

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held January 7, 2019**

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; City Manager Donovan; Assistant City Manager LaFave; Finance Director Mushong; Parks & Recreation Director Bunn; City Clerk Brower;

2019-01. Todd Astrauskas, 435 Plymouth, asked who was monitoring Blodgett Hospital's construction projects to ensure compliance with the conditions instituted by the city when approved. Mayor Seibold asked that residents contact Assistant City Manager Doug LaFave with any questions or concerns they may have.

2019-02. Commissioner Hamrick reminded both adults and children walking and jogging during dark hours to wear reflective clothing or blinking lights to help others see you.

Mayor Seibold thanked Commissioner Favale for helping her provide breakfast to the public safety officers and public works crew members who were working on New Year's morning.

2019-03. Adoption of a policy for private fireworks show permits

Parks & Recreation Director Bunn reviewed the changes made to the policy since the commission's earlier review, including reducing the fee to \$600, including wording about the city's right to deny a permit for any reason, limiting permits to four per year and one permit per calendar month, allowing applications eleven months in advance and language allowing the city to revoke permits or deny future permits for cause.

Mayor Seibold opened this issue for public comment. No other public comment was received. Mayor Seibold closed the public comment.

2019-03-A. Miller-Zagel. That a policy for the issuance of permits for private fireworks shows be adopted as attached in Exhibit "A."

Commissioner Miller reported receiving an email from a resident about a recent change in state law concerning consumer fireworks and asked if this would impact the private fireworks permit policy. City Attorney Huff noted that consumer fireworks allowed surrounding holidays was a separate issue and changes to that city ordinance will be brought to the city commission at a future meeting.

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

2019-04. Duncan-Favale. To approve the consent agenda as follows:

2019-04-A. Minutes of the regular meeting held December 17, 2018.

2019-04-B. Minutes of the special meeting held December 18, 2018.

2019-04-C. Payroll disbursements of \$229,715.64; county and school disbursements of \$315,917.95, and total remaining disbursements of \$288,178.82.

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

The meeting adjourned at 6:25 p.m., subject to the call of the Mayor until January 11, 2019.

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Karen K. Brower, City Clerk

Attachments: A – Private Fireworks Show Permit Policy

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

UNOFFICIAL  
Reference Only

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Special Meeting Held January 11, 2019**

Mayor Seibold called the meeting to order at 8:35 a.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 Clerk Brower; MML Consultant Grinzinger; Human Resources Specialist DaSilva

2019-05. No public comment was received.

2019-06. No commissioner reports were received.

2019-07. Kathie Grinzinger from the Michigan Municipal League reviewed the schedule of interviews and went over the interview questions and protocol in advance of the first interview.

2019-08. The City Commission interviewed five candidates for the position of Manager:

Eric Zuzga of Coldwater, Michigan  
Brian Bursiek of Schaumburg, Illinois  
Emmanuel Toribio of Des Moines, Iowa  
Michael Cramer of Wilmington, North Carolina  
Mitchell Foster of Winneconne, Wisconsin

2019-09. The meeting recessed from 11:55 a.m. to 12:36 p.m. for lunch. Following the final interview, the city commission took a short break from 5:02 pm until 5:25 p.m.

2019-10. The meeting reconvened at 5:25 p.m. with the following people present: Mayor Seibold, Commissioners Duncan, Favale, Hamrick, Miller, Walters and Zagel, Parks & Recreation Director Bunn; Public Safety Director Herald; Finance Director Mushong, Assistant City Manager LaFave, City Attorney Huff, City Clerk Brower and MML Consultant Grinzinger.

Mayor Seibold thanked everyone for putting in a very long day of interviews and all the research and planning that have gone into this process over the last several months.

The City Commission discussed the merits of the candidates, their experience and their stated approach to the job of city manager during the interviews.

2019-10-A. Zagel-Miller. Motion to extend a conditional offer of employment to Emmanuel Toribio, contingent upon background and reference checks and the completion of skills and leadership assessment tests.

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

Nays: -0-

2019-10-B. Zagel-Miller. Motion to direct the city attorney to begin contract negotiations with Emmanuel Toribio for approval at an upcoming city commission meeting.

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

Nays: -0-

The meeting adjourned at 6:30 p.m., subject to the call of the Mayor until January 22, 2019.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Rescheduled Regular Meeting Held January 22, 2019**

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; Finance Director Mushong, Assistant City Manager LaFave; Zoning Administrator Mizikar; City Clerk Brower; Communications Specialist Licari

2019-11. No public comment was received.

2019-12. Commissioner Favale thanked the Public Safety Department for their work following a car fire on Hall Street recently. She felt the response time was excellent and the officers handled the traffic and cleanup very professionally.

Commissioner Zagel announced that USA Today had named East Grand Rapids as the “Best Place To Live in Michigan” recently. Mr. Zagel also thanked the Public Works Department for all their work on winter maintenance over the last several weeks and asked residents and visitors to be very careful if walking out onto the ice on Reeds Lake.

Commissioner Walters thanked everyone for agreeing to move the city commission meeting in honor Dr. King.

Mayor Seibold reported that the last Cadence Newspaper would be published this coming weekend. She thanked reporter Madison Bennett for the excellent work covering all things East GR over the last two years and wished her well in her future endeavors. Mayor Seibold also thanked the Public Works Department for all their hard work during the winter months; she noted the residents appreciate everything they do.

2019-13. A zoning variance hearing was held regarding the request of An Ly of 2128 Wealthy to waive the requirement of one parking space for the proposed 2nd floor dwelling unit.

Zoning Administrator Mizikar explained that residential uses on the 2<sup>nd</sup> floor in Gaslight Village require a special use permit and that a variance is being requested to waive the requirement to have a dedicated parking space for the 2<sup>nd</sup> floor unit. He stated the property has no parking spaces and the owner has been unable to make arrangements with any surrounding property owners for a dedicated space.

Kevin Lucciani, contractor for the property owner, reported the restaurant owner would be leasing the apartment and the restaurant space from the owner of the building.

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

- Matt Feyen, owner of 667 Lovett Supported both variance and special use request.

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

- 2019-13-A. Miller-Duncan. That the request of An Ly of 2128 Wealthy to waive the requirement of one parking space for the proposed 2nd floor dwelling unit be approved.

Commissioner Miller reported the Planning Commission discussed at length and felt that this request was consistent with the new master plan.

Commissioner Walters stated he would support the request because the request meets the ordinance standards for granting variance approval.

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

- 2019-14. Request to approve a special use permit to allow a residential dwelling on the 2nd floor above a commercial use in the C-1 district at 2128 Wealthy.

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

- Matt Feyen, owner of 667 Lovett Supported both variance and special use request.

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

- 2019-14-A. Zagel-Miller. That a special use permit to allow a residential dwelling on the 2nd floor above a commercial use in the C-1 district at 2128 Wealthy be approved.

Commissioner Walters again noted that this proposal meets the standards set by ordinance.

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

- 2019-15. Resolution setting a hearing date to consider the vacation of a portion of Oxford Road.

Assistant City Manager LaFave stated the City Commission had acted in July 2018 to indicate East Grand Rapids would not allow access to a new housing development in Grand Rapids through Oxford Road. He presented a resolution for the City Commission to adopt setting a hearing date of March 4 to consider vacating a part of Oxford Road at the border with Grand Rapids.

- 2019-15-A. Duncan-Zagel. That a resolution setting a hearing date of Monday, February 4, 2019 to consider the vacation of a portion of Oxford Road be adopted as attached in Exhibit "A."

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

- 2019-16. Duncan-Favale. To approve the consent agenda as follows:

2019-16-A. Minutes of the regular meeting held January 7, 2019.

2019-16-B. Minutes of the special meeting held January 11, 2019.

2019-16-C. Payroll disbursements of \$624,571.32; county and school disbursements of \$931,650.42, and total remaining disbursements of \$270,048.98.

2019-16-D. Preliminary minutes of the Planning Commission meeting held December 11, 2018.

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

2019-17. Walters-Miller. Motion to enter into an executive session to discuss attorney's opinions 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 6:19 p.m., subject to the call of the Mayor until February 4, 2019.

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Karen K. Brower, City Clerk

Attachments: A – Resolution setting a hearing date for the vacation of a portion of Oxford Road

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

UNOFFICIAL  
Reference Only

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Special Meeting Held January 31, 2019**

Mayor Seibold called the meeting to order at 8:00 a.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 Mayor Seibold

Absent: Commissioner Zagel

Also Present: City Attorney Huff; City Clerk Brower

2019-18. Miller-Hamrick. 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 and Seibold – 6

Nays: -0-

The meeting adjourned at 8:01 a.m., subject to the call of the Mayor until February 4, 2019.

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Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held February 4, 2019**

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, Walters, Zagel and Mayor Seibold

Absent: Commissioner Miller

Also Present: City Manager Donovan; City Attorney Huff; Finance Director Mushong, Assistant City Manager LaFave; Public Safety Director Herald; Parks & Recreation Director Bunn; Zoning Administrator Mizikar; City Clerk Brower; Communications Specialist Licari; Captain Buikema; Sgt. Metternich; Sgt. Kolster; Public Safety Officers Lindner, Hollis, Katje and Good

2019-19. Peter Dimitriou, 2621 Inverness (GR), spoke about middle school climate change curriculum and the recent bitter cold weather being caused by disruptions to the ocean currents.

Richard Stevens, 2920 Beechwood, thanked the snowplow drivers for all their work last week during the winter weather events.

2019-20. Commissioners Walters, Duncan and Zagel thanked the Public Works crews and Public Safety officers for all their work keeping the streets clear and traffic moving last week during the winter storm and extremely cold weather.

Mayor Seibold also thanked the Public Works crew members for the long hours they worked last week and thanked the citizens who helped bring food to those who worked so hard to keep the streets open.

Mayor Seibold announced that tonight was Brian Donovan's final city commission meeting as he would be retiring on February 15 and thanked him for his 25 years of service and leadership.

2019-21. Public Safety Director Herald presented Meritorious Service Awards to Public Safety Officers Andrew Good and Dave Katje for their actions in September 2018 detecting the smell of smoke at a house located in the 2700 block of Richards and then calling in additional personnel to extinguish the fire before significant damage was done to the home.

2019-22. A zoning variance hearing was held regarding the request of William Pearl of 2912 Beechwood to allow the construction of an addition to the front of the home creating a front yard setback of 28.5' instead of the required 39.'

Zoning Administrator Mizikar outlined the new request submitted by the applicants that requests a front-yard setback of 28.5' but meets all other ordinance requirements. He noted the irregular shape of the lot and the drainage easement limit the amount of land available for a garage addition.

William Pearl, 2912 Beechwood, explained the home addition had been reduced in size and pushed further back on the lot to better fit the land available and the neighborhood. He showed comparisons of other lots with the same shape and noted he had posted information for neighbors but had not heard from any of them.

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

- Richard Stevens, 2920 Beechwood

Supported this reasonable request that would benefit the neighborhood.

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

- David Whitehouse, 2942 Beechwood                      Opposed.
- Timothy Allard, 2931 Beechwood                      Opposed.
- Amanda Whitehouse, 2942 Beechwood                      Opposed.

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

- 2019-22-A.     Duncan-Hamrick. That the request of William Pearl of 2912 Beechwood to allow the construction of an addition to the front of the home creating a front yard setback of 28.5' instead of the required 39' be approved.

Commissioner Duncan acknowledged that the applicants had reduced the request to fit better on the property, and while they aren't getting everything they originally wanted, they've come as close as they can to meeting the ordinance.

Commissioner Favale stated the easement complicates this situation but felt the applicants should be able to have a two-car garage.

Commissioner Hamrick supported the request as she felt it was well designed and would look balanced with the house. She further noted the garage would be behind the setback of the neighboring garage and the new garage will look much better than the current situation.

Commissioner Walters agreed there were unique circumstances that were not a result of the applicant's plans. He felt the prior remodel should have been done differently to eliminate the need for this variance but did not feel the current plans would be a substantial detriment to the surrounding homes.

Commissioner Zagel agreed the shape of the lot and the easement were not caused by the applicant but noted that both were existing when the applicant purchased the lot.

Mayor Seibold stated that while the easement does complicate the issue, sometimes there just isn't enough land to do everything that homeowners wish to add to their homes. She appreciated the applicant's efforts to reduce the size of the addition, but still felt this was too large for the lot.

Yeas:   Duncan, Favale, Hamrick, Walters and Zagel – 5  
Nays:   Seibold – 1

- 2019-23.     Introduction of an ordinance to amend Section 9.57E of Chapter 93 of Title IX of the City Code pertaining to fireworks regulations.

City Attorney Huff explained the State legislature had recently made changes to the dates and times people can use consumer fireworks. The proposed ordinance amendment changes our local regulations to match the new state rules.

- 2019-23-A.     Zagel-Favale. That an ordinance to amend Section 9.57E of Chapter 93 of Title IX of the City Code pertaining to fireworks regulations be introduced as attached in Exhibit "A."

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

- 2019-24.     Resolution approving budget amendments for the quarter ending December 31, 2018.

Finance Director Mushong noted the Finance Committee had recommended changes to the resolution due to questions and corrections on one of the line items in the Public Safety budget.

2019-24-A. Zagel-Favale. That the revised resolution approving budget amendments for the quarter ending December 31, 2018 be adopted as attached in Exhibit "B."

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

2019-25. Duncan-Favale. To approve the consent agenda as follows:

2019-25-A. Minutes of the rescheduled regular meeting held January 22, 2019.

2019-25-B. Payroll disbursements of \$217,276.50; county and school disbursements of \$357,811.67, and total remaining disbursements of \$798,865.66.

2019-25-C. A contract for tree maintenance work with CHOP of Grand Rapids in the amount not-to-exceed \$20,000 for FY2018-19 and authorizing staff to extend the contract for up to two additional years upon satisfactory completion.

2019-25-D. Quarterly financial statements for the quarter ending December 31, 2018.

2019-25-E. Termination of the lawn maintenance contract with 20/20 Lawncare and Landscape LLC as outlined in the Parks & Recreation Director memo dated January 25, 2019.

2019-25-F. A contract with Kushner & Company in the amount of \$47,500 for consulting services to study and bid components of the employee healthcare benefit plan.

2019-25-G. Planning Commission 2018 Annual Report.

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

2019-26. Mayor Seibold announced that contract terms had been reached with Emmanuel Toribio for the city manager position and asked the city commission to add approval of the contract and the appointment of an acting city manager to the agenda for consideration.

2019-27. Walters-Zagel. Motion to add to the agenda the approval of an employment contract for the city manager position. A roll call vote was taken.

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

2019-28. Employment contract for the city manager position.

City Attorney Huff outlined the contract provisions for the new city manager, including the term of the contract, renewal options, and the salary and benefits that will be provided.

2019-28-A. Walters-Zagel. That an employment contract with Emmanuel Toribio for the position of city manager be approved as attached in Exhibit "C."

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

2019-29. Hamrick-Favale. Motion to add to the agenda the appointment of an acting city manager. A roll call vote was taken.

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

2019-30. Appointment of an Acting City Manager.

2019-30-A. Walters-Zagel. That Doug LaFave be appointed as the Acting City Manager effective beginning February 16, 2019 continuing until the new city manager is sworn in, and to approve a salary adjustment for the acting city manager for the extra duties assumed during the transition period.

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

The meeting adjourned at 6:50 p.m., subject to the call of the Mayor until February 18, 2019.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section 9.57E regarding fireworks regulations.  
B – Resolution adopting budget amendments  
C – Employment 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 February 18, 2019**

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, Zagel and Mayor Seibold

Absent: Commissioners Duncan and Miller

Also Present: City Attorney Huff; Finance Director Mushong, Acting City Manager LaFave; Captain Buikema; Zoning Administrator Mizikar; City Clerk Brower

2019-31. Scott Dienes and Simon Dienes of 935 Rosewood were present to thank the Public Safety Department for their incredibly fast arrival and experienced response to a chimney fire at their home recently.

2019-32. Commissioner Favale reported the invasive species removal event on Saturday went very well and additional events will be scheduled.

Commissioner Zagel thanked the Public Safety Department for helping families affected by power surges and downed lines during the recent power outages.

Commissioner Walters thanked Mr. LaFave for stepping into the City Manager's position during the interim time between Brian Donovan's retirement and Manny Toribio's arrival.

2019-33. Resolution recognizing Embody as a non-profit for the purpose of obtaining a charitable gaming license.

Dana Christian Lee, founder of Embody, explained Embody's mission of assisting people with physical and mental well being at all income levels. She noted the organization would be hosting fundraising events with raffles that require a resolution from the local governing body.

2019-33-A. Zagel-Hamrick. That a resolution recognizing Embody as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses be adopted as attached in Exhibit "A."

Commissioner Zagel asked that Embody submit its IRS determination letter to the city for their files.

Yeas: Favale, Hamrick, Walters, Zagel and Seibold – 5

Nays: -0-

2019-34. Final Reading of an ordinance to amend Section 9.57E of Chapter 93 of Title IX of the City Code pertaining to fireworks regulations.

City Attorney Huff explained the ordinance is being amended to mirror the new state regulations limiting the dates and times that consumer fireworks can be used.

2019-34-A. Zagel-Favale. That an ordinance to amend Section 9.57E of Chapter 93 of Title IX of the City Code pertaining to fireworks regulations be adopted as attached in Exhibit "B."

Yeas: Favale, Hamrick, Walters, Zagel and Seibold – 5

Nays: -0-

2019-35. Introduction of an ordinance to amend Section 5.18 of Chapter 50 of Title V of the City Code pertaining to the definition of front yard.

Zoning Administrator Mizikar reported the Planning Commission recommends changes to two ordinance sections allowing covered front porches to encroach into the front yard setback with certain restrictions.

2019-35-A. Walters-Hamrick. That an ordinance to amend Section 5.18 of Chapter 50 of Title V of the City Code pertaining to the definition of front yard be introduced as attached in Exhibit "C."

Yeas: Favale, Hamrick, Walters, Zagal and Seibold – 5  
Nays: -0-

2019-36. Introduction of an ordinance to amend Section 5.61 of Chapter 50 of Title V of the City Code outlining encroachments into required yard setbacks.

2019-36-A. Zagal-Hamrick. That an ordinance to amend Section 5.61 of Chapter 50 of Title V of the City Code outlining encroachments of porches, decks and stoops be introduced as attached in Exhibit "D."

Yeas: Favale, Hamrick, Walters, Zagal and Seibold – 5  
Nays: -0-

2019-37. Discussion of spring break meeting.

Commissioner Walters noted the school district has an event that starts at 7 pm on March 25, but this will likely not conflict with the city commission meeting.

2019-37-A. Walters-Favale. That the city commission meeting scheduled for Monday, April 1 be rescheduled to Monday, March 25, 2019 at 6 p.m.

Yeas: Favale, Hamrick, Walters, Zagal and Seibold – 5  
Nays: -0-

2019-38. Zagal-Favale. To approve the consent agenda as follows:

2019-38-A. Minutes of the special meeting held January 31, 2019.

2019-38-B. Minutes of the regular meeting held February 4, 2019.

2019-38-C. Payroll disbursements of \$203,503.64; county and school disbursements of \$168,631.65, and total remaining disbursements of \$772,982.66.

2019-38-D. Advisory board and committee assignments as attached in Exhibit "E."

2019-38-E. Permission to seek bids for the list of grind and resurfacing projects outlined by the Acting City Manager and approval of a contract with American Pavements, Inc of Plain City, Ohio for capesealing and micro-surface treatments in the amount of \$416,000.

2019-38-F. Preliminary minutes of the Planning Commission meeting held January 8, 2019.

2019-38-G. Preliminary minutes of the Parks & Recreation Commission meeting held January 14, 2019.

Yeas: Favale, Hamrick, Walters, Zagal and Seibold – 5  
Nays: -0-

The meeting adjourned at 6:22 p.m., subject to the call of the Mayor until March 4, 2019.

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Karen K. Brower, City Clerk

Attachments: A – Resolution recognizing Embody as nonprofit  
B – Ordinance amendment to Section 9.57E regarding fireworks regulations.  
C – Ordinance amendment to Section 5.18 defining front yard  
D – Ordinance amendment to Section 5.61 setting front porch encroachments  
E – Advisory board and committee assignments

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 4, 2019**

Mayor Seibold called the meeting to order at 5:00 p.m. in the City Commission Chambers at the East Grand Rapids Community Center.

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

Absent: Commissioner Favale

Also Present: City Attorney Huff; Acting City Manager LaFave; Finance Director Mushong, City Clerk Brower

2019-39. Miller-Hamrick. 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, Hamrick, Miller, Walters, Zagel and Seibold – 6

Nays: -0-

2019-40. The meeting adjourned at 5:01 p.m. to conduct the executive session.

2019-41. The meeting reconvened at 6:01 p.m. with the following people in attendance:

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

Absent: Commissioner Favale

Also Present: City Attorney Huff; Finance Director Mushong, Acting City Manager LaFave; Captain Buikema; Zoning Administrator Mizikar; City Clerk Brower; Planning Consultant LeBlanc

2019-42. Mayor Seibold led the audience in the Pledge of Allegiance.

2019-43. No public comment was received.

2019-44. Mayor Seibold noted there have been a few recent communications about parking in and around Gaslight Village and the Community Center and staff would be reporting back to the commission later.

2019-45. Resolution vacating a portion of Oxford Road.

Acting City Manager LaFave explained the developers of the Oxford Hamlet project are working their way through the requirements for the City of Grand Rapids and Michigan Department of Environmental Quality for approvals for this development. Due to many remaining questions and concerns about this project, the City of East Grand Rapids is considering vacating a portion of the Oxford Road right-of-way.

