amendment to add Chapter 79C to Title VII of the City Code to prohibit marihuana establishments and facilities in the City of East Grand Rapids be introduced as attached in Exhibit "B."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-172. Duncan-Miller. To approve the consent agenda as follows:

2018-172-A. Minutes of the regular meeting held November 5, 2018.

2018-172-B. Payroll disbursements of \$261,076.41; county and school disbursements of \$63,409.17, and total remaining disbursements of \$370,591.55.

2018-172-C. The purchase of NEOGOV HR Management software at a cost of \$666 per month and start up fees of \$5,000.00.

2018-172-D. A contract for electrical work on the backup power system at the Community Center with Shoreline Power Services in the amount of \$20,613.48 and a 15% contingency.

2018-172-E. The purchase of 35 SigSauer pistols and holsters from ACME Sports of Seymour, Indiana in the amount of \$5,266.00, and the purchase of 50 ammunition magazines from Midway USA of Columbia Missouri in the amount of \$1,999.50.

2018-172-F. Contracts for employee benefit plan components with Companion as the Stop Loss Carrier, Physicians Care as the PPO provider and to renew Life, Accidental Death and dismemberment (ADD) and long-term disability underwritten by Madison National Life.

2018-172-G. The replacement of the traffic signal at Lakeside Drive and Robinson Road at a cost to the City of East Grand Rapids of \$41,700.00 with an additional 10% for contingency.

2018-172-H. The purchase of 28 Microsoft 2019 standard licenses from PCM in the amount of \$8,119.72.

2018-172-I. The preliminary minutes of the Parks & Recreation Commission meeting held October 8, 2018.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-173. Department Directors updated the City Commission on the status of several major goals for the fiscal year and answered questions from the City Commission.

The meeting adjourned at 7:25 p.m., subject to the call of the Mayor until December 3, 2018.

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Karen K. Brower, City Clerk

Attachments: A – Private fireworks show policy  
B – Ordinance amendment to add Chapter 79C regarding recreational marihuana facilities

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 3, 2018**

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 Duncan, Favale, Hamrick, Miller, Walters, Zigel and Mayor Seibold

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Assistant City Manager LaFave; Public Safety Director Herald; Finance Director Mushong; City Clerk Brower; Zoning Administrator Mizikar

2018-174. No public comment was received.

2018-175. Commissioner Zigel announced the holiday Sip & Shop event would be held on Thursday, December 13 in Gaslight Village and urged everyone to support local businesses.

Commissioner Hamrick thanked Public Works for repainting the crosswalk at Lake Drive and Woodcliff.

Mayor Seibold reported the Tree Lighting event on November 23 was very well attended, including a visit from Santa and Mrs. Claus who love to shop in Gaslight Village.

2018-176. Request to approve the division of land at 710 Cardinal.

Zoning Administrator Mizikar explained the request to transfer approximately 16,500 square feet from 710 Cardinal to 709 Cardinal. He noted that both resulting lots will meet all ordinance requirements and that all standards for a land division are already met.

Rob Collier, 710 Cardinal, explained they are selling a portion of their property to their next door neighbor.

Glenn Karpf, 709 Cardinal, stated they are buying the property for privacy and enjoyment behind their home and have no plans to build on the land they are purchasing from the Colliers.

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

2018-176-A. Zigel-Miller. That the request of Rob & Diane Collier of 710 Cardinal Drive to transfer approximately 16, 500 square feet from 710 Cardinal to 709 Cardinal be approved, with the following conditions:

5. The split complies with the surveys and legal descriptions presented in the land division application;  
and
6. The relevant deed(s) or land contract(s) be recorded with the Kent County Registrar of Deeds within 90 days of approval.

Commissioner Walters agreed that all ordinance standards are met with this proposal and thanked the neighbors for working together on this issue.

Mayor Seibold felt the lot split made sense for both property owners and will more closely match the shape of other properties in the neighborhood after the split.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zigel and Seibold – 7

Nays: -0-

- 2018-177. Final Reading of an ordinance amendment to add Chapter 79C to Title VII of the City Code to prohibit marihuana establishments and facilities in the City of East Grand Rapids.

