

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held January 7, 2008

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

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Mayor Bartman

Absent: None

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

2008-1. No public comment was received.

2008-2. Commissioner Graham informed the Commission that Carl Reid, the owner's representative for two of the agenda items that evening, was a fellow Realtor with Coldwell Banker but that he did not feel it was a conflict of interest for him to vote on the issues Mr. Reid was involved in as they were each independent contractors at the real estate office and had little interaction.

Mayor Bartman reported she had received a Christmas card from Ghana officials that visited East Grand Rapids in October. She noted former Mayor Steve Edison had recently celebrated his 50th Birthday.

Mayor Bartman announced that Bill Poisson, a life-long resident of East Grand Rapids and the last of the Reeds Lake steamboat captains, had passed away last week. Mr. Poisson was a tireless advocate for all things relating to Reeds Lake and a valuable historical reference for the City's past. Mary Dersch, curator of the East Grand Rapids History Room, was present to show pictures and give highlights of Bill's career as ship's captain and his impact on the history of the City.

2008-3. Susan Armstrong, Vice President of the East Grand Rapids Community Foundation, presented a check to the East Grand Rapids History Room for procurement of historical artifacts. Mary Dersch, curator, stated she would use the check to purchase EGR memorabilia from antique shows or online auctions.

2008-4. A zoning variance hearing was held regarding the request of Bellaire Property Holdings LLC and Olive's Restaurant of 2162 Wealthy to allow the expansion of the existing restaurant with 2.41 parking spaces for all dining spaces instead of the required 31.

City Services Director Feldt reviewed the proposed expansion of the seating areas for Olive's Restaurant. He reported the Planning Commission had approved the site plan conditioned upon the granting of a parking variance by the City Commission and confirmation of handicap accessibility when the building permit is approved.

Commissioner Seibold reported the Planning Commission had been very concerned about the lack of handicap accessibility in the original plan and the aesthetic look of the deck from the sidewalk. After several revisions to the plan, the Planning Commission approved the proposal.

Mayor Bartman announced a subcommittee of City Commissioners and Planning Commissioners had been researching revisions to the parking ordinances for some time and would soon recommend changes to the city code that could eliminate the need for such variances.

Carl Reid, representative for the property owner, was present to introduce and answer questions about the variance request.

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

- 2008-4-A. Coretti-Horn. That the request of Bellaire Property Holdings LLC and Olive's Restaurant of 2162 Wealthy to allow the expansion of the existing restaurant with 2.41 parking spaces for all dining spaces instead of the required 31, be approved and that this variance be limited to a restaurant use.

Commissioner Graham welcomed the expansion of the business.

Commissioner Horn expressed his willingness to assist businesses that wish to expand and gave his support.

Commissioner Seibold read excerpts from an article in the Michigan Municipal League magazine about how parking problems in small downtowns are good problems to have when working toward "walkable" communities. She voiced her support for Olive's expansion and their variance request.

Mayor Bartman felt the addition would be an asset to Gaslight Village.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7

Nays: -0-

- 2008-5. Consider request to interpret the zoning code regarding a property use at 2166 Wealthy in the C-1 zoning district.

Planning Consultant VanSteenhuyse stated the City's zoning code does not contain a definition or allowance for health/fitness clubs; however the City Commission, sitting as the Zoning Board of Appeals, has the authority to interpret the Code to determine which uses are compatible. He noted Gaslight Village is a mix of varying uses and the fitness club would seem to be a compatible use. He stated that if the City Commission chooses to allow the fitness club use, the request would then go to the Planning Commission for site plan approval and then come back to the City Commission as a parking variance request. He stated the applicant did not intend to make any significant changes to the building, only to glaze the windows and add an awning over the door.

City Manager Donovan noted there are similar uses, such as a dance studio and a yoga center, currently operating in Gaslight Village. He stated a subcommittee would be reviewing all the zoning ordinances for needed updates such as this.

Carl Reid, representative for the property owners, was present to answer questions. He reported the facility would operate more as a personal training center with one-on-one instruction as opposed to a gym format.

- 2008-5-A. Coretti-Yadlowsky. Motion to interpret the City Code to allow health and fitness clubs as an approved use in the C-1 Zoning District.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7

Nays: -0-

- 2008-6. Discussion of Traffic Commission recommendation regarding the realignment proposal for Reeds Lake Blvd near Lakeside Drive.