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

- Brad Rotschafer, Mosaic Properties

Stated owners who have been meeting with the neighbors since 2014, but neighbors remain opposed to all development. The development has been reduced from 55 units to 48 units and has added a second access from Griggs Street in Grand Rapids. Developers are always encouraged to connect communities and people through their development. It was

- clear that Oxford was meant to be connected. Felt it would be good for people in both cities and has heard from many people who want to move here. Requested East Grand Rapids table the resolution to vacate until the details and merits of the development can be presented and the Griggs access can be studied.
- Sid Jansma, Jr. (property owner)

Has always wanted to develop this property so everyone can enjoy. Could do single-family homes, but thinks multi-family would be better. He noted the EGR traffic engineer stated the existing streets and infrastructure could handle the additional traffic. It already has full storm and sanitary sewer available and would be easy to develop. Questioned why the City of EGR had chosen to direct open storm water drains onto his property instead of connecting to the storm sewers. Stated that at a bare minimum the City needed to talk with him about the storm water issue and how to deal with the wetlands created. Willing to take the matter to court if necessary to develop his property. If vacated, he will include the new owners of the vacated property in his lawsuit.
  - Derek Trovillion, 1762 Oxford

Neighbors are not opposed to development and wouldn't object if there was more support from the neighbors, if the owner needed the money, if the development were smaller, if the complaint about wetlands could be verified and if it would solve the watershed issue instead of exacerbating it. Neighbors feel vacation of right-of-way is appropriate step. Did not appreciate threatening tone from the lawyers.
  - Ken Erffmeyer, 2105 Stickley (GR)

They are empty nesters and want to be a part of the East GR neighborhoods.
  - Tina VandenBurg, 2104 Tenway

Reported that traffic off Breton is already bad in their neighborhood and additional cars will worsen and deteriorate road conditions.
  - Jenna Ludeman, 2258 Englewood

Submitted letter from Franks Spies who could not attend. Supported the vacation proposal as she felt allowing several hundred additional vehicles through the neighborhood would jeopardize the safety of children and the value of homes.
  - Mary Sue Barnes, 1720 Oxford

Appreciated the City Commission's study and effort on this issue. Supported a barrier at the border to stop traffic.
  - Bill Andrus, 1779 Asbury

Disputed some of the owner's history of the land and objected to the financial gain.
  - Matt Ludeman, 2258 Englewood

Emphasized safety is the main concern with all the additional vehicles associated with a 48-unit development in such a quiet neighborhood. Could support a smaller number of single-family homes.
  - Gary Barnes, 1720 Oxford

Didn't feel there were any benefits to East Grand Rapids from the additional vehicles the development would bring.
  - Julie Neuhaus, 1771 Whitfield

Wanted survey done and property markers installed to prevent additional tree removal on her property.
  - Sue Lee, 1755 Oxford

Appreciated the schools, quietness and safety in her area. She is terrified of accidents if more cars use their streets.

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

- |   |  |
|---|--|
| - Ronald Redick, Mika Meyers                    | Objection on behalf of 2200 Griggs property owner. |
| - Max & Carol VanWyk, 2616 Greentree (GR)       | Opposed to vacation.                               |
| - Ray Fisher, 2108 Tenway                       | Support vacation.                                  |
| - Susanne Buchau, 1750 Asbury                   | Support vacation.                                  |
| - Jenna & Matt Ludeman, 2258 Englewood          | Support vacation.                                  |
| - Eric Gallannek/Capalene Howse, 2354 Englewood | Support vacation.                                  |

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

- 2019-45-A. Walters-Miller. That a resolution vacating a portion of Oxford Road in the City of East Grand Rapids and reserving easements for public utilities be adopted as attached in Exhibit "A" with the following language added:

BE IT FURTHER RESOLVED that the vacation of the portion of Oxford Road described above is contingent upon, and shall only become effective upon, the city entering into option and right of first refusal agreements, under terms acceptable to the City, with both of the neighboring property owners who would receive portions of the vacated property by reversion upon the completion of this vacation proceeding.

Commissioner Walters explained the additional language will insure that the vacated land reverts to the city in the event the homeowners don't want to keep it. Mr. Walters noted this vacation was not about opposing the development, the wetlands or other issues, but rather about whether there was a benefit or detriment to keeping the road open. He reiterated the many negatives voiced by the neighbors: traffic, safety, road deterioration and negative impact on property values. Commissioner Walters noted the city was not trying to block the development of the property since the project would still have the access point on Griggs.

Commissioner Miller stated that the traffic study clearly demonstrated a significant increase in traffic for the surrounding streets. He felt the City had a responsibility to its residents to maintain the character and safety of their neighborhoods.

Commissioner Zagel agreed that vacating a portion of the street would not prohibit the development from going forward but it would help protect the neighborhood from the increase in traffic.

Commissioner Duncan also supported the resolution to vacate. She noted that the owner was choosing to develop the land only after he enjoyed the quiet nature of the neighborhood for his family. She stated she was very supportive of families with young children who value safe, quiet streets for their families.

Commissioner Hamrick agreed with her fellow commissioner's comments and reiterated her desire to maintain safe neighborhoods. She stated she had no problem with the development of the property but was concerned about the traffic and wear and tear on the roads additional vehicles would bring.

Mayor Seibold noted she had not heard any solid reasons from the owner or the developer why the project had to have access to Oxford Road; however, she had heard many reasons why the additional traffic would be detrimental to those living in the area.

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

- 2019-46. Request to approve the division of land at 2755 Hall.

Zoning Administrator Mizikar reviewed the history of land division and rezoning requests for this property.

Planning Consultant LeBlanc explained this lot was split between two zoning districts, with the majority of land in the R-2 district. The city code requires staff to use zoning standards for the district that makes up the majority of the property when discussing a land division; therefore, both lots must meet the R-2 criteria to approve a lot

split. Mr. LeBlanc noted that the north side of Hall Street contains homes averaging 30,000 sq. feet and properties on the south side of Hall average about 14,000 sq. feet. He stated the applicant had identified many similar properties in the area, but that majority were on the south side of the street and not adjacent to their property on the north side. He stated the city must look at the size and shape of all parcels in a 500' radius, not just those across the street or just those selected that match the applicant's property. He also noted the slope of the lot may cause a new home to be significantly higher than the property to the east. He recommended denying the lot split request because it did not meet the standards contained in the land division ordinance.

Mr. LeBlanc addressed the lot lines proposed by the applicant by saying that while it will technically meet the requirements, it is obviously gerrymandered around the existing home, creating several pockets of unusable land that could create confusion and disputes among future property owners.

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

- Rick Pulaski, Nederveld Engineering      Stated that all setbacks conform and no variances will be needed. Presented many aerial views of homes and setbacks in the area, charts of lot sizes and some of the surrounding unusual lot shapes. Stated it was most important to look at homes across the street since they are all similar. Felt open lot was a gaping hole on the street and needed to be filled.
- Muriel Poortenga, 2755 Hall      Felt the empty space created a lack of introduction to the neighborhood and it bugged her to only see the back of the houses behind the empty lot. She wants to aesthetically contribute to the evolution of Hall Street.
- Brian Gill, 2760 Lake Dr      Opposed to the split because it is not a natural property split and will add a new home towering over their back yard. Also noted the very small proposed setback between the existing home and the new home will cause these two homes to be much closer together than others in the area.
- Elena Gill, 2760 Lake Dr      Felt the open space in the area was a very attractive feature, not a detriment.
- Adam Panter, 2820 Lake Dr      Did not feel this lot split or the proposed home conformed with the neighborhood at all and would negatively affect the value of other properties.
- Rob Bernard, 700 Plymouth      This is a very busy area and people who buy here should expect lots of noise and traffic. Stated opposition letters were full of inconsistencies and should not be counted. Noted the world is a different place than 1995 and can't use this as a starting point. Stated all great places would never have happened if people weren't willing to overcome objections. Felt the open space was a negativity and ask the commission to view this through a lens of change.

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

- Janice DeLange, 2754 Hall      In Favor.
- Karri & Rob Gabridge, 2700 Lake Dr      In Favor.
- Cynthia Humphries, 2700 Hall      In Favor.
- Brian & Elena Gill, 2760 Lake Dr      Opposed.
- Adam & Christine Panter, 2820 Lake Dr      Opposed.
- Courtney Gabridge, 2465 Lake Dr      In Favor.
- Jim Seufert, 965 Rosewood      In Favor.

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

2019-46-A. Zagel-Miller. That the request of Maria DiMusto-Poortenga, owner of 2755 Hall, to divide the property into two parcels with the western parcel (A.1) containing the existing home measuring 80.74' wide by 174.93' long containing approximately 18,586 square feet of property, and creating a new eastern parcel (B.1) of undeveloped land with a width of 102.55' by 149.52' long containing 12,979 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.

Commissioner Zagel was concerned about the overall lot shape as he feared this would set future owners up for problems. He felt this would set a bad precedent. He noted other property owners have chosen to move or demolish portions of homes to avoid these very types of situations because there were no other solutions that would fit the neighborhood.

Commissioner Miller noted that he didn't feel the third standard requiring harmony and consistency was met with this proposal. He noted the City wasn't obligated to approve something just because it was presented if it didn't fit the neighborhood. He noted the existing home would now have portions of the front and back yard that were actually owned by the neighboring home, which clearly did not conform with the neighborhood.

Commissioner Duncan also felt this did not meet several of the criteria in the ordinance and she could not support the request.

Commissioner Walters equated this request as a square peg in a round hole. He stated the standards are not met and a gerrymandered lot line is not the solution. He suggested the applicants either petition the city to rezone the lots or to seek a variance.

Commissioner Hamrick agreed and felt this would be very confusing to future owners.

Mayor Seibold gave examples of two lot split requests denied nearby where the owners worked through the issues and were able to meet the standards with alternate methods. She stated that the requirements and standards set up by the city codes ensure that all regulations are applied consistently and fairly. She noted this request did not meet those standards and she could not support the proposal.

Yeas: -0-

Nays: Duncan, Hamrick, Miller, Walters, Zagel and Seibold – 6

2019-47. Final Reading of an ordinance to amend Section 5.18 of Chapter 50 of Title V of the City Code pertaining to the definition of front yard.

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

2019-47-A. Zagel-Duncan. That an ordinance to amend Section 5.18 of Chapter 50 of Title V of the City Code pertaining to the definition of front yard be introduced as attached in Exhibit "B."

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

Nays: -0-

2019-48. Final Reading of an ordinance to amend Section 5.61 of Chapter 50 of Title V of the City Code outlining encroachments into required yard setbacks.

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

2019-48-A. Zagel-Miller. That an ordinance to amend Section 5.61 of Chapter 50 of Title V of the City Code outlining encroachments of porches, decks and stoops be introduced as attached in Exhibit "D."

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

2019-49. Duncan-Hamrick. To approve the consent agenda as follows:

2019-49-A. Minutes of the regular meeting held February 18, 2019.

2019-49-B. Payroll disbursements of \$231,990.06; county and school disbursements of \$603,458.82, and total remaining disbursements of \$800,418.33.

2019-49-C. Meeting dates for FY 2019-20 for the City Commission, Planning Commission, Library Commission, Parks & Recreation Commission, Board of Review and Finance Committee.

2019-49-D. Solution amending the City of East Grand Rapids Governmental Money Purchase Plan as attached in Exhibit "D."

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

The meeting adjourned at 8:05 p.m., subject to the call of the Mayor until March 18, 2019.

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Karen K. Brower, City Clerk

Attachments: A – Resolution vacating a portion of Oxford Road  
B – Ordinance amendment to Section 5.18 defining front yard  
C – Ordinance amendment to Section 5.61 setting front porch encroachments  
D – Resolution amending the Governmental Money Purchase Plan

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



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|-------------------------------------|--|
| - Nick Jasinski, 2218 Lake Drive    | Opposed to both variances.   |
| - Isidore & Cary Okoro, 840 Ross Ct | Suggested 16' setback and use of pavers to reduce stormwater runoff. |

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

- 2019-52-A. Miller-Zagel. That the request of Ryan & Kim McLaughlin of 834 Ross Court to allow the construction of a new home with a front yard setback of 13' rather than the required established average front yard setback of 20.7' be approved.

Commissioner Miller noted he struggled with the front setback request because after tearing down the old home, the applicants have almost a clean slate to work for the placement of the home. He was concerned that having the full size of the house at 13' would feel very imposing on this particular street.

Commissioner Zagel noted a front yard setback of 16' would match the homes on either side.

Commissioner Walters felt a setback of 13' would be detrimental to the surrounding properties but agreed that 16' would better match the homes on either side.

- 2019-52-B. Walters-Miller. That the motion be amended to allow a 16' front yard setback.

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

Nays: -0-

Commissioner Walters felt a 16' setback would meet the variance standards and would not be detrimental to the area or conflict with the spirit of the ordinance. He felt this area was unique because of the small lots.

Commissioner Duncan stated she was still uncomfortable with a setback of 16' because of the concerns of the neighbors who have to see this every day.

Commissioner Hamrick agreed that without a front porch, this home would be more imposing than most others, but felt moving it back 3' would still allow enough turning radius for vehicles into the garage

Mayor Seibold also noted the lack of a porch would make this home more imposing from the street. She stated the applicant had lots of options once the old home is torn down and she could not support this request.

Vote on 2019-48-A., as amended:

Yeas: Favale, Hamrick, Walters and Zagel – 4

Nays: Duncan, Miller and Seibold – 3

- 2019-52-C. Zagel-Favale. That the request of Ryan & Kim McLaughlin of 834 Ross Court to allow the construction of a new home with total impervious coverage by buildings and pavement of 58.6% instead of the 50% allowed be approved.

Commissioner Duncan expressed environmental concerns about storm water runoff and did not like setting a precedent by approving these types of variances.

Commissioner Miller agreed and noted the ordinance was recently amended to make it easier to comply than in prior years. He felt the applicant had options to meet this ordinance.

Commissioner Zagel also agreed there were other options to reduce the amount of impervious surface.

Mayor Seibold noted that other requests had been declined and many homeowners had made concessions on the amount of paving or used other paving materials to comply with this regulation.

Yeas: -0-

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

- 2019-53. A zoning variance hearing was held regarding the request of Brian & Elena Gill of 2760 Lake Drive to allow the construction of an accessory structure in the front yard instead of in the rear or side yard.

Zoning Administrator Mizikar explained that accessory structures are required to be in the rear or side yards and showed a drawing noting the front, rear and side yards of this property. He noted that while this would be more challenging on this particular property, the applicants stated the proposed location is for privacy rather than necessity. The structure would be placed inside the existing fence, which is currently grandfathered but does not comply with the current fence ordinance and could not be placed in the same location if replaced in the future.

Brian Gill, 2760 Lake Drive, stated they effectively do not have a side yard and this building would be 30' from the street. He showed photos from the home and street explaining how little privacy they have behind the fence. Mr. Gill noted the building needed a southern exposure and the property drops off too much to place the building in the rear yard. He felt this was the best location for the structure because of the distance from the neighbors and the need for privacy near the pool. Mr. Gill further stated it would not be a detriment to the neighbors because it will be partially obscured by the fence and very modest compared to some outbuildings.

Elena Gill, 2760 Lake Drive, spoke about how nice looking the building will be and how they will use lots of landscaping.

Commissioner Hamrick questioned whether there were other locations for the pool. Mr. Gill stated they do not want to cut trees down to install the pool and the surrounding homes had many shade trees as well, making any other location unacceptable.

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

- Mariel Poortenga, 2755 Hall	Opposed.
- Adam Panter, 2820 Lake Drive	In Favor.

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

- 2019-53-A. Duncan-Walters. That the request of Brian & Elena Gill of 2760 Lake Drive to allow the construction of an accessory structure in the front yard instead of in the rear or side yard be approved.

Commissioner Duncan stated she could not support this request because she felt the building could be placed elsewhere. She also noted the fence may be removed some day and this building would be very out of place.

Commissioners Miller and Hamrick also agreed there were other locations on this property for the structure.

Mayor Seibold suggested the applicants consider other options for the pool, the accessory building and keep the fence ordinance in mind when designing their improvements.

Commissioner Walters noted there did not seem to be a practical difficulty in meeting the current ordinance and he did not support the variance request.

Yeas: -0-

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

2019-54. Gypsy Moth management request.

Interim City Manager LaFave outlined the recommendation to provide tree band barriers to residents and to contract for aerial spraying to combat the current outbreak of Gypsy moths in the Coronado/Cornell area. He noted that the City of Grand Rapids will spray their public parks, but may not spray private property, which will limit the effectiveness of our program. He stated the spraying will be done in late May or early June and the city will use social media, e-newsletters and email blasts to communicate the exact times to the property owners affected.

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

- |                                  |   |
|----------------------------------|---|
| - Antoinette Kuske, 1351 Cornell | Supported aerial spraying.  |
| - Patty McConnell, 2000 Coronado | Tried banding and treating the trees, but feels aerial spraying will be more effective. |

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

- |  |                                  |
|--|----------------------------------|
| - Karin Lannon, 1145 San Jose          | Supported aerial spraying.       |
| - Mike & Sheila Eppinger, 1331 Cornell | Supported aerial spraying.       |
| - Meggen Frenndt, 1320 Cornell         | Supported aerial spraying.       |
| - Ellen Cherveney                      | Supported all treatment methods. |
| - Teri Tesseris, 1061 Plymouth         | Supported all treatment methods. |

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

- 2019-54-A. Zagel-Duncan. To approve the purchase of tree band barriers for resident use and to approve aerial spray application of insecticide treatment for gypsy moth treatment of 38.2 acres in the amount of \$2,960.50 by Hamilton Helicopter, Inc.

Commissioner Zagel thanked the residents for the patience while staff explored all the options. He encouraged the residents to continue using the bands and other methods to control the Gypsy moths. Mayor Siebold agreed a multi-pronged approach would get the best results.

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

2019-55. Resolution adopting water and sewer rates effective March 1, 2019.

Finance Director Mushong and Interim City Manager LaFave explained the proposed water and sewer rates to provide an additional \$200,000 in annual funding to continue replacing the aging water and sewer mains.

Mayor Seibold opened this issue for public comment. No public comment was received. Mayor Seibold closed the public comment.

- 2019-55-A. Miller-Duncan. That a resolution approving new water and sewer rates and readiness-to-serve charges effective April 1, 2019 be adopted as attached in Exhibit “A.”

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

2019-56. Public Safety Department Organization Modifications.

Mayor Seibold explained it is common practice to review each department’s structure and duties when there is a vacancy and noted there have been several proposals under consideration for the last few months.

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

- Dan Lobezoo, PSO Union President                      Expressed frustrations of staff and concerns for the proposals that remove the daily administrative presence. Suggested keeping the current structure in place for the time being and eventually replacing the captain position with a 40-hour per week school liaison officer to provide a higher level of police service to the schools and investigations (*hereinafter referred to as Model 7*).
- Eric Smith, Command Union President                      Noted that unions should have been consulted when discussing options as they know the daily operations best. Stated that the current model, done correctly, is the best option. Requested the issue be tabled to seek officer input.

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

- EGR PSO Union    Proposing Model 7.
- EGR Command Union                                      Various suggestions; request to discuss.
- EGR Command Union                                      Suggested modifications to Model 7.

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

Mayor Seibold asked commissioners to speak about their preferred restructuring model and give reasons for their choices.

Commissioner Walters spoke in favor of models 2 and 7, stating it was important to support the school liaison program. He felt Model 2 would offer oversight of office operations and save a modest amount of money. He also liked using the availability of command staff for emergencies during the day.

Commissioner Miller also favored Models 2 and 7. He felt the school liaison officer should be full-time and like the idea of rotating command personnel and increased communications.

Commissioner Hamrick agreed, noting better communication with residents and staff would be preferable. She appreciated the efficiency of Model 2.

Commissioner Duncan also supported Models 2 and 7 for the full-time liaison officer option. She felt both options could be adjusted over time if needed.

Commissioner Zigel thanked the officers for coming to the meeting and giving their input. He noted this reorganization was an opportunity to increase efficiency and reduce frustrations. He supported making the liaison officer a full-time position but did not want to see drastic change in the administrative functions. Commissioner Favale agreed.

Mayor Seibold noted that Model 2 keeps most administrative functions essentially the same but adds the full-time school liaison officer. She noted this also increases day-time continuity in the office.

- 2019-56-A. Zigel-Miller. To direct management to proceed with implementing a plan as close to Model 2 as possible, and to authorize the Interim City Manager and the Public Safety Director to begin work on any portion of the model that may require collective bargaining.

Commissioner Walters reiterated his support of Model 2 as minor change to the command structure while increasing school and investigative support.

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

2019-57. Duncan-Hamrick. To approve the consent agenda as follows:

2019-57-A. Minutes of the regular meeting held March 4, 2019.

2019-57-B. Payroll disbursements of \$216,571.08; county and school disbursements of \$72,548.44, and total remaining disbursements of \$162,211.90.

2019-57-C. The proposed list of meeting dates for FY 2019-20 for the City Commission, Planning Commission, Finance Committee, Library Commission, Parks & Recreation Commission and the Board of Review.

2019-57-D. Public Safety quarterly report for the period ending December 31, 2018.

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

Nays: -0-

2019-58. Mayor Seibold announced the Goals & Objectives work session would be held at the next meeting.

The meeting adjourned at 8:03 p.m., subject to the call of the Mayor until March 25, 2019.

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Karen K. Brower, City Clerk

Attachments: A – Resolution setting 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 March 25, 2019**

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, Miller, Walters, Zagel and Mayor Seibold

Absent: Commissioner Duncan

Also Present: City Attorney Huff; Interim City Manager LaFave; Finance Director Mushong, City Clerk Brower; Captain Buikema, Zoning Administrator Mizikar

2019-59. No public comment was received.

2019-60. Commissioner Favale reported the fundraising events for the EGR School Foundation over the weekend were well attended and fun for all. She thanked all those who donated or participated in the events.

Commissioner Hamrick noted she had attended the Michigan Municipal League's Capital Conference in Lansing last week and attended sessions on various municipal and budget-related issues.

2019-61. Request to approve the division of land at 3115 Manhattan Lane.

Zoning Administrator Mizikar explained the request to divide the lot into two separate parcels. He noted the existing detached garage on Parcel A would become nonconforming due to the size of the Parcel A unless the existing attached garage is converted into living space. Mr. Mizikar noted King & Macgregor have issued a preliminary report finding extensive wetlands on Parcel B and recommending further study in the spring. Mr. Mizikar reported there is a storm water system in the area that may not be able to handle increased runoff from the construction of one or more new homes.

Commissioner Zagel questioned whether there was a buildable area on this new lot given the large area of likely wetlands. Mr. Mizikar did not believe there would be sufficient area given the preliminary maps but felt the DEQ would be able to provide further guidance after analyzing the property.

Commissioner Miller asked for clarification on the capacity of the storm water system in this area. Interim City Manager LaFave gave an overview of the drainage situation in the area and noted a drainage outlet was upsized last year to help with existing conditions. He stated that without construction plans for the possible 1 or 2 homes possible from this and another nearby lot split, he could not give an opinion on whether the existing storm sewer capacity in the neighborhood would be affected. Mr. LaFave further noted that the preliminary wetland maps show wetlands on the proposed new lot, but the size and location could change if detailed plans are submitted and a comprehensive study is performed by the DEQ.