City Attorney Huff explained the legal framework surrounding the passage of Proposal 1 in November will take the State of Michigan several months—if not a year or more—to complete. At this time there are no procedures or regulations for licensing facilities for commercial sales, including how to measure any required distance from a school. Mr. Huff stated the proposed ordinance will not impact people's rights to possess and use marihuana as outlined in Proposal 1, but will prohibit the commercial sales in the City of East Grand Rapids. The ordinance would remain in effect until the state is able to offer rules and regulations, at which time the City can repeal, amend or extend the ordinance. Mr. Huff recommended the city commission adopt the ordinance with an immediate effective date so it is in place when Proposal 1 becomes effective on December 6. Mr. Huff advised that adopting the ordinance would ensure there were no unintended consequences between the time the proposal goes into effect and the issuance of licensing and sale regulations.

Mayor Seibold asked if the city could ban these types of businesses later and what type of revenue sharing would be available if the city opted to allow marihuana sales in the city. City Attorney Huff stated the city could enact an ordinance at a later time, but license applications may have already been submitted to the state by the time that happens. He also explained the 10% excise tax to be collected whenever marihuana sales eventually begin would be first used to reimburse the state for all of their expenses in licensing, inspecting and overseeing the marihuana related businesses. After the state's expenses are paid, 70% of the remaining funds would be used for roads and schools and 30% would be shared among the local governments, but no formula is in place yet for that distribution.

Mayor Seibold questioned whether EGR has regulations prohibiting any other types of businesses. Mr. Huff stated that certain adult-oriented businesses, taverns with more than 50% of revenue from alcohol sales and drive-through windows are all prohibited by current ordinances for various reasons.

Mr. Huff reiterated that citizens would still be able to possess and use marihuana as provided in Proposal 1. He noted that Proposal 1 did prohibit the use of marihuana on public property such as sidewalks and parks unless specifically allowed by local ordinances. Mr. Huff further noted that local ordinances would likely be able to control things such as the number and location of establishments as well.

Commissioner Hamrick questioned whether the state would inform the city if applications were received or before licenses were issued. Mr. Huff stated these are some of the questions that have yet to be answered.

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

- |                                 |                                                                                                                                                                                       |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| - Jessica Bloom, 1240 Breton    | Felt the ordinance was being pushed through without input. Stated residents of Wards 2 and 3 want an end date to the ordinance so they can trust the commission to revisit the issue. |
| - Donald Condit, 2555 Frederick | Concerned about crime, accidents, accidental ingestion and other unintended consequences of the new law. Supported banning marihuana sales in East GR.                                |
| - Nick McVey, 2025 Wilshire     | Did not support the ban. Felt the commission was too aggressive.                                                                                                                      |

The following communications were received at City Hall concerning the new ordinance:

- |                                         |           |
|-----------------------------------------|-----------|
| - Donald Condit, 2555 Frederick         | In Favor. |
| - Gaslight Village Business Association | In Favor. |
| - Diana Klein, 128 El Centro            | In Favor. |

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

- 2018-177-A. Walters-Favale. That an ordinance amendment to add Chapter 79C to Title VII of the City Code to prohibit marihuana establishments and facilities in the City of East Grand Rapids be adopted with an expiration date of June 6, 2020 as attached in Exhibit "A."

Mayor Seibold noted she was not in favor of a specific expiration date and would prefer language requiring the City Commission to review the ordinance when the new state laws are released

Commissioner Walters felt adding an expiration date to the ordinance would ensure that the ordinance is revisited after the state has had time to enact rules and policies for licensing and enforcement and would provide assurance to residents that their thoughts on the ordinance and on marihuana sales would be heard. He stated that individual's rights to possess and use marihuana will not be impacted by the ban on retail sales in East Grand Rapids, so he was comfortable enacting the ordinance to allow the city time to study any state regulations and engage citizens before deciding whether to allow sales in the future.

Commissioner Miller thanked the residents who took the survey over the last week, but felt the election results spoke clearer than the survey. While a majority of voters are in favor of the legalization of marihuana, he did agree it was important to pause and see what regulations the state enacts before deciding on retail sales in East. He supported the ordinance with the expiration date and supported future discussions on this issue.

Commissioner Zagel noted the Proposal 1 language specifically allowed local governments to enact ordinances such as this one and he appreciated the opportunity to ban sales for now until all of the effects and consequences and new state regulations could be considered to make an informed decision. Mr. Zagel also stated that the city may need to allocate funds or staffing resources in the future and taking the time to review everything will be needed. He preferred to do this without the sunset provision.

Commissioner Duncan felt certain there would be enough information to make a decision by June 2020 so she was very comfortable with expiration provision. Commissioners Favale and Hamrick agreed.

