

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held January 4, 2010

Mayor Bartman called the meeting to order at 6:02 p.m. in the City Commission Chamber at the Community Center.

Present: Commissioners Dills, Graham, Horn, Johnson, Morris, Seibold and Mayor Bartman

Absent: None

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

2010-1. No public comment was received.

2010-2. No commissioner reports were received.

2010-3. Consider request approve the division of land at 750 Plymouth.

Zoning Administrator Faasse explained that the proposed lot meets City code requirements for size and is within the range of other lots in the area. He noted the "building envelope" shown on the drawings reflects a setback from the street set by deed restrictions and setbacks from existing accessory buildings which can remain on the site.

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

- Mark Peters, owner of 750 Plymouth Explained property was being divided to make main home more affordable.
- Kevin Einfeld, BDR Builders New site will be .9 acres, an unusually large lot for a suburban setting. He envisioned a new home of approx. 4, 000 square feet (10% of the lot) being built. He noted the site was large enough to manage storm water run off from the new home.
- Wayne Visbeen, Visbeen Architects Showed drawings of possibilities for new garage on existing home and for a house built on the newly created lot.
- Mark Levandoski, 900 Santa Barbara Asked about plans to add garage to existing home. Opposed the land division as he felt the property would suffer if divided up. Felt new lot was contrived and not in character with the neighborhood. Suggested zoning ordinances needed to be revised if this met current requirements since greenspace and large estates should be preserved to keep character.
- Diane Collier, 710 Cardinal Stated their property may have easements across the new lot for a possible driveway. Also questioned the survey stakes that had been put behind their fence. City Attorney Huff advised her these were both private party issues that were not related to the land division process and suggested she work with the owners of the property or contact an attorney.

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

- Mark Levankoski, 900 Santa Barbara Opposed.

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

2010-3-A. Horn-Dills. That the request of Mark Peters of the Mark Peters Trust, owners of the property at 750 Plymouth, to create a buildable lot to the east of the existing home containing .93 acres with 121.73' of frontage on San Lu Rae Drive be approved, with the condition that the split complies with the surveys and legal descriptions

submitted with the application, any easements for utilities and/or drainage that become necessary as a result of this land division must be granted before or at the time of any conveyance, and the relevant deed or land contract be recorded with the Kent County Registrar of Deeds within 90 days of approval.

Commissioner Horn noted the new lot containing .93 acres and 120' of frontage would be larger than many surrounding .5 acre lots with 100' of frontage. He stated since it met the requirements he would vote in favor.

Commissioner Dills agreed it would be hard to see the lot divided, but noted the requirements have been met. He questioned whether additional conditions could be placed on the approval to protect the character of the neighborhood. Mayor Bartman stated conditions could be placed, but that trying to regulate aesthetics or personal taste outside the existing standards in the ordinance would be difficult.

Commissioner Seibold questioned whether the home at 750 Plymouth exceeded the height limitation ordinance. Zoning Administrator Faasse was unsure of the exact height, but felt it was likely under the 35' allowed.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

2010-4. Public Hearing and consideration of a request to adopt a resolution vacating a portion of Lakewood Drive.

City Services Director Feldt explained the road was never developed and the area north of this section had been vacated previously. He asked the City Commission to retain an easement for public utilities in this area as there is a storm sewer located there. The easement language is contained in the proposed resolution.

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

Commissioner Dills questioned why this section was not vacated when the earlier right-of-way was vacated and whether the property was currently maintained as a road. City Manager Donovan reported the issue was discussed, but ultimately the neighbors did not agree to it at the time. City Services Director Feldt noted the snowplows turn around at the south end of the area now as it is vacant land with no street.

Commissioner Graham asked who would own the land after the vacation. City Attorney Huff stated the land would be divided down the center and deeded to the property owner on either side.

2010-4-A. Seibold-Graham. That a resolution vacating a 156' section of Lakewood Drive south of vacated Cotswold Street adopted as set forth in Exhibit "A" attached hereto.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

2010-5. Johnson-Dills. Motion to approve the consent agenda as follows:

2010-5-A. Minutes of the regular meeting held December 21, 2009.

2010-5-B. Payroll disbursements of \$183,307.49; county and school disbursements of \$496,066.89 and total remaining disbursements of \$636,906.48.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

The meeting adjourned at 6:38 p.m., subject to the call of the Mayor until January 18, 2010.

Karen Brower, City Clerk

Attachments: A – Resolution Vacating A Portion of Lakewood Drive.
Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held January 18, 2010

Mayor Bartman called the meeting to order at 6:02 p.m. in the City Commission Chamber at the Community Center.

Present: Commissioners Dills, Graham, Horn, Johnson, Morris, Seibold and Mayor Bartman

Absent: None

Also Present: City Attorney Huff; Assistant City Attorney Stapleton; City Manager Donovan; City Services Director Feldt; Finance Director VanderWall; City Clerk Brower

2010-6. No public comment was received.

2010-7. Commissioner Johnson congratulated Deputy Clerk/Election Administrator Sally Bode on her upcoming retirement and thanked her for her 30 years of service to the City.

2010-8. Seibold-Morris. Motion to approve the consent agenda as follows:

2010-8-A. Minutes of the regular meeting held January 4, 2010.

2010-8-B. Payroll disbursements of \$120,332.92; county and school disbursements of \$250,562.21 and total remaining disbursements of \$347378.33.

2010-8-C. The appointment of Thomas Getz of 655 Plymouth to the Planning Commission for an unexpired term ending June 30, 2010.

2010-8-D. The preliminary minutes of the Traffic Commission meeting held November 23, 2009.

2010-8-E. The preliminary minutes of the Planning Commission meeting held December 8, 2009.

2010-8-F. The preliminary minutes of the Parks & Recreation Commission meeting held December 14, 2009.

2010-8-G. The Public Safety Department Report for November 2009.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7

Nays: -0-

2010-9. City Manager Donovan and Finance Director VanderWall reviewed the forecasted revenues for the City for the upcoming fiscal year. Ms. VanderWall reported revenue for FY 2010-11 was projected to be \$280,000 less than last fiscal year, meaning the same amount would have to be cut from next year's the budget. City Manager Donovan stated the budget for FY 2010-11 would be a significant challenge and would require creative thinking, cost efficiencies, and the reduction or elimination of services provided to the citizens. He noted that short-term changes to get us through the next year were no longer an option. He asked the City Commission to begin the budget review process earlier this year to allow enough time to work through these issues.

Commissioner Horn questioned where the ending fund balance was projected. Ms. VanderWall stated the FY 09-10 budget may end slightly higher than projected, which would provide some funding going into FY 2010-11, but that it was too early to be confirmed.

Mayor Bartman stated there will be changes in the services provided, but that the goal of the City Commission and staff will remain to provide the best possible services to our residents. She asked for the support of the residents during this process with ideas and input on the projected changes.

2010-9-A. Horn-Graham. Motion to enter into an executive session to discuss pending litigation in accordance with Section 8(e) of the Open Meetings Act. A roll call vote was taken.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7

Nays: -0-

The meeting adjourned at 6:17 p.m., subject to the call of the Mayor until January 18, 2010.

Karen Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held February 1, 2010

Mayor Bartman called the meeting to order at 6:04 p.m. in the City Commission Chamber at the Community Center.

Present: Commissioners Dills, Graham, Horn, Johnson, Morris, Seibold and Mayor Bartman

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; City Services Director Feldt; Public Safety Director Herald;
City Clerk Brower

2010-10. No public comment was received.

2010-11. Commissioner Dills noted the Friends of the Library Used Book Sale on Saturday, January 30th was well attended. He thanked the Friends members for all they do for the community library.

Mayor Bartman reported there would be an item added to the agenda to approve a change to the AFSCME Union contract, and she asked that the quarterly financial report be postponed until the next meeting when Finance Director VanderWall could be present.

Mayor Bartman reported she had attended the Gaslight Village Business Association recently to give an update on the city's financial situation and hear about upcoming programs planned by the association.

Mayor Bartman reported the State legislature is discussing a proposal to require all local government and school district employees to take a 5% pay cut and pay 20% of their health care costs. She noted that EGR employees had already taken on greater costs for benefit plans several years ago and did not receive any pay increases last July in an effort to contain costs for the city. She hoped the legislature would recognize that some municipalities were already partnering with their employees and not mandate pay cuts or other changes for those that were working together already. She asked City Commissioners to contact their legislators when these bills come up for discussion in the coming weeks.

2010-12. Consider request to award a contract for construction of Phase II of the Reeds Lake Trail.

City Manager Donovan thanked the hundreds of people who have made contributions to this project. He noted the EGR Community Foundation was still collecting funds to fulfill a matching grant they have pledged.

City Services Director Feldt requested a change order be approved with the contract extending the completion date to August 15, 2010 because of the delay in awarding the bid.

2010-12-A.Horn-Johnson. To award a contract to Wolverine Building, Inc. of Grand Rapids in the amount of \$600,805.49 for construction of Phase II of the Reeds Lake Trail project, along with a change order extending the completion deadline, and project contingencies of \$55,080.00.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7

Nays: -0-

2010-13. Seibold-Morris. Motion to add to the agenda a letter of understanding with the AFSCME Union concerning work duties. A roll call vote was taken.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7

Nays: -0-

- 2010-14. Consider request to approve a letter of understanding with the AFSCME Union concerning work duties. City Manager Donovan explained the changes to the union contract which would save the City approximately \$52,000 per year.

Commissioner Seibold thanked the administrative staff and the AFSCME union members for working together on this issue.

- 2010-14-A. Seibold-Morris. That a letter of understanding with the Streets & Utilities AFSCME Union concerning the creation of four crew leader and one lead mechanic positions to redistribute the job duties of the former foreman's position be approved as set forth in Exhibit "A" attached hereto.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

- 2010-15. Morris-Graham. Motion to approve the consent agenda as follows:

2010-15-A. Minutes of the regular meeting held January 18, 2010.

2010-15-B. Payroll disbursements of \$184,971.06; county and school disbursements of \$76,964.45 and total remaining disbursements of \$169,215.97.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

- 2010-16. Horn-Seibold. Motion to enter into an executive session to discuss pending litigation in accordance with Section 8(e) of the Open Meetings Act. A roll call vote was taken.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

The meeting adjourned at 6:19 p.m., subject to the call of the Mayor until February 15, 2010.

Karen Brower, City Clerk

Attachments: A – Letter of Understanding with AFSCME Union.

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 15, 2010

Mayor Bartman called the meeting to order at 6:00 p.m. in the City Commission Chamber at the Community Center.

Present: Commissioners Dills, Graham, Horn, Johnson, Seibold and Mayor Bartman

Absent: Commissioner Morris

Also Present: City Attorney Huff; City Manager Donovan; City Services Director Feldt; Public Safety Director Herald; Finance Director VanderWall; Parks & Recreation Director Bunn; Zoning Administrator Faasse; City Clerk Brower

2010-17. No public comment was received.

2010-18. Commissioner Johnson reported she had attended the Abe & Mary Lincoln reenactment program recently at the Library and found it to be extremely well done.

2010-19. A zoning variance hearing was held regarding the request of Grace Episcopal Church of 1815 Hall to allow the installation of an electronic message sign.

Zoning Administrator Faasse outlined the request to replace the lower half of the current sign with an electronic message board. Electronic signs are currently prohibited by ordinance and require a variance from the City Commission. He recommended that any approval granted be conditioned on the sign containing only unmoving text with no flashing lights or moving animation.

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

- Sandy Stevenson, Grace Church

Stated that new sign boards could not be ordered for the existing sign. He noted the church's intention was to display simple messages about service times and special events at the church. He stated the sign's lighting would be dimmed by 50% at dusk and would operate from 7:00 am until 10:00 pm only.

- Brian Lennon, 804 Pinecrest

Member of Grace Church. Stated the high school's electronic message sign across from his home was not bothersome to his family at night and supported the church's request for the sign.

- Eric Sheler, Sign Makers

Reiterated that new message panels were no longer available for the existing sign and answered questions from the City Commission on the size of the sign and its capabilities.

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

2010-19-A.Horn-Graham. That the request of Grace Episcopal Church of 1815 Hall to allow the installation of an electronic message sign within the current ground sign be approved with the condition that the sign contain only unmoving text with no animation, flashing lights or scrolling text.

Commissioner Seibold noted the other churches in East Grand Rapids could also request these types of signs and wanted to make sure everyone was aware of this possibility. It was noted the church on Lake Drive was much closer to homes than Grace Church is, and St. Stephen's is also a school that may wish to utilize an electronic sign. Commissioner Seibold felt Grace Church's proposed sign was far enough away from homes in the area to minimize any impact of the lighted message board.

Commissioner Dills stated the angle of the sign was such that the two closest homes would not be directly impacted by any lighting, and the home directly in the path of the lighted sign was some distance away. He suggested modifying the motion to include the hours of operation suggested by Mr. Stevenson.

2010-19-B. Johnson-Dills. Motion to amend 2010-19-A. to include the condition that the electronic message portion of the sign be lighted only from 7:00 am until 10:00 pm and the lighting be reduced after dusk.

Yeas: Dills, Graham, Horn, Johnson, Seibold and Bartman – 6

Nays: -0-

Vote on 2010-19-A., as amended:

Yeas: Dills, Graham, Horn, Johnson, Seibold and Bartman – 6

Nays: -0-

2010-20. A zoning variance hearing was held regarding the request of Christine Grunewald of 2260 Argentina to allow the construction of an addition to the rear of the home creating a rear yard setback of 14.3' instead of the required 25.0' and to allow the expansion of a nonconforming structure.

Mr. Faasse explained the old garage would be demolished and a new two-story addition constructed containing a new garage and living space. He noted the height and other dimensions of the structure met the zoning requirements.

Christine Grunewald, 2260 Argentina, was present to answer questions from the City Commission. She stated she had not contacted any of her neighbors regarding this request as they would be notified by the City.

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

2010-20-A. Seibold-Johnson. That the request of Christine Grunewald of 2260 Argentina to allow the construction of an addition to the rear of the home creating a rear yard setback of 14.3' instead of the required 25.0' and to allow the expansion of a nonconforming structure be approved.

Commissioner Seibold felt the addition was far enough away from the home to the rear of the applicant that there would be no problems with the addition.

Commissioner Graham noted the closest structure was a garage which would shield the addition from the homes on that side.

Commissioner Dills appreciated the fact the applicant was keeping the large pine tree in the rear yard as that would screen the new addition from view.

Commissioner Horn noted there was still adequate room in the rear yard for service or emergency vehicles to gain access if needed.

Yeas: Dills, Graham, Horn, Johnson, Seibold and Bartman – 6

Nays: -0-

2010-21. Finance Director VanderWall reviewed the quarterly financial report for the period ending December 31, 2009. She noted the ending fund balance was projected to be \$1.6 million at June 30, 2010, which was slightly higher than initially budgeted. She credited all departments with being conscientious and reducing expenses wherever possible.

Commissioner Horn also thanked the staff for balancing the budget each year and anticipating reduced revenues several years ago in time to adjust expenses accordingly.

2010-22. The City Commission rescheduled the April 5, 2010 meeting to March 29, 2010 at 6:00 pm.

2010-23. Graham-Dills. Motion to approve the consent agenda as follows:

2010-23-A. Minutes of the regular meeting held February 1, 2010.

2010-23-B. Payroll disbursements of \$186,889.10; county and school disbursements of \$-0- and total remaining disbursements of \$347,303.48.

2010-23-C. An extension of the contract with Professional Lake Management for three seasons of evaluation and treatment of Reeds Lake as outlined in the City Services Director memo of February 5, 2010 at a cost of \$75,485.00.

2010-23-D. The preliminary minutes of the Library Commission meetings held September 28, 2009 and January 24, 2010.

2010-23-E. The Public Safety Department Report for December 2009.

Yeas: Dills, Graham, Horn, Johnson, Seibold and Bartman – 6

Nays: -0-

The meeting adjourned at 6:33 p.m., subject to the call of the Mayor until March 1, 2010.

Karen Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held March 1, 2010

Commission President Horn called the meeting to order at 6:02 p.m. in the City Commission Chamber at the Community Center.

Present: Commissioners Dills, Graham, Horn, Johnson, Morris and Seibold

Absent: Mayor Bartman

Also Present: Assistant City Attorney Sluggett; City Manager Donovan; City Services Director Feldt; Public Safety Director Herald; City Assessor Mesik; Parks & Recreation Director Bunn; Zoning Administrator Faasse; City Clerk Brower

2010-24. No public comment was received.

2010-25. Commissioner Morris noted he had recently attended an interesting meeting regarding the financial crisis in Michigan and the future outlook for revenues. He reported the City will need to budget carefully for the next several years.

2010-26. Introduction of an ordinance amendment to add a new Section 2.15 to Chapter 21 of Title II of the City Code pertaining to dumpsters.

Zoning Administrator Faasse stated the primary reason for the new ordinance is to protect the environment from pollutants that leach out of dumpsters during rain events, but that aesthetic concerns were also addressed by the new ordinance's provisions. He noted residential homeowners would not be affected by the regulations and commercial property owners would be given up to two years to comply.

Commissioner Seibold suggested adding language to address the need to maintain the dumpster enclosures to ensure the structures don't deteriorate over time.

2010-26-A. Seibold-Graham. That an ordinance amendment to add a new Section 2.15 to Chapter 21 of Title II of the City Code pertaining to dumpsters be introduced as set forth in Exhibit "A" attached hereto, and that the City Attorney be asked to draft maintenance provisions as outlined above for the final reading of this ordinance.

City Manager Donovan noted the property owner's who would be affected by the new ordinance would be notified and given a chance to comment. The final reading of the ordinance will be scheduled for a future meeting when the owner's have had sufficient chance to review the provisions.

Yeas: Dills, Graham, Horn, Johnson, Morris and Seibold – 6

Nays: -0-

2010-27. Introduction of an ordinance amendment to Section 9.602 of Chapter 99 of Title IX of the City Code pertaining to false alarm fees.