City Manager Donovan and City Services Director Feldt outlined the history of the area and the parks plan and road construction that prompted a review of the area for possible changes. Mr. Feldt stated the Traffic Commission had reviewed five different options for realigning various portions of the road, adding a roundabout, or leaving the roads as they were. Mr. Donovan reported that after researching the various options, gathering public input, and studying traffic and engineering reports, the Traffic Commission had voted to leave the roads in their current configurations for the time being. He stated the lack of accidents and the traffic counts did not indicate a pressing problem and that other traffic control measures could be used to address some of the minor issues when Lakeside Drive was reconstructed.

Commissioner Seibold added to the history of the realignment proposal by stating the city had considered some type of change in this area of intersections and driveways even before the 1990's, and that this was the time to discuss and decide before the parks plan and road construction plans are finalized. She reported the Traffic

Commission received many communications and testimonials opposing changes to the area. The Traffic Commission looked at the traffic and accident statistics and discussed how realigning the road would impact the character of the area, the safety of the walking trail, the environment, and commuting patterns for residents of the area. She noted the curve in Lakeside Drive north of Durant would create a blind intersection that could be problematic. As there were no immediate problems with the current configuration, the Traffic Commission voted to leave the roads as they are for the time being and possibly look at the roundabout option if things change significantly.

Mayor Bartman agreed that the majority residents who wrote or attended meeting were not in favor of making changes, but felt the process had been a good experience and had resulted in the right decision. She asked for public comment on this matter:

John VanZee, 239 Lakeside, supported the parks plans now that the road realignment was not an issue.

Lon Barr, 2150 Robinson, thanked the Traffic Commission and City Commission for listening to their input; reiterated there was no pressing need for changes to the area, and that the changes may have negative impacts.

- 2008-6-A. Graham-Coretti. Motion to accept the recommendation of the Traffic Commission that no action be taken to realign Reeds Lake Blvd near the intersection with Lakeside Drive.

Commissioner Coretti thanked the members of the Traffic Commission and the public for working on this issue.

Commissioner Morris questioned whether the Parks & Recreation Commission had any thoughts on how the location of Reeds Lake Blvd would impact the parks plan. He felt it would be preferable that the park not be divided in half by a road and there may be more common good to moving the road to insure an adequate park. City Manager Donovan responded the Parks & Recreation Commission and staff are confident the parks improvements can be done with either scenario and that the cost estimates and aesthetic aspects did not differ significantly between the two options.

Mayor Bartman spoke in favor of leaving the roads as they are because there do not seem to be any safety reasons for change and because change may actually decrease safety in some respects. She also felt realigning the road would disenfranchise the residents on the north side of the lake.

Commissioner Morris spoke in favor of implementing the roundabout option now to save costs as opposed to waiting for problems to arise and spending more money later. He felt there were already problems during rush hour and constructing a roundabout when working on Lakeside would avoid disrupting the area twice. City Manager Donovan stated the preliminary design for Lakeside Drive added a southbound left turn lane to help with the backups that occur during rush hour. City Services Director Feldt reported that Jade Pig Ventures has also mentioned aligning Shopping Center Road to Lakeside to improve traffic flow.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-

- 2008-7. Coretti-Morris. Motion to approve the consent agenda as follows:

2008-7-A. Receipt of communications as presented.

2008-7-B. Minutes of the regular meeting held December 17, 2007.

2008-7-C. Payroll disbursements of \$382,605.14; county and school disbursements of \$461,743.11 and total remaining disbursements of \$760,685.76.

2008-7-D. The preliminary minutes of the Traffic Commission meetings held November 26, 2007 with no action taken on the motions of the Traffic Commission modifying the location of one-way signs on lower Reeds Lake Blvd and the installing “no parking” signs in the same area.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7

Nays: -0-

2008-8. Seibold-Coretti. 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: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7

Nays: -0-

The meeting adjourned at 6:56 p.m. subject to the call of the Mayor until January 7, 2008.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held January 21, 2008

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

Present: Commissioners Coretti, Graham, Horn, Seibold, Yadlowsky and Mayor Bartman

Absent: Commissioner Morris

Also Present: City Attorney Huff; Parks & Recreation Director Bunn; City Services Director Feldt; City Clerk Brower; Planning Consultant VanSteenhuysen.

2008-9. No public comment was received.

2008-10. Mayor Bartman reported the EGR Team Boosters had published a 2008 calendar with all the sporting events listed. She thanked City Services Director Feldt for his prompt attention to a road issue called in by a resident. She also read from an article in the latest Law Enforcement Journal praising the City's response to the death of PSO Mike Winchester in August.

2008-11. A zoning variance hearing was held regarding the request of Erwin Kuester of 2184 Wealthy to allow 3 parking spaces instead of the 18 parking spaces required for a change in use for the property.