Commissioner Hamrick questioned the survey results as she felt it did not match the election results. She wanted additional dialogue with citizens before the ordinance ends in 2020.

Mayor Seibold stated there is a lot of research to be done in the next eighteen months on how Colorado and other states have dealt with the many issues relating to recreational marihuana. She also noted that a lot more information is needed on state rules and how the tax revenue will be allocated in the future.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

- 2018-178. Resolution approving an application for Community Development Block grant funding for sidewalk improvements on Lake Drive.

Zoning Administrator Mizikar explained that handicap ramps are the only thing East Grand Rapids qualifies for from the CDBG program and the city has been working with other cities in the area to systematically upgrade these intersection ramps to current standards.

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

- 2018-178-A. Zagel-Favale. That a resolution approving an application for Community Development Block grant funding for sidewalk for sidewalk and curb improvements on Lake Drive be adopted as attached in Exhibit "B."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-179. Miller-Duncan. To approve the consent agenda as follows:

2018-179-A. Minutes of the regular meeting held November 19, 2018.

2018-179-B. Payroll disbursements of \$233,350.79; county and school disbursements of \$28,473.15, and total remaining disbursements of \$1,068,805.38.

2018-179-C. The reappointment of David Bilardello to the Interurban Transit Partnership Board of Directors for a two-year term ending December 31, 2020.

2018-179-D. The selection of Fifth Third Bank to provide banking services to the City of East Grand Rapids.

2018-179-E. A resolution designating certain employee expenditures as a public purpose as attached in Exhibit "C."

2018-179-F. The purchase of three crosswalk beacons and required accessories from Carrier and Gable, Inc of Farmington Hills, Michigan in the amount of \$10,719.00.

2018-179-G. A resolution approving the fourth extension to the water and sanitary sewer services agreement with the City of Grand Rapids as attached in Exhibit "D."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

The meeting adjourned at 7:17 p.m., subject to the call of the Mayor until December 17, 2018.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to add Chapter 79C regarding recreational marihuana facilities  
B – Resolution for CDBG funding  
C – Resolution approving employee expenditures  
D – Resolution approving extension of water and sewer agreement with Grand Rapids.

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 17, 2018**

Mayor Seibold called the meeting to order at 6:00 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 Duncan, Favale, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Assistant City Manager LaFave; Public Safety Director Herald; Finance Director Mushong; Parks & Recreation Director Bunn; City Clerk Brower; Zoning Administrator Mizikar; Communications Specialists Greenleaf and Licari, Sgt. Smith; PSOs Hollis, Karnes, Wallace

2018-180. No public comment was received.

2018-181. Commissioner Favale announced that the James Salon would be donating 20% of their profits to the high school PTO on Wednesday, December 19.

Mayor Seibold congratulated the Ferris State University football team on their 2<sup>nd</sup> place finish in the Division 2 national championships.

2018-182. Public Safety Director Herald presented the following awards: Life Saving Awards to Staff Sergeant Eric Smith and Public Safety Officer Zach Nagtzaam; Unit Citation Awards to Staff Sergeant Eric Smith, PSO Zach Nagtzaam, PSO Dan Lobbezoo and PSO John Karnes; Chief's Citation Award to Physician Assistant Megan Zabawa.

2018-183. A zoning variance hearing was held regarding the request of Christopher Wessely of 1447 Woodcliff to allow the construction of an addition to the rear of the home creating a rear yard setback of 15' instead of the required 25'.

Zoning Administrator Mizikar explained the request for a 15'x30' addition to the rear of the home that would contain a bedroom, bathroom and sitting area. He noted that the lot is non-conforming so the existing reduced side yard setback is allowed. He stated the proximity and size of the addition could be considered a detriment to the neighbor to the south.

Chris & Kim Wessely of 1447 Woodcliff were present to explain the request. Mr. Wessely stated the addition needed to be on the main floor to avoid using the stairs and felt this location was their best choice because it would line up with existing living space and avoid the kitchen windows. He stated the kitchenette shown on the plans could be eliminated and the entry would be a sliding glass door.

Commissioner Hamrick questioned whether the applicants had looked at the option of only a bedroom and bathroom that might be able to be built within the allowed setback and avoid the need for a variance. Mr. Wessely said this might be possible, but he would have to have an architect look at the options. He also acknowledged that there may be other options for adding on to the rear of the home but has not looked into these with any depth.