2010-27-A. Johnson-Seibold. That an ordinance amendment to Section 9.602 of Chapter 99 of Title IX of the City Code pertaining to false alarm fees be introduced as set forth in Exhibit "A" attached hereto.

City Manager Donovan noted this amendment would remove the specific fees from the ordinance and allow the City Commission to set the fees by resolution.

Yeas: Dills, Graham, Horn, Johnson, Morris and Seibold – 6

Nays: -0-

2010-28. Morris-Dills. Motion to approve the consent agenda as follows:

2010-28-A. Minutes of the regular meeting held February 15, 2010 with a clarification on paragraph 2010-23-C. to note the cost of the lake treatment was an estimate and could change if chemical costs change.

2010-28-B. Payroll disbursements of \$187,840.75; county and school disbursements of \$242,039.29 and total remaining disbursements of \$203,544.85.

2010-28-C. A contract with Flotation Docking Systems in the amount of \$197,107 and Jaran Construction in the amount of \$416,185.00 for Phase I of the Reeds Lake Waterfront Park project.

Parks & Recreation Director Bunn reviewed the items that were being removed from the project due to cost constraints. He stated the intention was to add a smaller shade structure at the end of the project if the contingency fund had not been depleted. The project will begin in April and should be completed by the end of October.

Commissioner Graham questioned whether any of the items taken out could be constructed at a future time. Mr. Bunn replied the boardwalk section would be easy to add, but the other items may be more difficult because moving heavy equipment across finished sections of the park may cause damage to walkways or landscaping.

2010-28-D. Contracts for the purchase, installation and monthly service fees for mobile data computer communication systems for police patrol vehicles with Drew Wireless LLC in the amount of \$1,000.00, Net Motion Software in the amount of \$1,650.00 and Verizon Wireless in the amount of \$3,096.00 per year for three years and \$3,343.00 for following years.

Yeas: Dills, Graham, Horn, Johnson, Morris and Seibold – 6
Nays: -0-

2010-29. City Manager Donovan and the department directors presented the 2010 Goals & Objectives report and highlighted the major initiatives of each department in the coming year.

The meeting adjourned at 6:54 p.m., subject to the call of the Mayor until March 15, 2010.

Karen Brower, City Clerk

Attachments: A – Ordinance Amendment adding Section 2.15 to Chapter 21 pertaining to dumpsters.
B – Ordinance Amendment to Section 9.602 of Chapter 99 pertaining to false alarm fees.

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 15, 2010

Mayor Bartman called the meeting to order at 6:00 p.m. in the City Commission Chamber at the Community Center.

Present: Commissioners Dills, Graham, Horn, Johnson, Morris, Seibold and Mayor Bartman

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; City Services Director Feldt; Parks & Recreation Director Bunn; Zoning Administrator Faasse; City Clerk Brower

2010-30. No public comment was received.

2010-31. Mayor Bartman noted the Public Safety Department Report would be postponed until the next meeting.

2010-32. Consider request approve the division of land at 2721 Darby.

Zoning Administrator Faasse explained the request to divide the property into two separate parcels. He noted a prior lot split would be abandoned in this process and the lots re-divided per the new surveys. Mr. Faasse answered questions from the Commissioners on the size of the lakefront lots, the building envelope of the newly created lot, the method used to measure the square footage of each lot, and whether there were other non-traditional lots in the area.

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

- John Cameron, Dickinson-Wright

Representing Mr. & Mrs. Nicola. Stated the new lot met all the requirements of the City ordinance, and a number of lots in the same area have angled lot lines. He noted the Nicolas were addressing the concerns of the neighbors with the proposed restrictive covenant. Mr. Cameron also stated the applicant had an alternate proposal for the land division he would be willing to put forward.

- Nick Nicola, 2721 Darby

Noted 86% of lakefront lots on the southshore were smaller than the new lot would be. He stated the new home would not be a problem for existing water lines and would not create additional drainage. He submitted letters of support from area residents.

- Pat Druke, Rhoades-McKee

Representing Mr. & Mrs. Etheridge at 2737 Darby. Reviewed various provisions of city code. Stated the lot line angle across the street was not as severe as the proposed land division. He felt the proposed covenant gave control back to the original parcel and would not be fair to new residents or surrounding parcels. He also noted that when a new house was built, the separation between the Etheridge home, the new home, and the Nicola home would be the smallest in the area, as most homes had more space between them. He argued the majority of area homes were set on larger lots with more separation between structures and the covenant would not fix this issue.

- Larry Nix, Williams & Works
Retained by Mr. and Mrs. Etheridge. Noted the lot technically met requirements, but would never be approved if proposed in a new plat. He stated connecting utilities to the new lot would disrupt other area residents and block emergency access routes. Stated no other lots in the area would look like the new lot and it would not be harmonious with others in the area. The house created would be narrow and very deep, unlike the wide houses on large lots surrounding it. He also felt it would have a negative environmental impact with additional fertilizer, water runoff and the loss of greenspace.
- Nick Nicola, 2721 Darby
Disputed several of Mr. Drueke's statements, stating the fact many lots within 500' feet are smaller and oddly-shaped, including those on Princeton, and the 500' radius contained a mixture of small lots, average size lots, and large lots. He also stated the new home would be approximately 66' wide, comparable with the neighbor's 70' wide home. Also noted utility work could be done in one day with minimal disruption.
- John Cameron, Dickinson-Wright
Stated the Nicolas were willing to reduce the angle if the City Commission was willing to consider an alternate proposal. Reiterated the current proposal did meet the requirements of the Code, but offered to work with the City.

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

- Benjamin & Gretchen Birkbeck, 2701 Reeds Lake Bl. Opposed
- Ted & Barb Etheridge, 2737 Darby Personal letter in opposition, also letters from their attorney and engineer.
- Susan Keller Smith, 2720 Darby Opposed.
- Ted Vecchio, 920 Princeton In Favor.
- Letters of support signed by 8 neighbors In Favor.

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

2010-32-A.Graham-Dills. Motion to direct the City Attorney to prepare a Findings of Fact document regarding this request for consideration at the next meeting.

Commissioner Horn questioned whether Lot 5 and Lot 7 on the lakeshore were buildable lots. Mayor Bartman answered Lot 5 was a legal, buildable created by a land division approved by the City Commission several years ago and Lot 7 had not been measured or determined by the City as it was currently combined with the parcels containing the house.

Commissioner Seibold agreed the parcel could be divided into two conforming lots based on the amount of land, but the problem was that the house was in the way. She noted that although some provisions of the City Code allowed for qualitative decisions, a decision had to be made based on measurements and specific guidelines. The lot line had to be significantly angled in front of the existing home to make it work. She felt the applicant's proposed covenant was an attempt to cover up the problems created by the lot split. She noted that if this lot split were approved, many other properties could be divided in the same manner and the result would be many odd neighborhoods. She concluded she could not support the lot split because the location of the home made a conforming land division impossible.

Commissioner Johnson expressed concerns about the provisions of the restrictive covenant and what the result would be if someone wanted to put up a fence or landscaping on the lot line. City Attorney Huff noted there were other covenants in East Grand Rapids, but these were considered private contracts between property

owners and the City did not get involved in enforcing the provisions. He stated the City Commission could place similar restrictions on the lot split, but that would mean the City would be responsible for enforcing compliance in the future. Commissioner Johnson stated she did not feel it would be in the best interests of the City to approve this land division.

Commissioner Dills stated he did not see how the applicant could measure the lot in any other way to make it conforming, and did not feel the proposal submitted met the Code requirements. He noted the side yards depended on taking the porch off the existing house, and the resulting separation between a new home and the home on either side would be very close. He felt this would be very inconsistent with the surrounding properties and he was hesitant to create this precedent.

Commissioner Morris stated he had always been willing to divide land when requirements were met, but he could not support the current proposal. He was willing to entertain an alternate proposal if it met requirements.

Commissioner Horn reiterated the points contained in Zoning Administrator Faasse's summary of the proposal. He noted there were problems with the slope of the embankment and that the resulting home would be out of character with the others.

Commissioner Graham stated he had tried to look at this from all perspectives and find ways this would fit in this neighborhood and meet the standards of the ordinance. He felt the City Commission had to consider more than one specific property and look at the larger picture. He could not support the proposal as it would set a precedent for other properties.

Mayor Bartman agreed the land was big enough to divide, but felt the proposal was an attempt to make the size conform on paper while the reality was the lot would look too narrow to contain a home. She disagreed with the covenant provisions that gave control of property back to the owners of the original parcel. She felt this proposal did not meet the spirit or intent of the ordinance and she could not support it.

2010-32-B.Graham-Morris. Motion to amend 2010-32-A. to direct the City Attorney to prepare a Findings of Fact document to deny this request based on the reasons given by the City Commission.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

Vote on 2010-32-A, as amended.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

Mayor Bartman stated the Findings of Fact would be voted on at the meeting on March 29, 2010.

2010-33. Final Reading of an ordinance amendment to Section 9.602 of Chapter 99 of Title IX of the City Code pertaining to false alarm fees.

2010-33-A.Dills-Johnson. That an ordinance amendment to Section 9.602 of Chapter 99 of Title IX of the City Code pertaining to false alarm fees be adopted as set forth in Exhibit "A" attached hereto.

Commissioner Seibold noted she had discussed this with Chief Herald and was assured the Public Safety Department would work with homeowners who did not realize there was a problem with their alarm system until the second or third time the alarm malfunctioned. City Attorney Huff stated the City Commission could also set the fees for second and subsequent false alarms to allow for these types of situations.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

2010-34. Seibold-Graham. Motion to approve the consent agenda as follows:

2010-34-A. Minutes of the regular meeting held March 1, 2010.

2010-34-B. Payroll disbursements of \$188,081.33; county and school disbursements of \$224,910.27 and total remaining disbursements of \$975,419.14.

2010-34-C. A contract for the annual 4th of July fireworks show with Wolverine Fireworks Display in the amount of \$20,000.00.

2010-34-D. The preliminary minutes of the Parks & Recreation Commission meeting held February 8, 2010.

2010-34-E. The preliminary minutes of the Joint Facilities Committee meeting held February 10, 2010.

Yeas: Dills, Graham, Horn, Johnson, Morris and Seibold – 6

Nays: -0-

The meeting adjourned at 7:03 p.m., subject to the call of the Mayor until March 29, 2010.

Karen Brower, City Clerk

Attachments: A – Ordinance Amendment to Section 9.602 of Chapter 99 pertaining to false alarm fees.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Rescheduled Regular Meeting Held March 29, 2010

Mayor Bartman called the meeting to order at 6:00 p.m. in the City Commission Chamber at the Community Center.

Present: Commissioners Dills, Graham, Horn, Johnson and Mayor Bartman

Absent: Commissioners Morris and Seibold

Also Present: City Attorney Huff; City Manager Donovan; City Services Director Feldt; Parks & Recreation Director Bunn; Zoning Administrator Faasse; Finance Director VanderWall; City Clerk Brower; Assistant City Attorney Stapleton; Planning Consultant VanSteenhuysen

2010-35. Dr. Rob Deane, 700 Plymouth, asked the City Commission to consider reinstalling irrigation and plantings in the boulevard median on Plymouth Road when the street is reconstructed later this year.

2010-36. Commissioner Graham noted the docks were being put back in at the marinas – a sure sign of Spring!

Commissioner Johnson announced construction is beginning at Waterfront Park and the Reeds Lake Trail projects.

Mayor Bartman stated the construction at Waterfront Park will be an eye-opening project with many of the scrub trees and undergrowth removed. Mayor Bartman thanked the staff of the Kent County Animal Shelter for their assistance last week in locating two of her pets after they wandered away.

2010-37. Dick VanderZyden and Brandon Hartel from Wolverine Building Inc presented a check to the City of East Grand Rapids for \$50,000 as a contribution to the Reeds Lake Trail project. Mayor Bartman accepted the check and thanked Wolverine for their partnership on this important community asset.

2010-38. Consider request to adopt a Findings of Fact concerning the request to approve the division of land at 2721 Darby.

2010-38-A. Johnson-Horn. That a Findings Of Fact be adopted as set forth in Exhibit "A" attached hereto denying the request of Nick & Joanne Nicola to divide the property known as 2721 Darby St as outlined in their application dated February 5, 2010.

Commissioner Dills thanked Attorney Huff for capturing so completely all of the thoughts of the City Commissioners in the Findings of Fact document.

Yeas: Dills, Graham, Horn, Johnson and Bartman – 5

Nays: -0-

2010-39. Consider request to affirm a special event policy for the Parks & Recreation Commission.

City Manager Donovan noted the current policy of allowing only two events per month was adopted at least 10 years ago to protect area residents and businesses from having the streets closed every weekend. He stated recently the Parks & Recreation Commission had been asked to make an exception to the policy.

Mayor Bartman agreed this policy was the best way to balance the needs of businesses and residents with the wishes of outside organizations using the area for fundraising efforts. She noted the affirmation of this policy by the City Commission keeps any third or subsequent request from even being considered by the Parks & Recreation Commission. She urged charitable organizations to make plans well in advance to secure available dates.

2010-39-A.Graham-Horn. That the following policy be adopted regarding special event permits issued by the Parks & Recreation Commission:

The Parks & Recreation Commission shall review and consider Special Event Permit applications. There will only be two special events scheduled per month. The Parks & Recreation Commission may not consider any additional Special Event Permit applications for any month in which two Special Event Permits have been approved. Applications can be submitted no earlier than eleven months prior to the date of the event. The City 4th of July events, Light the Tree Ceremony, school homecoming parade, and school events sanctioned by the East Grand Rapids school administration will not count towards the two events per month.

Commissioner Horn questioned whether the definition for school sanctioned events should be further defined to clarify what functions do not need permission from the City. City Manager Donovan noted parent organizations or outside groups using city streets and sidewalks needed to go through the permit process, but events sponsored by the school administrations such as athletic events would not need a permit.

Commissioner Dills asked if further language needed to be crafted to address the level of staffing needed from the Parks & Recreation or Public Safety Department personnel. City Manager Donovan and Parks & Recreation Director Bunn answered that each event is considered individually and charged appropriately for any additional staff time necessary to administer their event.

Yeas: Dills, Graham, Horn, Johnson and Bartman – 5
Nays: -0-

2010-40. Discussion of class action lawsuit.

City Manager Donovan explained the City of East Grand Rapids had been named as a potential plaintiff in a class action suit filed by the City of Riverview against the State of Michigan's Department of Environmental Quality. The lawsuit claims the MDEQ overstepped the authority given by the Environmental Protection Agency by requiring additional compliance efforts to maintain stormwater permits. The City Attorney has reviewed the lawsuit and is recommending the City remain a potential plaintiff in this action at this time. City Attorney Huff stated the City is not being asked for any payment of legal fees and would not receive any financial settlement from the lawsuit. He noted the law firm handling the class action suit would recover its fees from the State if successful.

Commissioner Graham asked if opting out of the lawsuit would weaken the City's position in future disputes with the MDEQ. City Attorney Huff agreed it was possible the remaining plaintiffs could be granted relief from requirements that would not be granted to those not involved in the suit.

2010-40-A.Johnson-Horn. That the City of East Grand Rapids remain as a plaintiff in the *City of Riverview v State of Michigan and Michigan Department of Environmental Quality* class action lawsuit.

Yeas: Dills, Graham, Horn, Johnson and Bartman – 5
Nays: -0-

2010-41. Dills-Graham. Motion to approve the consent agenda as follows:

2010-41-A.Minutes of the regular meeting held March 15, 2010.

2010-41-B.Payroll disbursements of \$187,808.78; county and school disbursements of \$3,830.67 and total remaining disbursements of \$162,406.15.

2010-41-C.A three-year contract with Pleune Service Company in the amount of \$6,504.00 per year for the maintenance of the Community Center's cooling system.

2010-41-D.Motion to authorize the City Services Department to finalize the design of and seek bids for 2010 construction projects as outlined in the City Services Director's memo of March 16, 2010.

2010-41-E. An amendment to the City's standard streetlighting agreement with Consumers Energy for the placement of an additional streetlight at 820/826 Gladstone.

2010-41-F. The Public Safety Department's 2009 Annual Report.

Public Safety Director Herald gave a presentation highlighting several areas of the report. Mayor Bartman thanked Mr. Herald and all the members of the Public Safety Department for their diligence and commitment to the safety and security of our community. She reiterated her belief the EGR Public Safety Department was the best of its kind.

Yeas: Dills, Graham, Horn, Johnson and Bartman – 5

Nays: -0-

2010-41-G. Graham-Dills. Motion to enter into an executive session to discuss pending litigation in accordance with Section 8(e) of the Open Meetings Act. A roll call vote was taken.

Yeas: Dills, Graham, Horn, Johnson and Bartman – 5

Nays: -0-

The meeting adjourned at 6:35 p.m., subject to the call of the Mayor until April 19, 2010.

Karen Brower, City Clerk

Attachments: A – Findings of Fact concerning request for land division at 2721 Darby.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held April 19, 2010

Mayor Bartman called the meeting to order at 6:05 p.m. in the City Commission Chamber at the Community Center. Thirty members of Boy Scout Troop 271 from Mayflower Church presented the flag and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Graham, Horn, Johnson, Morris, Seibold and Mayor Bartman

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; City Services Director Feldt; Parks & Recreation Director Bunn; Zoning Administrator Faasse; Finance Director VanderWall; City Clerk Brower; City Assessor Mesik

2010-42. Juanita Westaby of the Grand Rapids Press announced this was her last meeting covering East Grand Rapids before she leaves the Press to complete nursing school. Mayor Bartman presented Juanita with a proclamation thanking her for fourteen years of reporting on the City's activities to its residents.

2010-43. Mayor Bartman noted the streetlight policy amendment would be moved to the regular agenda.

Commissioner Dills commented he was enjoying the new views of Reeds Lake where the underbrush had been cleared at Waterfront Park.

Mayor Bartman reported a thank you card had been received from the family of Williard Schroeder for the flowers sent to the memorial service. She noted Mr. Schroeder had donated his property adjacent to Hodenpyl Woods to the City to be used as an extension to the park.