Chris Kohler, 3115 Manhattan Lane, stated he did not know who would purchase the land or whether they would choose to preserve the green space or develop the site. He has spoken with neighbors and the only concern seems to be that any new home not have deeded access to the Manhattan Beach area. He agreed the wetlands may be an issue but felt that would be up to the new owner to work out if they decide to build.

Mayor Seibold opened a public hearing on this request. The following people expressed their opinions:

- Aleda Codell, 3145 Manhattan

Stated all water drains down to their property and causes flooding due to inadequate drainage. Felt new home would cause more water. Asked for a hydraulic engineer to issue a statement promising there would be no impact to their property before this is approved.

- Richard Codell, 3145 Manhattan                      Showed several photos of standing water and the drainage inlet in their back yard that is often clogged. Recommended the city clean out the pipe/ditch immediately and annually. Requested the pipe be enlarged with a catch basin added to help with debris and requested the drain pipe from Manhattan Park be closed to keep water from his property.
- John Stephenson, 3027 Manhattan Lane              Asked that drainage continue to flow to the catch basin.

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

- Chris Kohler, 3115 Manhattan Lane                      Shared feedback from neighborhood.

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

2019-61-A.     Miller-Favale. That the request of Christopher and Jennifer Kohler of 3115 Manhattan Lane to divide the property into two conforming parcels with the southern parcel (A) containing the existing home measuring 150' wide with 35,009 square feet of area fronting on Manhattan Lane, and creating a new northern parcel (B) of undeveloped land with a width of 151.5' and approximately 22,541 square feet fronting on Reeds Lake Boulevard 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; and
5. Prior to any property transfer, the applicant is to record with the Kent County Register of Deeds an easement, approved by the Director of Public Works, granting the right for Parcel B to discharge storm water drainage across Parcel A, and the right to access public utilities located in Manhattan Lane via the same easement. Storm water utility rights are not explicitly called out in the easement but can be added and approved by the Director of Public Works before being recorded; and
6. Prior to any property transfer, the applicant must remodel the existing attached garage into "living space" to make the existing detached garage compliant. Once the attached garage has been remodeled and approved by the Director of Public Works or Zoning Administrator, the applicant would then be permitted to record the lot split with the Register of Deeds.

Commissioner Miller stated he had no issue with the lot size but was concerned with the wetlands issue.

Commissioner Favale noted that this lot split met the requirements and was confident that the DEQ would ensure compliance if a buyer decided to develop the new parcel in the future.

Commissioner Walters felt that all standards other than 3c addressing wetlands were met. He suggested waiting for a DEQ wetland delineation report to decide on this issue, otherwise he could not support the request.

Commissioner Hamrick agreed and stated her concerns about the infrastructure not being able to handle the extra water. She felt that getting a DEQ determination will tell us whether the pipes could handle the runoff.

Commissioner Zagel also felt more information was needed as he wasn't sure there was enough room to build a home on this new lot with the noted wetlands.

Mayor Seibold agreed that condition C was not met and noted she was not in favor of approving this lot split without knowing what will happen and how it would impact the wet area.

City Attorney Huff stated that the applicant could resubmit the same request at a later date because the land division ordinance does not require subsequent requests to be substantially different from prior requests.

Commissioner Walters questioned whether the applicant would be willing to request a letter from the DEQ about this property. Mr. Kohler felt he had provided the necessary information and questioned what could be gained from

seeking DEQ approval. Mayor Seibold reiterated that there was no information on the exact area of the wetlands or what impact there would be to the wetlands or drainage from future development. Commissioner Miller added that the DEQ would be able to give the exact size and location of the wetlands to determine if and where a home could be built by a future owner.

Mayor Seibold noted that the impact on storm water and drainage was a primary concern and asked that any future proposal have more information on potential impacts so the commission could make an informed decision.

Yeas: -0-

Nays: Favale, Hamrick, Miller, Walters, Zagel and Seibold – 6

2019-62. Contract for street milling and overlay program.

Interim City Manager LaFave explained the city had included an alternate bid to create a traffic circle at the intersection of Alexander/Cambridge/Rosewood in conjunction with the other resurfacing and maintenance projects proposed for the 2019 construction season. When the bids for a traffic circle were within the city's budget, the city notified the neighbors about the possibility and held an open house to show the plans and answer questions. He stated most neighbors were supportive of a traffic circle due to the odd configuration and safety concerns of this five-way intersection. Mr. LaFave noted that dedicated street millage funding could not be used for the requested irrigation or landscaping but stated the city could look at these requests later if the basic landscaping around the new traffic circle was insufficient.

Chris Sullivan of Progressive AE gave a brief overview of the proposed traffic circle and noted that after the initial period of people getting used to the traffic circle, he felt it would work well in this area.

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

- Dustin Sommer, 975 Rosewood

Felt a traffic circle was overkill for this area and would affect his front yard views with all the signage, pavement markings needed and headlights into his home. Did not like the non-residential feel, the sidewalk corners or the plans for a grass center. Complained he would have 10% more yard to mow and maintain.

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

- 11 comment cards from open house

Ten in favor, some asking for landscaping, irrigation and street lights. One opposed due to lack of irrigation, sidewalk alignments and multiple signs.

- Michael Fee, 950 Cambridge

In Favor.

- Kathleen Bruinsma, 1748 Alexander

In Favor.

- Jim Bruinsma, 1748 Alexander

In Favor.

- Frank Griggs, 1738 Alexander

Suggested enforcement of stop signs and speed limit instead.

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

2019-62-A. Miller-Zagel. That a contract be awarded to Lodestar Construction, Inc. of Grand Rapids in the amount of \$687,047.25 for street milling/overlay projects, including alternate #1 for traffic circle at the Alexander/Cambridge/Rosewood intersection.

Mr. Sullivan noted that some of the advance warning signage could be removed after traffic gets used to the traffic circle.

Jared Halverson, civil engineer, noted this project would use the existing curb lines and road base as much as possible to keep costs down. He stated there was a watermain through the center of the intersection that could be used to irrigate later, if needed.

Commissioners Walters and Zagel spoke in support of the traffic circle project and asked staff to not lose sight of the landscaping and signage concerns raised by the neighbors.

Mayor Seibold noted this was a great approach to a unique area of concern and would increase safety, which is one of the primary areas of importance to the city and its residents.

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

2019-63. Zagel-Hamrick. To approve the consent agenda as follows:

- 2019-63-A. Payroll disbursements of \$-0-; county and school disbursements of \$72,548.44, and total remaining disbursements of \$565,356.76.
- 2019-63-B. The reconfiguration of the Parks & Recreation Department to eliminate the Assistant Director position and to add a full-time recreation supervisor.
- 2019-63-C. A three-year lawn maintenance contract with Thornapple Inc for the years 2019 through 2022 in the amount of \$187,203.
- 2019-63-D. A contract with Epic Excavating for the rehabilitation of the Manhattan sanitary sewer lift station in the amount of \$149,895, plus contingencies and engineering for a not-to-exceed cost of \$173,000.
- 2019-63-E. A contract not-to-exceed \$150,000 with Groundhawg Excavating and Landscaping LLC for the 2019-20 sidewalk repair and replacement program.

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

2019-64. City Commission and City staff members discussed goals and objectives for the upcoming fiscal year.

The meeting adjourned at 8:02 p.m., subject to the call of the Mayor until April 15, 2019.

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Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held April 15, 2019**

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 Zagal

Absent: Mayor Seibold

Also Present: City Attorney Huff; Interim City Manager LaFave; Finance Director Mushong, Public Safety Director Herald; City Clerk Brower; Captain Buikema, Zoning Administrator Mizikar; Communications Specialist Licari

2019-65. No public comment was received.

2019-66. Commissioner Hamrick noted that some wild turkeys had been spotted in Gaslight Village.

Interim City Manger LaFave reported road construction programs would begin this week. Residents can find information and follow the progress of various projects at [www.eastgr.org/construction](http://www.eastgr.org/construction).

2019-67. Request to approve a Special Use Permit for State Farm Insurance to use the ground level space as professional offices.

Zoning Administrator Mizikar reported that State Farm Insurance wants to move their office into the corner of the shopping center building but needs a special land use permit to operate on the ground floor of a building in the C-1 commercial district. Mr. Mizikar noted that all parking requirements were met.

Bill Cole of State Farm Insurance offered to answer questions on this request.

Commission President Miller opened a public hearing. The following communications were received at City Hall concerning this variance request:

- Steve Dodgson, Gaslight Properties                      No issue with special land use

No other public comment was received. Commission President Miller closed the public hearing.

2019-67-A. Zagal-Duncan. That a Special Use Permit be approved for State Farm Insurance to allow the use of a ground level space at 2179 Wealthy, Suite 2169, as professional offices within the C-1 Commercial District.

Commissioner Zagal noted this business had been a valuable contribution to Gaslight Village for many years and that the new master plan recommended these types of requests be accommodated.

Commissioner Miller reported the Planning Commission had reviewed this request and voted to approve. The Planning Commission is also looking at ordinance changes as recommended in the master plan.

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

Nays: -0-

2019-68. A zoning variance hearing was held regarding the request of State Farm Insurance to allow the installation of an outdoor wall sign at 2179 Wealthy measuring 18.75 square feet instead of the allowed 13 square feet.

Zoning Administrator Mizikar explained the sign ordinance limited the size of the proposed sign to 10% of the front wall area and because the business was in an interior corner of the building, the size of the sign would be

smaller than those businesses around it. He noted the proposed sign would be similar in size to others on the building.

Commission President Miller opened a public hearing. The following communications were received at City Hall concerning this variance request:

- Steve Dodgson, Gaslight Properties                      Felt larger signage was not warranted.

No other public comment was received. Commission President Miller closed the public hearing.

2019-68-A.     Zagel-Favale. That the request of State Farm Insurance to allow the installation of an outdoor wall sign at 2179 Wealthy measuring 18.75 square feet instead of the allowed 13 square feet be approved.

Commissioner Zagel felt the location and roof line made the situation a little unique and noted the proposed sign would fit in well with the others.

Commissioner Walters agreed the corner location meant the percentage calculation was not fair to this storefront and agreed the variance request was reasonable.

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

2019-69.     Request to approve the division of land at 2020 Robinson Road.

Zoning Administrator Mizikar reviewed the request and stated that both lots will meet the size requirements for the zoning district and the standards set up in the land division ordinance. He noted the increase to the lot size for 2050 Robinson Road would not allow larger accessory buildings.

Peter Faber, 2020 Robinson, stated his neighbors were interested more outdoor living space and would be purchasing a section his of property to increase their side yard. Mr. Faber noted there would be language in the deed restricting the ability to build on this portion of the land.

Commission President Miller opened a public hearing. No public comment was received. Commission President Miller closed the public hearing.

2019-69-A.     Duncan-Hamrick. That the request of Peter Faber of 2020 Robinson Road to transfer approximately 12,850 square feet with 50' of frontage to Jack and Susan Smith of 2050 Robinson Road be approved with the following conditions:

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

Commissioner Duncan felt this property transfer would be good for both owners and she was not concerned about new structures being built.

Commissioner Zagel questioned whether portions of the existing fence would be removed. Interim City Manager LaFave noted the fence was not in violation of any ordinances and the property owners could work this out between themselves. Commissioner Zagel recommend the owners determine the future of the fence before the transfer of property and put the agreement in writing for future owners to know the intentions.

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

2019-70. Duncan-Zagel. To approve the consent agenda as follows:

2019-70-A. Minutes of the regular meeting held March 18, 2019.

2019-70-B. Minutes of the rescheduled regular meeting held March 25, 2019.

2019-70-C. Payroll disbursements of \$-0-; county and school disbursements of \$421,125.39p; county and school disbursements of \$-0-, and total remaining disbursements of \$875,895.85.

2019-70-D. Approval of the request to allow public safety officers to purchase their former pistols after new weapons are purchased.

2019-70-E. The preliminary minutes of the Parks & Recreation Commission meeting held March 11, 2019.

2019-70-F. The preliminary minutes of the Planning Commission meeting held March 12, 2019.

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

Nays: -0-

2019-71. Finance Director Mushong presented an overview of the FY 2019-20 budget and the issues that will be discussed at the upcoming work sessions.

The meeting adjourned at 7:02 p.m., subject to the call of the Mayor until May 6, 2019.

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Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held May 6, 2019**

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; Special Counsel Wardrop; Interim City Manager LaFave; Finance Director Mushong, Public Safety Director Herald; Parks & Recreation Director Bunn; City Clerk Brower; Captain Buikema, Sgt. Lindner; PSO Lobezoo; Zoning Administrator Mizikar

2019-72. No public comment was received.

2019-73. Commissioner Favale reminded everyone to vote in tomorrow's school millage election and congratulated the high school's e-sports team on their recent tournament win.

Commissioner Duncan reported the recent theater production of *The Addams Family* by the High School Drama Department was a great success.

Commissioner Hamrick warned everyone to avoid the turkeys in the area.

Mayor Seibold thanked the city staff who worked last Saturday for absentee voting prior to the election.

2019-74. Public Safety Director Herald awarded sergeant stripes to Officer Mark Lindner. City Clerk Brower administered the oath of office to Sergeant Lindner.

2019-75. A hearing was held regarding an appeal of the staff determination regarding a resubmitted variance request at 2615 Hall.

Interim City Manager LaFave explained that Mr. and Mrs. Skaggs had submitted a second variance request for the fence around their yard at 2615 Hall. After reviewing the variance application, staff made the determination that there were no changed conditions from the original request other than a slight modification at the corner of the driveway and the sidewalk. Mr. LaFave stated the fence is still 6' tall and is still located 1' from the property line, both of which are not allowed by the fence ordinance. Mr. LaFave reviewed a map of the property showing the location of the current fence, the location requested by the variance application and the 10' setback and clear vision area required by ordinance. He noted the Public Works Department notified Mr. and Mrs. Skaggs that the variance request would not be submitted to the city commission due to the determination that the second request was not substantially different than the first request. Mr. and Mrs. Skaggs are appealing this decision and asking the city commission to place their variance request on a future agenda. Mr. LaFave explained that Section 5.101 of the City Code authorized staff to review variance applications and determine whether to resubmit to the elected officials, a common provision of local government ordinances. Mr. LaFave asked the City Commission to confirm the Public Works Director had the authority to make the decision on this variance and that the authority was used correctly in this circumstance. Mr. LaFave also noted he had sought opinions from two outside planning consultants who concurred that the second request was not significantly different than the first request.

Elizabeth Skaggs, 2615 Hall, stated they erected the fence to ensure the safety of area children and the privacy for their family. She noted the first variance request was denied in October because of the lack of visibility at the corner of the sidewalk and driveway, which is addressed with the second variance request. She felt the Zoning Administrator made a mistake when applying the ordinance and asked the commission to rectify this

error. She dismissed the references to the Michigan Municipal League handbook as not being legal authority and reviewed Section 5.102A which allows the Zoning Board of Appeals to reverse, affirm or modify the decision appealed. She noted this was consistent with Michigan Court of Appeals decision in Hughes vs Alma Township which states the Zoning Board of Appeals is not limited to reviewing the record of the administrative board whose decision it is reviewing and has all the powers given to it. Mrs. Skaggs stated there was no indication at the October meeting that the denial would not be revisited, and they felt there would be continuing dialogue about options to address the issues. She stated the Zoning Administrator has taken away the commissioner's power and responsibility to do their jobs.

She further argued that the ordinance allows for "changed conditions" but doesn't provide adequate definition or measurement for changes. Mrs. Skaggs felt this request meets the changed condition criteria because the fence ordinance changed and is dramatically different because the two variances requested for a shed in October have been dropped and only a modified fence that focuses on clear vision remains. She felt that dropping the shed variance requests alone constituted a change in conditions. She noted the old fence was in place for 40 years, but their family was willing to sacrifice part of their back yard to address the concerns.

Phil Skaggs, 2615 Hall, submitted a petition signed by 28 neighbors supporting the appeal and second variance request, and resubmitted a petition from October supporting the original three requests. Mr. Skaggs stated that residents should be able to be heard by their elected officials. He noted that staff had not set up a meeting to discuss alternatives following the October meeting and he and his wife had to come up with their own plan. He stated that none of this would have happened if there had been a formal process for putting up a fence. Mr. Skaggs concluded by saying that staff should not be making these types of decisions as the residents expect the commissioners to be deciding these issues.

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

- |                              |  |
|------------------------------|--|
| - Bob Milanowski, 2640 Hall  | In favor of granting variance.   |
| - Jonathan Paasch, 2639 Hall | Concerned that staff is making decisions; commission needs to decide. Supported granting the fence variance. |

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

- |                                      |                                       |
|--------------------------------------|---------------------------------------|
| - Jonathan Paasch, 2639 Hall         | In favor of granting variance.        |
| - Maureen Murphy, 2605 Hall          | Supports appeal and variance request. |
| - Alissa Adams, 1160 Conlon          | Supports appeal and variance request. |
| - Elizabeth & Omar Flores, 2544 Hall | Supports appeal and variance request. |
| - Brad Kirk, 1065 Conlon             | In favor of granting variance.        |

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

2019-75-A. Hamrick-Favale. That the appeal by Philip & Elizabeth Skaggs of 2615 Hall be granted and the administrative denial of a resubmitted fence variance request be overturned.

Special Counsel Wardrop explained that the city ordinances give the discretion for administrative review of resubmitted variances to the Director of Public Works. He stated the commission should decide whether staff abused their power in rejecting this application and whether conditions had changed to allow the second variance application to be heard.

Commissioner Hamrick spoke in favor of overturning the staff's decision because the commission changed the fence ordinance and there was indication to the Skaggs that other solutions should be explored.

Commissioner Duncan felt the commission should have tabled the request in October instead of denying it, which would have allowed the applicants to revise the request. She indicated she was willing to hear the second variance request.

Commissioner Zagel reminded everyone that various options were discussed with the Skaggs during the October hearing. He noted the second application differed from the first application by approximately 5%. He did not feel that 5% was a significant change in conditions and supported the staff determination.

Mayor Seibold also noted that several options were given to Mr. and Mrs. Skaggs at the October hearing, but the applicants requested the variance request be voted on as submitted. She agreed that changing only 5% of the fence was not a significant change.

Commissioner Miller supported the appeal process that asks staff to review and gives the final decision to the commission. He also felt the request should have been tabled in October instead of denied. Mr. Miller agreed that sight distance was the primary concern with the original request in October and felt cutting the corner addressed that concern. He supported granting the appeal and hearing the revised request.

Commissioner Favale noted the denial was based on the old fence ordinance and the new request should be heard. She also stated the clear vision area was not required in the old ordinance and the Skaggs should be allowed a new hearing.

Commissioner Walters disclosed that Elizabeth Skaggs is one of his partners at Varnum and that Mr. and Mrs. Skaggs are clients of Varnum. He stated that he voted on the original request in October and that he did not feel that was inappropriate. He noted that City Attorney Huff, who is also with Varnum, has since stepped aside regarding the Skaggs variance request. Mr. Walters did not feel he as a commissioner was subject to the same standard as he was not giving legal advice but stated that he would not be voting on the second variance request if it is eventually brought to the commission. He felt he could participate in the appeal discussion since he voted in October. Mr. Walters noted that he had tried to address this possibility in October by suggesting the matter be tabled versus voting no on the request but was told it would not be an issue to hear a new request. He stated he would be voting in favor of overturning the staff decision because he knew in October this would need to be discussed again.

Mayor Seibold noted the Skaggs chose to go forward with finishing their fence after being notified it did not meet the ordinance and then requested a variance. The change in the fence ordinance did not cause the issue. She did not feel their second request was different as it still did not meet the clear vision requirements and still placed a 6' tall fence along the sidewalk where it was not allowed. Mayor Seibold was concerned the precedent of overturning staff's decision and stripping them of their authority to make decisions would result in many applicants submitting repeated requests for the same variance to the commission.

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

2019-76. Duncan-Miller. To approve the consent agenda as follows:

- 2019-76-A. Minutes of the regular meeting held April 15, 2019.
- 2019-76-B. Payroll disbursements of \$211,501.52; county and school disbursements of \$-0-, and total remaining disbursements of \$597,275.84.
- 2019-76-C. Approval of scheduled carpet replacement in areas of the library, community center and public safety buildings in the amount of \$5,678.71 and emergency replacement of carpeting due to water damage in the library of \$13,550.00 with Tarkett/Lansing Tile & Mosaic of Lansing.
- 2019-76-D. A contract with Corpro of Medina, Ohio in the amount not to exceed \$15,250 plus a 10% contingency for corrosion equipment and protection of the elevated water tank.
- 2019-76-E. Two-year contracts for FY 2018-19 and FY 2019-20 with Advance Rehabilitation Technology of Bryan, Ohio for sanitary sewer manhole rehabilitation in the amount of \$225 per linear foot and with Havener Tech of Troy, Michigan for storm sewer catch basin rehabilitation in the amount of \$500 per structure.

2019-76-F. A contract with Superior Asphalt for asphalt patching services in the amount of \$21.50 per square yard for removal and \$94 per ton for patching as needed for in-house and contracted repairs.

2019-76-G. A fireworks permit application for Great lakes Fireworks to perform the fireworks display for the July Celebration for the City of East Grand Rapids.

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

2019-77. Walters-Miller. 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, Zigel and Seibold – 7  
Nays: -0-

The meeting adjourned at 6:59 p.m., subject to the call of the Mayor until May 20, 2019.

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Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held May 20, 2019**

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; Interim City Manager LaFave; Finance Director Mushong, Public Safety Director Herald; Parks & Recreation Director Bunn; City Clerk Brower; Captain Buikema; Zoning Administrator Mizikar; PSO Wallace

2019-78. No public comment was received.

2019-79. Commissioner Walters congratulated the graduating seniors and thanked the teachers, staff and board members for making EGR schools such a great place for our kids.

Commissioner Miller commended the Public Works Department for keeping up with yard waste the last few weeks as residents clean up from the winter and get their yards in shape.

Commissioner Favale reminded residents to fill out the Parks & Recreation survey to help shape the new recreation plan being developed.

Interim City Manager LaFave reminded everyone that the annual Touch A Truck event would be held on Wednesday morning north of the library building to showcase the personnel, equipment and duties of the Public Works Department.

Mayor Seibold announced a public meeting would be held June 10 to discuss traffic concerns with interested residents regarding pedestrian and traffic safety.