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

- Tom Stankewicz, 1453 Woodcliff

Requested the variance be denied as there were no special conditions on this property and the addition would have a negative impact on his property. He also felt it could be done without needing a variance and was concerned about water runoff and overcrowding in the neighborhood. Mr. Stankewicz noted he was not opposed to an addition to the home but did not support the current request.

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

- Smith Haughey on behalf of Stankewicz/Landane      Opposed.
- Susan McCarthy, 1440 Edgewood                      Opposed.
- Edna Glaza, 2960 Maplewood                          Opposed.
- Sue Stoddard, 1427 Woodcliff                        Opposed.
- Matt Runyon, 1450 Woodcliff                         Opposed.

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

- 2018-183-A. Walters-Hamrick. That the request of Christopher Wessely of 1447 Woodcliff to allow the construction of an addition to the rear of the home creating a rear yard setback of 15' instead of the required 25' be approved.

Mayor Seibold reviewed several of the recent rear yard setback variances and the reasons they were approved or denied by the City Commission.

Commissioner Walters appreciated the desire to have an addition to the home to assist an aging relative and noted the new master plan does discuss looking at this type of mixed-use in the future; however, he could not support this request because the standards currently contained in the zoning ordinance are not met by this request. He also felt it would be a detriment to the next-door neighbor to build a large addition so close to the property line. He encouraged the applicant to explore all the options for building the addition without a variance.

Commissioner Zagel also supported the idea behind the project but hoped it could be done without a variance and without the negative impact on the neighbors.

Mayor Seibold stated the size and location did not seem like the best fit for the area as it reduces the private enjoyment of others in their back yards.

Yeas: -0-  
Nays: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

- 2018-184. Resolution amending the assessment roll for the Durant Street Special Assessment District.

Assistant City Manager LaFave explained the construction has been completed costs were under the budgeted amount, resulting in reduced assessments for the property owners on this street.

Mayor Seibold opened a public hearing on the updated assessment numbers. No public comment was received. Mayor Seibold closed the public hearing.

- 2018-184-A. Zagel-Miller. That a resolution amending the Durant Street Special Assessment District assessment roll be adopted as attached in Exhibit "A."

Commissioner Zagel thanked Mr. LaFave and the Public Works Department for working so closely with residents on the assessment process and the construction work.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

- 2018-185. Discussion of January 21, 2019 City Commission meeting.

- 2018-185-A. Duncan-Hamrick. That the regularly scheduled City Commission meeting of January 21, 2019 be moved to January 22, 2019 due to the Martin Luther King, Jr. Day holiday.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2018-186. Duncan-Miller. To approve the consent agenda as follows:

2018-186-A. Minutes of the regular meeting held December 3, 2018.

2018-186-B. Payroll disbursements of \$220,870.87; county and school disbursements of \$48,393.04, and total remaining disbursements of \$1,470,118.30.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zigel and Seibold – 7

Nays: -0-

The meeting adjourned at 6:47 p.m., subject to the call of the Mayor until January 7, 2019.

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Karen K. Brower, City Clerk

Attachments: A – Resolution amending the Durant Street Special Assessment District

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

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Special Meeting Held December 18, 2018**

Mayor Seibold called the meeting to order at 1:07 p.m. in the City Commission Chambers at the East Grand Rapids Community Center.

Present: Commissioners Duncan, Favale, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: None

Also Present: City Clerk Brower; MML Consultant Grinzinger

2018-187. No public comment was received.

2018-188. No commission reports were received.

2018-189. Zagel-Miller. Motion to enter into an executive session to review applications for the City Manager's position in accordance with Section 8(f) of the Open Meetings Act. A roll call vote was taken.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2018-190. The meeting adjourned at 1:08 p.m. to conduct the executive session. The meeting resumed at 4:59 p.m.

2018-191. Selection of candidates for interviews.

2018-191-A. Miller-Favale. That candidate numbers 9, 11, 19, 22, 27 be invited to interview for the city manager's position on January 11, 2019.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2018-192. Mayor Seibold announced the interviews for the city manager position will take place on Friday, January 11, 2019 in the City Commission Chambers and an open house to meet the candidates will be held on Thursday, January 10, 2019 from 5:30 to 7:30 pm in the City Commission Chambers. Both the interviews and the open house will be open to the public.

The meeting adjourned at 5:02 p.m., subject to the call of the Mayor until January 7, 2019.

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Karen K. Brower, City Clerk