Mayor Bartman announced East Grand Rapids had been named one of the "Top 100 Places To Live" by the Relocate America website.

2010-44. Introduction of an ordinance amendment to Section 5.186 of Chapter 50 of Title V of the City Code pertaining to zoning filing fees.

2010-44-A. Seibold-Horn. That an ordinance amendment to Section 5.186 of Chapter 50 of Title V of the City Code pertaining to zoning filing fees be introduced as set forth in Exhibit "A" attached hereto.

Zoning Administrator Faasse noted a change would be made to the text of the amendment prior to its final reading to eliminate the second tier of fees for this type of zoning request to correspond with similar issues.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7

Nays: -0-

2010-45. Consider request to adopt an updated policy on the installation of additional streetlights.

City Services Director Feldt explained the policy was being updated to increase the minimum spacing of existing lights from 600' to 700', meaning a new light placed would be approximately 350' from existing lights. City Manager Donovan stated that modern lighting fixtures provided better coverage, allowing more distance between lights.

Commissioner Dills asked if this policy change would mean that intersections would receive less lighting. Mr. Feldt stated all intersections were currently lighted.

Commissioner Johnson questioned whether residents on the next block would be given an opportunity to give input on a request for a new light. Mr. Feldt stated notices were sent to properties within a specified radius so

this was possible. He noted a staff survey of the streetlights in East Grand Rapids showed the city as a whole had 30% more lights than the minimum coverage recommended.

Commissioner Seibold thanked staff for putting together a comprehensive policy to help residents with safety concerns. She noted it was not possible to light every single area, but this policy provided assistance for those locations between existing lights.

2010-45-A.Morris-Seibold. That the following policy proposed by the Infrastructure Committee be adopted concerning the approval of additional streetlights:

When considering the installation of additional streetlights, the majority of residents along the given block of the street must be in favor of such installation, and the minimum spacing before considering the installation of a new streetlight shall be 700 feet or more between existing lights.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7

Nays: -0-

2010-46. Seibold-Dills. Motion to approve the consent agenda as follows:

2010-46-A.Minutes of the rescheduled regular meeting held March 29, 2010.

2010-46-B.Payroll disbursements of \$187,624.23; county and school disbursements of \$8,199.35 and total remaining disbursements of \$307,467.64.

2010-46-C.Preliminary minutes of the Parks & Recreation Commission meeting held March 8, 2010.

2010-46-D.Public Safety Department Reports for January 2010 and February 2010.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7

Nays: -0-

2010-47. City Manager Donovan, Finance Director VanderWall and City Assessor Mesik presented information on the upcoming FY 2010-11 budget process, including revenue sources and pending legislation that will affect municipalities. Finance Director VanderWall reported the City had not included any statutory revenue sharing dollars from the State of Michigan in this year's budget and had prepared a balanced budget keeping core services intact. City Manager Donovan noted one of the reasons the City was in better shape than some others was the changes to pension and benefit programs made several years ago. Ms. VanderWall outlined increases to the water and sewer rates to counteract significant wholesale rate increases from the City of Grand Rapids. The budget and capital plans will be reviewed in worksessions on May 3rd and May 17th.

2010-48. Dills-Graham. Motion to enter into an executive session to conduct a periodic personnel evaluation for the City Manager and to discuss pending litigation in accordance with Sections 8(a) and 8(e) of the Open Meetings Act. A roll call vote was taken.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7

Nays: -0-

The meeting adjourned at 7:04 p.m., subject to the call of the Mayor until May 3, 2010.

Karen Brower, City Clerk

Attachments: A – Ordinance amendment to Section 5.186 pertaining to zoning filing fees.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held May 3, 2010

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

Present: Commissioners Dills, Graham, Horn, Johnson, Morris and Mayor Bartman

Absent: Commissioner Seibold

Also Present: City Attorney Huff; City Manager Donovan; City Services Director Feldt; Parks & Recreation Director Bunn; Zoning Administrator Faasse; Finance Director VanderWall; City Clerk Brower; Planning Consultant VanSteenhuysen

2010-49. No public comment was received.

2010-50. City Manager Donovan reported talking with a resident over the weekend who complimented the City's on its financial stewardship during these difficult economic times.

2010-51. A zoning variance hearing was held regarding the request of Nathan Golin of 1747 Danby to allow the installation of a 6.0' high privacy fence 1.0' from the south property line instead of the 20.0' required.

Zoning Administrator Faasse explained a 36" fence was allowed in this location by ordinance; however the applicants wished to erect a 6' fence for privacy.

Nathan Golin, 1747 Danby, was present to answer questions about the request.

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

- Toby Dolinka, 1720 Conlon No objection if pedestrian walking on shoulder preserved.
- Tom & Sue Hoane, 1748 Danby Lane In Favor.

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

2010-51-A. Morris-Johnson. That the request of Nathan Golin of 1747 Danby to allow the installation of a 6.0' high privacy fence 1.0' from the south property line instead of the 20.0' required be approved.

Commissioner Johnson questioned whether the utility pole and fire hydrant would be on the outside of the fence. Mr. Golin noted the fence line was angled slightly to allow sight distance for the neighboring driveway and to place the pole and hydrant on the outside of the fence.

Yeas: Dills, Graham, Horn, Johnson, Morris and Bartman – 6

Nays: -0-

2010-52. Consider request approve the division of land at 2721 Darby.

Zoning Administrator Faasse explained the applicants were proposing to remove a section of the home to provide side yard setbacks and create two conforming lots with straight property lines. He noted the proposal would rejoin lots previously divided in 2002. Mr. Faasse requested the City Commission consider placing conditions on any lot split approval.

City Attorney Huff explained that a "Notice of Conditional Lot Split" agreement had been created that would be recorded with the deed spelling out the conditions of the lot split and the obligation to remove a portion of the existing home at 2721 Darby prior to conveying ownership of the new lot and prior to building a new residence.

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

- | | |
|----------------------------------|---|
| - Nick Nicola, 2721 Darby | Offered to answer questions from the City Commission. |
| - Pat Druke, Rhoades-McKee | Representing Ted & Barbara Etheridge of 2737 Darby. Asked City Commission to deny based on adverse affects on surrounding properties. Stated approval would negate February 2007 ordinance setting conditions for harmony and consistency in neighborhoods. Argued comparisons made by applicant to other lot splits in the area were erroneous and should not be used. Stated a new house would lower Etheridge's property value and create drainage and environmental problems. |
| - Larry Nix, Williams & Works | On behalf of Mr. & Mrs. Etheridge. Felt neighborhood character could not be left out of the decision. Noted there would be substantially less separation than existing homes when a new home was built and the lots in this area were already more long/narrow than others. Stated a new home with a 38' setback next to others with 60-80' setbacks would stand out unnaturally. Argued this was not a neighborhood where minimum standards should be used. |
| - John Cameron, Dickinson-Wright | Representing Mr. & Mrs. Nicola. Clarified one of Mr. Nicola's lot split requests was withdrawn due to a death in the family and not due to denial by the City. Agreed the greenspace of an empty lot was nice for the neighbors, but noted the average of the two resulting parcels would be 107,' the exact width of others in the area. |
| - Gordon Jones, 325 Gladstone | Asked the City Commission to make a decision for the long-term good of the community, not the short-term circumstances of one neighborhood. |
| - AJ Birkbeck | Representing parents, Ben & Gretchen Birkbeck at 2701 Reeds Lake Blvd. Questioned the process/sequence of the proposal and asked why City Commission approval was required if the proposal resulted in conforming lots. City Manager Donovan responded the proposed agreement could be recorded immediately but would only be enforced if the parcels were sold separately. City Attorney Huff added the applicants were proposing to alter the platted lot line slightly, requiring City approval. |

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

- | | |
|---|--|
| - Ben & Gretchen Birkbeck, 2701 Reeds Lake Blvd | Felt lot split should take place after remodeling. |
| - Ted & Etheridge, 2737 Darby (2) | Opposed. |
| - Williams & Works (on behalf of Etheridge) | Opposed. |
| - Rhoades McKee (on behalf of Etheridge) | Opposed. |
| - Susan Keller Smith, 2720 Darby | Opposed. |

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

2010-52-A.Graham-Dills. That the request of Nick and Joanne Nicola of 2721 Darby to create a buildable lot to the east of the existing residence with 100.75' of frontage on Darby Avenue be approved with the following conditions:

- A. A "Notice of Conditional Lot Split" document be signed by the applicants immediately following approval for recording with the Kent County Register of Deeds;
- B. Recording of the relevant deed(s) or land contract(s) with the Kent County Register of Deeds within 90 days of the Commission's action.
- C. Compliance with the statements, legal descriptions and surveys submitted with this application.

2010-52-B. Morris-Graham. Motion to amend 2010-52-A. to add an additional condition requiring any new home built on lot 6 to be constructed so that the yard between the front street line and the main portion of the building is at least as deep as the average depth of the front yards of 2721, 2737, and 2747 Darby as they exist today, with the exception that an attached garage wing may be built in the front yard no closer to the street than permitted in the EGR City Code.

Zoning Administrator Faasse noted additions could be added to the other homes, thereby placing them in front of the new home.

Commissioners Johnson and Dills agreed this would help create consistent setbacks for the time being.

The City Commissioners discussed various aspects of the proposed amendment to the motion. Commissioner Johnson suggested not using the setback of the home at 2747 Darby because it was set back further because of the curve in the road and would require the new home to be set back behind the others. Commissioner Morris offered no change to his proposed amendment.

Yeas: Dills, Graham, Horn, Johnson, Morris and Bartman – 6
Nays: -0-

Commissioner Horn asked the City Services Department to closely monitor the drainage plans on any new home built to ensure there are no erosion or water problems from a new home.

Commissioner Dills stated that although he was not eager to see another home wedged into this space, he felt the requirements and standards established by the City Code were met with this proposal with the conditions being placed on the approval.

Mayor Bartman appreciated the neighbor's concerns about preserving the character of the neighborhoods in East Grand Rapids. She acknowledged that change is always difficult, but felt this was a change that was legally allowed by the Code. She stated the City Commission has to balance the concerns of the neighbors with the rights of a property owner. She noted the zoning requirements of the A-1 District were the most stringent of any area in EGR and she did not feel this should be considered a "minimum" proposal.

Vote on 2010-52-A., as amended:

Yeas: Dills, Graham, Horn, Johnson, Morris and Bartman – 6
Nays: -0-

2010-53. Presentation of a Consent Judgment for the settlement of the lawsuit by Lakewood Hills Apartments.

City Attorney Huff explained Lakewood Hills filed a variance request in 2006, which was denied by the City Commission. Lakewood Hills filed suit against the City and the case worked through the court system until 2009. The courts supported the City's denial at each level of litigation. In June 2007, Lakewood Hills also filed a PUD rezoning application for the same property and a similar redevelopment proposal. The PUD proposal was also considered by the Planning Commission and City Commission over a period of time and ultimately denied in 2009. Lakewood Hills again filed suit to overturn the ruling. The Federal judge in this second case ordered a mediation session in October 2009. Since that time, representatives of the City and Lakewood Hills have been negotiating toward a proposal acceptable to both parties. The proposal being introduced tonight would be entered as a consent judgment to settle the lawsuit. The City has scheduled a public hearing for May 17th to solicit public reaction to the proposal before approving any consent judgment.

Mayor Bartman explained the City Commission had stipulated the proposal must be presented to the public and a hearing held to gather input before action by the City Commission.

Planning Consultant VanSteenhuysen gave a history of the various proposals presented by Lakewood Hills since 2006, including the height, density and major issues of each submission. He noted the City officials were concerned about the appearance of a "wall" of buildings along Lakeside Drive, the density of the units, and compliance with the Master Plan. He reported the newest proposal had angled buildings with varying heights and front lines, a reduction to 66 units, pedestrian access from Gaslight Village to the lake, and a landscaping plan that saves or replants trees and adds new plantings.

Denis Johnson of Post Associates Architects presented site plans, drawings and a 3-D model of the proposed redevelopment of Lakewood Hills. Lakewood Hills currently has 51 old and outdated units that are not handicap-accessible and lack modern amenities. He noted the new plan would move 65 parking spaces underground, thereby increasing greenspace by 15% over the current buildings. The development would offer 1, 2 and 3 bedroom units with 27 outdoor garages and 50 surface parking spaces. He announced the owners intended to pursue LEED certification for the buildings and had not yet selected colors or materials yet because the certification would steer some of these choices. Mr. Johnson reported the project would be built in three phases, starting on the south end.

Mayor Bartman asked for any public comment in advance of the public hearing. The following people were present to express their opinions:

- Don Lawless, 2539 Albert Encouraged Commissioners to vote their conscience regarding these proposals and not approve a project because of lengthy litigation.

Commissioner Dills noted the Lambrecht family, owners of the Lakewood Hills development, were not present and hoped the family would be present at the next hearing. Eric Starck of Rhoades McKee, the family's attorney, confirmed the owners would be present at the next meeting.

2010-54. Consider request to award a contract for renovations to the Streets & Utilities facility.

City Services Director Feldt reviewed the feasibility study and Request for Proposals processes used by the City to determine the possibilities for this site and facility. He reported Wolverine Building Inc. had submitted the lowest proposal to design/build the renovations and expansion of the site.

Brandon Hartel of Wolverine Building introduced himself to the City Commission as the Project Manager for Wolverine and noted he would be on the site daily and would be the point of contact with Wolverine.

Commissioner Horn noted this project was possible because the City had been setting aside funds each year toward this project and now had sufficient funds to move forward. Mayor Bartman credited staff members for working on this project for several years and for saving money towards this much-needed renovation.

2010-54-A. Dills-Johnson. That a contract be awarded to Wolverine Building Inc. in the amount of \$1,222,808.00 for the design and construction of the Streets & Utilities facility at 2310 Reeds Lake Blvd, with project contingencies of \$77,192.00 for a total contract not-to-exceed \$1,300,000.00.

Yeas: Dills, Graham, Horn, Johnson, Morris and Bartman – 6

Nays: -0-

2010-55. Final Reading of an ordinance amendment to Section 5.186 of Chapter 50 of Title V of the City Code pertaining to zoning filing fees.

2010-55-A.Graham-Horn. That an ordinance amendment to Section 5.186 of Chapter 50 of Title V of the City Code pertaining to zoning filing fees be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Dills, Graham, Horn, Johnson, Morris and Bartman – 6
Nays: -0-

2010-56. Consider request to adopt a resolution to establish a fee for zoning requests under Section 5.186.

2010-56-A.Johnson-Horn. That a resolution setting a fee for zoning requests submitted under Section 5.186 of the City Code at \$800.00 be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Dills, Graham, Horn, Johnson, Morris and Bartman – 6
Nays: -0-

2010-57. Horn-Graham. Motion to approve the consent agenda as follows:

2010-57-A.Minutes of the regular meeting held April 19, 2010.

2010-57-B.Payroll disbursements of \$191,922.48; county and school disbursements of \$-0- and total remaining disbursements of \$102,645.65.

2010-57-C.The proposed meeting date list for FY 2010-11.

2010-57-D.The establishment of June 7, 2010 as the date for public hearings for the budget and delinquent account hearings, and the date for a special meeting to adopt the budget.

2010-57-E. Resolutions approving participation in the Michigan Emergency Assistance Compact (MEMAC) and the Mutual Aid Box Alarm System (MABAS) programs as set forth in Exhibits "C" and "D" attached hereto.

2010-57-F. A contract with Critter Control Company of Grand Rapids in the amount of \$2,865.00 for the goose round up on Reeds Lake.

2010-57-G.An amendment to the contract with Moore & Bruggink Inc. in the amount of \$3,500.00 for costs associated with the Northshore Sewer Replacement Project.

2010-57-H.An amendment to the license agreement with Chevron USA Inc and Chevron Environmental Management Company for an extension of time to continue utilization of ground monitoring wells in Gaslight Village.

Yeas: Dills, Graham, Horn, Johnson, Morris and Bartman – 6
Nays: -0-

The meeting adjourned at 7:54 p.m., subject to the call of the Mayor until May 17, 2010.

Karen Brower, City Clerk

Attachments: A – Ordinance amendment to Section 5.186 pertaining to zoning filing fees.
B – Resolution setting fees for Section 5.186.
C – Resolution approving participation in the Michigan Emergency Assistance Compact.
D – Resolution approving participation in the Mutual Aid Box Alarm System.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held May 17, 2010

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

Present: Commissioners Dills, Graham, Johnson, Morris, Seibold and Mayor Bartman

Absent: Commissioner Horn

Also Present: City Attorney Huff; City Manager Donovan; City Services Director Feldt; Parks & Recreation Director Bunn; Zoning Administrator Faasse; Finance Director VanderWall; Account Clerk Ritzke; Planning Consultant VanSteenhuysen; Capt. Lark; Capt. Williams; Public Safety Director Herald; Streets & Utilities Supervisor Stehouwer

2010-58. Dr. Rob Deane, 700 Plymouth, stated he was pleased with the progress being made with the redevelopment of the former Ramona Park property.

2010-59. Commissioner Seibold reported the School District had developed a policy regarding the use of the public address system at Mehney Field, Memorial Field and the track facility following complaints from surrounding residents. She noted the new policy was available for review at the school offices. She thanked school officials for responding quickly and thoroughly to citizen input.

Commissioner Johnson commended City Clerk Brower and Deputy Clerk Teresa Potts for a well-run election on May 4th.

2010-60. Consider request to reconsider the division of land at 2721 Darby.

Zoning Administrator Faasse reviewed the fourth condition placed on the land division to align the placement of a new home with others along the street. He reported the curvature of the road created an average setback that resulted in a potentially unacceptable front yard setback behind the two neighboring homes. He suggested the City Commission amend the conditions to require use of an average of only the homes on either side of the new property.

Commissioner Morris spoke in favor of the change.

2010-60-A. Morris-Johnson. Motion to reconsider motion 2010-52-A. conditionally approving a division of land at 2721 Darby.