2019-80. Interim City Manager LaFave updated the commission on the progress on various action items outlined in the Master Plan adopted last year. He noted staff is working to create a scope for a future mobility plan, has created a proposal for new signage for Gaslight Village and is working with the Planning Commission on defining ground floor uses for Gaslight Village.

Mayor Seibold asked if there were other issues that staff should be working on at this time. Commissioner Walters requested that when the above items were completed that staff begin looking at the multi-family zoning issue, economic development tools and parking in Gaslight Village.

Commissioner Miller noted the staff has made good progress on these first steps and he was excited to see the results and the upcoming projects.

2019-81. A zoning variance hearing was held regarding the request of Kyle Norcutt of 1930 Lake Drive to allow the construction of a fence in the front yard that is 54" high instead of the allowed 36."

Zoning Administrator Mizikar outlined the proposal to install a 36' section of fence from the new garage to the existing side yard fence. Because the requested fence location is technically in the front yard, approval is needed for the proposed 54" height. Mr. Mizikar noted a 48" fence is required around a pool.

Kyle Norcutt, 1930 Lake Drive, explained the fence would be screened from the road by several 12' trees.

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

- Rob Sears, 1916 Lake Drive In Favor.

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

- Rob Jandernoa, 702 Laurel Circle In Favor.

- Rob & Julie Sears, 1916 Lake Drive In Favor.

- Martin & Erin Grin, 1941 Lake Drive In Favor.

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

2019-81-A. Miller-Favale. That the request of Kyle Norcutt of 1930 Lake Drive to allow the construction of a fence in the front yard that is 54" high instead of the allowed 36" be approved.

Commissioner Miller noted he had no issue with this request as it was behind the front edge of the garage and more than 70' from the street.

Commissioner Favale stated the fence was very attractive and thoughtfully planned.

Commissioner Zagel expressed his support because of the distance from the street and the landscape screening.

Commissioner Walters noted the request met the legal standards contained in the ordinance.

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

Nays: -0-

2019-82. Lakeside Drive pavement marking plan.

Interim City Manager LaFave reviewed the engineer's plan to mark the legal parking spaces on Lakeside Drive near Gaslight Village to guide people on where to park so that spaces are used as efficiently as possible. This will make spaces easier to find for motorists and assist Public Safety with enforcement of no-parking zones for safety, sight distance and access purposes. Mr. LaFave noted the plan was developed using 18' parking spaces with buffer zones for maneuvering as well as keeping mandated distances from driveways, crosswalks and fire hydrants. The plan includes three new parking spaces across from Collins Park north of the driveway to the apartment complex. Pavement marking and signage will be used to denote the parking and no-parking areas.

Chris Zull of Progressive AE affirmed that the parking plan was developed using standards for safety and visibility. He noted that urban areas can be very difficult due to congestion, driveways and trees, but he felt this plan balanced available spaces and sight distance very well.

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

- Louie Cares, 530 Lakeside

Felt there was a large problem with the boat launch traffic and suggested seasonal parking restrictions to leave room. He also suggested moving the boat ramp behind the city complex and making boat trailers park at the middle school to make Collins Park safer for children. He noted that it is often difficult or impossible for him to get out of his driveway or for the mail service to get to his mailbox due to illegally parked cars. He did not feel there was room for two parked cars on the south side of his driveway.

- Art Spalding, Rhoades McKee

Representing the owners of Lakewood Hills Apartments opposing the three spaces north of their driveway. Stated these spaces were not necessary because the city's Master Plan stated there was adequate parking in Gaslight Village. Noted this area is often used by boating traffic waiting to use the boat ramp. Most tenants of Lakewood are older with slower reflexes and need more distance to see what's coming. Asked the city commission to reject the plan or table until he can consult with their own traffic experts.

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

- Art Spalding, Rhoades McKee

Requesting the proposal be rejected or tabled.

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

2019-82-A. Walters-Duncan. That the pavement marking plan outlined by the Public Works Department to maximize parking spaces on Lakeside Drive between Waterfront Park and the Middle School be approved as recommended.

Commissioner Walters questioned whether the area adjacent to the Lakewood driveway was needed for boat ramp traffic. Interim City Manager LaFave stated the spaces in question were not directly across from the ramp. The area across from the ramp will remain a no parking zone to allow vehicles maneuvering space.

Commissioner Miller noted the Lakewood driveway was similar to the driveways at the Community Center where the same standards were applied to determine parking spaces available while keeping sight distance minimums to keep both pedestrians and motorists safe. He also noted that staff had done a good job maintaining consistent access and distance from crosswalks and driveways. He felt that marking the spots on the pavement will solve many of the issues by showing people where to park safely instead of guessing where an invisible line may be.

Commissioner Hamrick asked if there was a way to monitor the truck/trailer situation when people are waiting to use the ramp. Mr. LaFave noted we do not have the staff to do so but could look at using a camera to see where people are waiting. He noted there are definitely peak times when the area is congested due to boat ramp traffic; however, the majority of time traffic moves through this area quite well.

Commissioner Duncan appreciated the time spent to determine where parking is appropriate. She did not feel the plan had gone too far or squeezed too many spaces into areas where they did not fit.

Commissioner Zagel reiterated that the Michigan Vehicle Code had been used to determine where vehicles could safely park. He felt parking was an issue in East and he could support this plan because it made parking more efficient, safer and increased the number of spaces.

Commissioner Walters stated he was still concerned about the boat ramp traffic, but since the markings could be adjusted in the future if warranted, he would support the proposal.

Mayor Seibold noted that since the Master Plan was adopted, the parking situation has changed due to changes at two large private parking areas in Gaslight Village. Because of those changes, on street parking spaces are more in demand than ever and this plan would definitely mark spaces to help maximize the areas where it is deemed safe to park. She asked residents and businesses in the area to contact the Public Safety Department if people park in no-parking areas or block driveways or mailboxes so that citations can be issued. She noted the apartment complex did have an additional driveway to the north if some residents were not comfortable pulling out in the congested boat ramp area. She further noted that the apartment complex had received approval to rebuild their property and the driveways may change in the future anyway.

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

Nays: -0-

2019-83. Duncan-Miller. To approve the consent agenda as follows:

- 2019-83-A. Minutes of the regular meeting held May 6, 2019.
- 2019-83-B. Payroll disbursements of \$241,438.53; county and school disbursements of \$241.20, and total remaining disbursements of \$592,942.60.
- 2019-83-C. Resolution amending the FY 2018-19 budget for the quarter ending March 31, 2019 as attached in Exhibit "A."
- 2019-83-D. A contract to Brink Hardwood Products in the amount of \$6,588.50 for wood mulch for city properties.
- 2019-83-E. A contract for t-shirts and apparel for recreation programs and events in the amount of \$47,000.05 to Threads Custom Gear of Traverse City.
- 2019-83-F. A contract addendum with Shoreline Power Services in the amount of \$46,535 for FY 2018-29 and \$30,375 for FY 19-20 to perform additional electrical work at the Community Center.

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

The meeting adjourned at 6:51 p.m., subject to the call of the Mayor until June 3, 2019.

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Karen K. Brower, City Clerk

Attachments: A – Resolution amending the FY 2018-19 budget

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 3, 2019**

Mayor Seibold announced that the City Commission was livestreaming the commission meeting on Facebook and welcomed everyone watching the livestream.

Mayor Seibold then 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: Assistant City Attorney Tobias; Interim City Manager LaFave; Parks & Recreation Director Bunn; City Clerk Brower; Captain Buikema; Zoning Administrator Mizikar; Special Counsel Wardrop

2019-84. No public comment was received.

2019-85. Commissioners Miller, Walters, Hamrick, Favale, Zagel and Duncan expressed support for the livestreaming effort and hoped residents would benefit from the real-time look into the matters discussed at these meetings.

Commissioner Miller reminded everyone to drive carefully now that school was letting out for the summer and kids are playing outside more.

Commissioner Favale announced the EGR Schools Foundation's Now & Forever campaign had raised nearly \$6 million and reminded everyone to donate if they hadn't already done so. She also congratulated students and staff on the completion of another successful school year.

Commissioner Zagel reminded everyone of the June 10 Traffic Education & Information meeting and the Parks & Recreation Master Plan Input Session being held at the community center. He also invited everyone to the concert at John Collins Park that same evening.

2019-86. A zoning variance hearing was held regarding the request of Philip & Elizabeth Skaggs of 2615 Hall to allow a 6' privacy fence to remain within 1' of the property line rather than the 3' height maximum allowed within 10' of the property line, and to allow the 6' privacy fence to remain within the 20' x 20' clear vision triangle at the base of the driveway.

Zoning Administrator Mizikar outlined the request to allow the fence to remain in the non-conforming location and reviewed the setback that would meet the ordinance requirements. He noted that a fence around a pool was required to be at least 4' tall but does not have to be opaque. The fence ordinance requires that 6' fences be located 10' from the property line.

Mayor Seibold noted that the fence ordinance adopted in 2014 required a 20' setback from the property line, which was changed to a 10' setback requirement in 2018. She further noted that Mr. and Mrs. Skaggs were given multiple setback and angling options in October but had chosen to go forward with the request to leave the fence at 1' from the property line.

Elizabeth Skaggs, 2615 Hall, stated they had changed their request by angling the corner of the fence to allow for line of sight along the sidewalk while still providing privacy in their back yard. She stated a 6' fence along the sidewalk is essential for them and requested relief from the 20' clear vision triangle requirement. She spoke extensively about the need for a 6' fence so that children would not be able to see their pool or climb their fence to get to the pool. She understood the need for a clear vision area but stated they could not do this on their lot. She then showed photos of a vehicle in their driveway from various spots along the street with a corner of their fence removed and angled. Mrs. Skaggs stated they meet all the conditions of the ordinance to receive a

variance as the placement of the pool is not their fault and would not cause detriment to the neighbors as the fence was in the same place as the prior fence. She reported that 100% of their neighbors are in favor of this fence and they would continue to fight for a 6' fence due to safety and privacy concerns.

Phillip Skaggs, 2615 Hall, stated that staff had refused to approve his proposed solution to the issue and had instead sent the matter to the commission. He reiterated that the entire neighborhood supports this fence and showed pages with signatures to that effect and referenced emails sent on their behalf by people who understand the situation better. He cautioned the commission not to "fly in the face" of such neighborhood support. Mr. Skaggs stated that safety is their overwhelming reason for needing a 6' fence along the sidewalk. He stated it would be impossible to build a fence at the required setback as there would be only 14" at the end of the pool and they would have to tear down the garage to fully meet the clear vision requirement. He blamed the confusing wording of the ordinance, several city employees and the lack of a fence permit process for the entire situation. He stated his family was not given the information or help they needed. He felt the examples cited in the materials were irrelevant as those homes did not have pools. He showed several photos of fences in the city that he did not feel met past or present ordinances and accused staff of erratic and capricious enforcement. He concluded that his fence was not a safety issue as pedestrians had plenty of time to stop if they see a car backing out.

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

- |                                |  |
|--------------------------------|--|
| - Christopher Yates, 2622 Hall | Fence has been there for years and neighbors feel safety is not an issue. Warned the city would likely not prevail in court since there had been no effort to compromise with the Skaggs. Stated neighbors would be upset if this is denied. |
| - Britt Campbell, 1137 Conlon  | Stated her children would climb the fence if they could see the pool. Sight distance isn't an issue because the driveway is so short.  |
| - Matt Steketee, 2635 Hall     | Didn't understand the clear vision requirement and Skaggs fence is not an issue, especially if the is corner angled.   |
| - Bob Milanowski, 2640 Hall    | Skaggs fence is reasonable and not a problem.  |

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

- |                                      |           |
|--------------------------------------|-----------|
| - Nicholas Krupansky, 2450 Maplewood | Opposed.  |
| - Elizabeth & Omar Flores            | In Favor. |
| - Lindsay Snyder, 2645 Hall          | In Favor. |
| - Lee Hegstrand, 1125 Conlon         | In Favor. |
| - Jackie Deane, 1119 Conlon          | In Favor. |
| - Alissa Adams, 1160 Conlon          | In Favor. |

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

Assistant City Attorney Tobias introduced Thomas "Mac" Wardrop as special counsel for issues pertaining to the variance submitted by Mr. and Mrs. Skaggs. Mr. Tobias noted that Varnum is not representing the city in this instance because of the conflict of interest with Mrs. Skaggs being a shareholder at Varnum.

2019-86-A. Miller-Hamrick. That the request of Philip & Elizabeth Skaggs of 2615 Hall to allow a 6' opaque privacy fence to remain within 1' of the property line rather than the 3' height maximum allowed within 10' of the property line be approved.

Special Counsel Wardrop advised the commission should not consider the prior fence as part of its discussion and decision on the current fence request. He stated that a regulatory ordinance such as the fence ordinance is not encumbered by the prior non-conforming use provisions of the zoning ordinance.

Zoning Administrator Mizikar clarified that a 6' fence would be allowed along the property line or in the clear vision area if it were a see-through material such as chain link or wrought iron. A variance is required for this fence because it is a solid wood privacy fence.

Mayor Seibold asked whether staff had worked with Mr. and Mrs. Skaggs to understand their options. Interim City Manager LaFave stated that staff had outlined many alternatives but had informed the applicants that only the city commission had the authority to approve any of those alternatives. Mr. LaFave noted that Mr. Skaggs had decided to move forward with the current request.

Commissioner Miller felt the presence of a pool in the Skaggs yard made the situation somewhat unique; however, he viewed this more of a replacement for what had been there before and not as a clean slate replacement. Mr. Miller also stated that this fence would help the neighbors and not present a detriment as it was better than what was there before. He felt the new permit system would eliminate these types of problems in the future.

Commissioner Zagel questioned how the Infrastructure developed the purpose statement in the ordinance and what the term "openness" meant in this case. Commissioner Miller stated that openness would be a factor in clean slate situations, but he felt this fence did promote openness with the angled corner. He noted there were a lot of non-compliant fences in the city but the new permit process would prevent more from being built so he was not worried about setting a precedent with this variance.

Commissioner Zagel agreed on the need for safety and the desire for privacy in your backyard but felt there were lots of options to achieve this that don't require variances. He reminded everyone that over the last few years, the commission had required several people to either tear down existing fences or to revise their plans for fences because of the fence ordinance requirements. Mr. Zagel stated that being able to afford a pool in your back yard does not give you a right to more privacy than others who don't have a pool. He reiterated that there were other options for this fence and the rules should be fairly applied to all.

Mayor Seibold showed photos of her car in the Skaggs driveway and noted that while the angled corner provided some visibility when cars were in the south side of the driveway, a car in the north side of the driveway would be across the sidewalk before the driver could see a pedestrian or bicycle on the sidewalk.

Commissioner Hamrick felt the commission should look at this request with a spirit of compromise since the applicants were confused by the ordinances and at a disadvantage because there was no fence permit process. She noted she thought this property met the standards for a variance because the pool makes the property unique and takes up the entire yard and this situation existed for many years. She further noted that the fence would not be a detriment to the neighborhood because it had always been in the same location. She suggested adding a condition that a convex mirror be attached to the fence to assist both cars and vehicles in seeing better at this driveway.

Commissioner Duncan believed the new fence was an improvement. She stated this was the same result as if the Skaggs had just replaced 50% of the fence each year as allowed by ordinance. She didn't feel a see-through fence was an option and that the Skaggs had spent enough time dealing with this issue; therefore, she would be supporting the request.

Commissioner Favale felt the variance standards were met because the pool and patio take up most of the yard, making this property different than the others where variances were not granted. She noted the applicants were initially given verbal approval by city staff but had changed their project to alleviate the commission's concerns. She felt imposing a 20' x20' clear vision area would place an unnecessary burden on this family, so she would support both requests.

Mayor Seibold stated that both staff and the commission had given the Skaggs multiple ways to avoid a variance or seek a lesser variance than 1' from the property line. She noted Mr. Skaggs was on the commission when the 2014 version of the fence ordinance was adopted so he should have been familiar with the fact there were setback requirements. She agreed with the Skaggs that safety was paramount in this situation but felt the current fence—even with the angled corner—was not safe for people on the sidewalk. She reiterated that other variance applicants have had to take down existing fences or change their plans. She noted her pool, fence and

driveway were almost identical to this situation, so it was not unique in the challenges presented by maintaining an aging fence or desiring privacy. She felt at the very least there should be some type of compromise to move the fence farther from the sidewalk to improve sight distance and still allow some privacy in the back yard.

Commissioner Walters stated he would be abstaining from voting on this issue due to the appearance of the conflict with Mrs. Skaggs being his business partner. He stated that while Varnum does have a conflict since they are giving the city legal advice, he did not feel that he had a conflict of interest because he was a resident elected as a city commissioner and was not acting as an attorney. He further noted that he reviewed the city's Conflict of Interest Policy and did not feel that the policy required him to abstain either. He stated he would not gain anything from voting on the variance, but he preferred not to vote to avoid the appearance of a conflict. He stated that he had decided he would participate in this and other votes involving potential conflicts only if needed to resolve a deadlock or provide a quorum. Mr. Walters noted that he had listened to the discussion to determine the direction of the vote and then decided he would not vote on these requests.

Yeas: Duncan, Favale, Hamrick and Miller – 4  
Nays: Zagel and Seibold – 2  
Abstain: Walters – 1

2019-86-B. Miller-Favale. That the request of Philip & Elizabeth Skaggs of 2615 Hall to allow the 6' privacy fence to remain within the 20' x 20' clear vision triangle at the base of the driveway be approved.

Commissioner Miller noted that while this fence was an improvement, it was not an ideal situation for the clear vision requirement. He believed the small lot, pool and corner lot created a unique situation, so the ordinance standards were met.

Mayor Seibold did not feel the small section of angled corner made the situation safe for pedestrians.

Yeas: Duncan, Favale, Hamrick and Miller – 4  
Nays: Zagel and Seibold – 2  
Abstain: Walters – 1

2019-86-C. Zagel-Favale. Motion to direct the Infrastructure Committee to review the fence ordinance provisions regarding pools and corner lots and report back to the City Commission with options for amendments to address the above decisions.

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

2019-87. A public hearing was held pertaining to the General Fund budget and the property tax levy for Fiscal Year 2019-20. No public comment was received. Mayor Seibold closed the public hearing.

2019-88. A public hearing was held on the special assessment roll of delinquent accounts for placement on the July 1, 2019 tax roll. No public comment was received. Mayor Seibold closed the public hearing.

2019-88-A. Walters-Duncan. That the special assessment roll of delinquent accounts totaling \$50,711.97 be certified and placed on the July 1, 2019 tax roll.

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

2019-89. Gaslight Village wayfinding signage.

Interim City Manager LaFave reviewed the proposals for new wayfinding signs surrounding Gaslight Village and outlined the cost of each option.

Commissioners Duncan and Favale spoke in favor of the oval design.

Commissioner Miller suggested using the rectangular design since it was less expensive, and the Gaslight Village Business Association had expressed no preference for either design.

2019-89-A. Duncan-Favale. That the oval signage proposal from Postema Signs and Graphics of Grand Rapids be awarded in the amount of \$11,750, to approve a contract with West Michigan Lighting in the amount of \$6,900 for decorate poles for the new signs, and to approve the locations suggested by the Interim City Manager.

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

2019-90. Duncan-Favale. To approve the consent agenda as follows:

- 2019-90-A. Minutes of the regular meeting held May 20, 2019.
- 2019-90-B. Payroll disbursements of \$231,820.92; county and school disbursements of \$-0-, and total remaining disbursements of \$173,994.60.
- 2019-90-C. Quarterly financial reports for the quarter ended March 31, 2019.
- 2019-90-D. A contract with the Michigan Municipal League Liability and Property Pool in the amount of \$173,240.00 for property and liability insurance for the period July 1, 2019 through June 30, 2020.
- 2019-90-E. Vehicle and equipment replacement purchases from various companies as outlined in the Interim City Manager's memo dated May 8, 2019.
- 2019-90-F. The appointment of Doug LaFave to the Grand Valley Metro Council Board and the Kent County Emergency Medical Services Consortium for the duration of his role as the Interim City Manager.
- 2019-90-G. Preliminary minutes of the Planning Commission meeting held April 9, 2019.
- 2019-90-H. Preliminary minutes of the Parks & Recreation Commission meeting held May 13, 2019.

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

The meeting adjourned at 8:14 p.m., subject to the call of the Mayor until June 17, 2019.

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Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Special Meeting Held June 3, 2019**

Mayor Seibold called the meeting to order at 8:15 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: Assistant City Attorney Tobias; Interim City Manager LaFave; Parks & Recreation Director Bunn; City Clerk Brower; Captain Buikema; Zoning Administrator Mizikar

2019-91. Consider request to adopt a resolution adopting the FY 2019-20 budget and setting a millage rate for FY 2019-20.

Interim City Manager LaFave noted the millage rate would be set at 12.2428 which is less than last year due to the Headlee rollback requirement. He also noted that the water and sewer rates for the upcoming year had been set in March and no further adjustments were being proposed at this time.

2019-91-A. Walters-Hamrick. That a resolution adopting the FY 2019-20 budget and setting the millage rate for FY 2019-20 be adopted as attached in Exhibit "A."

Commissioner Zagel noted that residents may not feel a reduction in their property tax bills because of the increase in home values. He noted that the commission always reviews the budgeted revenues and expenditures to balance the available funding with the services and programs that our residents value. He stated that more discussions are needed to be ready for decisions that will need to be made next year.

Commissioner Walters stated he was voting in favor of the budget with reluctance because of the long-term trend of reducing the undesignated fund balance. He noted that inflation, pension plan payments and other factors will mean making some difficult decisions next year.

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

Nays: -0-

The meeting adjourned at 8:21 p.m., subject to the call of the Mayor until June 17, 2019.

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Karen K. Brower, City Clerk

Attachments: A – Budget adoption 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 17, 2019**

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, Walters, Zagel and Mayor Seibold

Absent: Commissioner Miller

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

2019-92. Mayor Seibold announced that she was withdrawing the advisory board appointments from the agenda.

2019-93. No public comment was received.

2019-94. Commissioner Zagel reported the Reeds Lake Art Festival last weekend was very successful and noted that the Reeds Lake Run was coming up on June 22. He encouraged people to volunteer to help with the event if they were able.

Commissioner Hamrick reminded everyone of the July 4 Celebration in two weeks. She noted there was still time to sign up to march in the parade.

Commissioner Walters stated he felt it was wise to remove the advisory board appointments due to the emails received regarding some of the appointees.

Mayor Seibold thanked staff for continuing to work on the livestreaming for the public to watch the meetings.

Interim City Manager LaFave noted there would be lots of street maintenance going on in the next several weeks and urged everyone to visit [www.eastgr.org/construction](http://www.eastgr.org/construction) for the latest information.

Mayor Seibold addressed the issue of advisory board appointments by reporting that the City Charter and several ordinances give the Mayor the authority to nominate people to all of the advisory boards subject to the approval of the city commission. The process had been done this way for years and is common in most cities in the area. She stated that her nominations to the Planning Commission were not based on political party affiliation and she felt people were being unkind to imply that the nominees were not qualified for the positions. She noted that the two nominees in question had withdrawn their names for consideration due to the emails. Mayor Seibold expressed frustration that people had started an email campaign against the nominees instead of contacting her to address any concerns they had. She agreed with those who wrote the emails that partisan politics had no place in East Grand Rapids advisory boards but felt that all who wished to participate should be given fair consideration. She asked that everyone be respectful and work together as she prepared a new list of nominees for consideration at the next meeting.

Commissioner Walters asked to address these statements. Mayor Seibold stated she wished to continue with the regular business items and would allow more comment at the end of the meeting.

2019-95. A zoning variance hearing was held regarding the request of Kevin & Karen Helm of 2145 Durant to allow a least side yard setback of 6.8' instead of the required 7.0' and to allow a total side yard setback of 15.3' instead of the required 18.0.'

Zoning Administrator Mizikar explained the applicant wished to split their lot into two parcels, but the split would create two setback issues with the existing home that would require minor variances. He explained the west side yard setback would be only 6.8' instead of the required 7.0' and the combined side yard setback would be only 15.3' instead of the 18' required by the zoning ordinance.

Karen Helm, 2145 Durant, explained they wished to build a new home next door while continuing to live in the existing home to minimize disruption and accommodate their family.

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

- |                                    |           |
|------------------------------------|-----------|
| - Paige Sawyer, 2200 Durant        | In Favor. |
| - Amie Kreitzer, 2134 Durant       | In Favor. |
| - Jim & Karen Proctor, 2142 Durant | In Favor. |
| - Dale Stoffer, 415 Lakeside       | In Favor. |
| - Ryan Sawyer, 2200 Durant         | In Favor. |
| - Meg Goebel, 2127 Durant          | In Favor. |
| - Carmel Loftis, 2151 Durant       | In Favor. |
| - Lane & Susan Auyer, 421 Lakeside | In Favor. |

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

- 2019-95-A. Walters-Hamrick. That the request of Kevin & Karen Helm of 2145 Durant to allow a least side yard setback of 6.8' instead of the required 7.0' be approved.

Commissioner Walters felt the standards were met for this variance and that it would make very little difference in the neighborhood.

Commissioner Hamrick agreed the impact on neighbors would be minor and she supported the proposal.

Mayor Seibold stated she was happy to see two conforming lots as a result of the split and wished the applicants success with their new home.

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

- 2019-95-B. Hamrick-Favale. That the request of Kevin & Karen Helm of 2145 Durant to allow a total side yard setback of 15.3' instead of the required 18.0' be approved.

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

- 2019-96. Request to approve the division of land at 2145 Durant.

Zoning Administrator Mizikar explained the request to divide the property into two conforming lots, one containing the existing home and a second parcel of vacant property. Mr. Mizikar noted the newly created lot had been withdrawn from the flood plain maps.

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

- 2019-96-A. Zagel-Favale. That the request of Kevin & Karen Helm of 2145 Durant to divide the property into two parcels with Parcel A containing undeveloped land with a width of 72,' and approximately 20,111 square feet and Parcel B containing the existing home measuring 72' wide containing 18,387 square feet of property be approved, with the following conditions:

9. The split complies with the surveys and legal descriptions presented in the land division application;  
and
10. The relevant deed(s) or land contract(s) be recorded with the Kent County Registrar of Deeds within 90 days of approval.
11. The approval of the subsequent zoning variances for least side yard setback and total side yard setbacks by the City Commission.

Commissioner Zagel noted the width of the new lot meets the ordinance regulations and that the new home would not disturb any existing wetlands.

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

2019-97. Permit application for private fireworks show.

Parks & Recreation Director Bunn explained the request for a fireworks show on October 5 as part of Calvin University's homecoming events. He noted the event was well planned last year and the city and Calvin would use the same plan for communicating the date and time of the show to residents in the area.

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

2019-97-A. Walters-Duncan. That a permit application for a fireworks display submitted by Melrose Pyrotechnics, Inc. on behalf of Calvin University for a show over the university on October 5, 2019 be approved.

Commissioner Duncan supported the proposal and thanked the university for working closely with the city to notify the residents.

Commissioner Walters thanked Parks & Recreation Director Bunn for developing the policy for private fireworks shows over the last year to allow these events while providing notice to those in the area.

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

2019-98. Addition of on-street parking on Shopping Center Road.

Interim City Manager LaFave proposed allowing parking on the west side of Shopping Center Road, adding approximately 13 parking spaces. He stated the road was wide enough to allow parking on one side while still providing adequate room for trucks delivering products to the shopping center. He proposed prohibiting parking from 12 am to 6 am November 15 through March 15 to facilitate snowplowing operations.

Commissioner Walters supported the additional parking but questioned whether the property owners would have concerns. Interim City Manager LaFave noted that staff would work with the owners to address any issues or propose changes if necessary.

Commissioner Walters suggested making the 12 am to 6 am restriction effective year-round to discourage overnight parking or long-term parking from other places and to ensure regular maintenance.

Commissioner Zagel supported the additional spaces that can be used by business employees so that other spaces could be left for customers. He also supported a year-round ban on overnight parking on this street.

Mayor Seibold opened this issue for public comment. No public comment was received. Mayor Seibold closed the public comment.

2019-98-A. Zagel-Walters. That parking be allowed on the west side of Shopping Center Road where legally possible with the restriction of "No Parking from 12 am to 6 am."

Mayor Seibold spoke in favor of the additional parking spaces. She noted that the eventual redevelopment of the adjoining property may necessitate changes in the future but felt these could be made easily if necessary. She further noted that this additional parking was in line with the master plan suggestions.

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

2019-99. Zagel-Favale. To approve the consent agenda as follows:

- 2019-99-A. Minutes of the regular meeting held June 3, 2019.
- 2019-99-B. Minutes of the special meeting held June 3, 2019.
- 2019-99-C. Payroll disbursements of \$207,959.02; county and school disbursements of \$-0-, and total remaining disbursements of \$486,115.03.
- 2019-99-D. Resolution amending the FY 2018-19 budget for the quarter ending June 30, 2019 attached as Exhibit "A."
- 2019-99-E. The Joint Facilities budget for FY 2019-20 as recommended by the members of the Joint Facilities Committee.
- 2019-99-F. A contact with Hydrovac, Inc. of Cedar Springs in the amount of \$6,500 for water service line identification services.

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

Nays: -0-

2019-100. Commissioner Walters spoke about the advisory board appointment process by stating that appointments should be non-partisan, especially in light of the important local issues that come under consideration from time to time. He did not want to exclude anyone who wanted to serve but felt that the level of partisanship clearly shown by the Mayor's nominees was too much. He detailed the nominees extremely visible affiliation and work with the various levels of the Republican party as different than other advisory board appointees who did not make their affiliations so well known. Mr. Walters stated he was offended to be accused of orchestrating an email campaign. He felt there were plenty of other people willing to serve who would not be so visibly partisan. Commissioner Walters stated he would not normally attempt to block an appointment based on politics but stated this is different because of the level of active participation by the nominees. He apologized to the remainder of the residents whose nominations were being delayed due to this situation. Mr. Walters concluded that this being a contested election year meant strong participation on party politics was a poor idea and stated these nominees should not have been presented. He suggested a new process to avoid this in the future.

Mayor Seibold asked that people contact her or Interim City Manager LaFave when they have concerns about an agenda item.

Commissioner Walters stated he did not know about the appointments until he heard about it from a citizen and he hoped for better communication in the future.

Commissioner Favale resented the assumption that commissioners were involved in an email campaign.

Commissioner Duncan felt there was no place for personal attacks in the conversation. She stated she had always been uncomfortable with the appointment process as she did not know who had applied and did not have any input on appointees. She felt everyone should participate to avoid partisanship and divisiveness.

Commissioner Hamrick stated she had been unable to find information on the website concerning the appointment process or terms so she could answer questions or solicit applications.

The meeting adjourned at 7:08 p.m., subject to the call of the Mayor until July 1, 2019.

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Karen K. Brower, City Clerk

Attachments: A – Resolution approving budget amendments

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 1, 2019**

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, Walters, Zagel and Mayor Seibold

Absent: Commissioner Miller

Also Present: City Attorney Huff; Interim City Manager LaFave; Parks & Recreation Director Bunn;  
City Clerk Brower

2019-101. No public comment was received.

2019-102. Commissioners Favale, Hamrick and Walters noted the Trail Blazer event on July 4, put on by the EGR Community Foundation, needed volunteers to staff intersections.

Mayor Seibold reminded everyone that per state and local law, fireworks are allowed on private property between the hours of 11 am and 11:45 pm from June 29 to July 5.

Interim City Manager LaFave gave an update on construction projects and the pavement maintenance treatments being used to improve the surfaces of various roads in EGR.

Mayor Seibold thanked Parks & Recreation Supervisor Betsy Granstra and her entire team for putting on such a fantastic Reeds Lake Run event on June 22. She reported there were thousands of people taking part in the 5K run, the Doggie Dash, the handcycling race and the kids races.

2019-103. Election of President for FY 2019-20.

2019-103-A. Zagel-Hamrick. That Commissioner Claudine Duncan be elected President of the East Grand Rapids City Commission to assume leadership duties in the absence of the Mayor for FY 2019-20.

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

Nays: -0-

2019-104. Advisory Board appointments for FY 2019-20.

2019-104-A. Walters-Zagel. To approve appointments to advisory boards as follows:

**Planning Commission**

Tom Getz, 655 Plymouth  
Mary Mapes, 2405 Elmwood  
Amy Coretti, 1436 Laurel  
Whitney Renner, 635 Cambridge

Three-year terms ending 6/30/22

**Parks & Recreation Comm.**

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 6/30/20

**Library Commission**

Micki Benz, 817 Gladstone  
Betsy Brown, 1410 Sherwood  
Erik Daly, 1240 Breton  
Mary Dersch, 956 Lakeside  
Carol Donovan, 2944 Hall  
Judy Freeman, 425 Cambridge  
Charles Myers, 1050 Monterey  
Christopher Smith, 461 Lakeside

One-year terms ending 6/30/20

**Board of Review**

Ann Nowak, 1033 San Lucia  
Diana Schad, 448 Cambridge

Two-year terms ending 6/30/21

Commissioner Duncan thanked Mayor Seibold for meeting with her and Commissioner Hamrick last week to discuss the commission appointment process. She stated she will support the residents nominated today. Commissioner Duncan asked that more information added to the website to show the dates appointed and the term ending dates, to regularly solicit applications through the e-newsletter and social media and that all appointments be placed on the regular agenda and not on the consent agenda. She stated that she would not support future appointments without being more involved in the process.

Commissioner Hamrick stated she would reluctantly support these nominations because no public notice was given of the upcoming appointment process and that top priority should be given to publicizing the application process and getting more women to apply.

Commissioner Walters also stated his intention to support Mayor Seibold's nominations and addressed several emails that were received about the nominees. He stated that all residents can apply if they wish to serve and should be considered for appointment if they are qualified. He agreed the appointment process could be improved in the future.

Commissioner Zigel thanked everyone for working together and for communicating about the issues surrounding the appointment process.

Commissioner Favale stated she would approve the appointments, but felt the process needed improvement and noted that residents have asked for more input.

Commissioner Duncan addressed Mayor Seibold's statement at the last meeting about commissioner involvement in the email campaign against two nominees and stated that she wanted the public know that commissioners did not operate that way. Commissioner Favale agreed and stated that residents have a right to reach out if they are concerned.

Mayor Seibold noted that there was definitely an effort to get residents to send emails and asked that everyone work better together and not wait until a meeting to bring up concerns. She noted the current appointment system has been in place for close to 40 years and there has never been an issue. She reported there is no criteria set in the ordinances about specific requirements for appointees or any mention of public involvement. This year she was seeking to balance the Planning Commission ranks with two women from different geographic areas of the city.

Yeas: Duncan, Favale, Hamrick, Walters, Zigel and Seibold – 6  
Nays: -0-

- 2019-105. Interim City Manager LaFave reported that the Infrastructure Committee had been reviewing the current fence ordinance and was looking at several possible revisions. He anticipated that ordinance amendments would be submitted to the commission for discussion in the near future.

2019-106. Duncan-Favale. To approve the consent agenda as follows:

2019-106-A. Minutes of the regular meeting held June 17, 2019.

2019-106-B. Payroll disbursements of \$224,205.11; county and school disbursements of \$-0-, and total remaining disbursements of \$506,367.83.

2019-106-C. The purchase of consulting services and software licenses from i3 Business Solutions in the amount of \$10,503 to update the city servers.

Yeas: Duncan, Favale, Hamrick, Walters, Zagal and Seibold – 6

Nays: -0-

2019-107. Zagal-Favale. Motion to add to the agenda an executive session to discuss a collective bargaining agreement in accordance with Section 8(c) of the Open Meetings Act. A roll call vote was taken.

Yeas: Duncan, Favale, Hamrick, Walters, Zagal and Seibold – 6

Nays: -0-

2019-107-A. Duncan-Zagal. Motion to enter into an executive session to discuss a collective bargaining agreement in accordance with Section 8(c) of the Open Meetings Act. A roll call vote was taken.

Yeas: Duncan, Favale, Hamrick, Walters, Zagal and Seibold – 6

Nays: -0-

The meeting adjourned at 6:33 p.m., subject to the call of the Mayor until July 15, 2019.

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Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held July 15, 2019**

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, Walters, Zagel and Mayor Seibold

Absent: Commissioner Favale

Also Present: City Attorney Huff; Interim City Manager LaFave; Finance Director Mushong; Zoning Administrator Mizikar; City Clerk Brower; PSO Wallace

2019-108. Peter Dimitriou, 2621 Inverness, warned about the increase in greenhouse gasses.

2019-109. Commissioners Walters, Hamrick, Duncan and Mayor Seibold thanked all of the staff members from the Parks & Recreation Department, the Public Safety Department, Public Works Department and administrative offices that worked so hard to prepare for and oversee the events held on the 4<sup>th</sup> of July. All activities were well organized and appreciated by those in attendance.

Commissioners Miller and Hamrick commented on the attendance and great ideas from the Parks & Recreation master plan process and looked forward to seeing the draft plan document.

Interim City Manager LaFave announced that all the street construction and maintenance projects are done for the summer. There is still minor utility work being done.

Mayor Seibold thanked the Public Works Department for all their organization of the road work this summer, especially the pavement maintenance projects that upgrade the road surface and prolong the life of the roads. She thanked Spectrum Health for sponsoring the entire July 4 celebration. Mayor Seibold also presented an award received recently from the Daughters of the American Revolution for proper care and display of the American flags in East Grand Rapids.

2019-110. A zoning variance hearing was held regarding the request of Daniel Blandford of 1626 Robinson to allow the construction of an attached garage resulting in a total building coverage of 38% instead of the allowed 35%.

Zoning Administrator Mizikar explained the request to build an attached garage and connector mudroom would cause the building coverage to exceed the limit of 35%.

Daniel Blandford, 1626 Robinson, noted it would be very difficult to improve this property without going over the coverage limit due to the small lot size. He noted the garage would allow him to park vehicles off the street in a neighborhood where on-street parking is always full.

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

2019-110-A. Miller-Hamrick. That the request of Daniel Blandford of 1626 Robinson to allow the construction of an attached garage resulting in a total building coverage of 38% instead of the allowed 35% be approved.

Commissioner Miller supported the request due to the small lot size and the fact that the total impervious coverage was still below the 50% required by ordinance.

Commissioner Zagel noted the variance standards were met. He encouraged the owner to plant new trees in the right of way after the project.

Commissioner Hamrick agreed the new garage and driveway would help with parking in the area and the addition would be an improvement to the neighborhood.

Mayor Seibold agreed the project would improve the home. She supported the request because the total impervious surface requirement was met and backyard access was not an issue due to the lot configuration.

Yeas: Duncan, Hamrick, Miller, Walters, Zagal and Seibold – 6

Nays: -0-

- 2019-111. A zoning variance hearing was held regarding the request of Sonja & Hans Cubillo of 1139 Eastwood to allow the construction of a covered front porch encroaching into the front yard setback by 7.7' instead of the 6' allowed.

Zoning Administrator Mizikar explained porches were allowed a 6' encroachment into the average front yard setback, but due to the fact this home sits slightly closer to the street than average, a 6' front porch would need a variance.

Sonia Cubillo, 1139 Eastwood, stated the new porch would add curb appeal and value to their home as well as allow them to enjoy their neighborhood.

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

- 2019-111-A. Duncan-Walters. That the request of Sonja & Hans Cubillo of 1139 Eastwood to allow the construction of a covered front porch encroaching into the front yard setback by 7.7' instead of the 6' allowed be approved.

Commissioner Duncan felt this was a reasonable request and would have a minimal impact on the area.

Commissioner Hamrick agreed this was a beneficial project to allow the owners to engage their neighbors and enhance the friendly feel of the street.

Commissioner Zagal noted there were several similar porches on this street and supported this request.

Mayor Seibold also noted many surrounding homes had similar porches and she had no issues with this request.

Yeas: Duncan, Hamrick, Miller, Walters, Zagal and Seibold – 6

Nays: -0-

- 2019-112. A zoning variance hearing was held regarding the request of Diego Rojas & Lindsay Snyder of 2645 Hall to allow the construction of an 8' high privacy fence instead of the allowed 6' height.

Zoning Administrator Mizikar reviewed the proposal to place an 8' fence along the northern property line because the neighboring property sits higher in elevation and the owners did not feel a 6' fence would provide enough privacy. He noted there is a slight depression along the property line for water drainage that would cause the fence to sit slightly lower than the rest of the property.

Diego Rojas, 2645 Hall, stated the neighboring property owner completely supported a taller fence. He stated the existing fence and invasive trees needed to be removed and he would like to build an 8' fence because of the drainage depression and the height of the neighbor's property. He noted the request for a taller fence was to increase privacy and to protect his children due to the pool on the next property.

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

- 2019-112-A. Miller-Hamrick. That the request of Diego Rojas & Lindsay Snyder of 2645 Hall to allow the construction of an 8' high privacy fence instead of the allowed 6' height be approved.

Commissioner Hamrick supported the request because the flag-shaped lot and the height difference were a unique situation. She felt no one else would see this fence so it would not be an issue for the other properties.

Mayor Seibold noted that many homes in East Grand Rapids had some type of grade level change between properties and this would set a precedent for future requests.

Commissioner Miller did not feel the flag lot or elevation change created a unique situation but agreed the drainage depression would render a privacy fence less effective along this property line.

Commissioner Walters felt this particular fence would not have an impact on surrounding properties but worried about the precedent for other variance requests. He did not feel the elevation change was peculiar enough to this property to support the request.

Commissioner Duncan agreed that grade level changes were present for many, many property owners in the City and this property was not unique in that regard.

Mayor Seibold noted that other fence requests had been denied and that many properties in East were higher or lower than their neighbors and could claim the same situation to request taller fences. She also noted that privacy could be increased with trees and landscaping along the border.

Yeas: Hamrick – 1

Nays: Duncan, Miller, Walters, Zagel and Seibold – 5

2019-113. Duncan-Hamrick. To approve the consent agenda as follows:

2019-113-A. Minutes of the regular meeting held July 1, 2019.

2019-113-B. Payroll disbursements of \$229,353.47; county and school disbursements of \$-0-, and total remaining disbursements of \$454,957.67.

2019-113-C. Approval of a Memorandum Clarifying Easement Description for storm sewer easement at 2951 Bonnell as attached in Exhibit "A."

2019-113-D. A one-year contract extension with Olameter Inc. for water meter reading services at a cost of \$0.885 per reading.

2019-113-E. Preliminary minutes of the Planning Commission meeting held May 14, 2019.

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

Nays: -0-

The meeting adjourned at 6:58 p.m., subject to the call of the Mayor until August 5, 2019.

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Karen K. Brower, City Clerk

Attachments: A – Memorandum Clarifying Easement Description

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 5, 2019**

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, Walters, Zagel and Mayor Seibold

Absent: Commissioners Hamrick and Miller

Also Present: City Attorney Huff; Interim City Manager LaFave; Finance Director Mushong; Zoning Administrator Mizikar; Parks & Recreation Director Bunn; City Clerk Brower; Sgt. DeJonge and Davis; PSO's Conklin, Karnes and Grams

2019-114. Mayor Seibold spoke about the recent mass shootings in El Paso, Texas and Dayton, Ohio and urged everyone to treat each other kindly and to foster an environment of inclusiveness and respect.

2019-115. Andrew Cooley, 1117 Eastwood, expressed concerns about pedestrian safety and the unsafe driving he sees every day. He suggested a big marketing campaign to educate drivers and better enforcement of existing laws.

Brett Zylstra, 1627 Breton, reported his son was hit by a car yesterday at Breton and Hall and spoke about how terrifying the incident was. He stated people are drag racing down Breton and this type of driving should not be allowed in the community.

2019-116. Commissioners Walters, Favale, Zagel and Duncan thanked Mr. Zylstra for sharing his story and were glad his son was not seriously injured.

Mayor Seibold noted the city has recently heard from many people with thoughts and concerns on pedestrian safety awareness. She reported the city is working with the school district to place additional crossing guards near the middle and high schools, but pedestrian safety is something everyone should always be focused on.

Mayor Seibold announced that Tuesday, August 6 is National Night Out and urged everyone to connect with their neighbors and public safety officers.

2019-117. Public Safety Director Herald promoted Public Safety Officer Jeff DeJonge to Sergeant. City Clerk Brower administered the oath of office.

2019-118. Public Safety Director Herald outlined the plans for a Public Safety Citizens Academy to take place later this year to acquaint community members with the department's structure and personnel, use of force scenarios, firearms, traffic stops, investigative procedures and more. Applications will be taken in August; the academy will start in September.