Yeas: Dills, Graham, Johnson, Morris, Seibold and Bartman – 6

Nays: -0-

Nick Nicola, 2721 Darby, had no objection to the change in language.

2010-60-B. Johnson-Morris. Motion to amend the motion to approve the land division by amending the conditions placed on the land division at 2721 Darby to read as follows:

- D. A “Notice of Conditional Lot Split” document be signed by the applicants immediately following approval for recording with the Kent County Register of Deeds;
- E. Recording of the relevant deed(s) or land contract(s) with the Kent County Register of Deeds within 90 days of the Commission’s action.
- F. Compliance with the statements, legal descriptions and surveys submitted with this application.
- G. Any new home to be built on Lot 6 of the Woodcliff Park Addition to the City of East Grand Rapids is to be positioned so that the front yard is at least 94 feet from the south property line, as measured at the narrowest point from the main portion of the home, discounting any attached garage extensions.

Commissioner Graham spoke against the amendment because he felt the newly created lot was in conformance with the City's zoning code and additional restrictions on the placement of a home created a hardship not placed on other homes in the area or the City. He felt this home should not be singled out.

Commissioner Seibold agreed that more stringent requirements should not be placed on the building envelope for this new lot.

Commissioner Morris stated the condition was an attempt to ensure a new house would fit with the character of other homes that were set well back off the street. He felt the condition helped the house fit in with the neighbors.

Mr. Nicola stated he did feel the condition was unfair, but that he did not intend to build a house out of line with the neighboring homes.

City Attorney Huff stated the motion to reconsider had removed the approval of the lot split made at the last meeting and the commission now needed to approve the land division again with any conditions it chose to require.

Commissioner Dills noted that although the condition did place more restrictions on this lot, he felt it was intended to create a harmonious look to setbacks along the street.

City Manager Donovan stated the surrounding properties had not been noticed about reconsidering the lot split and changing the conditions. He suggested that if the commission was considering eliminating condition "D," the neighbors should be notified and be allowed to give input.

2010-60-C. Seibold-Graham. Motion to table this issue until such time the surrounding property owners can be notified of the reconsideration of the land division. A roll call vote was taken.

Yeas: Dills, Graham, Johnson, Morris, Seibold and Bartman – 6
Nays: -0-

Mayor Bartman announced the City Commission would be holding a public hearing to receive input on the Lakewood Hills redevelopment proposal but would not be voting on the proposal at this meeting as she wanted everyone to have a chance to consider the comments given before voting at the next meeting. She also announced the following item approving a contribution agreement would be moved to the next meeting.

2010-61. Public Hearing of a Consent Judgment for the settlement of the lawsuit by Lakewood Hills Apartments.

Planning Consultant VanSteenhuyse reported the City had in May 2009 denied a request to rezone this property to a Planned Unit Development (PUD). Since that time, significant negotiations have taken place to craft a proposal acceptable to both parties. He contrasted the 2009 plan with the current proposal for the benefit of those in attendance. He noted the new plan now contained 66 units with a density comparable to the JadePig project, angled the buildings slightly to vary the front setback, provided pedestrian access through the property, and varied the building height between 38' and 48' at various locations.

Mayor Bartman opened a public hearing.

- Art Spaulding, attorney for Lakewood Hills Introduced Ted Lambrecht and Ned Lambrecht, owners of Lakewood Hills since building the complex in the 1960's. Stated mediation process had produced the current proposal which is acceptable to both parties and a benefit to East Grand Rapids.
- Denis Johnson, architect for Lakewood Hills Stated existing driveways would be retained but improved and greenspace would be increased by placing parking underground. Felt the plan would benefit the public by providing access to/from lakefront and Gaslight Village.

Buildings will have elevators, fire protection systems, laundry facilities in each unit, and technology features. The buildings will be brick with banding on the bases and masonry details at the windows on the upper stories. Roofing materials will be metal, slate or dimensional asphalt shingles. The buildings will be LEED certified.

- Anna Moore Butzner, 2311 Wealthy #34

President of Lakeshore Condominiums. Questioned the walkway placement relative to the parking lot height. Mr. Johnson answered the sidewalk will be on Lakewood Hills property with a retaining wall and safety railing.

- Scott Wierda, Jade Pig Ventures

Felt current Lakewood plans were better than original submissions. Supported the time and effort taken by the City in working toward acceptable compromise. Supported a redevelopment of the Lakewood Hills property. Questioned how the height of the buildings were being measured, whether Lakewood Hills was investing any monies in the infrastructure as his company had, and what commitments had been made regarding building materials for the project. Believed the proposal would impact their property to the west, but was encouraged by the quality of design work done to this point.

Mr. VanSteenhuysen clarified that according to the City Code, building height is measured by the finished lot grade at the front of the building to the average height in the roofline. City Manager Donovan acknowledged the site would be built up along Lakeside Drive to accommodate underground parking and match the existing grade of the parking lots in the rear. Mr. Lambrecht stated the first floor of the buildings would be similar to the current north and south buildings. Mayor Bartman reiterated the site would be built up to accommodate the underground parking and the finished height would be measured from the finished grade at the top of the new site.

- Don Markham, 540 Gladstone

Brought up Jade Pig approval process and questioned why city officials gave preferential treatment to one property owner over another, why the City refused to work with Lakewood Hills to determine where there was common ground, and why the City spent tax dollars on legal fees to defend a lawsuit serving to protect JadePig's lake views. Questioned why the City had not required JadePig to begin construction within one year as required by City Code. Noted new Blodgett Hospital addition is 80' tall and setback only 25' from sidewalk. Felt City Commission not willing to lead or to be fair and open-minded. Urged a yes vote on the Lakewood Hills proposal.

- John Levings, 864 Bellclaire

Felt over-development was irresponsible and this proposal would not be the last. Stated the City's policy of selective overdevelopment has failed. Felt political conformity ruled and opposing views were not welcome. Stated City would be burdened by increased operating and infrastructure costs from overdevelopment and would have to pass the burden to taxpayers through higher taxes. Felt City administration was ignoring social costs of vehicle pollution, traffic and lost greenspace, would see no benefits from enabling economic interests, and was in fact a danger to the community.

Mayor Bartman closed the public hearing. She reiterated this item will be on the June 7, 2010 City Commission agenda for a decision.

2010-62. Seibold-Graham. Motion to approve the consent agenda as follows:

2010-62-A. Minutes of the regular meeting held May 3, 2010.

2010-62-B. Payroll disbursements of \$187,072.84; county and school disbursements of \$-0- and total remaining disbursements of \$275,053.06.

2010-62-C. The purchase of a shade shelter for the Waterfront Park project from Miracle of Michigan in the amount of \$10,135.00.

2010-62-D. The purchase of interpretive panel signs for the Waterfront Park project from Fossil Industries in the amount of \$2,715.00.

2010-62-E. The purchase of 14 benches from Superior Play in the amount of \$14,000.00 and the purchase of 3 table sets from Playworld Midstates in the amount of \$6,416.00 for the Waterfront Park project.

2010-62-F. The minutes of the Parks & Recreation Commission meeting held April 12, 2010.

2010-62-G. The Public Safety Department Report for March 2010.

Yeas: Dills, Graham, Johnson, Morris, Seibold and Bartman – 6

Nays: -0-

The meeting adjourned at 7:05 p.m., subject to the call of the Mayor until June 7, 2010.

Diane Ritzke, Recording Secretary

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held June 7, 2010

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

Present: Commissioners Dills, Graham, Horn, Johnson, Morris, Seibold and Mayor Bartman

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; City Services Director Feldt; Zoning Administrator Faasse; Finance Director VanderWall; Planning Consultant VanSteenhuysen; City Clerk Brower

2010-63. No public comment was received.

2010-64. Commissioner Dills congratulated the graduating class of 2010.

Commissioner Horn congratulated City staff on the recent announcement of the AAA bond rating for the City. He noted other cities were raising millage rates and laying off employees; however East Grand Rapids was financially stable enough to receive an upgraded bond rating.

Commissioners Seibold and Johnson also commended City Manager Donovan and Finance Director VanderWall for their work over the years to provide consistent financial management of city assets that has resulted in this AAA bond rating.

City Manager Donovan announced the EGR Community Foundation would be holding a walk/run around Reeds Lake on the 4th of July to raise funds to complete the final details of the Reeds Lake Trail. He invited all residents to participate and asked the reporters to assist with the publicity for this event.

Mayor Bartman announced a subcommittee was being formed to research the implementation of the State's medical marijuana law. She also noted there were several openings on advisory boards for the upcoming fiscal year and invited residents to apply for these positions as soon as possible.

Mayor Bartman also thanked City Manager Donovan and Finance Director VanderWall for their work over the last several years to create partnerships with employees and maintain the stable financial environment that has led to the recognition by Fitch Ratings with a AAA bond rating.

2010-65. A zoning variance hearing was held regarding the request of Devin Norman of 1448 Eastlawn and Todd & Sandy Avis of 1452 Eastlawn to allow the construction of a shared garage creating side garage setbacks for each property of 0.0' instead of the required 3.0' and to allow a garage height of 12'3" instead of the allowable 12'0".

Devin Norman and Todd Avis were present to answer questions about the request.

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

- Diane Lange, 2150 Lansing In Favor. Suggested maintenance agreement in deed.

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

- Diane Lange, 2150 Lansing In Favor.

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

2010-65-A.Morris-Graham. That the request of Devin Norman of 1448 Eastlawn and Todd & Sandy Avis of 1452 Eastlawn to allow the construction of a shared garage creating side garage setbacks for each property of 0.0' instead of the required 3.0' and to allow a garage height of 12'3" instead of the allowable 12'0" be approved.

Commissioner Seibold asked if the windows in the roof structure were for a storage area. Mr. Norman confirmed there would be a small attic in the garage, but that the windows were for aesthetics only.

Commissioner Graham agreed this type of shared garage was a necessary solution on some properties, and urged the two owners to create a legal agreement spelling out maintenance responsibilities to avoid problems in the future. Commissioner Dills agreed.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7

Nays: -0-

2010-66. A zoning variance hearing was held regarding the request of Brad & Karen Hunter, purchasers of 2552 Hall, to allow the construction of an addition to the rear of the home creating a rear yard setback of 16.9' instead of the required 25.0' and to allow the expansion of a nonconforming structure.

Brad Hunter, 2135 Hall, new owner of 2552 Hall, was present to answer questions about the request. He noted this addition was part of a larger interior and exterior renovation of the home.

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

2010-66-A.Dills-Seibold. That the request of Brad & Karen Hunter, purchasers of 2552 Hall, to allow the construction of an addition to the rear of the home creating a rear yard setback of 16.9' instead of the required 25.0' and to allow the expansion of a nonconforming structure be approved.

Commissioner Johnson noted there was ample space for this addition without losing too much greenspace in the back yard.

Commissioner Dills reported there were similar homes in his neighborhood, some of which had put in additions with no adverse affects.

Commissioner Seibold stated she would vote in favor of this request as felt it was the angled lot line that created the problem and this addition would not otherwise need a variance.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7

Nays: -0-

2010-67. Consider request to reconsider the division of land at 2721 Darby.

Zoning Administrator Faasse reviewed the history of this lot split request and staff's recommendation to amend the condition establishing a front yard setback from 101 feet to a distance of 94.'

City Attorney Huff stated that a motion to amend the setback condition had been tabled at the last meeting. He noted that the motion should be removed from the table, debated, and then voted upon. Following a vote on the amendment, a final vote should be taken on the main motion as amended.

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

- Nick Nicola, 2721 Darby

Offered to answer questions.

- Ted Etheridge, 2737 Darby

Still opposed to land division. Felt establishing a setback was important.

In response to a question from Mayor Bartman, City Attorney Huff explained there is a provision in Section 5.82 that creates a uniform setback using existing homes in established neighborhoods, but those provisions are not applicable to lots in the A-1 district.

Commissioner Johnson noted the aerial photo of the area showed the ridgeline of the Etheridge home at 2737 Darby sits farther back from the street than the home on either side. She felt imposing a specific front yard setback may force the property owners to build a specific style of home and/or garage to meet the setback.

Mayor Bartman stated the City had tried to address the issue of conformity and harmony in neighborhoods with the most recent revision to this ordinance, but felt the ordinance could not cover all possibilities. She felt a house built with a setback of 38' as allowed by the ordinance would definitely not be in harmony with the neighborhood. She noted that more and more of these issues would arise with redevelopment taking place in established areas. She stated she was only comfortable with this with the 94' setback, not with eliminating the condition entirely. She reported she would be asking staff to research and draft an amendment to address this type of issue in all zoning districts in the future.

A roll call vote was taken on the motion to amend the setback requirement from 101' to 94':

Yeas: Dills, Horn, Morris, Bartman – 4
Nays: Graham, Johnson, Seibold – 3

Vote on 2721 Darby land division request, as amended:

Yeas: Graham, Horn, Johnson, Morris, Seibold and Bartman – 6
Nays: Graham – 1

2010-68. Decision on a Consent Judgment for the settlement of the lawsuit by Lakewood Hills Apartments.

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

2010-68-A.Horn-Johnson. That a resolution approving a Consent Judgment to settle the litigation between the City of East Grand Rapids and Lakewood Hills, LLC be adopted as set forth in Exhibit "A" attached hereto.

Commissioner Dills reported he had spoken with his neighbors and friends about this project and received mixed opinions. He appreciated the process to negotiate with the property owner and felt there were many good aspects of the final proposal. Although he did not like all the components of the settlement plan—specifically the height, density, proximity to the sidewalk, and the increase in finished grade to accommodate the underground parking—he liked the pedestrian access, the diversity of housing created by the project, and the reduction in units/density from earlier plans.

Commissioner Seibold showed a chart depicting the height and density of the original and revised proposals from Lakewood Hills, the existing apartment complex, and the provisions of the City Code. She stated the City Commission had worked to lower the height and the number of units, and to vary the front of the buildings and the roof heights. She addressed critics who said the project should have been approved years ago by saying the City fought to lower the height and density from the original proposal and were satisfied the final proposal is a better plan for the community. She felt the settlement was a balance between not allowing additional height/density and allowing investment in the city's housing options. She reported many in the Lakeshore Club Condominiums were in favor of this project. She stated that although she is not completely happy with the final proposal, she will support it because it is a compromise. She noted the City's zoning decisions regarding this property had been upheld in every court decision since the beginning, and the City used its successes to negotiate this final proposal.

Commissioner Horn felt the settlement would be a good fit for the area and an improvement for the residents of the complex.

Commissioner Johnson also felt the final design was a good compromise. She noted half the buildings would be only 3 feet higher than allowed by current ordinances. She felt the pedestrian access to and from the Gaslight Village and the lakefront area and was a huge win for the community.

Mayor Bartman noted that while the process has been painful at times, she felt the results justified the process. She stated the commission was not settling this litigation because they were tired of fighting or had lost a court case, but rather because the proposal was a compromise by both parties that would benefit the community. She acknowledged the City had spent considerable amounts in legal fees defending its position that the extreme height and density did not fit the area, but felt the time and money spent had produced a better plan that will be a part of the community for decades. Mayor Bartman addressed the criticism that the City had to agree to the Lakewood Hills project because of the approvals given to the Jade Pig project several years ago by stating the past decisions have made the City's downtown area more attractive and viable to everyone and those decisions were not a detriment to the City's current process or to other projects.

Mayor Bartman stated this will project be a change for the area, joining many other changes in the last several years. She stated she wished the new buildings would not be as tall as the settlement agreed to, but felt it was a good compromise.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

2010-69. Consider request to approve a contribution agreement pertaining to the Consent Judgment settlement with Lakewood Hills.

2010-69-A.Graham-Seibold. That a Contribution Agreement between the City of East Grand Rapids and Lakewood Hills, LLC be approved as set forth in Exhibit "B" attached hereto.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

2010-70. A public hearing was held pertaining to the General Fund budget and the property tax levy for Fiscal Year 2010-11. No public comment was received.

City Manager Donovan reported the City had lost over \$300,000 in revenue in recent years due to lower property taxes and cuts in State revenue sharing. In spite of the lower revenue, the City was able to balance its budget by stabilizing employee benefit and pension costs and other changes to staffing and programs. He reported the EGR millage rate will be 13.5195 mills, the same as the last fiscal year.

2010-71. A Public Hearing was held on the special assessment roll of delinquent accounts for placement on the July 1, 2010 tax roll.

No public comment was received. Mayor Bartman closed the public hearing.

2010-71-A.Seibold-Morris. That the special assessment roll of delinquent accounts totaling \$74,155.42 be certified and placed on the July 1, 2010 tax roll.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

2010-72. Introduction of an ordinance amendment to amend Section 9.97 of Chapter 95 of Title IX of the City Code pertaining to fire pits.

City Manager Donovan explained the City received occasional complaints from residents from the smoke produced by backyard fire pits, especially with the rise in popularity of commercial campfire units. He stated the new ordinance would be accompanied by regulations outlining safety requirements and providing only wood burning is allowed.

2010-72-A.Dills-Morris. That an ordinance amendment to amend Section 9.97 of Chapter 95 of Title IX of the City Code pertaining to fire pits be introduced as set forth in Exhibit "C" attached hereto.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

2010-73. Public Comment and Final Reading of an ordinance amendment to add a new Section 2.15 to Chapter 21 of Title II of the City Code pertaining to dumpsters.

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

- Chad Zagel, Gaslight Village Assn President Stated businesses want to protect the environment and improve aesthetics, however most members were opposed to the ordinance amendment as written. He stated the proposed amendment would cause financial strain on businesses, eliminate parking spaces and make trash collection more difficult for haulers. They also want the public trash cans emptied more frequently.
- John Crisman, Grace Church Noted trash haulers sometimes remove plugs to drain water enroute to the dump to reduce the weight of the load and save money. Stated Grace Church would lose two parking spaces if it was required to build an enclosure.
- Max Benedict, 2222/2226 Wealthy Stated three businesses were sharing one dumpster to save money and parking spaces and this would be a problem for them. Felt it would result in three small dumpsters instead of one large one as it would be impossible to create an enclosure without losing 3 parking spaces.
- Charlie Palm, Ramona's Table Understood the intent but asked that all trash containers be addressed, as the cans on the sidewalks are having a negative impact on the village. City Manager Donovan agreed there is an occasional problem with pizza boxes that don't fit in the City's sidewalk containers and he is trying to work with Rose's Express about this issue.

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

- Richard Geenen, Clinton Realty Opposed to ordinance requirements.

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

2010-73-A.Seibold-Johnson. That an ordinance amendment to add a new Section 2.15 to Chapter 21 of Title II of the City Code pertaining to dumpsters be adopted as set forth in Exhibit "D" attached hereto.

City Manager Donovan noted some of the requirements in the ordinance were to comply with new standards from the Environmental Protection Agency that were not optional, while others were to address aesthetics.

Commissioner Seibold questioned whether there was a way to comply with the EPA standards while working out the other issues about the enclosures. City Services Director Feldt stated the drain plus and covers were EPA requirements, and staff felt this was a good time to address several issues at once by re-writing the ordinances governing dumpsters. He stated most communities require some type of enclosure around trash containers. He noted he and his staff had attended merchants meetings and offered to meet with individual businesses to assist them in finding ways to comply with the new provisions. He did not feel parking would be eliminated and reported his department would allow 24 months for compliance. Mr. Feldt stated the pizza box overflow problem was one or two trash cans and did not occur every day, but that his staff was checking the area regularly to try to pick up the extra trash.

Mr. Palm questioned whether the Paper Gator dumpster at the high school would be required to build an enclosure. Mayor Bartman responded that the Paper Gator was a recycling program where the public was encouraged to use the dumpster and would not be required to limit access or screen the dumpster.

Commissioner Dills asked how many parking spaces would be lost to allow for enclosures. Mr. Feldt answered he did not feel any parking would be lost, but reiterated his department would work with each business to find solutions and locations to minimize cost and collection issues.

Commissioner Seibold noted the ordinance did allow for variances to be granted for those businesses who could not comply with ordinance provisions. She felt businesses should work with the City Services Department to find solutions, and submit a variance request if necessary.

Mayor Bartman favored adopting just the EPA regulations and implementing the enclosure sections later after more study.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold – 6
Nays: Bartman – 1

2010-74. Consider request to adopt a policy concerning implementation of new Section 2.15 pertaining to dumpsters.

2010-74-A.Seibold-Morris. That the following policy be adopted for implementation of Section 2.15 of the City Code:

City Services staff is authorized to grant extensions of up to 24 months for compliance with dumpster enclosure requirements for locations where dumpsters are in use as of the date of the adoption of this amendment.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

2010-75. Seibold-Johnson. Motion to approve the consent agenda as follows:

2010-75-A.Minutes of the regular meeting held May 17, 2010.

2010-75-B.Payroll disbursements of \$186,682.58; county and school disbursements of \$-0- and total remaining disbursements of \$403,211.71.

2010-75-C.The hiring of Architectural Building Restoration, Inc. to resurface the equipment bay floor at the Public Safety Department at a cost of \$16,600.00

2010-75-D.A resolution entering into a contract with the Michigan Department of Transportation for the reconstruction of Lakeside Drive and Plymouth Road, and authorizing the Mayor and City Clerk to sign the contracts as set forth in Exhibit "E" attached hereto.

2010-75-E. A five-year contract with Vredeveld Haefner, LLC for annual audits of the City's accounting records in the amount of \$13,500 for the year ending 6/30/2010, \$13,700 for the year ending 6/30/11, \$13,900 for the year ending 6/30/12, \$14,100 for the year ending 6/30/13, and \$14,300 for the year ending 6/30/14.

2010-75-F. The quarterly financial report for the period ending March 31, 2010.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

2010-76. Johnson-Morris. Motion to enter into an executive session to discuss a collective bargaining agreement in accordance with Section 8(c) of the Open Meetings Act. A roll call vote was taken.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

2010-77. The meeting recessed at 7:47 pm to conduct the Executive Session. The meeting resumed at 7:55 pm.

2010-78. Consider request to approve an extension of the collective bargaining agreement with the AFSCME Union.

2010-78-A.Graham-Johnson. That a one-year extension of the collective bargaining agreement with the AFSCME Union until June 30, 2011 be approved as recommended by the City Manager.

Mayor Bartman recognized the AFSCME union for the incredible working relationship and ongoing partnership with the City to address financial and contract issues.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7

Nays: -0-

The meeting adjourned at 7:56 p.m., subject to the call of the Mayor until June 21, 2010.

Karen K. Brower, City Clerk

Attachments: A – Resolution Approving A Consent Judgment with Lakewood Hills, LLC.
B – Contribution Agreement with Lakewood Hills, LLC
C – Ordinance Amendment to Section 9.97 of Chapter 95 pertaining to fire pits
D – Ordinance Amendment to Section 2.15 of Chapter 21 pertaining to dumpsters
E – Resolution Approving contract with Michigan Department of Transportation.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Special Meeting Held June 7, 2010

Mayor Bartman called the meeting to order at 7:56 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Graham, Horn, Johnson, Seibold and Mayor Bartman

Absent: Commissioner Morris

Also Present: City Attorney Huff; City Manager Donovan; City Services Director Feldt; Finance Director VanderWall; City Clerk Brower

2010-79. Consider request to adopt a resolution adopting the FY 2010-2011 budget and setting a millage rate for FY 2010-11.

2010-79-A.Horn-Graham. That a resolution adopting the FY 2010-2011 budget as amended during the budget work session and setting millage rate for FY 2010-2011 be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Dills, Graham, Horn, Johnson, Seibold and Bartman – 6
Nays: -0-

2010-80. Consider request to adopt a resolution establishing water/sewer rates for FY 2010-2011.

2010-80-A.Seibold-Horn. That a resolution setting water/sewer rates for the upcoming fiscal year be adopted as set forth in Exhibit "B" attached hereto.

Mayor Bartman noted there were increases in the water/sewer rates this year due to increases from the City of Grand Rapids.

Yeas: Dills, Graham, Horn, Johnson, Seibold and Bartman – 6
Nays: -0-

The special meeting was adjourned at 7:59 p.m.

Karen K. Brower, City Clerk

Attachments: A – Resolution adopting FY 2010-2011 budget.
B – Resolution establishing water/sewer rates for FY 2010-2011.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held June 21, 2010

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

Present: Commissioners Dills, Graham, Horn, Johnson, Morris, Seibold and Mayor Bartman

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; City Services Director Feldt; City Clerk Brower

2010-81. No public comment was received.

2010-82. Commissioner Dills reported the Art Fair and Book Sale over the previous weekend were well attended and everyone was pleased with the events.

Mayor Bartman noted the Parks & Recreation Dept. was very busy at this time of year with three big weekends of special events.

2010-83. Don Lawless, Chairman of the Interurban Transit Partnership Board of Directors, gave a presentation on the future plans of *the Rapid* transit system.

2010-84. Final Reading of an ordinance amendment to amend Section 9.97 of Chapter 95 of Title IX of the City Code pertaining to fire pits.

Gordon Jones, 325 Rosewood, questioned the 6' and 25' requirements, how the rule of extinguishing the fire at 11:00 pm would be enforced, and when fires could be started. Stated asthma attacks could be triggered by wood smoke and felt allowing backyard fires contributed to pollution and should not be allowed.

Harriet Jones, 325 Rosewood, suggested fires not be allowed in areas where lots are narrow and houses are close together. She reported when smoke drifts into her windows, she feels trapped because there is smoke in the house and outdoors as she cannot breathe easily anywhere when this occurs.

Commissioner Seibold noted the fires are legal now, and that indoor fireplaces produce smoke in neighborhoods more often than outdoor fire pits. She felt the ordinance was a good step toward regulating what could be burned, when, and where. She reported she had received input asking to extend the time fires could be burned until midnight.

Mayor Bartman stated this ordinance provided guidelines to allow fires while providing safety and reasonable regulations. She felt it was probably not perfect but certainly better than no regulations at all.

Commissioner Dills noted the City had banned outdoor furnaces recently to keep smoke from constantly filling neighborhoods.

Commissioner Johnson appreciated the ordinance's requirement of adult supervision, and suggested homeowners always talk with their neighbors before installing a fire pit to avoid problems for those with asthma.

2010-84-A.Horn-Morris. That an ordinance amendment to amend Section 9.97 of Chapter 95 of Title IX of the City Code pertaining to fire pits be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7

Nays: -0-

2010-85. Consider request to adopt regulations for outdoor fire pits as authorized by Section 9.97 of the City Code.

City Manager Donovan suggested prohibiting fires between the hours of 11:00 pm and 7:00 am to match other sections of the City Code where certain activities are prohibited.

2010-85-A.Graham-Dills. That regulations for the enforcement of Section 9.97 of Chapter 95 of the City Code be adopted as follows:

FIRE PIT REGULATIONS

as authorized by Section 9.97 of Chapter 95 of the City Code

- A. All fire pits or chimineas must be free standing with a spark cover.
- B. No hand dug fire pits are permitted. Permanent fire pits must be surrounded by non-flammable materials and have a spark cover.
- C. Fire pits or chimineas must be 6' from any building or fencing and 25' from combustible materials.
- D. No brush, leaves, trash or debris shall be used as fuel. Only firewood burning is allowed.
- E. Fires must be attended by an adult at all times and shall not be burned between the hours of 11:00 pm and 7:00 am.
- F. The Public Safety Department may require extinguishment if they determine a fire in a fire pit is a potential fire hazard.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7

Nays: -0-

2010-86. Preliminary minutes of the Traffic Commission meeting held May 24, 2010.

City Manager Donovan reported this issue had originally been considered by the Traffic Commission in June 2009, tabled by the City Commission until a traffic study could be completed, then reconsidered by the Traffic Commission. The Traffic Commission is now recommending the temporary covering of the traffic light at Wealthy/Lovett, and the placement of 4-way stop signs on Wealthy at Bagley, Crosswell and Lovett.

Mike DeVries of URS Corporation reviewed the results of the traffic study. He noted the intersection of Lovett/Wealthy did not meet the standards for a stop light, and the other intersections did not fully meet requirements for signals either; however, sight distance with on-street parking was an issue in the area and contributed to the problems. He reported several options were considered, including 2-way stops at one or all intersections.

Commissioner Seibold felt the buildings close to the street at the Lovett intersection limited sight distance and made her uncomfortable at times.

Mayor Bartman asked for public comment on this issue:

- Chad Zagel, Edward Jones Office

President of the Gaslight Village Business Association. Confirmed the business owners were supportive of the recommendation as everyone was concerned about safety. He was concerned, however, that three stop signs in such a short area would increase congestion and cause people to avoid the area. He liked the idea of making this a short trial period and then evaluating the results. He suggested performing another traffic study after the trial period to determine results.

- Gordon Jones, 325 Rosewood

Stated he was almost hit while walking last year and felt the stop-signs would improve safety.

Commissioner Morris encouraged residents to contact the City with their input on the signs.

Mayor Bartman noted that installing the signs during the summer months while school was not in session would allow other motorists to adjust to the signs before the additional traffic was added in the fall.

2010-86-A.Horn-Johnson. To approve the recommendation of the Traffic Commission to place four-way stop signs at the intersections of Wealthy/Bagley, Wealthy/Croswell and Wealthy/Lovett for a trial period of four months and to cover the traffic signal at Wealthy/Lovett during this time period and use the four-way stop signs to control traffic during this time.

City Services Director Feldt noted temporary signs would be placed in the roadway with marker flags attached to draw attention.

Commissioner Seibold stated she felt the signs would work well to improve sight distance for those coming out of side streets.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

2010-87. Graham-Johnson. Motion to approve the consent agenda as follows:

2010-87-A.Minutes of the regular and special meetings held June 7, 2010.

2010-87-B.Payroll disbursements of \$186,607.00; county and school disbursements of \$1,969.97 and total remaining disbursements of \$147,498.07.

2010-87-C.Appointments to advisory boards as recommended by Mayor Bartman:

Planning Commission	Tom Getz, 655 Plymouth	Three-year terms ending 6/30/13
Parks & Recreation Comm.	Brad Andrzejewski, 3105 Bonnell Judith Baxter, 3060 Hall Dirk Buth, 1900 San Lu Rae Rick Merpi, 617 Plymouth Terry McCarthy, 961 San Jose Jim Weiss, 2127 Wilshire Pam Witting, 1019 Floral	One-year terms ending 6/30/11
Library Commission	Carol Donovan, 2944 Hall Jennifer Khorey, 2656 Boston Ellen Schendel, 429 Briarwood Joel Schultze, 933 Pinecrest Luis Solis, 2258 Audobon Mark Tourek, 1705 Oxford Kathleen Underwood, 2637 Hampshire	One-year terms ending 6/30/2011
Board of Review	Patsy Dodgson, 1045 Conlon Martin Green, 2463 Oakwood Sam Helmrick, 984 Gladstone Paul Howland, 2809 Woodcliff Circle	One-year terms ending 6/30/2011
Traffic Commission	Janyce Huff, 2310 Anderson Bob Saltsman, 2905 Reeds Lake Blvd Todd Avis, 532 Gladstone Camille Donnelly, 854 Lakeside Hunter Meriwether, 526 Lovett	One-year terms ending 6/30/2011
Construction Board of Appeals	Nick Nicola, 2721 Darby Laura Paullin, 2832 Oakwood	Three-year terms ending 6/30/2013

2010-87-D. A contract with Grand Rapids Fence company in the amount of \$3,470.00 for the construction of a dumpster enclosure behind the Community Center.

2010-87-E. An extension of the contract with In'tHout Concrete to provide concrete work in the amount of \$75,000.00 for the annual sidewalk program.

2010-87-F. Payment of additional architectural expenses of \$3,956.85 to DTS Winkelman Architects for work performed for the Municipal Garage Replacement/Expansion project.

2010-87-G. A contract with Lite Load Service of Hamilton, Michigan in the amount of \$117,793.30, with project contingencies of \$11,780.00, for 2010 road construction projects on Lakeside Drive, Briarwood Drive and Bagley Avenue, and a corresponding budget amendment of \$19,477.00 from the Major Street Fund ending balance and \$35,096.00 from the Local Street Fund ending balance for these projects.

2010-87-H. The purchase of replacement street lighting equipment from Michigan Lighting Systems West in the amount of \$16,583.14, and a budget amendment in the same amount from the General Fund ending balance.

2010-87-I. The preliminary minutes of the Joint Facilities Committee meeting held April 21, 2010.

2010-87-J. The preliminary minutes of the Traffic Commission meeting held April 26, 2010.

2010-87-K. The Public Safety Department Report for April 2010.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

The meeting adjourned at 7:08 p.m., subject to the call of the Mayor until July 6, 2010.

Karen K. Brower, City Clerk

Attachments: A – Ordinance Amendment to Section 9.97 of Chapter 95 pertaining to fire pits

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 6, 2010

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

Present: Commissioners Dills, Graham, Horn, Johnson and Seibold

Absent: Commissioner Morris and Mayor Bartman

Also Present: City Attorney Huff; City Manager Donovan; City Services Director Feldt; City Clerk Brower

2010-88. Jim Saalfeld, candidate for County Commission, introduced himself to members of the City Commission.

2010-89. Commissioner Graham thanked the City staff involved in planning the 4th of July events for all their work organizing the fantastic day.

Commissioner Seibold thanked Parks & Recreation Director Bunn for all his work on the weekend's events, and thanked Spectrum Health's Blodgett Hospital for their sponsorships of the day's events.

Commissioner Johnson thanked the members of the EGR Community Foundation's Trail Blazer committee for the great walk/run around Reeds Lake on Sunday morning. Committee members are: Nancy Connor, Betsy Kratt, Brian Miller, Bill Bergstrom, Brian Richards, Wayne Brown and Karen Brower.

Commissioner Horn also commented on the great 4th of July events that give the residents many options for a full-day of fun, especially when other communities are cutting back on their programs.

2010-90. Election of President for FY 2010-11.

2009-90-A. That Commissioner Horn be elected President of the East Grand Rapids City Commission to assume leadership duties in the absence of the Mayor for FY 2010-11.

Yeas: Dills, Graham, Johnson, and Seibold – 4

Nays: -0-

Abstain: Horn – 1

2010-91. Graham-Seibold. Motion to approve the consent agenda as follows:

2010-91-A. Minutes of the regular and special meetings held June 21, 2010.

2010-91-B. Payroll disbursements of \$188,413.54; county and school disbursements of \$-0- and total remaining disbursements of \$327,867.24.

2010-91-C. Appointments to advisory boards as recommended by Mayor Bartman:

Planning Commission	Kevin Brant, 715 Croswell Mary Mapes, 2505 Elmwood	Three-year terms ending 6/30/13
Library Commission	Micki Benz, 817 Gladstone	One-year terms ending 6/30/2011
Traffic Commission	Laura Roy, 1119 Lakeside	One-year terms ending 6/30/2011

2010-91-D. A change order to the contract with Wolverine Building in the amount of \$34,500.00 for construction of a vestibule, exterior facing material and project completion date for the Streets & Utilities renovation project.

2010-91-E. The hiring of Classic Telephone Inc. for the design, purchase and installation of computer and phone cabling, and moving and installation of temporary equipment for the Streets & Utilities renovation project in the amount of \$10,000.00.

2010-91-F. Ratification of a change order to the contract with Lite Load Services in the amount of \$46,077.50 for resurfacing of the north arm of Reeds Lake Blvd, and a budget amendment from the Major Street fund balance for this work.

Yeas: Dills, Graham, Horn, Johnson, and Seibold – 5

Nays: -0-

The meeting adjourned at 6:08 p.m., subject to the call of the Mayor until July 19, 2010.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held July 19, 2010

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

Present: Commissioners Dills, Horn, Johnson, Morris, Seibold and Mayor Bartman

Absent: Commissioner Graham

Also Present: Assistant City Attorney Sluggett; City Manager Donovan; Public Safety Director Herald;
City Clerk Brower

2010-92. No public comment was received.