2019-119. Introduction of an ordinance amendment to Sections 5.7, 5.10 and 5.14 of Chapter 50 of Title V of the City Code adding definitions to the C-1 commercial district.

Zoning Administrator Mizikar reviewed the sections being amended that will expand the schedule of uses in the commercial district to permit professional and medical offices on the ground floor and to add provisions for ground floor residential, product showrooms and hotels and "bed and breakfast" establishments.

2019-119-A. Walters-Duncan. That an ordinance amendment to Sections 5.7, 5.10 and 5.14 of Chapter 50 of Title V of the City Code adding definitions to the C-1 commercial district be introduced as attached in Exhibit "A."

Yeas: Duncan, Favale, Walters, Zagel and Seibold – 5

Nays: -0-

2019-120. Introduction of an ordinance amendment to Section 5.36 of Chapter 50 of Title V of the City Code pertaining to the schedule of uses in the C-1 Commercial District.

2019-120-A. Duncan-Favale. That an ordinance amendment to Section 5.36 of Chapter 50 of Title V of the City Code pertaining to the schedule of uses in the C-1 Commercial District be introduced as attached in Exhibit "B."

Yeas: Duncan, Favale, Walters, Zigel and Seibold – 5

Nays: -0-

2019-121. Introduction of an ordinance amendment to Section 5.65 of Chapter 50 of Title V of the City Code pertaining to hours of operation in the C-1 commercial district.

2019-121-A. Zigel-Favale. That an ordinance amendment to Section 5.65 of Chapter 50 of Title V of the City Code pertaining to hours of operation in the C-1 commercial district be introduced as attached in Exhibit "C."

Yeas: Duncan, Favale, Walters, Zigel and Seibold – 5

Nays: -0-

2019-122. Introduction of an ordinance amendment to Section 5.72 of Chapter 50 of Title V of the City Code pertaining to office uses in the C-1 commercial district.

2019-122-A. Favale-Zigel. That an ordinance amendment to Section 5.72 of Chapter 50 of Title V of the City Code pertaining to office uses in the C-1 commercial district be introduced as attached in Exhibit "D."

Yeas: Duncan, Favale, Walters, Zigel and Seibold – 5

Nays: -0-

2019-123. Introduction of an ordinance amendment to Section 5.74 of Chapter 50 of Title V of the City Code pertaining to residential uses in the C-1 commercial district.

2019-123-A. Duncan-Walters. That an ordinance amendment to Section 5.74 of Chapter 50 of Title V of the City Code pertaining to residential uses in the C-1 commercial district be introduced as attached in Exhibit "E."

Yeas: Duncan, Favale, Walters, Zigel and Seibold – 5

Nays: -0-

2019-124. Introduction of an ordinance to amend Article I of Chapter 83 of Title VIII of the City Code regarding general fence requirements.

Zoning Administrator Mizikar outlined the proposed changes to measuring methods, front yard fence heights, the size of the clear vision area at the base of a driveway, repair and maintenance language and a fence-specific variance process.

Mayor Seibold expressed concern that several of the issues referred to the Infrastructure Committee in June, such as corner-lot setbacks along sidewalks and the height of fences in side-yard setbacks, are not addressed in these changes. She further noted that fences around swimming pools were not addressed in this amendment, even though that was a large part of why the committee was asked to look at the ordinance.

Commissioner Zigel cited the language in the variance procedure that gave preference to making non-conforming situations closer to conformity and wondered if it was appropriate to use such a minimal standard when reviewing variance applications.

Commissioner Duncan felt part of the difficulty surrounding the variance that prompted the ordinance review was the lack of a fence permit process. She stated that since we now have an established process, the committee did not feel it was necessary to make wholesale changes for side yard fences since staff would be able to address issues before a variance was necessary.

Commissioner Favale stated that each pool situation is very unique, so the committee did not want to impose any stricter rules than already exist. She felt the fence permit process would solve any issues.

Mayor Seibold noted that much discussion took place at a prior commission meeting about how taller fences around pools were imperative for safety and privacy, and she felt that clarification was needed about how fences around pools were addressed.

Commissioner Walters questioned why a separate fence variance procedure was included. City Attorney Huff responded that the procedures were tailored to address issues specific to fences that the typical zoning variance regulations would not fit. It was also thought to be less confusing to residents to employ a procedure contained in the fence Chapter rather than a procedure found in a different Chapter of the Code, especially when there is sometimes confusion about whether the fence ordinance is a zoning ordinance.

2019-124-A. Walters-Favale. That an ordinance amendment to Article I of Chapter 83 of Title VIII of the City Code regarding general fence requirements be introduced as attached in Exhibit "F."

Yeas: Duncan, Favale, Walters, Zagel and Seibold – 5  
Nays: -0-

2019-125. Introduction of an ordinance amendment to Sections 3.38 of Chapter 32 of Title III of the City Code pertaining to private trees and shrubs.

2019-125-A. Duncan-Waltes. That an ordinance amendment to Section 3.38 of Chapter 32 of Title III of the City Code pertaining private trees and shrubs be introduced as attached in Exhibit "G."

Yeas: Duncan, Favale, Walters, Zagel and Seibold – 5  
Nays: -0-

2019-126. Parking restrictions on Gladstone.

Interim City Manager LaFave reported the city commission had temporarily imposed parking restrictions on the east side of Gladstone between Robinson and Wealthy due to the narrow street width. Based on resident input, Mr. LaFave recommended making the restrictions permanent. He noted that residents can petition for changes in the future if needed.

Mayor Seibold asked for public comment on this issue. No public comment was received.

2019-126-A. Duncan-Favale. That parking restrictions on the east side of Gladstone between Wealthy and Robinson be made permanent as outlined in Traffic Order #51 originally approved June 2018.

Commissioner Walters noted there were many people who did not respond to the ballots sent to residents about this issue, but since no one had specifically opposed the proposal, he was not overly concerned.

Mayor Seibold stated the city may need to take a comprehensive look at on-street parking on the west side of the city in the next several years due to changes at the hospital.

Yeas: Duncan, Favale, Walters, Zagel and Seibold – 5  
Nays: -0-

2019-127. Zagel-Favale. To approve the consent agenda as follows:

2019-127-A. Minutes of the regular meeting held July 15, 2019.

2019-127-B. Payroll disbursements of \$232,118.76; county and school disbursements of \$2,310,774.52, and total remaining disbursements of \$760,669.66.

- 2019-127-C. An updated City of East Grand Rapids Support Emergency Operations Plan for emergency operations with Kent County.
- 2019-127-D. A contract with Fer-Pal Construction of Taylor, MI in the amount of \$619,061.50 for water main cured-in-place pipe projects, and a total related budget of \$936,000 to allow for the purchase of supplies, rentals or subcontracting services.
- 2019-127-E. The purchase of a spreader/sprayer for grounds maintenance operations from B&B Truck Equipment in the amount of \$12,971.00.
- 2019-127-F. The preliminary minutes of the Parks & Recreation Commission meeting held July 8, 2019.
- Yeas: Duncan, Favale, Walters, Zigel and Seibold – 5  
Nays: -0-

2019-128. City staff provided an update on the status goals and objectives in each department and answered questions from the City Commission.

The meeting adjourned at 8:06 p.m., subject to the call of the Mayor until August 19, 2019.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance amending Sections 5.7, 5.10 and 5.14 of Chapter 50 regarding the C-1 District  
B – Ordinance amending Section 5.36 of Chapter 50 regarding the C-1 District  
C – Ordinance amending Section 5.65 of Chapter 50 regarding the C-1 District  
D – Ordinance amending Section 5.72 of Chapter 50 regarding the C-1 District  
E – Ordinance amending Section 5.74 of Chapter 50 regarding the C-1 District  
F – Ordinance amending Article I of Chapter 83 pertaining to fences  
G – Ordinance amending Section 3.38 of Chapter 32 regarding trees and shrubs

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 19, 2019**

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, Zigel and Mayor Seibold

Absent: None

Also Present: City Attorney Huff; Interim City Manager LaFave; Finance Director Mushong; City Clerk Brower; Public Safety Director Herald; PSO's Hollis and Conklin

2019-129. Mayor Seibold announced the executive session planned for after the meeting has been rescheduled.

2019-130. No public comment was received.

2019-131. Commissioner Favale welcomed the students and staff back for the 2019-20 school year. She thanked the Public Safety Department for the new crossing guards and their presence at the schools this morning. She also reported on the successful Taste of East event last week and noted the Parks & Recreation master plan draft was available for public review.

Commissioner Zigel also noted the great weather and turnout for the Taste of East and thanked all of the companies, groups and organizations that collaborated to make such a great event happen.

Commissioner Duncan reported the new crossing guard posts were well received during the first day of school.

Commissioner Hamrick remarked on the Taste of East event and all the kids and families who came out and enjoyed the evening.

Commissioner Miller thanked the Public Safety Department for their presence at the local schools on the first day of school. He also welcomed a local boy scout attending the meeting for a project.

Mayor Seibold announced there would be a ribbon cutting ceremony on Saturday for Mix, a new juice shop in Gaslight Village. She thanked the Public Safety Department for attending several block parties in the last few weeks and talking with residents.

2019-132. Additional crossing guards for school crosswalks.

Interim City Manager LaFave explained the city had undertaken several efforts in the last year to study, standardize and improve pedestrian crosswalks. He noted that new signage had been installed and pedestrian crossing signals had been upgraded. The city is now studying several locations to determine the placement of permanent radar speed warning signs. Mr. LaFave asked residents to call the city with concerns they have about vehicle and pedestrian safety instead of dealing with the issue on social media or neighborhood groups. He noted the city's website contains extensive information on policies, studies and safety tips.

Mr. LaFave outlined the proposal to add two additional crossing guard posts on Lake Drive at Bagley in front of the high school and Lake Drive at Kenesaw near the middle school during the morning and afternoon school commutes. Mr. LaFave noted the cost will be an additional \$8,500 per year and he is working with the schools to request some type of financial support for the crossing guard programs, which are currently fully funded by the city.

Mayor Seibold opened this matter for public comment. No public comment was received.

- 2019-132-A. Favale-Zagel. That additional crossing guards be added for posts at Lake Drive and Bagley Avenue and at Lake Drive and Kenesaw Drive for morning and afternoon school crossing duties.

Commissioner Walters stated he has always felt there was room for improvement and felt additional crossing guards were a good step. He thanked staff for the willingness to think creatively to improve resident safety.

Commissioner Hamrick reiterated the request for residents to contact city staff or elected officials if they have questions, concerns or suggestions. She noted that misinformation sometimes causes problems that could be solved by early communication.

Commissioner Favale expressed support for the additional crossing guards.

Mayor Seibold noted that while city staff uses various national standards for traffic control, they are always looking at new ideas and ways to improve current processes and programs. She noted that most crossing guard programs are funded by school districts, making this program a unique partnership.

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

- 2019-133. Public Safety Department Community Engagement Programs.

Public Safety Director Herald reviewed the new programs the Public Safety Department is implementing. With the addition of two new posts at the high school and near the middle school, the crossing guard program will now oversee ten posts each morning and afternoon during the school year. Officers will also visit every school during the morning start times to greet parents and interact with students in an effort to increase visibility and improve safety during these times. The department will also begin public education efforts with “crosswalk education zones” to observe behavior around crosswalks, educate motorists and issue warnings or citations, if necessary. Chief Herald emphasized that safety is a personal responsibility and urged everyone to make sure they are driving, walking and biking safely.

Commissioner Favale felt neighbors would appreciate the crosswalk education zones.

Commissioner Miller asked for periodic updates on all of these new programs.

- 2019-134. Duncan-Miller. To approve the consent agenda as follows:

2019-134-A. Minutes of the regular meeting held August 5, 2019.

2019-134-B. Payroll disbursements of \$468,985.01; county and school disbursements of \$3,041,227.50, and total remaining disbursements of \$339,338.81.

2019-134-C. Updated policies and procedures for Freedom of Information Act requests attached as Exhibits “A” and “B.”

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

The meeting adjourned at 6:35 p.m., subject to the call of the Mayor until September 3, 2019.

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Karen K. Brower, City Clerk

Attachments: A – Summary of FOIA Procedures and Guidelines  
B – Freedom of Information Act Procedures & Guidelines

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 3, 2019**

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, Miller, Walters, Zagel and Mayor Seibold

Absent: Commissioner Duncan

Also Present: City Attorney Huff; Interim City Manager LaFave; Finance Director Mushong; City Clerk Brower; Public Safety Director Herald; Zoning Administrator Mizikar; Planning Consultant LeBlanc

2019-135. Todd Astrauskas, 435 Plymouth, questioned whether the ordinance amendment for Section 3.38 would be applied to residential properties and whether existing plants would be grandfathered. City Attorney Huff stated that grandfathering provisions did not apply to non-zoning ordinances. Mayor Seibold asked Mr. Astrauskas to wait until this item was introduced on the agenda to ask further questions.

2019-136. Commissioner Zagel extended thoughts and prayers to those dealing with the latest mass shooting in Texas and noted our city staff continues to evaluate security and train for various scenarios.

Mayor Seibold welcomed Mix, a new shake and smoothie shop, to Gaslight Village.

2019-137. A zoning variance hearing was held regarding the request of Matt Abraham of 2705 Reeds Lake Blvd to allow the construction of an addition to the home creating a combined side yard setback of 23'1" instead of the required 24'.

Zoning Administrator Mizikar outlined the request for a reduced combined side yard setback as part of a large remodel project for this home. He noted the applicant had designed the project to meet the required setback, but found out an earlier project was built slightly differently than approved, requiring this slight variance.

Matt Abraham, 2705 Reeds Lake Blvd, stated he did not know why the former addition was built closer than approved and thanked the commission for considering his request.

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

- Deanna Eckert, 2827 Reeds Lake Blvd                      Opposed because a 2-car garage could be built without requiring a variance.

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

- Mark & Michelle Bremer, 2663 Reeds Lake Blvd    In Favor.

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

2019-137-A. Miller-Favale. That the request of Matt Abraham of 2705 Reeds Lake Blvd to allow the construction of an addition to the home creating a combined side yard setback of 23'1" instead of the required 24' be approved.

Commissioner Miller supported the request because the applicant had tried to design the addition to avoid needing a zoning variance.

Commissioner Walters noted he was comfortable with the request because it was only the shape of the lot made the variance necessary and it would not appear out of character from the street.

Mayor Seibold noted the city ordinances did not prohibit three-car garages, therefore that was not a reason to deny the variance. She thanked the applicant for designing the project with the intent to comply with the ordinances and understood the very small request was due to an error in the prior project.

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

2019-138. Request to approve a property line adjustment between 2950 Bonnell and 2960 Bonnell.

Zoning Administrator Mizikar explained the proposal to move the property line between these two parcels by 4' to accommodate an addition to the home at 2950 Bonnell. He noted that both properties and structures will still meet all applicable zoning requirements after the adjustment.

Rob Sears of Sears Architects offered to answer any questions.

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

- Steve Williams, 1038 Wren

No objection to the property division. Suggested the ordinance needed to be changed because he did not believe the provision requiring harmony with the existing neighborhood could be defended in court.

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

2019-138-A. Walters-Hamrick. That the request of Mackinac LLC, owner of 2950 Bonnell and 2950 Bonnell to transfer a 4' strip of property containing approximately 906 square feet from 2960 Bonnell to 2950 Bonnell 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.

Commissioners Walters and Hamrick noted that all the zoning requirements are still met after the adjustment.

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

2019-139. Final Reading of an ordinance amendment to Sections 5.7, 5.10 and 5.14 of Chapter 50 of Title V of the City Code adding definitions to the C-1 commercial district.

Zoning Administrator Mizikar reviewed the proposed changes to the C-1 commercial district requirements, including allowing for hotels, product showrooms, 2<sup>nd</sup> floor residential uses, professional and medical offices on the ground floor and other related changes. He noted there had been no formal feedback from the Gaslight Village Business Association or public input during the public hearings held by the Planning Commission.

Planning Consultant LeBlanc explained that allowing medical offices on the ground floor generated significant foot traffic as well as employee activity for the business district. He also noted most professional offices were stable, long-term clients and there was no reason to ban them. He suggested the business district still concentrate on retail uses, but not to the exclusion of other uses.

Mayor Seibold agreed that things have changed over time and appreciated the discussion about what makes sense now. She noted there were no specific plans for a hotel at this time, but that the city would consider any future proposals.



Yeas: Favale, Hamrick, Miller, Walters, Zigel and Seibold – 6  
Nays: -0-

2019-143. Final Reading of an ordinance amendment to Section 5.74 of Chapter 50 of Title V of the City Code pertaining to residential uses in the C-1 commercial district.

2019-143-A. Zigel-Miller. That an ordinance amendment to Section 5.74 of Chapter 50 of Title V of the City Code pertaining to residential uses in the C-1 commercial district be adopted as attached in Exhibit “E.”

Yeas: Favale, Hamrick, Miller, Walters, Zigel and Seibold – 6  
Nays: -0-

2019-144. Final Reading of an ordinance to amend Article I of Chapter 83 of Title VIII of the City Code regarding general fence requirements.

Zoning Administrator Mizikar explained the Infrastructure Committee had met several times and recommends changes to how fences are measured, the height allowance in front yards, maintenance standards and changes to the clear vision areas at the base of a driveway.

Commissioner Hamrick suggested postponing a vote on this matter because there were still several items that needed to be discussed, including how to deal with shared fences.

Commissioner Favale agreed that there had been questions at previous meetings and these should be addressed before voting on these changes.

Mayor Seibold asked for more information on why the front yard fence height was changed to 4’ and why the clear vision area was reduced to 10’x10.’ She also asked the committee to address the 10’ setback for fences along side streets on corner lots and how pools or other “attractive nuisances” such as trampolines or play structures, affect the location and height of fences.

Commissioner Zigel noted that the issue of existing non-conforming fences should be addressed as well.

Commissioner Hamrick stated that the fence permitting process would solve the majority of issues with residents having to request variances. Commissioner Zigel noted there would always be those seeking variances and he appreciated the interest in better defining rules and procedures now.

Mayor Seibold offered to put her thoughts in writing for the committee members to consider.

Commissioner Miller agreed that grandfathering of existing fences was a significant issue to address.

2019-144-A. Walters-Favale. That ordinance amendments to Article I of Chapter 83 and amendments to Section 3.38 of Chapter 32 be tabled until the October 7 meeting to allow the Infrastructure Committee time to look at the issues mentioned above.

Yeas: Favale, Hamrick, Miller, Walters, Zigel and Seibold – 6  
Nays: -0-

Mayor Seibold asked for any public input on this issue before the committee meets to discuss. The following people expressed their opinions:

- Elizabeth Goede, 417 Cambridge

Asked for a provision for natural disasters that may damage a fence and a provision for front/rear double frontage lots.

- Steve Ratliff, 435 Cambridge

Felt a 10’ setback from the street is too big on Briarwood.  
Noted that the speed limit of 25 mph on his block of

- Bob Osipoff, 511 Plymouth

Briarwood should be lowered because there is not enough sight distance with all the fences lining the street.

Noted that fences have an allowance for pre-existing situations and felt that tree/shrub provisions should match.

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

2019-145. Hamrick-Miller. To approve the consent agenda as follows:

- 2019-145-A. Minutes of the regular meeting held August 19, 2019.
- 2019-145-B. Payroll disbursements of \$226,609.21; county and school disbursements of \$17,056,853.04, and total remaining disbursements of \$1,004,962.72.
- 2019-145-C. A resolution to establish uniform transfer provisions for the MERS plan as attached in Exhibit "F."
- 2019-145-D. Preliminary minutes of the Planning Commission meeting held July 9, 2019.
- 2019-145-E. Preliminary minutes of the Parks & Recreation Commission meeting held August 12, 2019.

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

The meeting adjourned at 7:25 p.m., subject to the call of the Mayor until September 16, 2019.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance amending Sections 5.7, 5.10 and 5.14 of Chapter 50 regarding the C-1 District  
B – Ordinance amending Section 5.36 of Chapter 50 regarding the C-1 District  
C – Ordinance amending Section 5.65 of Chapter 50 regarding the C-1 District  
D – Ordinance amending Section 5.72 of Chapter 50 regarding the C-1 District  
E – Ordinance amending Section 5.74 of Chapter 50 regarding the C-1 District  
F – Resolution for MERS pension transfers

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



- 2019-149-A. Walters-Zagel. That the request of Tanya VandenBosch of 947 Lakeside to allow a detached garage to remain at 2.7' from the side and rear property lines instead of the required 3.0' be approved.

Commissioner Walters felt this request meets the standards of the ordinance and that similar requests on non-conforming lots have been approved. He noted it was a modest request for only a few inches but would help the residents with their project.

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

Nays: -0-

- 2019-150. Introduction of an ordinance to amend Chapter 62 of Title VI of the City Code pertaining to drug-related paraphernalia.

City Attorney Huff explained that the legalization of recreational marijuana last year necessitates several changes to our local ordinances to remove references to marijuana paraphernalia, change certain definitions and remove some penalties. He noted that penalties for underage possession and operation of motor vehicles remain in the ordinances to match state law.

Mr. Huff reminded the commission that these ordinances are separate from the ordinance adopted in December 2018 prohibiting retail marijuana establishments in East Grand Rapids until June 2020. This prohibition will allow the city to review the regulations under development by the state and then determine if such establishments would be allowed in East Grand Rapids.

- 2019-150-A. Hamrick-Walters. That ordinance to amend Chapter 62 of Title VI of the City Code pertaining to drug-related paraphernalia be introduced as set forth in Exhibit "A" attached hereto.

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

Nays: -0-

- 2019-151. Introduction of an ordinance to amend Sections 9.51, 9.56 and 9.65 of Chapter 93 of Title IX of the City Code pertaining to definition, prohibitions and penalties for alcohol and drug offenses.

- 2019-151-A. Walters-Favale. That an ordinance to amend Sections 9.51, 9.56 and 9.65 of Chapter 93 of Title IX of the City Code pertaining to definition, prohibitions and penalties for alcohol and drug offenses be introduced as set forth in Exhibit "B" attached hereto.

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

Nays: -0-

- 2019-152. Favale-Hamrick. To approve the consent agenda as follows:

2019-152-A. Minutes of the regular meeting held September 3, 2019.

2019-152-B. Payroll disbursements of \$225,693.07; county and school disbursements of \$548,635.48, and total remaining disbursements of \$163,766.55.