2010-93. Mayor Bartman reported she had received positive feedback on the new stop signs in Gaslight Village. She congratulated the East Grand Rapids Community Foundation on its successful Trail Blazer Walk/Run event held on July 4th.

2010-94. Seibold-Johnson. Motion to approve the consent agenda as follows:

2010-94-A. Minutes of the regular and special meetings held July 6, 2010.

2010-94-B. Payroll disbursements of \$302,567.45; county and school disbursements of \$24.44 and total remaining disbursements of \$474,018.88.

2010-94-C. A resolution approving Amendment 35 to the Grand Valley Metropolitan Council's Articles of Incorporation allowing the withdrawal of Jamestown Township as a member as set forth in Exhibit "A" attached hereto.

2010-94-D. The preliminary minutes of the Planning Commission meeting held January 12, 2010.

2010-94-E. The preliminary minutes of the Parks & Recreation Commission meeting held June 14, 2010.

2010-94-F. The Public Safety Department Report for May 2010.

Yeas: Dills, Horn, Johnson, Morris, Seibold and Bartman – 6

Nays: -0-

2010-94-G. Johnson-Dills. Motion to enter into an executive session to discuss pending litigation in accordance with Section 8(e) of the Open Meetings Act. A roll call vote was taken.

Yeas: Dills, Horn, Johnson, Morris, Seibold and Bartman – 6

Nays: -0-

The meeting adjourned at 6:03 p.m., subject to the call of the Mayor until August 2, 2010.

Karen K. Brower, City Clerk

Attachments: A – Resolution adopting Amendment 35 of GVMC Articles of Incorporation.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held August 2, 2010

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

Present: Commissioners Dills, Graham, Horn, Johnson and Mayor Bartman

Absent: Commissioners Morris and Seibold

Also Present: City Attorney Huff; City Manager Donovan; City Services Director Feldt; City Clerk Brower

2010-95. No public comment was received.

2010-96. KDL Assistant Director Michelle Boisvenue-Fox, KDL Board Representative Charles Fry and Branch Manager Dawn Lewis presented the Kent District Library's 2009 Annual Report to the City Commission.

2010-97. Graham-Johnson. Motion to approve the consent agenda as follows:

2010-97-A. Minutes of the regular meeting held July 19, 2010.

2010-97-B. Payroll disbursements of \$322,638.71; county and school disbursements of \$1,300,499.29 and total remaining disbursements of \$213,137.32.

2010-97-C. The purchase of two patrol vehicles from Fox Ford of Grand Rapids in the amount of \$42,888.00.

Yeas: Dills, Graham, Horn, Johnson and Bartman – 5

Nays: -0-

The meeting adjourned at 6:15 p.m., subject to the call of the Mayor until August 16, 2010.

Karen K. Brower, City Clerk

Commissioner Horn agreed the directional signs were larger than the current signs but felt they were needed to direct visitors to the correct entrances.

Commissioner Dills questioned whether all signs were outside the 'clear vision' areas to make sure pedestrians and vehicles could be seen by those entering and exiting the property. City Manager Donovan reported staff was satisfied the signs would not obstruct sight distance. Commissioner Dills felt the size of the signs was appropriate for the size of the hospital and the number of entrances.

Commissioner Graham questioned the source of lights for illuminated signs and the purpose of the banners. Mr. Morrison stated the signs would be internally illuminated through transparent plastic and that the banners would be changed periodically to communicate new programs, services or offerings of the hospital.

Commissioner Seibold felt good signage was essential for a hospital and stated the scale, type and layout of the signs were a good fit for this site.

Commissioner Johnson also expressed support for the proposed signage.

Mayor Bartman noted that many people entered East Grand Rapids for the sole purpose of visiting Blodgett Hospital for both happy and unhappy occasions. She felt that making peoples' visits as easy and pleasant as possible was very important and the proposed signage would meet that goal. She thanked Blodgett Hospital for their partnership with the City through every stage of this construction project and congratulated them on their new facility.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

2010-102. Graham-Dills. Motion to approve the consent agenda as follows:

2010-102-A. Minutes of the regular meeting held August 2, 2010.

2010-102-B. Payroll disbursements of \$322,076.85; county and school disbursements of \$6,738,418.97 and total remaining disbursements of \$731,612.40.

2010-102-C. A resolution approving the Fourth amendment to the Water and Sanitary Sewer Agreement with the City of Grand Rapids as set forth in Exhibit "A" attached hereto.

2010-102-D. An extension of the contract with the Children's Assessment Center for services relating to child victims of sexual assault and the payment of \$5,000.00 for these services.

2010-102-E. The adoption of storm water policies according to the Storm Water Pollution Prevention Initiative (SWPPI) as set forth in Exhibit "B" attached hereto.

2010-102-F. The adoption of the following policy concerning staff's authority to approve the installation of private improvements within the City's street right-of-way:

Pursuant to City Code Section 4.4, Street damage and obstruction prohibited. City staff assigned to enforce the intent of the ordinance shall be given the approval authority for the placement and or repair of personal property within the City's street right of way to include underground and overhead utilities, landscape plants, mailboxes, surface features such as walkways and driveways, projecting signs, and temporary features such as seasonal cafes' and sandwich board signs. All other features shall be subject to review and approval by the City Commission. These shall include building appurtenances, ground signs, landscape walls and/ or fences and features necessitated by a long term lease or any other instance where staff believes is should be reviewed and approved by the Commission.

2010-102-G. Approval of Change Orders A, B and C to the contract with Jaran Construction in the amount of \$21,949.22 for the addition of drainage materials and a shared structure for the Waterfront Park project.

2010-102-H. The purchase of 11 protective vests for the Public Safety Department from On Duty Gear in the amount of \$8,789.00.

2010-102-I. The preliminary minutes of the Library commission meeting held April 26, 2010.

2010-102-J. The preliminary minutes of the Parks & Recreation Commission meeting held July 12, 2010.

2010-102-K. The preliminary minutes of the Traffic Commission meeting held July 26, 2010. The City Commission took no action on the Traffic Commission's motion to remove '2-hour parking' signs and install 'no parking' signs on Wealthy between Robinson and Wealthy, and to install 'no parking' signs on Boston near Breton. The motions will take effect automatically.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

2010-103. Johnson-Seibold. Motion to add to the agenda 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: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

2010-104. Seibold-Johnson. 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: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

2010-105. The meeting recessed at 6:28 pm to conduct the executive session. The meeting reconvened at 7:18 pm following the executive session.

2010-106. Adoption of an ordinance amendment to add Section 1.141 to Chapter 3 of Title I of the City Code pertaining to medical marihuana.

2010-106-A. Dills-Morris. That an emergency ordinance amendment to add Section 1.141 to Chapter 3 of Title I of the City Code establishing a six-month moratorium on the sale or dispensation of medical marihuana and to prohibit the sale of medical marihuana in the C-1 Zoning District be adopted as set forth in Exhibit "A" attached hereto with an effective date of August 16, 2010.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

The meeting adjourned at 7:20 p.m., subject to the call of the Mayor until September 7, 2010.

Karen K. Brower, City Clerk

Attachments: A – Resolution Adopting Fourth Amendment to Water and Sanitary Sewer Agreement
B – Storm Water Management Policies
C – Ordinance Amendment to Section 1.141 establishing a moratorium on the sale of medical marihuana

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 7, 2010

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

Present: Commissioners Dills, Graham, Horn, Johnson, Seibold and Mayor Bartman

Absent: Commissioner Morris

Also Present: City Attorney Huff; City Clerk Brower

2010-107. No public comment was received.

2010-108. Commissioner Seibold reminded everyone the Michigan Blood Community Blood Drive was being held downstairs and urged everyone to give blood before leaving the building.

Commissioner Dills wished all the participants in Saturday's Reeds Lake Triathlon a good race.

Commissioner Horn reported Blodgett Hospital is nearing completion on their renovation and expansion project and plans an October opening.

Mayor Bartman congratulated Public Safety Sgt. Tim Schweitzer on the recognition received for his work with the Boy Scouts camps and thanked him for his dedication to this group.

2010-109. Horn-Seibold. Motion to approve the consent agenda as follows:

2010-109-A. Minutes of the regular meeting held August 16, 2010.

2010-109-B. Payroll disbursements of \$186,789.88; county and school disbursements of \$6,209,146.89 and total remaining disbursements of \$847,766.30.

Yeas: Dills, Graham, Horn, Johnson, Seibold and Bartman – 6

Nays: -0-

The meeting adjourned at 6:03 p.m., subject to the call of the Mayor until September 20, 2010.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held September 20, 2010

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

Present: Commissioners Dills, Graham, Horn, Johnson, Morris, Seibold and Mayor Bartman

Absent: None

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

2010-110. No public comment was received.

2010-111. Commissioner Horn congratulated the Parks & Recreation Department for the well-run Reeds Lake Triathlon on September 11th.

Commissioner Seibold noted that Blodgett Hospital was holding a Community Open House on Saturday, September 25th for the newly renovated and expanded hospital.

Mayor Bartman congratulated Blodgett Hospital on their expansion project, which she felt was a great addition to the community.

2010-112. A zoning variance hearing was held regarding the request of George & Nancy Samra of 1149 Lake Grove to allow the construction of an addition to the home creating a side yard setback of 1.8' instead of the required 5.0', and creating combined side yards of 6.3' instead of the required 12.5.'

Zoning Administrator Faasse explained the new addition would connect the home and garage, requiring different setbacks. He noted the property setbacks were reduced because the property was already a non-conforming property.

Nancy Samra, owner of 1149 Lake Grove, stated they wanted to connect the garage to the home for safety in getting to the garage in the winter months. She submitted a petition signed by ten neighboring property owners who did not object to the new addition.

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

2010-112-A. Horn-Morris. That the request of George & Nancy Samra of 1149 Lake Grove to allow the construction of an addition to the home creating a side yard setback of 1.8' instead of the required 5.0', and creating combined side yards of 6.3' instead of the required 12.5' be approved.

Commissioner Graham did not object to the addition as he noted the rear yard setback remained the same and the house and garage were no closer to the lot lines than they are now.

Commissioner Seibold noted the Public Safety Department did not feel that connecting the garage would hamper their ability to fight a fire at the home. She stated the City Code contained the variance procedure so that anyone could ask for a variance and have their request heard by the City Commission.

Mayor Bartman felt this project was a small infill project and did not change the home from the neighbor's perspective in any way.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7

Nays: -0-

- 2010-113. A hearing was held regarding the appeal of the Zoning Administrator's interpretation regarding the division of land at 1707 and 1725 Wealthy.

City Attorney Huff stated the owners of the properties want to sell the vacant lot and the home separately; however the Zoning Administrator ruled that since the lots were in common ownership and the lot containing the home did not conform to current zoning regulations, the City Code required City Commission approval in the form of a variance request. The owners disagreed with this determination and felt since the lots were acquired in separate transactions years apart, the lots were completely separate and did not need Commission approval to sell separately.

Mr. Huff stated the Commission was not being asked to make a determination on whether the lots could be sold separately, but rather whether the Zoning Administrator had interpreted the City Code correctly. Affirming the Zoning Administrator's decision would still allow a formal request at a later time.

Mayor Bartman reiterated the merits of a land division were not in question at this time, simply whether the City Code provisions applied to this situation.

Commissioner Johnson inquired how long this requirement had been in place in the City Code. Mr. Huff stated it had been in place since at least 1974. He noted a 2001 amendment had expanded the definitions in this section, but had not altered the substance of the section.

Mr. Chaffee, owner of both lots, stated he had been told the law changed substantially in 2001. He stated a Realtor had called City Hall with questions when he was in the process of purchasing the vacant land and was told the lot was buildable, but was not told of any restrictions on the two lots being held by the same owners. He felt the City should have informed him of this requirement prior to the purchase so he could have created a corporation to take ownership of the second property. He stated he was not given any indication that owning both parcels would create problems later on. He added he had taken no action to combine the lots and the City even sent him separate tax bills for each property, proving the City treated them as separate lots.

- 2010-113-A. Dills-Horn. Motion to uphold the Zoning Administrator's interpretation of City Code Section 5.44B as applied to this situation regarding the sale of 1707 and 1725 Wealthy as requiring approval of the City Commission.

City Attorney Huff noted issues like this usually go unnoticed until the situation is brought to the attention of staff with an inquiry or a property sale. He stated the city staff has no way of informing every potential buyer of land requirements and it is the owner's responsibility to research the laws prior to the purchase. He noted the Zoning code requires these parcels to be combined to create conformity wherever possible—in this situation the non-conforming property with the home would be combined with the vacant land to create one parcel so the size requirements of the zoning district are met. Mr. Huff felt the applicant should ask for relief from the code requirements, not to dispute the requirements application to this situation.

Mayor Bartman stated she felt the law was applied correctly in this situation and would be voting to uphold the decision of the Zoning Administrator.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

- 2010-114. Consider request to approve the division of land at 3111 Bonnell.

Zoning Administrator Faasse explained the request and asked that any approval given include conditions as outlined in the staff's report, including easements for utilities.

Paul and Susan Richards, 3111 Bonnell, were present to explain the request and answer questions.

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

2010-114-A. Graham-Johnson. That the request of Paul & Susan Richards, owners of 3111 Bonnell, to divide the property, creating a vacant parcel to the north of the existing residence with a frontage of 112.5' on Reeds Lake Blvd and a depth of 236.58' on the west and 255.59' on the east be approved, with the following conditions:

1. The split complies with the surveys presented in the land division application; and
2. The relevant deed or land contract and any easements for utilities and/or drainage that become necessary as a result of this land division must be created and recorded before or at the time of conveyance; and
3. The relevant deed(s) or land contract(s) be recorded with the Kent County Registrar of Deeds within 90 days of approval.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

Mr. Richards asked the City to consider changing the name of this section of Reeds Lake Blvd to reduce confusion in the numbering system for guests, deliveries and emergency responders.

2010-115. Consider request to approve an amendment to a license agreement for encroachment in the City right-of-way.

City Services Director Feldt explained the request of Russ Kniff, 941 Bellclaire, to construct an 18" tall landscape wall and pavers along the curb encroaching within the Bellclaire public right-of-way.

Mayor Bartman allowed public comment on this issue. No other public comment was received. Mayor Bartman closed the public comment.

2010-115-A. Dills-Morris. Motion to approve an amendment to the existing licensing agreement with Russell Kniff of 941 Bellclaire to allow a retaining wall along the Bellclaire Avenue right-of-way with the following conditions:

- A. Amend the existing lease to include the wall and pavers with the same conditions stated in the lease, and
- B. The amended lease shall be subject to provisions recommended and prepared by the City Attorney and all costs associated with preparation paid for by Mr. Kniff, and
- C. With the improvements located in the public right way, any incidental damage caused to the wall or pavers from the City's utilization of the public right of way shall be the responsibility of Mr. Kniff, or the current property owner, for repair, and
- D. Mr. Kniff or the current property owner shall be responsible for the removal of the wall and pavers if they become damaged and or unsightly from a lack of maintenance.

Commissioner Graham did not support any building materials in the right of way.

Commissioner Horn felt the wall and pavers would be a liability for the city.

Commissioner Dills stated there was nothing unique about this property requiring a retaining wall or other materials in the right of way. He did not favor setting a precedent for allowing these types of structures.

Commissioner Seibold felt there were several nonconformities in this property already and she did not want to make matters worse by adding a retaining wall in the outlawn.

Commissioner Johnson noted this area was used for parking during large middle school events and she did not want to see vehicle doors damaged if they hit the retaining wall.

Mayor Bartman stated she knew of no other retaining walls along the curb and did not support this request.

Yeas: -0-
Nays: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7

- 2010-116. Mayor Bartman gave a report on the annual evaluation of City Manager Donovan conducted April 19, 2010. She commended Mr. Donovan on his leadership during the most challenging economic times the City has seen in decades and his support of the residents and businesses of the City. The City Commissioners also thanked Mr. Donovan for his service.
- 2010-117. Johnson-Graham. Motion to approve the consent agenda as follows:
- 2010-117-A. Minutes of the regular meeting held September 7, 2010.
- 2010-117-B. Payroll disbursements of \$184,689.25; county and school disbursements of \$799,118.32 and total remaining disbursements of \$265,342.97.
- 2010-117-C. A contract with Earthworm Dozing & Excavating of Lowell in the amount of \$10,450.00 to demolish the home on city-owned property at 2618 Reeds Lake Blvd, and a corresponding budget amendment from the General Fund ending balance for this project.
- 2010-117-D. The preliminary minutes of the Joint Facilities Committee meeting held July 21, 2010.
- 2010-117-E. The preliminary minutes of the Parks & Recreation Commission meeting held August 9, 2010.
- 2010-117-F. The Public Safety Department Report for June 2010 and July 2010.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

The meeting adjourned at 6:54 p.m., subject to the call of the Mayor until October 4, 2010.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held October 4, 2010

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

Present: Commissioners Dills, Graham, Horn, Johnson, Morris and Seibold

Absent: Mayor Bartman

Also Present: City Attorney Huff; City Services Director Feldt; Zoning Administrator Faasse; City Clerk Brower

2010-118. Dr. Deane, 700 Plymouth, complimented city staff members Ken Feldt and Brad Waara and the contractors involved in the reconstruction project on his block of Plymouth. He stated all the work was well done and he looked forward to the restoration of the outlaws and boulevards.

2010-119. No commissioner comment was received.

2010-120. A zoning variance hearing was held regarding the request of Jude Pereira, purchaser of 3045 Woodcliff Circle to allow the construction of a new home with a building height of 26.8' instead of the required 25.0.'

Zoning Administrator Faasse explained that because the vacant lot had only 75' of frontage on the street, it was nonconforming for zoning purposes. He stated the proposed home required a variance because the height allowed on a nonconforming lot was reduced to 25' by the City Code. He noted the home's proposed average height of 26.8' was less than the 35' normally permitted.

Jude Pereira, owner of 3045 Woodcliff, was present to explain the request and answer questions. He submitted a petition signed by several neighboring property owners stating they had no objection to the home.

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

- Petition signed by five property owners on Woodcliff Circle No objection.

No other public comment was received. President Horn closed the public hearing.

2010-120-A. Morris-Graham. That the request of Jude Pereira, purchaser of 3045 Woodcliff Circle to allow the construction of a new home with a building height of 26.8' instead of the required 25.0' be approved.

Commissioners Seibold and Graham stated the area was a mix of 1- and 2-story homes and felt the proposed home would not be out of place.

Commissioner Dills noted the variance was required only because of the street frontage and not because of the size or scale of the home. He would not support a request for reduced side yards, but felt the height of the home would not be a problem. Commissioner Johnson agreed.

Yeas: Dills, Graham, Horn, Johnson, Morris and Seibold – 6

Nays: -0-

2010-121. Consider request to approve the division of land at the East Grand Rapids High School.

Zoning Administrator Faasse explained the request would transfer a rectangular piece of land to the adjacent property owner to allow the expansion of Ramona's Table Restaurant. He stated the application meets ordinance standards and asked that standard conditions be placed on approval of the split.

Charlie Palm, owner of Ramona's Table, and Kevin Phillips, Assistant Superintendent of the EGR Public Schools, were present to explain the request and answer questions. Mr. Phillips noted the School Board had approved the sale of property at its meeting on August 31, 2010 as they felt their potential future use of this small piece of property was negligible.

Commissioner Seibold expressed concern about future development at the schools reducing the amount of open space between the buildings in this area. She supported Ramona's desire to expand in its current location, but felt this was a short-sighted approach by the School District.

Commissioner Morris felt this should have received more notice to the public and longer opportunity to comment prior to the school board's approval of the sale of taxpayer land. He asked Mr. Phillips whether a long-term lease was considered. Mr. Phillips indicated the school board did not want to own a portion of a private business and had opted to sell the land instead of making other arrangements.

Commissioner Johnson questioned whether the greenspace/flower plantings would remain after the construction of the dining room addition and in the future if other expansions of the restaurant or kitchen area were done. Mr. Palm stated the flowerbeds and trees along the rear property line would remain, and landscaping of the new addition was planned.

Commissioner Seibold questioned whether the City Commission could require that the Schools agree to never develop or enclose the plaza area any farther than it is right now. Zoning Administrator Faasse felt this could be required. He also suggested the Commission could give staff direction on requirements that could be incorporated into the site plan review process that would follow the lot split approval for the construction of the restaurant addition.

President Horn. opened a public hearing. No other public comment was received. President Horn closed the public hearing.

2010-121-A. Graham-Morris. That the request of the East Grand Rapids Public Schools and CAML, LLC, owners of 2232 Wealthy to approve the transfer of a portion of the high school property with 13.6' of frontage on Wealthy Street and a depth of 95.29' to CAML, LLC, be approved, with the following conditions:

1. The split complies with the surveys presented in the land division application; and
2. Any easements for utilities and/or drainage that become necessary as a result of this land division must be created and recorded before or at the time of any conveyance; and
3. The relevant deed(s) or land contract(s) be recorded with the Kent County Registrar of Deeds within 90 days of approval.

Commissioner Graham congratulated Ramona's Table on their need for a larger facility and stated he was in favor of approving the land division.

Commissioner Dills stated that while he was in favored the lot split as a City Commissioner, as a citizen he was concerned about the school's decision to sell public property without a public dialogue.

Commissioner Johnson expressed her support for the project and asked that the schools and the property owners in Gaslight Village commit to keeping open spaces wherever possible.

Commissioner Dills questioned whether approval could be conditioned to require that future development in this area be taken to the Planning Commission and/or City Commission for approval. City Attorney Huff advised that this wish should be made clear to the City Services Department as the ordinance allowed administrative review with the option of commission approval for these types of small projects.

Commissioner Seibold stated that although she agreed with renovating and expanding existing buildings, she would be voting against this request because she was concerned about future school expansion projects filling in the open spaces.

Yeas: Dills, Graham, Horn, Johnson, Morris – 5
Nays: Seibold – 1

2010-122. Johnson-Dills. Motion to approve the consent agenda as follows:

2010-122-A. Minutes of the regular meeting held September 20, 2010.

2010-122-B. Payroll disbursements of \$188,567.10; county and school disbursements of \$136,691.99 and total remaining disbursements of \$1,438,740.43.

2010-122-C. The purchase of bedding for the Public Safety Department's bunk rooms from Art Van Furniture in Grandville in the amount of \$3,979.92, and a budget amendment of the same amount from the General Fund ending balance to the Public Safety capital account.

Yeas: Dills, Graham, Horn, Johnson, Morris and Seibold – 6
Nays: -0-

The meeting adjourned at 6:46 p.m., subject to the call of the Mayor until October 18, 2010.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held October 18, 2010

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

Present: Commissioners Dills, Horn, Johnson, Seibold and Mayor Bartman

Absent: Commissioners Graham and Morris

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

2010-123. No public comment was received.

2010-124. Mayor Bartman reported she had received a packet of thank you letters from the 2nd graders at Breton School following their recent visit to City Hall to learn about the local government.

2010-125. A zoning variance hearing was held regarding the request of the EGR Team Boosters of 2211 Lake Drive to allow the installation of a 17.5 sq. ft. sign facing Wealthy Street at the East Grand Rapids High School.

Gene McElwee, President of the Team Boosters, was present to explain the request and answer questions. He noted the new location of the spirit shop building does not have any signage currently and people have trouble finding the shop. He stated the sign had already been made.

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

- Jon King, 1139 San Jose Dr	In Favor.
- Susan Lovell, owner of 705 Bagley	In Favor.
- Leslie Fiore, 2431 Lake Drive	Opposed.
- Nancy Nysten, 2311 Wealthy, #23	Opposed.
- John & Katherine Matthews, 2311 Wealthy, #31	Opposed.

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

2010-125-A. Horn-Dills. That the request of the EGR Team Boosters of 2211 Lake Drive to allow the installation of a 17.5 square foot sign on a wall facing Wealthy Street at the East Grand Rapids High School be approved.

Commissioner Seibold questioned the hours the shop was open. Mr. McElwee stated the shop was currently open two afternoons and one evening a week, but the hours changed with the seasons.

Commissioner Dills asked how the open hours were advertised. He felt the sign was not well thought out because it didn't contain a changeable area to indicate the hours the shop was open. Commissioner Horn agreed the sign should have an area to designate hours.

Commissioner Seibold noted some neighbors in the condos across the street opposed another permanent sign in their backyards. Many suggested a smaller, folding sign be placed outside during the hours the shop was open instead of a permanent sign. Mr. McElwee countered that other businesses were not restricted to temporary signs just because they were not open every day of the week. He felt the Spirit Shop should be allowed a permanent sign like any other business to show people where the shop is located.

Commissioner Seibold noted the community was very fortunate to have a group like the boosters that supported so many programs; however, she felt she also had to consider residents who lived across the street and did not want another sign. She felt the sign was too large and the location was inappropriate for an area that contained residential units.

Commissioner Dills felt there were enough signs in the business district. He did not favor adding another sign, especially considering this area of the school property was technically zoned residential.

Mayor Bartman noted the ordinance requires a approval of a variance request be approved by a majority of the city commission as a whole, not just of the commissioners present at the meeting. She suggested that since there were two commissioners absent from the meeting, it might be best to wait until everyone was present to vote on this request.

Commissioner Johnson expressed concern about the number of condo residents opposed to the sign. She agreed the sign did not fit the brick and wrought-iron look of the buildings and other signs in the area.

Commissioner Seibold stated she had driven by Houseman Field in Grand Rapids as this was a similar setting, and noted the signage around the field was very minimal.

Mayor Bartman stated she had no problem approving this variance request, as she thought it was a reasonable way to let the community know where the shop was located. She felt the sign would have little impact on the condominium owners as the units are all oriented to face the lake and this sign would essentially be in their back yards or opposite their driveway.

Commissioner Horn stated supported the sign request as he did not feel it would be disruptive to the area.

2010-125-B. Horn-Johnson. That the request of the EGR Team Boosters of 2211 Lake Drive to allow the installation of a 17.5 square foot sign on a wall facing Wealthy Street at the East Grand Rapids High School be tabled until the next meeting when the full Commission can be present to vote. A roll call vote was taken.

Yeas: Dills, Horn, Johnson, Seibold and Bartman – 5
Nays: -0-

2010-126. Peter Varga, CEO of The Rapid, presented highlights from the recently completed Transit Master Plan.

2010-127. Horn-Dills. Motion to approve the consent agenda as follows:

2010-127-A. Minutes of the regular meeting held October 4, 2010.

2010-127-B. Payroll disbursements of \$186,626.00; county and school disbursements of \$-0- and total remaining disbursements of \$308,780.63.

2010-127-C. A request from The Right Place for funding of \$10,000 to be paid in the amount of \$2,000 per year for five years beginning in the FY 2011-12 budget to assist in economic development activities.

Rick Chapla, Vice President of Business Development for The Right Place, was present and spoke about the mission and activities of the organization.

2010-127-D. The sale of a 1997 International refuse packer truck to the City of Williamston, Michigan, for the amount of \$10,000.00.

2010-127-E. The Public Safety Department Report for August 2010.

Yeas: Dills, Horn, Johnson, Seibold and Bartman – 5
Nays: -0-

The meeting adjourned at 6:43 p.m., subject to the call of the Mayor until November 1, 2010.

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held November 1, 2010

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

Present: Commissioners Dills, Graham, Horn, Johnson, Morris, Seibold and Mayor Bartman

Absent: None

Also Present: City Manager Donovan; City Attorney Huff; Parks & Recreation Director Bunn; Zoning Administrator Faasse; City Clerk Brower; Planning Consultant VanSteenhuysen

2010-128. No public comment was received.

2010-129. Commissioner Johnson noted the trick-or-treating had gone well the evening before and thanked the City administrators for not creating confusion by moving the event to Saturday.

Commissioner Dills congratulated the high school football team on their winning season and wished them well in the playoffs.

City Manager Donovan reported that Halloween night had been very quiet with no problems to report.

Mayor Bartman noted the Streets & Utilities remodeling project was moving along very quickly and will be a huge improvement for the community and the workers in that building.

2010-130. Zoning variance request of the EGR Team Boosters of 2211 Lake Drive to allow the installation of a 17.5 sq. ft. sign facing Wealthy Street at the East Grand Rapids High School.

2010-130-A. Horn-Johnson. That the following motion regarding the request of the EGR Team Boosters of 2211 Lake Drive to allow the installation of a 17.5 square foot sign on a wall facing Wealthy Street at the East Grand Rapids High School be taken from the table for consideration:

2010-123-A. Horn-Dills. That the request of the EGR Team Boosters of 2211 Lake Drive to allow the installation of a 17.5 square foot sign on a wall facing Wealthy Street at the East Grand Rapids High School be approved.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7

Nays: -0-

Zoning Administrator Faasse explained that signs at the school properties are limited by ordinance to one school identification sign and some small banners on the fences announcing community events. He stated signs of this size are permitted in the business district, but this property was technically zoned residential, not commercial.

Mayor Bartman allowed additional public comment on this request. The following people spoke on this issue:

- Chad Zagel, Gaslight Village Business Assn. Reiterated support of the Spirit Shop by other businesses.
- Eugene McElwee, Boosters Group President Explained mission of Team Boosters and desire to increase visibility of the Spirit Shop.

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

- | | |
|---|-----------|
| - Jon King, 1139 San Jose | In Favor |
| - Susan Lovell, owner of 705 Bagley | In Favor. |
| - Leslie Fiore, 2431 Lake Drive | Opposed. |
| - Nancy Nysten, 2311 Wealthy, #23 | Opposed. |
| - Michael Wiener, Boosters board | In Favor. |
| - Chad Zagel, Gaslight Village Business Assn. | In Favor. |
| - Armen Kassouni, 2454 Elmwood | In Favor. |
| - PK Mason, 3001 Woodcliff Circle | In Favor |
| - Julie Daly, 2830 Woodcliff Circle | In Favor. |
| - Brian Ellis, School Board President | In Favor. |
| - Mike VanderBaan, 255 Hodenpyl | In Favor. |
| - Eugene McElwee, Team Booster President | In Favor. |

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

Discussion of motion 2010-123-A.:

Mayor Bartman questioned whether the variance approval could have conditions placed on it. City Attorney Huff replied that variances from zoning ordinances usually run with the land, however, this variance was actually from the provisions of the sign ordinance. He said conditions could be placed on the variance pursuant to the sign ordinance, such as a condition that the variance was for this sign only and not for any replacement signs in the future.

Commissioner Dills questioned what hours the shop is open during the year. Mr. McElwee answered the shop is open mostly on weekends for games in the spring and fall, and during certain months on Tuesday and Thursday evenings. He noted that during the winter months the store moves to a location inside the school because the building near the football field is not heated.

Commissioner Johnson asked whether the boosters would be willing to take the sign down during the months that the shop is not open. Mr. McElwee stated this would be very easy to do.

Commissioner Seibold showed pictures of many of the shops in the business district and gave measurements and square footage of many of them. She concluded that many of the signs used by current businesses were much smaller than the one proposed by the Boosters. She was not opposed to allowing some type of sign, but did oppose a sign as large as the one proposed.

Commissioner Horn felt the sign ordinance should have anticipated and allowed other signs on school property. He stated the condominiums across Wealthy did not even see the school property during most of the year because of the screening provided by trees and landscaping, thereby minimizing the intrusion of this sign.

Commissioner Graham agreed with the points made by Commissioner Seibold. He felt the Boosters were an extremely valuable partner in the community, but felt it was hard to justify a sign that would be larger than most businesses were using. He did not feel this was justified for a shop that was only open a few hours a week and not even occupying the building for part of the year.

2010-130-B. Morris-Graham. To amend 2010-123-A. to require the sign be removed from the building when the shop is closed in the winter and summer months, and to require re-approval when the current sign is replaced for any reason.

Yeas: Dills, Graham, Horn, Johnson, Morris and Bartman – 6
Nays: Seibold – 1

Commissioner Dills stated his support for the Spirit Shop and Boosters, but still did not favor approval of this sign. He preferred a “sandwich-board type” sign to be placed outside during the six hours per week the store is open. He noted the school’s website did not show the location or current hours of the sign and felt this should be improved before signage was considered.

Commissioner Seibold stated she understood the need for people to locate the shop and suggested the Boosters place the larger sign that was already constructed on the interior of the stadium to draw in people attending events, and have a smaller sign made for the side of the building facing Wealthy Street.

Mayor Bartman stated she did not have a problem with the proposed sign or its placement. She felt the Boosters organization and the Spirit Shop were an asset to the business district and she hoped the sign drew in more business for them.

Vote on 2010-123-A., as amended. A roll call vote was taken.

Yeas: Graham, Horn, Johnson, Morris and Bartman – 5
Nays: Dills and Seibold – 2

2010-131. Introduction of an ordinance amendment to amend Section 5.24 of Chapter 50 of Title V of the City Code pertaining to wind energy conversion systems.

Planning Consultant VanSteenhuysen stated a subcommittee and the Planning Commission have worked extensively on this issue for the last several months and are now recommending the proposed ordinance to regulate the height and other details of small wind turbines mounted on residential buildings. Mr. VanSteenhuysen noted a few of the larger homes with large lots may be able to support more than one wind turbine if they can meet the requirements of the ordinance. He stated an application to install a turbine would be processed as a special use application and would go to both the Planning Commission and City Commission for approval.

Commissioner Seibold reported the Planning Commission carefully reviewed all the criteria, hoping to make the language as inclusive as possible, but realizing that placement of a wind turbine on some homes may not be possible.

Commissioner Dills noted the subcommittee had generalized some of the regulations because the technology of the units is changing rapidly and future units may be smaller, lighter, quieter, etc.

2010-131-A. Graham-Dills. That an ordinance amendment to amend Section 5.24 of Chapter 50 of Title V of the City Code pertaining to wind energy conversion systems be introduced as set forth in Exhibit “A” attached hereto.

Mayor Bartman noted a public hearing will be held on November 15, 2010 prior to the final reading of this ordinance. She thanked Mr. VanSteenhuysen, members of the Planning Commission, and the subcommittee for all their work on this issue.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

2010-132. Seibold-Johnson. Motion to approve the consent agenda as follows:

2010-132-A. Minutes of the regular meeting held October 18, 2010.

2010-132-B. Payroll disbursements of \$186,043.65; county and school disbursements of \$59,824.56 and total remaining disbursements of \$413,432.47.

2010-132-C. The design, fabrication and installation of a ground sign for Remington Park from Postema Signs & Graphics, Williams Masonry LLC and MC Smith Associations at a total cost of \$13,595.50.

City Manager Donovan noted the sign would honor the family who donated the land many years ago.

2010-132-D. A change order with Katerberg Verhage Inc to extend the 2009 tree planting contract to complete the 2010 tree planting program at a cost not-to-exceed \$8,000.00.

2010-132-E. A one-year renewal contract for property and liability insurance with Berends Hendricks Stuit Insurance Agency representing Travelers Insurance in the amount of \$136,133.00.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7

Nays: -0-

The meeting adjourned at 6:48 p.m., subject to the call of the Mayor until November 15, 2010.

Karen K. Brower, City Clerk

Attachments: A – Ordinance Amendment to Section 5.24 concerning Wind Energy Conversion Systems.

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 15, 2010

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

Present: Commissioners Dills, Graham, Horn, Johnson, Morris and Mayor Bartman

Absent: Commissioner Seibold

Also Present: City Manager Donovan; Assistant City Attorney Sluggett; City Services Director Feldt; City Clerk Brower; Planning Consultant VanSteenhuysen

2010-133. Rog McClaren, 767 Knapp, invited the City Commissioners to a meeting on the progress of local governments on Thursday evening.