2019-152-C. The purchase of thirteen protective body armor vests from On Duty Gear in the amount of \$9,555.00.

2019-152-D. A contract with Havener Tech LLC of Troy, Michigan in the amount of \$135,000 for the rehabilitation of sanitary sewer manholes and catch basins.

2019-152-E. The purchase of a pole camera from Bell Equipment of Lake Orion, Michigan in the amount of \$16,288 plus shipping and the purchase of a service line replacement tool from Pow-R Mole LLC of Lancaster, New York not to exceed \$14,000.

2019-152-F. A contract with PK Contracting of Troy, Michigan for pavement marking of city streets in the amount of \$7,500 for FY 2019-20 and authorization for renewal within the approved budget amount in FY 2020-21.

2019-152-G. A contract with Groundhawg Excavating and Landscaping LLC of Lowell in the amount of \$74,650 with contingencies up to \$81,200 for water service line replacements

Yeas: Duncan, Favale, Hamrick, Walters and Zagel – 5  
Nays: -0-

The meeting adjourned at 6:37 p.m., subject to the call of the Mayor until October 7, 2019.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance amending Chapter 62 regarding drug related paraphernalia  
B – Ordinance amending Sections 9.51, 9.56 and 9.65 regarding drug and alcohol offenses

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

UNOFFICIAL  
Reference Only

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held October 7, 2019**

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; Interim City Manager LaFave; Finance Director Mushong; City Clerk Brower; Public Safety Director Herald; Zoning Administrator Mizikar; Sgt. DeJonge

2019-153. No public comment was received.

2019-154. Mayor Seibold asked everyone to work together on city business matters without politicizing the issues or putting staff in the middle of campaign issues. She also asked the Infrastructure Committee to schedule another meeting as soon as possible to address a traffic safety proposal so that it can be placed on the October 21 agenda.

Commissioner Favale congratulated the EGR Schools Foundation on their recent endowment campaign that raised \$2.4 million from 900 families for school-related projects.

Commissioner Zagel reported the Coldwell Banker ribbon cutting was well attended. He announced Bowdie's Steakhouse would be opening in Gaslight Village soon and that there will be a new concept in the former Rose's Express location. He also thanked the recreation staff for organizing the Stonyfield event to showcase the environmental benefits of using organic fertilizers.

Commissioner Duncan noted that she would be happy to schedule another Infrastructure meeting to discuss the newest proposal as the last meeting had run over the time allotted and there was not time to address this matter.

Commissioner Miller thanked the Public Works employees for all their work with storm cleanup and street flooding issues over the last two weeks.

Interim City Manager LaFave reported there had been over 8" of rain in the last two weeks, causing high lake levels and saturated lawns. He reported the public works crews work to clean out culverts, drains and catch basins regularly to make sure water drains as efficiently as possible. He noted that the weir at Aquinas College could not be adjusted because it would cause flooding downstream.

Mayor Seibold also congratulated the EGR Schools Foundation on their successful fundraising campaign and reported the Stonyfield organic products efforts were well received.

Interim City Manager LaFave reported the final changes to the fence ordinance would be discussed at the October 21 meeting because of the timing of the last Infrastructure Committee meeting.

2019-155. Mayor Seibold announced that the zoning variance hearing at the request of Tanya VandenBosch of 947 Lakeside had been postponed at the request of the applicant. However, because the notice of hearing had already been published, the hearing would be held tonight, and any comments received would be noted when the request is rescheduled.

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

2019-156. Introduction of an ordinance to amend 5.75(E) of Chapter 50 of Title V of the City Code pertaining to small cell wireless facilities.

Interim City Manager LaFave reported that Federal and State laws regarding small cell wireless towers have pre-empted local government's ability to limit, prohibit and regulate most aspects of the placement of these towers. He noted that there are some that health and safety concerns about the radiation from these antennas. Mr. LaFave stated the proposed ordinance had been developed to exert as much control as allowed by the preemptions and noted that not adopting any rules would allow cell companies to place these antennas wherever they want without any local permitting or guidance.

Assistant City Attorney Lundgren reported the City of Grand Rapids had recently received public input and researched the options available to local municipalities before adopting a similar ordinance to the one proposed. He noted that these proposed ordinances would establish a permit process and regulate the placement, height and aesthetics to the fullest degree allowed by the state. Mr. Lundgren noted the city could amend their ordinances if future court decisions allow more local control.

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

- Lisa Tiedt, 1131 Pinecrest  
Listed the side effects and studies relating to RF radiation. Stated the World Health Organization is urging the implementation of 5G be halted until it is proven safe. Requested the vote be tabled until this is proven safe and the court cases are resolved. Offered her team's resources and assistance to the city for additional discussion.
- Maija Hahn, 2091 Cory Dr, Hudsonville  
Associated with SafeTech Community; submitted a book of information and offered to do presentations on this topic. Requested EGR join their organization and other cities trying to stop the roll out of 5G. Made suggestions for changes to the ordinance and requested EGR adopt moratorium on antennas until they are proven safe.
- Theresa Emshwiller, 1426 College, GR  
Stated FCC standards are 20 years old and not applicable to today's technology. Asked EGR to do more research. Avoids EGR because of cell tower at the high school.

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

Interim City Manager LaFave noted a consortium of communities had developed this ordinance and had worked with the attorneys and organizations mentioned to draft the proposed regulations. He stated that while there are certainly questions and concerns to be addressed, he felt East Grand Rapids should have something in place to address any applications to place towers here.

2019-156-A. Walters-Miller. That an ordinance to amend 5.75(E) of Chapter 50 of Title V of the City Code pertaining to small cell wireless facilities be introduced as set forth in Exhibit "A" attached hereto.

City Attorney Huff noted there were two ordinances, one zoning related and one regulatory. He reported the Planning Commission reviewed the zoning ordinance and recommends approval. He agreed additional research and discussion could take place and the ordinances could updated if it is found there is additional language that could be added without running afoul of the Federal and State mandates.

Commissioner Walters noted he shared some of the concerns mentioned by citizens and was interested in learning more; however, he felt it was in the best interest of the city to preserve any local control allowed by adopted the proposed ordinances at this time. Commissioner Zagel agreed.

Commissioner Favale reported she had read about some of the health concerns, but agreed we need to adopt the regulations we are allowed.

Mayor Seibold stated it was frustrating to have so little control, but agreed the proposed ordinance was preferable to having nothing in place.

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

2019-157. Introduction of an ordinance amendment to add Chapter 79 D to Title VII of the City Code to regulate small wireless communication facilities.

2019-157-A. Miller-Duncan. That an ordinance amendment to add Chapter 79 D to Title VII of the City Code to regulate small wireless communication facilities be introduced as set forth in Exhibit “A” attached hereto.

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

2019-158. Final Reading of an ordinance to amend Chapter 62 of Title VI of the City Code pertaining to drug-related paraphernalia.

City Attorney Huff explained that since medical and recreational marijuana are now allowed in Michigan, our ordinances need to be updated to remove related offenses and penalties.

2019-158-A. Duncan-Hamrick. That an ordinance to amend Chapter 62 of Title VI of the City Code pertaining to drug-related paraphernalia be adopted as set forth in Exhibit “C” attached hereto.

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

2019-159. Final Reading of an ordinance to amend Sections 9.51, 9.56 and 9.65 of Chapter 93 of Title IX of the City Code pertaining to definition, prohibitions and penalties for alcohol and drug offenses.

2019-159-A. Zagel-Duncan. That an ordinance to amend Sections 9.51, 9.56 and 9.65 of Chapter 93 of Title IX of the City Code pertaining to definition, prohibitions and penalties for alcohol and drug offenses be adopted as set forth in Exhibit “D” attached hereto.

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

Commissioner Duncan departed.

2019-160. Liquor license application for Gaslight Kitchen Asian Cuisine.

Interim City Manager LaFave explained the applicants would like to add a liquor license to the existing restaurant. He noted that while formal local approval is not required for this type of transfer, the city could submit objections to the issuance of a license if there was reason to do so.

Commissioner Zagel expressed his gratitude for this new business in Gaslight Village and supported their efforts to add this service for their customers.

2019-160-A. Zagel-Hamrick. To support the application of Gaslight Kitchen Asian Cuisine to add a Class C liquor license to their existing restaurant by offering no objections to the issuance of the license.

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

2019-161. Zagel-Miller. To approve the consent agenda as follows:

- 2019-161-A. Minutes of the regular meeting held September 16, 2019.
- 2019-161-B. Payroll disbursements of \$237,765.12; county and school disbursements of \$140,858.13, and total remaining disbursements of \$4,602,317.87.
- 2019-161-C. The quarterly financial reports for the period ended June 30, 2019.
- 2019-161-D. The purchase of winter road salt at a cost of \$79.38 per ton, and contracts for catch basin cleaning in the amount of \$75 per structure through Kent County Road Commission contracts up to the budgeted amounts for FY 2019-20.

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

2019-161-E. Zagel-Miller. To enter into an executive session to discuss the acquisition of real estate in accordance with Section 8(d) of the Open Meetings Act. A roll call vote was taken.

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

The meeting adjourned at 6:55 p.m. to conduct the executive session. The meeting reconvened at 7:20 p.m.

2019-162. Authorization to negotiate for the acquisition of property.

2019-162-A. Walters-Favale. That the Interim City Manager be authorized to negotiate with the sellers of the property located at 4100 Reeds Lake Blvd subject to sufficient funds being raised through the East Grand Rapids Community Foundation.

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

The meeting adjourned at 7:23 p.m., subject to the call of the Mayor until October 21, 2019.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance amending Section 5.75 (E) pertaining to small cell wireless facilities  
B – Ordinance amendment adding Chapter 79D regulating small wireless communications  
C – Ordinance amending Chapter 62 regarding drug related paraphernalia  
D – Ordinance amending Sections 9.51, 9.56 and 9.65 regarding drug and alcohol offenses

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 21, 2019**

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; Interim City Manager LaFave; Finance Director Mushong; City Clerk Brower; Public Safety Director Herald; Zoning Administrator Mizikar; Captain Buikema

2019-163. No public comment was received.

2019-164. Commissioner Walters noted the amazing response from the community for the Hearts of Gold fundraising efforts last week which raised over \$219,000 for the Epilepsy Foundation.

Commissioner Hamrick also commended all involved in the Hearts of Gold events.

Commissioner Duncan noted that absentee ballots are now available at city hall for the November election.

Commissioner Zagel invited everyone to the Spooky Saturday event on Saturday, Oct 26 from 3-5 pm in Gaslight Village and thanked the city, library staff and business association for collaborating on this event.

Commissioner Zagel questioned why the pedestrian crossing signals were not on tonight's agenda.

Commissioner Hamrick noted that the Infrastructure Committee was not able to get a meeting date set prior to tonight's meeting but would have a recommendation at the November 4 meeting.

Commissioner Favale noted Saturday, Oct. 26 was the national prescription drug take back day where citizens can drop off unused drugs at the Public Safety Department. She also invited everyone to come out to the Public Safety Open House on Saturday from 10 am until noon.

Interim City Manager LaFave asked residents to assist with keeping storm drains clear during rain events to prevent ponding of water on roads.

Mayor Seibold noted there was space available in the zoning board of appeals training session tomorrow evening if residents were interested. She also commended the fundraising efforts of the Hearts of Gold events and noted how impressed she was with the educational component of the campaign for teaching students about epilepsy and its effects.

Mayor Seibold announced that Item 13, the contracts for components of the employee benefit plan would be taken off the consent agenda for consideration separately.

2019-165. Contracts for employee health care plan administration.

Finance Director Mushong explained there would be no changes to the health care plan or other benefits available for employees, just in the vendor doing the administration of the benefit plan.

2019-165-A. Zagel-Miller. That contracts with Blue Cross and Blue Shield Michigan (BCBSM) as the City's health benefit administrator and stop loss carrier, approval of a bid from Health Equity as the City's COBRA/FSA/HRA administrator and the renewal of the existing health benefit plan provisions and for

life/long-term disability insurance as underwritten by Madison National Life be approved as recommended in the Finance Director's memo dated October 15, 2019.

Commissioner Walters stated he would be abstaining from voting on this issue due to his law firm's relationships with both parties who submitted bids.

Commissioner Zagel reported the Finance Committee had reviewed this item extensively and felt the new contracts would maintain the quality plans offered to employees while offering the potential for lower costs.

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

Nays: -0-

Abstain: Walters – 1

2019-166. Final Reading of an ordinance to amend Article I of Chapter 83 of Title VIII of the City Code regarding general fence requirements.

Mayor Seibold announced she would be abstaining from voting on the ordinance amendments because the fences at her home may need replacement or variances in the future.

Zoning Administrator Mizikar reported the Infrastructure Committee had reviewed the two ordinances again as requested but had made no additional changes since the introduction in September.

Commissioner Walters noted the clear vision area in Sec 3.38 was being made less restrictive and asked how the staff would be investigating and enforcing the ordinance. Mr. Mizikar stated the Public Works Department would investigate complaints that come in and would work with residents to understand the ordinances and options to gain compliance before citations are issued.

Commissioner Miller asked if existing fences and shrubs would be grandfathered. Mr. Mizikar answered that fences would be grandfathered, but landscaping is not because it grows and changes each year.

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

- Mia Walker & Doug Walker, 1063 Lakeside Asked the commissioners why their fence variance was denied in 2017 when the same situation was approved for the Skaggs family a few months ago. They did not feel they were treated fairly and that the commission had not explained their recent votes satisfactorily. They felt the Skaggs fence was a safety hazard and could have been built to comply but was instead given a variance. They asked for an explanation and asked how future variances will be handled to treat people and situations equally. Also upset that a commissioner had been the one to turn them in to the city.

- Todd Astraukas, 435 Plymouth Stated the hearing notice for this item was not done correctly and it could not be heard tonight because there was no notice as in the past. Stated he and his neighbors were afraid of harassment for their hedges and would complain about every other hedge in the city if they are cited.

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

2019-166-A. Walters-Hamrick. That an ordinance to amend Article I of Chapter 83 of Title VIII of the City Code regarding general fence requirements be adopted as attached in Exhibit "A."

Commissioner Miller addressed the Walkers complaint by stating that some people bring concerns to him but don't want their name associated with a complaint, so he will often pass the information along to staff under his

name. He stated it was not his intention to single out their fence; however, he has an obligation to pass things along if they are specifically brought to his attention.

Commissioner Favale noted that while she was not on the commission when the Walker variance was heard, she received several phone calls and texts from people upset about the outcome of the Walker variance as there had been many people in attendance who were in favor. Regarding the Skaggs fence, she noted many neighbors had shown support at three separate meetings. She felt she needed to listen when people comment and take their support into consideration.

Commissioner Walters also noted he was also not on the commission at the time but noted that changes have been made in the ordinance and procedures to try to address these types of situation, especially the ability to consider replacing a fence in the exact location. He noted variances are considered on a case by case basis. Mr. Walters also noted the fence permitting process would help residents know ahead of time what was allowed and what isn't. He felt this would help with consistent application of regulations and make it less likely that variances will be necessary.

Commissioner Hamrick reported that Infrastructure has looked at the fence ordinance four times recently and she felt it covered issues very thoroughly. She felt the permit process will answer questions and avoid problems.

Commissioner Duncan addressed the Walkers by stating that the Skaggs variance was an agonizing process that everyone struggled with because of the complexity and the number of people supporting the request. She stated she had to do what she felt was best for the constituents.

Commissioner Zigel apologized to the Walkers for the fact that a different variance was granted when theirs was denied. He stated that the consistent application of ordinance requirements is essential and should not be influenced by project components or neighbor support. He hoped the new ordinance would be clear enough for people to understand and could be enforced fairly and consistently in the future.

Commissioner Favale stated that the permitting process would avoid future issues with variances such as the Walkers and Skaggs and make things clearer for residents looking to replace or maintain their fences.

Mayor Seibold felt variance decisions should be made consistently based on the ordinances in place and it shouldn't make a difference whether neighbors support or oppose the project.

Commissioner Zigel thanked staff and committee members who had worked at clarifying and improving the ordinance. He supported the 25% allowance for maintenance that gives residents clear guidance. He noted the purpose of the ordinance was to maintain the openness and visibility in neighborhoods and he supported regulations that would maintain the open feeling and the sight distance for safety.

Commissioner Miller felt the ordinance as now written was good to move forward and could be adjusted if needed. He was not convinced that 48" fences were appropriate but understood the desire for privacy.

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

Nays: -0-

Abstain: Seibold – 1

2019-167. Final Reading of an ordinance to amend Section 3.38 of Chapter 32 of Title III of the City Code pertaining to private trees and shrubs.

Interim City Manager LaFave explained this change would reduce the clear vision triangle required at the base of a driveway from 20'x20' to 10'x10.'

Mayor Seibold asked for public comment on this issue. No public comment was received. Mayor Seibold closed the public comment.

2019-167-A. Walters-Hamrick. That an ordinance to amend Section 3.38 of Chapter 32 of Title III of the City Code pertaining to private trees and shrubs be adopted as attached in Exhibit "B."

Commissioner Favale noted that the clear vision area has been in the ordinances for several years and that this change was making the requirements less restrictive.

Mr. LaFave reiterated that investigation and enforcement of the clear vision area would be done if complaints were received and that city staff would not go out looking for violations. He showed examples of shrubs that were so tall and thick that they hampered the ability of vehicles to see pedestrians on the sidewalk which is a safety concern. He noted that within the clear vision triangle, vegetation did not have to be eliminated, rather it would have to be trimmed to 36" high so that vehicles could see pedestrians.

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

Nays: -0-

Abstain: Seibold – 1

2019-168. Public Hearing on proposed Community Park, Recreation, Open Space and Greenway Plan.

Parks & Recreation Director Bunn explained the seven-month process of inventorying properties, surveying residents, collecting public input, developing plans, soliciting feedback on the plans and then a final review and recommendation by the Parks & Recreation Commission. He noted having an approved plan will allow the city to apply for grants for projects within the plan for the next five years. Mr. Bunn further noted that before any projects within the master plan are approved, additional research, planning, environmental study and public comment will take place.

Tiffany Smith of MCSA Architects noted the Community Park, Recreation, Open Space and Greenway Plan is a long-range document with broad focus to allow flexibility in the future. She outlined concepts for improvements to Manhattan Park, Waterfront Park, Remington Park, the Schroeder and Steketee properties and added access to some undeveloped city-owned parcels. She reviewed the estimated costs for the Manhattan and Waterfront improvements and summarized the many suggestions for various amenities across East Grand Rapids. Ms. Smith stated that components are listed separately to maximize grant-writing opportunities.

Parks & Recreation Director Bunn reiterated that the Community Park, Recreation, Open Space and Greenway Plan is a visionary guide to be used to prioritize and pursue various projects, but that many factors and public input will influence each project.

Mayor Seibold opened a public hearing on the proposed plan. The following people expressed their opinions:

- |                                    |  |
|------------------------------------|--|
| - Carol Campbell, 2109 Elmwood     | (Chair of the Parks & Recreation Commission) Noted the document is a blue print and wish list to guide discussion in future years.   |
| - Judith Baxter, 3060 Hall         | Requested additional language be added to the section titled "Preserve and Protect the City's Natural Resources and Habitat" stating that greenspace and surrounding areas shall remain undeveloped and undisturbed. |
| - Chris Muller, 1950 Robinson      | Liked the idea of developing multi-use trails for community enjoyment.   |
| - Jim Trout, 519 Edgemere          | Enjoyed exploring the parks and outdoor areas and the ideas presented. Supported keeping areas natural.  |
| - Dan Rietburg, HS coach           | Supported multi-use trails for athletic practice and competitions.   |
| - Sue Harvey Brown, 2657 Hampshire | Appreciated walking and biking opportunities. Noted local biking groups would help maintain trails and felt those using the trails would also patronize local businesses.  |
| - Jennifer Clary, 337 Manhattan    | Concerned about plans for major changes to Manhattan Park that will bring additional traffic, trash and noise to the neighborhood. Suggested keeping up the current park features,                                   |

trails and natural areas for pedestrian-only use. Concerned candidates are promising upgrades without listening to residents in the area.

- Jim Karhos, 655 Manhattan

Concerned about ongoing maintenance and operating costs of new plan components. Stated a slash pad was very expensive for such limited use during the summer whereas natural areas and trails can be used all year round.

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

2019-169. Resolution adopting the Community Park, Recreation, Open Space and Greenway Plan.

2019-169-A. Miller-Hamrick. That a resolution adopting the adopting the Community Park, Recreation, Open Space and Greenway Plan as presented be adopted as attached in Exhibit "C."

Commissioner Miller noted this document is a guide and that many of the discussions and public input sessions will happen before individual projects are moved forward.

Commissioner Hamrick agreed that goals need to be broad to be flexible. She felt the intent to preserve greenspace is in the document without the added language suggested. She supported the plan's concepts and looked forward to going through the layers as each project is discussed later.

Commissioner Walters thanked all who had put their time and effort into this Plan. He agreed that deeper conversations about individual projects should take place in the future. Mr. Walters felt the language in the plan already addresses the city's intentions to preserve natural areas and to be sensitive to environmental concerns without limiting flexibility for future discussions.

Commissioner Zagel agreed the existing language talks about environmental sensitivity. He liked the Plan's focus on safety and quality of life.

Commissioner Favale noted that projects, outcomes and funding may change over time as various aspects of the plan are debated.

Mayor Seibold felt the proposed plan was a good starting point with flexible concepts and many opportunities for future discussion on the details of these ideas.

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

Nays: -0-

2019-170. Duncan-Zagel. To approve the consent agenda as follows:

2019-170-A. Minutes of the regular meeting held October 7, 2019.

2019-170-B. Payroll disbursements of \$230,038.14; county and school disbursements of \$53,587.52, and total remaining disbursements of \$457,669.97.

2019-170-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 as attached in Exhibit "D."

2019-170-D. Resolution adopting budget amendments for the period ending June 30, 2019 as attached in Exhibit "E."

2019-170-E. The purchase of five sets of firefighting gear from Apollo Fire Equipment of Romeo, Michigan in the amount of \$11,370.00.

2019-170-F. A contract with Buist Electric in the amount of \$7,268.00, plus contingencies of up to a total of \$8,500.00 for live streaming and recording equipment for the commission chambers.

2019-170-G. The installation of radar speed feedback signs on Lake Drive at Woodcliff Drive and on Wealthy Street at Cambridge Blvd per the policy adopted October 1, 2018.

- 2019-170-H. Approval of budgeted tire purchases for city vehicles and equipment through State of Michigan contracts through March 1, 2024.
- 2019-170-I. The purchase of plowing blades for plow trucks through the City of Grand Rapids contracts in the amount of \$8,976.00.
- 2019-170-J. Preliminary minutes of the Planning Commission meeting held September 10, 2019.
- Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

The meeting adjourned at 8:12 p.m., subject to the call of the Mayor until November 4, 2019.

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Karen K. Brower, City Clerk

- Attachments: A – Ordinance amending Chapter 83 regarding general fence requirements  
B – Ordinance amending Section 3.38 pertaining to private trees and shrubs  
C – Resolution adopting the Community Park, Recreation, Open Space and Greenway Plan  
D – Resolution exempting the city from the provisions of Public Act 152  
E – Resolution adopting budget amendments for the period ending June 30, 2019

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 4, 2019**

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: Commissioner Favale, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: Commissioner Duncan

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

2019-171. Jennifer Clary, 337 Manhattan, addressed the city commission's adoption of the Parks & Recreation master plan at the last meeting by stating that the commission had missed the opportunity to engage with neighbors and found other ways to communicate. She stated the neighbors were upset about their input not being included in the final draft and the way they were treated by the commission during the meeting.

2019-172. Commissioners Walters, Miller, Favale and Zagel apologized to Ms. Clary and the neighbors for any offense taken and noted they are always listening to the input of residents, especially as the discussions about changes in their neighborhoods may take place in the future.

Commissioner Walters thanked the staff and volunteers involved in preparing and administering the election tomorrow. He also thanked the candidates who had stepped forward to run for office.

Commissioner Hamrick noted the Zoning Board of Appeals training last week was very beneficial and hoped other trainings would be offered in the future.

Commissioner Favale congratulated the Girls Cross County Team on their recent state championship and wished good luck to the football team on their upcoming playoff game. She also noted the Friends of the Library Used Book Sale would take place this upcoming weekend at the community center.

Commissioner Zagel reported the Public Safety Open House and Gaslight Village Spooky Saturday on October 26 were both well attended and announced the Tree Lighting Ceremony would be held November 29.

Mayor Seibold noted the new live streaming equipment had been ordered and would be installed soon. She also remarked on the many children that attended the Public Safety Open House dressed up as police officers and firefighters. She commended the Public Safety Department for attending all the neighborhood block parties and meeting neighbors. Mayor Seibold also reiterated that the Parks & Recreation Master Plan was a visionary document with lots of possible ideas and that much more discussion and input would take place prior to the implementation of any of the projects suggested by the plan.

2019-173. Peter Haefner of Vredevelde Haefner reviewed the audited financial statements for the fiscal year ended June 30, 2019 and answered questions from the City Commission. Mr. Haefner noted it was very unusual for a city to be able to pay for all of its water, sewer and infrastructure projects without incurring debt to fund these projects.

Commissioner Zagel commended the city officials and staff for working to pay down debt, investing in infrastructure and watching expenses to earn such a great financial review.

- 2019-174. A zoning variance hearing was held regarding the request of Tanya VandenBosch of 947 Lakeside to allow a detached garage with a rear yard setback of 1.8' instead of the required 3.0.'

Zoning Administrator Mizikar explained there was an error in the surveys used when the commission granted a 2.7' rear yard setback in September, requiring this request to be reheard with a new requested setback of 1.8.'

Tanya Vandenbosch, 947 Lakeside, stated the error was found during discussions with neighbors, resulting in a new survey being completed which found the error. Since the garage has already been built, she requested the structure be allowed to remain in place.

Mayor Seibold opened a public hearing. No further public comment was received on the revised request. Mayor Seibold closed the public hearing.

- 2019-174-A. Miller-Hamrick. That the request of Tanya VandenBosch of 947 Lakeside to allow a detached garage with a rear yard setback of 1.8' instead of the required 3.0' be approved as outlined in the Zoning Administrator memo contained in the agenda materials.

Commissioner Miller supported the request due to the earlier surveying error and because the applicant had modified the overhangs to meet the requirements.

Commissioner Walters noted this property was a nonconforming lot which creates significant constraints to meeting the setback requirements. He did not feel this was a detriment to the neighbors and was the best solution to the problem.

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

- 2019-175. A zoning variance hearing was held regarding the request of Charles & Brietney Sierzant of 2342 Oakwood to allow the conversion of an attached one-stall garage into a two-stall garage creating a side yard setback of 3.5' instead of the required 7.0' and a combined side yard setback of 15.4' instead of the required 18.0.'

Zoning Administrator Mizikar explained the request to convert the existing garage to a two-stall structure. He noted a variance for a reduced setback had already been granted in 2007 to attach the garage to the home. Mr. Mizikar noted that all other zoning requirements are met.

Charlie Sierzant, 2342 Oakwood, stated the neighbors had given their support to the project and noted the garage would still be undersized with only a 14' garage door.

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

- Peter Leidlein, 1319 Breton In Favor.  
- Kristin, 2332 Oakwood In Favor.

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

- 2019-175-A. Walters-Miller. That the request of Charles & Brietney Sierzant of 2342 Oakwood to allow the conversion of an attached one-stall garage into a two-stall garage creating a side yard setback of 3.5' instead of the required 7.0' and a combined side yard setback of 15.4' instead of the required 18.0' be approved as outlined in the Zoning Administrator memo contained in the agenda materials.

Commissioner Walters felt there were special circumstances due to the existing pool and that the immediate neighbor and others supported the request. He also noted there were other two-car garages in the area, so it would not be a detriment to the neighborhood.

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

- 2019-176. A zoning variance hearing was held regarding the request of Steve Cappadonia of 2733 Albert to allow the construction of a detached garage with a side yard setback of 1.0' instead of the required 3.0.'

Zoning Administrator Mizikar explained the applicant wished to demolish the one-stall garage and build a two-stall garage 1.0' from the side lot line to allow room to maneuver a car around the home and into the garage. He noted the current garage sits on the side lot line with no setback.

Commissioner Walters questioned whether the garage could be built to conformity if it were not as wide.

Steve Cappadonia, 2733 Albert, explained it was necessary to widen the garage to allow a vehicle to park at a slight angle due to the lack of turning radius with the home so close to the garage.

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

- 2019-176-A. Walters-Favale. That the request of Steve Cappadonia of 2733 Albert to allow the construction of a detached garage with a side yard setback of 1.0' instead of the required 3.0' be approved as outlined in the Zoning Administrator memo contained in the agenda materials.

Commissioner Walters understood the needed angle for a vehicle and appreciated the attempt to be more complaint than the old garage, but felt the garage could still be moved to achieve better compliance with the setback requirement. He did feel there were special circumstances for this request due to the location of home.

Commissioner Favale supported the request because it was being made more complaint than the old garage.

Commissioner Hamrick stated she understood the issues and the need for additional room and would support the request.

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

Nays: -0-

- 2019-177. Final Reading of an ordinance to amend 5.75(E) of Chapter 50 of Title V of the City Code pertaining to small cell wireless facilities.

Interim City Manager LaFave reported the Infrastructure Committee had met recently to review information submitted by residents about the 5G emissions. He stated that while many would like to see additional regulations added to the proposed ordinance, the state and federal laws preempt us from doing so outside of very specific parameters.

City Attorney Huff recommended using the permitting process to determine placement, aesthetics and other factors because the permit process could be changed and updated if federal or state laws are changed in the future. Mr. Huff noted the permit application and requirements were being developed and would be brought to the commission for approval soon.

Assistant City Attorney Lundgren stated the two ordinance amendments have been written to comply with all federal and state laws and agreed that the permit process was the appropriate place to address other issues. He also suggested adding the permit application, placement standards, maps, aesthetic requirements, applicable ordinances and frequently asked questions to the city's website for both vendors and the public to view.

Mayor Seibold asked staff to make sure a requirement to notice surrounding neighbors with maps and RF certificates is included in the permitting process. Interim City Manager LaFave stated that a checklist of required information and attachments would be included with the permit application, so companies know what has to be included.

Commissioner Favale felt adopting the ordinances as written was the safest route for the city at this time because without an ordinance, the city would have no control over any aspect of tower or antenna placement.

Commissioner Hamrick asked about requiring towers to be placed above the height of homes. Mr. Lundgren stated the poles required to support taller heights would likely be unattractive and not appropriate for residential neighborhoods.

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

- Lisa Tiedt, 1131 Pinecrest Supported the ordinance to give as much protection and flexibility as possible. Suggested adding minimum distances from schools, parks and sleeping spaces to the permit. Mr. Lundgren stated that the city could not prohibit poles in any location but may be able to work with the companies to move locations within 75' to place towers as far away as possible.

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

2019-177-A. Walters-Hamrick. That an ordinance to amend 5.75(E) of Chapter 50 of Title V of the City Code pertaining to small cell wireless facilities be adopted as attached in Exhibit "A."

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

2019-178. Final Reading of an ordinance amendment to add Chapter 79 D to Title VII of the City Code to regulate small wireless communication facilities.

2019-178-A. Walters-Miller. That an ordinance amendment to add Chapter 79 D to Title VII of the City Code to regulate small wireless communication facilities be adopted as attached in Exhibit "B."

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

2019-179. Miller-Favale. To approve the consent agenda as follows:

2019-179-A. Minutes of the regular meeting held October 21, 2019.

2019-179-B. Payroll disbursements of \$227,080.12; county and school disbursements of \$59,118.05, and total remaining disbursements of \$838,119.46.

2019-179-C. The installation of a rectangular rapid flashing beacon at the crosswalk in front of the high school at Lake Drive and Bagley as a one-year pilot program at a cost not-to-exceed \$5,000.00.

2019-179-D. Quarterly financial statements for the period ending September 30, 2019.

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

The meeting adjourned at 7:50 p.m., subject to the call of the Mayor until November 18, 2019.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance amending Section 5.75(E) pertaining to small cell wireless facilities  
B – Ordinance amendment to add Chapter 79D pertaining to small wireless communication 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 November 18, 2019**

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

Absent: None

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

2019-180. No public comment was received.

2019-181. Commissioner Zagel commended the Public Works Department for all their work the last few weeks dealing with snow during leaf pickup season.

Commissioner Hamrick thanked the many election workers who put in a very long day working at the polls on election day.

Commissioner Miller invited everyone to the annual Tree Lighting Ceremony on Friday, November 29 beginning at 5 p.m. in Gaslight Village.

Commissioner Walters thanked the Public Works crews for doing such a great job with the volume of leaves each year. He also thanked the election staff for their work on election day and keeping the residents informed about the availability of results after the polls closed.

Mayor Seibold congratulated Karey Hamrick, John Arendshorst, Kris Pachla and Katie Favale for their victories in the November 5 election.

Mayor Seibold noted there would now be two attorneys on the city commission from the same law firm the city retains for legal services. She suggested discussing the issue at the next meeting to make sure there everyone is aware of the city's conflict of interest policy and can work to avoid any future problems. Everyone agreed to have the city attorney's office review this issue at the next meeting.

2019-182. Introduction of an ordinance to amend Section 1.4 of Chapter 1 of Title I of the City Code pertaining to the contents of the code book.

City Attorney Huff explained this section was being changed to outline the types of ordinances in the code book and to establish a table of special ordinances for items like PUD agreements, franchise agreements and promulgated rules.

2019-182-A. Miller-Favale. That an ordinance to amend Section 1.4 of Chapter 1 of Title I of the City Code pertaining to the contents of the code book be introduced attached in Exhibit "A."

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

Nays: -0-

2019-183. Introduction of an ordinance to repeal Article I of Chapter 31 of Title III of the City Code removing parks rules from the ordinances.

City Attorney Huff noted that removing the parks rules from the codified ordinances and adopting them separately will allow more flexibility and efficiency to make minor changes or to add clarifying language when needed.

2019-183-A. Hamrick-Duncan. That an ordinance to repeal Article I of Chapter 31 of Title III of the City Code removing parks rules from the ordinances be introduced as attached in Exhibit "B."

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

2019-184. Miller-Duncan. To approve the consent agenda as follows:

2019-184-A. Minutes of the regular meeting held November 4, 2019 as corrected below.

City Clerk Brower outlined a requested change to the third paragraph of 2019-177 to reflect that Mr. LaFave hoped to have a draft of the small cell permit application by the end of the year.

2019-184-B. Payroll disbursements of \$257,554.13; county and school disbursements of \$14,467.79, and total remaining disbursements of \$297,115.43.

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

2019-185. City staff updated the commission on the status of various items in the goals and objectives book adopted at the beginning of the year, including the status of new health care administration, pedestrian safety initiatives, street and infrastructure improvements, the parks and recreation master plan process, and the reorganization of the city code book.

The meeting adjourned at 6:50 p.m., subject to the call of the Mayor until December 2, 2019.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance amending Section 1.4 pertaining to the contents of the code book  
B – Ordinance amendment repealing Article 1 of Chapter 31 removing parks rules

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 2, 2019**

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

Absent: None

Also Present: City Attorney Huff; Interim City Manager LaFave; Finance Director Mushong; City Clerk Brower; Public Safety Director Herald; Parks & Recreation Director Bunn; Communications Specialist Licari, Captain Buikema

2019-186. No public comment was received.

2019-187. Commissioner Favale reported the Tree Lighting Ceremony on Friday evening and Small Business Saturday were very successful. She also congratulated the girls swim/dive team on their Division 3 State Championship.

Commissioner Duncan thanked the Public Works Department for their continued battle to pick up all the leaves with the heavy snow and windstorms that have hampered their efforts over the last few weeks.

Commissioner Hamrick noted the tree lighting was well attended and thanked Mayor Seibold and all of the business owners and volunteers who led and organized the events.

Commissioner Walters acknowledged the recent power outages following the snowstorm and urged people to contact Consumers Energy first and then the city with questions and complaints about the situation.

2019-188. Minutes of the regular meeting held November 18, 2019.

2019-188-A. Duncan-Favale. To approve the minutes of the regular meeting held November 18, 2019.

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

Nays: -0-

2019-189. Approval of disbursements.

2019-189-A. Zagel-Miller. To approve payroll disbursements of \$232,234.81; county and school disbursements of \$20,993.57, and total remaining disbursements of \$221,888.78.

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

Nays: -0-

2019-190. Interim City Manager LaFave presented Commissioners Zagel and Miller and Mayor Seibold with gifts commemorating their time on the City Commission and thanked them for their service.

2019-191. City Clerk Brower administered the oath of office to Mayor Katie Favale, First Ward City Commissioner Kris Pachla, Second Ward City Commissioner Karey Hamrick and Third Ward City Commissioner John Arendshorst. The new officials then took their seats on the City Commission.

Mayor Favale thanked Commissioners Miller and Zagel and Mayor Seibold for their years of dedication to the city and congratulated Commissioners Pachla, Arendshorst and Hamrick on their recent election to the commission.

2019-192. Students from Lakeside Elementary presented their ideas for a dog park and vehicle charging stations at Triangle Park. The students will be competing in a Lego innovation competition this weekend that challenges students to find ways to improve public spaces in their community. The students proposed a dog park, a building with restrooms, vending machines and solar panels to provide power to several electric vehicle charging stations on the undeveloped property at the intersection of San Lu Rae and San Lucia. Following their presentation, the students answered questions from commissioners about their proposal. Mayor Favale reported the city has already included a dog park concept in the new parks and recreation master plan but has not yet identified a location.

2019-193. Process for filling 1<sup>st</sup> ward vacancy.

Interim City Manager LaFave noted the city charter allows 90 days for the City Commission to fill the vacancy created by the election of Katie Favale to the Mayor's position. He outlined a suggested process and timeline to take applications from those interested in serving the remaining two years of this term and then review and interview applicants before appointing a new commissioner.

Commissioner Walters suggested voting on the same day as the interviews and not waiting two weeks. Everyone agreed this might be possible, but preferred the flexibility to wait if more information or second interviews were needed.

2019-193-A. Walters-Hamrick. That applications be taken until December 31 from residents of the first ward to fill the vacant seat with a subcommittee to review applications and make recommendations for up to three interviews by the city commission with the goal of appointing a new commissioner immediately following the interviews.

Yeas: Arendshorst, Duncan, Hamrick, Pachla, Walters, and Favale – 6  
Nays: -0-

2019-194. Terry Decker, General Counsel of Varnum LLP, reviewed the conflict of interest policy in relation to the city's relationship with Varnum. She noted there was potential for a conflict of interest if clients of Varnum come before the city commission and two city commissioners and the city attorney need to abstain from voting or giving advice on the matter. She reviewed options for handling these situations and offered assistance in determining where conflicts may occur.

2019-195. Final Reading of an ordinance to amend Section 1.4 of Chapter 1 of Title I of the City Code pertaining to the contents of the code book.

City Attorney Huff explained this amendment clarifies what types of ordinances are included in the code and establishes a Table of Special Ordinances in the new code for PUD agreements, franchise documents and promulgated rules.

2019-195-A. Walters-Hamrick. That an ordinance to amend Section 1.4 of Chapter 1 of Title I of the City Code pertaining to the contents of the code book be adopted attached in Exhibit "A."

Yeas: Arendshorst, Duncan, Hamrick, Pachla, Walters, and Favale – 6  
Nays: -0-

2019-196. Final Reading of an ordinance to repeal Article I of Chapter 31 of Title III of the City Code removing parks rules from the ordinances.

City Attorney Huff noted the parks rules would be re-adopted later in the agenda as a separate document that will be included in the Table of Special ordinances in the new code book.

2019-196-A. Hamrick-Duncan. That an ordinance to repeal Article I of Chapter 31 of Title III of the City Code removing parks rules from the ordinances be adopted as attached in Exhibit "B."

Yeas: Arendshorst, Duncan, Hamrick, Pachla, Walters, and Favale – 6  
Nays: -0-

2019-197. Arendshorst-Hamrick. To approve the consent agenda as follows:

2019-197-A. Commissioner assignments to various boards and commissions as outlined in the agenda packet.

2019-197-B. The appointment of Brian Miller of 1033 Floral to the Planning Commission for the remainder of a term ending June 30, 2021.

2019-197-C. Resolution adopting park rules and regulations as attached in Exhibit "C."

Yeas: Arendshorst, Duncan, Hamrick, Pachla, Walters, and Favale – 6  
Nays: -0-

The meeting adjourned at 6:49 p.m., subject to the call of the Mayor until December 16, 2019.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance amending Section 1.4 pertaining to the contents of the code book  
B – Ordinance amendment repealing Article 1 of Chapter 31 removing parks rules  
C – Resolution adopting Parks Rules & Regulations



Commissioner Walters felt the variance met the standards for approval because the placement of the house on the lot was not caused by the applicant and the roof would not cause a detriment to the neighborhood. He also noted the prior approval of the same variance factored into his decision.

Commissioner Arendshorst noted the neighboring home would not be affected by this roof over the deck.

Commissioner Hamrick gave her support to the request and noted that the home never did meet the setback requirement due to the shape of the lot. She agreed the applicant did not create the situation and it would not be detrimental to surrounding homes.

Commissioner Pachla also approved of the variance because of the heavy landscaping screening it from the neighbors.

Mayor Favale noted the same variance had been approved years earlier and the request meets the current standards in the ordinance.

Yeas: Arendshorst, Duncan, Hamrick, Pachla, Walters and Favale – 6

Nays: -0-

2019-203. Permit Application for Distributed Antenna Systems (DAS) tower installations.

Interim City Manager LaFave reviewed the ordinances recently adopted by the city commission and presented draft agreements, guidelines and a checklist for issuing permits under the new ordinance. He noted that federal and state laws do not allow the city to require vendors to notify the public of the locations or components of towers, so the city would be sending notices to those within 300' of a new tower installation and adding a page to its website with tower locations, emission certificates and other information submitted by the vendors. Mr. LaFave reported the permit application materials had been reviewed by legal counsel for compliance with all regulations.

Commissioner Walters thanked the Public Works Department for taking on these added responsibilities to serve the public.

Commissioner Arendshorst also thanked the staff for their efforts and suggested reviewing the public notice and website efforts at a later date to determine if these were still appropriate.

2019-203-A. Hamrick-Arendshorst. That the Small Cell Wireless Permit Agreement and checklist be approved as attached in Exhibits "A" and "B."

Yeas: Arendshorst, Duncan, Hamrick, Pachla, Walters and Favale – 6

Nays: -0-

2019-204. Duncan-Pachla. To approve the consent agenda as follows:

2019-204-A. Minutes of the regular meeting held December 2, 2019.

2019-204-B. Payroll disbursements of \$232,234.81; county and school disbursements of \$20,993.57, and total remaining disbursements of \$221,888.78.

2019-204-C. Preliminary minutes of the Planning Commission meeting held November 12, 2019.

2019-204-D. Preliminary minutes of the Parks & Recreation Commission meeting held November 12, 2019.

Yeas: Arendshorst, Duncan, Hamrick, Pachla, Walters, and Favale – 6

Nays: -0-

2019-204-E. Duncan-Hamrick. Motion to enter into an executive session to discuss pending litigation in accordance with Section 8(e) of the Open Meetings Act.

Commissioner Walters explained he and Commissioner Arendshorst would be abstaining from the executive session and from the resulting action due to a client relationship. A roll call vote was taken.

Yeas: Duncan, Hamrick, Pachla and Favale – 4

Nays: -0-

Abstain: Arendshorst and Walters – 2

2019-205. The meeting recessed at 6:35 p.m. to conduct the Executive Session. The meeting reconvened at 6:53 p.m.

2019-206. Settlement of pending litigation.

2019-206-A. Pachla-Hamrick. To approve the payment of legal fees and run-out services with ASR Corporation from January 1, 2020 through December 31, 2020.

Yeas: Duncan, Hamrick, Pachla and Favale – 4

Nays: -0-

Abstain: Arendshorst and Walters – 2

2019-207. Zoning Administrator Mizikar reviewed the training materials provided by the Michigan State University Extension office for Zoning Board of Appeals members.

2019-208. Interim City Manager LaFave and Finance Director Mushong outlined the projected revenues and expenditures for the next several years and discussed various options with the city commission for the upcoming budget preparation process. Another work session will be held in January to finalize discussions before the staff begins preparing budget materials.

The meeting adjourned at 8:09 p.m., subject to the call of the Mayor until January 6, 2020.

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Karen K. Brower, City Clerk

Attachments: A – Small Cell Antenna Permit Agreement  
B – Small Cell Antenna Application Checklist

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