2010-134. Commissioner Graham complimented the Public Safety Department on the look of the new police cruiser.

Commissioner Johnson thanked Mary Dersch, the curator of the EGR History Room, for all her research and assistance for the new educational signs being installed at Waterfront Park. She noted Mary was being honored by the EGR Schools Foundation this week for all her contributions to the community.

Commissioner Dills reported he had toured the construction at Streets & Utilities facility earlier in the day. He felt the new facility will be a huge improvement for the workers and the community.

Mayor Bartman also commented on the new police cars.

2010-135. Approval of amendment to regulations for public parks pursuant to Section 3.25 of Chapter 31 of Title III of the City Code as promulgated by the City Manager.

City Manager Donovan reported that State law prohibits local governments from regulating the possession of firearms in public parks, and therefore, the City ordinance will be changed to add the phrase "except as provided by law" to solve this issue. The prohibition was not listed on the park signage, so the signs will not have to be changed.

Assistant City Attorney Sluggett noted the State law preempts the possession and transport of weapons but the City can still prohibit the discharge and concealment of weapons (without a permit) in its public parks.

2010-135-A. Morris-Graham. That an amendment to the parks rules and regulations modifying language regarding weapons be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Dills, Graham, Horn, Johnson, Morris and Bartman – 6

Nays: -0-

2010-136. Final Reading of an ordinance amendment to Section 5.24 of Chapter 50 of Title V of the City Code pertaining to wind energy conversion systems.

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

- Fred Burkhart, 1435 Woodlawn

Initial concerns about noise and shadows had been well addressed by proposed ordinance. Would still like to see the setback increased to 1½ the height of the unit to make sure shadows are not flickering on adjoining properties during spring and winter when the sun is low in the sky.

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

2010-136-A. Horn-Graham. That an ordinance amendment to Section 5.24 of Chapter 50 of Title V of the City Code pertaining to wind energy conversion systems be adopted as set forth in Exhibit "B" attached hereto.

Planning Consultant VanSteenhuysen noted that the flickering shadows are usually a problem only with the very large, three-blade wind farms, and not with the small units that turn much more quickly.

Commissioner Dills reported the Planning Commission and a subcommittee had worked extensively on this proposed ordinance to address noise, shadow and aesthetic issues. He noted the ordinance required WECS systems to be mounted on the primary structure and not on accessory buildings to keep them centered on the lots and away from adjoining properties. He stated the City is trying to develop reasonable regulations, but that no applications have been received yet for the placement of a unit. Each application will be considered individually before placement is approved.

Yeas: Dills, Graham, Horn, Johnson, Morris and Bartman – 6
Nays: -0-

2010-137. Johnson-Horn. Motion to approve the consent agenda as follows:

2010-137-A. Minutes of the regular meeting held November 1, 2010.

2010-137-B. Payroll disbursements of \$206,562.45; county and school disbursements of \$23,963.53 and total remaining disbursements of \$684,555.57.

2010-137-C. A contract with Interphase Interiors in the amount of \$27,258.66 plus contingencies of \$2,000.00 for office furniture and ancillary furnishings for the Streets & Utilities renovation project.

2010-137-D. The preliminary minutes of the Parks & Recreation Commission meeting held September 13, 2010.

2010-137-E. The preliminary minutes of the Planning Commission meetings held September 14, 2010 and October 12, 2010.

2010-137-F. The preliminary minutes of the Library Commission meetings held September 27, 2010.

2010-137-G. The preliminary minutes of the Traffic Commission meetings held September 27, 2010.

2010-137-H. The Public Safety Department Report for September 2010.

Yeas: Dills, Graham, Horn, Johnson, Morris and Bartman – 6
Nays: -0-

The meeting adjourned at 6:15 p.m., subject to the call of the Mayor until December 6, 2010.

Karen K. Brower, City Clerk

Attachments: A – Parks rules amendment to Section 3.27 regarding weapons in public parks.
B – Ordinance Amendment to Section 5.24 concerning Wind Energy Conversion Systems.

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 6, 2010

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

Present: Commissioners Graham, Horn, Johnson, Morris, Seibold and Mayor Bartman

Absent: Commissioner Dills

Also Present: City Manager Donovan; City Attorney Huff; City Services Director Feldt; Public Safety Director Herald; Parks & Recreation Director Bunn; Finance Director VanderWall; City Clerk Brower; Zoning Administrator Faasse; Captain Lark; Captain Williams; PSO E. Smith; PSO Olney; PSO Moore; S.Sgt. Schweitzer; Sgt. Davis.

2010-138. No public comment was received.

2010-139. Commissioner Morris reported the "Rapid" transit board was meeting Wednesday to discuss the possibility of a February millage election to fund the proposed Silver Line. He asked for feedback from commissioners prior to the meeting.

Commissioner Graham congratulated everyone involved in the tree lighting ceremony the day after Thanksgiving. He stated it was a great event and that Mayor Bartman did an excellent job.

Commissioner Seibold congratulated the Boys Varsity Football Team and the Girls Varsity Swim Team on their respective State championships.

Mayor Bartman commented there were huge crowds at the tree lighting and everyone had a great time. She felt the event gets better every year, and thanked Parks & Recreation Director Fred Bunn for his part in the planning and implementation. Mayor Bartman urged residents to support local business this holiday season.

2010-140. Mary Dersch, curator of the East Grand Rapids History Room, presented information about a new memorial recently placed in Collins Park to the late Bill Poisson, a local resident and the captain of the last steamship that sailed on Reeds Lake, who passed away in 2008. The granite stone features a plaque honoring "Poisson's Landing." The project was funded by the History Room, the City of East Grand Rapids, and the East Grand Rapids Community Foundation. Several members of Mr. Poisson's family were present for the presentation.

Commissioner Horn arrived.

Mayor Bartman then presented Ms. Dersch with a proclamation honoring her many years of dedicated service as the curator of the History Room and her assistance with countless research projects over the years, including historical photos and details for the City's website, the Community Center renovation, the educational signage at the new Waterfront Park, and many other projects.

2010-141. Public Safety Director Herald presented PSO Eric Smith and PSO Dan Olney with Certificates of Recognition for their work during a routine traffic stop in September that resulted in arrests in connection with a home invasion in Ottawa County and other crimes.

2010-142. Doug Vredeveld of Vredeveld Haefner CPAs presented the audited financial statements for FY 2009-10 and answered questions from the City Commission.

The City Commission thanked Finance Director VanderWall and City Manager Donovan for their leadership on the financial issues, and thanked all city employees for conserving resources and cutting costs.

2010-143. Discussion of Reeds Lake Boulevard Cut-Off.

City Manager Donovan explained the road was paved in the mid-1990's by placing a thin layer of asphalt over a gravel road. The surface has now deteriorated and is in poor condition. The City Engineer estimates it will cost approximately \$147,000 to rebuild the road to City standards, or the road could be closed to vehicles and turned into a pedestrian path through the woods at a substantially lower cost. City Manager Donovan noted this portion of roadway had very low traffic volumes and vehicles would have other routes available nearby.

The following people were present to speak on this issue:

- Kathy Muir-Laidlaw, 2764 Pioneer Club Wanted to make sure a pedestrian pathway was installed if the roadway was abandoned. Suggested additional signage in the area to assist those not familiar with the area. Also questioned why the new Reeds Lake Trail boardwalk was not being plowed. City Manager Donovan agreed additional signage would be beneficial and stated the new trail board walk would be plowed in the future.
- Dan Hunsberger, 223 Pioneer Club In favor of abandoning the road. Suggested making sure there are adequate barriers at each end to prevent vehicles and the dumping of leaves or trash.

Commissioner Seibold noted the idea of creating the pedestrian path had come from a resident who was initially concerned about the condition of the road. She thanked the citizens that get involved in issues like this with constructive ideas.

Commissioner Morris noted there were numerous concerns from residents about the parking of vehicles on surrounding streets impeding traffic. He stated that adding parking restrictions on adjoining streets may be necessary if the cutoff is abandoned. City Manager Donovan noted the parking situation could be addressed even if the cutoff is not abandoned.

Mayor Bartman thanked the residents for their input and stated additional information would be gathered about the different options prior to the Commission's next meeting on this issue on January 17th. She invited those with additional suggestions or questions to contact the City.

2010-144. Public Hearing and request to approve a grant application for Community Development Block Grant funds.

Zoning Administrator Faasse explained the City was applying to use its allocation of CDBG funds to provide handicap ramps and sidewalks throughout the City. He stated the prior application to use funds for the Streets & Utilities project would need to be withdrawn because the funds were not used for the project last year.

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

- 2010-144-A. Johnson-Seibold. That a project grant application to use Community Development Block Grant funds administered by the Kent County Community Development Department in the amount up to \$50,381 for the installation of ADA-compliant sidewalk curb raps at various locations in East Grand Rapids be approved and the Mayor be authorized to sign the application on behalf of the City, and that a prior grant application adopted December 21, 2009 to use CDBG funds for improvements at the Streets & Utilities building be withdrawn.

Yeas: Graham, Horn, Johnson, Morris, Seibold and Bartman – 6
Nays: -0-

2010-145. Introduction of an ordinance amendment to Section 9.102 of Chapter 95 of Title IX of the City Code pertaining to fire code regulations.

2010-145-A. Morris-Seibold. That an ordinance amendment to Section 9.102 of Chapter 95 of Title IX of the City Code pertaining to fire code regulations be introduced as set forth in Exhibit "A" attached hereto.

Yeas: Graham, Horn, Johnson, Morris, Seibold and Bartman – 6
Nays: -0-

2010-146. Seibold-Johnson. Motion to approve the consent agenda as follows:

2010-146-A. Minutes of the regular meeting held November 15, 2010.

2010-146-B. Payroll disbursements of \$190,050.51; county and school disbursements of \$20,390.24 and total remaining disbursements of \$379,661.44.

2010-146-C. The purchase of printers from Drew Wireless LLC of Grand Rapids at a cost of \$3,350.00 for the Public Safety Department's electronic ticketing system, and a fund transfer in the same amount from the Drug Seizure Account.

2010-146-D. The donation of a 2006 Ford Crown Victoria police patrol vehicle to the Kent County Intermediate School District for use in their Criminal Justice Program.

Mayor Bartman expressed her support for this type of creative reuse of assets.

2010-146-E. The reappointment of Don Lawless of 2539 Albert SE to the Interurban Transit Partnership Board of Directors for a two-year term ending December 31, 2012.

Mayor Bartman thanked Don Lawless for his service on the Rapid board.

2010-146-F. The requisition of road salt for the 2010-11 winter season from the North American Salt Company through the State of Michigan MIDEAL purchase program in the amount of \$62.74 per ton for an estimated 900 tons.

2010-146-G. A renewal of the METRO Act permit with Michigan Bell Telephone Company d/b/a AT&T Michigan for a three-year term ending December 31, 2013.

2010-146-H. The purchase of computer hardware from Southern Computer Warehouse in the amount of \$1,783.23, hardware and software from Ocean, Inc. in the amount of \$3,181.00, and software from CDWG in the amount of \$1,044.12.

2010-146-I. The construction and installation of building-mounted signage from Dimension Graphics of Grand Rapids in the amount of \$3,111.50 for the Streets & Utilities construction project.

Mayor Bartman stated she liked the signage and congratulated the Streets & Utilities crew members on the new building that was nearly ready for use.

Yeas: Graham, Horn, Johnson, Morris, Seibold and Bartman – 6
Nays: -0-

The meeting adjourned at 7:08 p.m., subject to the call of the Mayor until December 20, 2010.

Karen K. Brower, City Clerk

Attachments: A – Ordinance Amendment to Section 9.102 pertaining to fire code regulations.

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 20, 2010

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

Present: Commissioners Dills, Graham, Horn, Johnson, Morris, Seibold and Mayor Bartman

Absent: None

Also Present: City Manager Donovan; City Attorney Huff; City Services Director Feldt; Public Safety Director Herald; Parks & Recreation Director Bunn; City Clerk Brower; Zoning Administrator Faasse.

2010-147. No public comment was received.

2010-148. City Manager Donovan thanked Parks & Recreation Director Fred Bunn for all his work on the new Waterfront Park which is nearly complete and under budget. Mr. Donovan also commended City Services Director Ken Feldt for all his efforts with the new Public Works Complex project which is wrapping up ahead of schedule and on budget. Both projects are assets to the community.

Mayor Bartman commented she had recently toured the new Public Works complex and was very impressed with the new building. She also expressed the condolences of the entire City Commission to Finance Director VanderWall on the recent passing of her father.

Commissioner Seibold thanked Mr. & Mrs. Flack for their recent letter of appreciation to the Public Safety Department.

2010-149. A zoning variance hearing was held regarding the request of Andrew Behler of 3188 Bonnell to allow the construction of a new home with a building height at the rear walkout of 39.2' and 3 stories instead of the 35' and 2½ stories allowed.

Zoning Administrator Faasse explained the need for a variance because the height of the building at the walkout in the back was higher than allowed by ordinance.

Kerry Fitzpatrick, architect for the applicant, was present to explain the request and answer questions. He noted the front yard of the current home sloped away from the road toward the house and the new home would be 2-3' higher at the front door to allow the front yard to drain toward the road.

Commissioner Seibold questioned exactly how much the front yard would be built up and whether this would look out of place in the neighborhood. City Services Director Feldt noted the City would review the drainage plan and require changes if necessary, but did not regulate height of the front yard. He did not see an issue with the proposal suggested by Mr. Fitzpatrick.

Commissioner Dills asked whether it was possible to build the home with daylight windows instead of the walkout and eliminate the need for a variance. Mr. Fitzpatrick stated the slope of the land was such that additional fill would have to be brought in to the lot to backfill to create daylight windows.

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

- | | |
|--------------------------------|--|
| - Douglas DeHaan, DeHaan Homes | Showed additional sketches of the property and highlighted the drainage features to be incorporated into the home. |
| - Andy & Jennifer Behler | Stated they were excited about building their dream home in East Grand Rapids. |

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

- Stacie Behler, 1661 Wealthy	In Favor.
- Joseph Taylor, 1135 Cambridge	In Favor.
- Flip Goodspeed, 1733 Pontiac	In Favor.
- Brook & Tim Powers, 3163 Bonnell	In Favor.
- Mark Owings, 902 Lakeside Dr	In Favor.
- Max Barnes, 2121 Wilshire	In Favor.
- Frank Dunten, 3187 Bonnell	In Favor.
- Cindy Hoffman, 2320 Argentina	In Favor.
- Dick Kay, 1155 Idema	In Favor.
- Doug, Donnamarie & Colt Rockwell, 3156 Bonnell	In Favor.
- Mark Austin, 914 Lakeside Dr	In Favor.
- Diane Griffin, 1909 Argentina	In Favor.
- Karen Roth, 1104 Idema	In Favor.
- Holly & Steve Abdalla, 860 Lakeside Dr.	In Favor.
- Brad Andrzejewski, 3105 Bonnell	In Favor.
- Tony Barnes, 2542 Hampshire Blvd	In Favor.
- Dave Alkema, 919 Lakeside Dr	In Favor.
- Lisa Costanza, 1909 Argentina	In Favor.
- Betsy & Mike Redman, 2910 Bonnell	In Favor.
- Rebecca Donald, 3144 Bonnell	In Favor.
- Jonathan Siebers, 559 Locust	In Favor.
- Patrick F. Geary, 2542 Indian Trail	In Favor.
- J. Aubrey & Nyna Sykes, 3201 Bonnell	In Favor.

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

2010-149-A. Morris-Horn. That the request of Andrew Behler of 3188 Bonnell to allow the construction of a new home with a building height at the rear walkout of 39.2' and 3 stories instead of the 35' and 2½ stories allowed be approved.

Commissioner Seibold felt this home would be a great addition to the neighborhood as the current home had deteriorated recently.

Commissioner Dills noted the slope of the lot creates a situation perfect for a walkout, especially given the large lots and the trees that provide screening to the homes on the next street.

Mayor Bartman felt the front of the home would conform with others in the area and the large lot would accommodate the home. She thanked Mr. and Mrs. Behler for their investment in the community.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

2010-150. Final Reading of an ordinance amendment to Section 9.102 of Chapter 95 of Title IX of the City Code pertaining to fire code regulations.

2010-150-A. Dills-Seibold. That an ordinance amendment to Section 9.102 of Chapter 95 of Title IX of the City Code pertaining to fire code regulations be introduced as set forth in Exhibit "A" attached hereto.

The ordinance will be effective December 31, 2010.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

2010-151. Seibold-Johnson. Motion to approve the consent agenda as follows:

2010-151-A. Minutes of the regular meeting held December 6, 2010.

2010-151-B. Payroll disbursements of \$184,642.39; county and school disbursements of \$160,145.42 and total remaining disbursements of \$521,408.97.

2010-151-C. The purchase of a new vehicle lift and the relocation of an existing lift from NAPA Auto Parts in the amount of \$5,623.00 for the Streets & Utilities renovation project.

2010-151-D. Contracts for employee benefits as follows: Health care coverage with HCC Life as the Stop Loss Carrier, Physicians Care as the PPO provider and ASR Corporation as administrators; and the funding of \$1,000 for each employee and retiree in a Health Reimbursement Account, and to renew life insurance and long-term disability underwritten by Madison National Life.

2010-151-E. A contract with Twilight Zone Outdoor Cinema Services to provide service for four outdoor movie dates in 2011 at a cost of \$4,300.00.

2010-151-F. The preliminary minutes of the Parks & Recreation Commission meeting held November 8, 2010.

2010-151-G. The preliminary minutes of the Joint Facilities Committee meeting held November 18, 2010.

2010-151-H. The Public Safety Department Report for October 2010

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7
Nays: -0-

The meeting adjourned at 6:22 p.m., subject to the call of the Mayor until January 3, 2011.

Karen K. Brower, City Clerk

Attachments: A – Ordinance Amendment to Section 9.102 pertaining to fire code regulations.

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