City Services Director Feldt reported the Planning Commission had approved the division of the former bakery space on January 8, 2007 with the condition the City Commission grant at least a four space parking variance. Mr. Feldt stated the proposed new parking ordinance would eliminate the need for this variance as it would exempt uses other than office use. He recommended the City Commission condition any parking variance given to this property to be for uses other than office.

Lilo Kuester, owner of the property, was present to introduce and answer questions about the variance request. She stated the variance would give them flexibility in leasing the new spaces to future tenants.

The following people were present and expressed their opinions concerning this variance request:

- Eric Starck, Rhoades McKee

His clients Extrusions Division, Inc., EMA Corporation and James D. Azzar oppose the granting of more parking variances that would worsen the existing parking problems. Asked the City to develop additional offstreet parking before granting. Asked standards in City Code be met before granting variance.

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

2008-11-A. Seibold-Horn. That the request of Erwin Kuester of 2184 Wealthy to allow 3 parking spaces instead of the 18 parking spaces required for a change in use for the property be approved with the condition that this variance is valid only for non-office uses.

Mayor Bartman reported a subcommittee of City Commissioners and Planning Commissioners had been working to develop a comprehensive new parking ordinance that would make uses other than offices exempt from parking requirements. That new ordinance is expected to be reviewed by the Planning Commission at their next meeting, but in the meantime, variance requests would be considered under the existing ordinances.

Commissioner Seibold acknowledged that often parking spaces available in Gaslight Village are not directly in front of the business she intends to visit but that she has rarely found every parking space in the area occupied. She stated people need to adjust their thinking and explore the area on foot and be willing to walk a short

distance to their destination. She noted a recent article from the Municipal League about downtown areas with limited parking and stated there is never gridlock in Gaslight Village or people circling the block and waiting for spaces to open up that would cause people to avoid the area.

Commissioner Horn felt the Kuester request was in line with the City's goals for Gaslight Village and that discussing each parking variance request on an individual basis was appropriate.

Commissioner Graham concurred that overly restrictive parking regulations did not promote a vibrant downtown area and supported the property owner's wishes to have flexibility in leasing the tenant spaces.

Mayor Bartman stated felt it would be a problem if there were too many open spaces in Gaslight Village. She noted the village atmosphere and the lack of front-door parking may not work for every type of business but that it did not seem to be a major problem at this time.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6
Nays: -0-

2008-12. A zoning variance hearing was held regarding the request of John & Deanna Green of 563 Belvedere to allow the construction of an attached garage and living space and the conversion of the existing garage to a family room creating a rear yard setback of 10.0' instead of the required 25.0.'

City Services Director Feldt reviewed the request to construct an addition to the side of the home in what is technically designated as the back yard creating a smaller than allowed rear yard setback. The designation of the front/rear yards was made several years ago when the former owners wished to split off a separate lot.

John Green, 563 Belvedere, was present to introduce and answer questions about the variance request. He reported they had met with several neighbors to explain their plans and gather support.

The following people were present and expressed their opinions concerning this variance request:

- Jim Trout, 519 Edgemere Supported the plan.

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

- Sean & Jill Welsh, 515 Belvedere In Favor.
- John & Amanda Wildeboer, 531 Edgemere In Favor.
- Kris & Brian Ward, 536 Belvedere In Favor.
- Spencer & Noelle Brown, 2027 Wealthy In Favor.

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

2008-12-A. Coretti-Horn. That the request of John & Deanna Green of 563 Belvedere to allow the construction of an attached garage and living space and the conversion of the existing garage to a family room creating a rear yard setback of 10.0' instead of the required 25.0' be approved.

Commissioner Seibold stated that although the addition would be beautiful and improve the house, she felt the choices made and the variance granted for the former owner should preclude further encroachment on the setbacks as this house had no real back yard now and would have no side yard after the addition. She noted several neighbors were still concerned about the new house that had been built behind this one as it appeared to be "shoe horned" into a small space. She felt if this variance was approved it would set the stage for huge houses on small lots and send the wrong message that it was permissible to build too close to the lot lines.

Commissioner Yadlowsky felt this request should be considered on its own merits. He felt the addition would place the house disproportionately on the lot, but agreed it would improve the home.

Commissioner Graham felt this addition would compound a situation that should not have been permitted in the first place. He stated he could not support the addition that close to the neighbors no matter how nice it looked.

Commissioner Horn felt the new homeowners should not be penalized for things that were done before they bought the house. He stated the city should put deed restrictions in place in these cases.

Commissioner Coretti supported the request and did not feel it would set a precedent.

Mayor Bartman commended the applicant for updating this historic home and gave her support to the project. She felt it was not an ideal situation but noted the neighbors were in favor of the addition.

Commissioner Seibold reminded everyone the rear yard setback would now be 10' and noted that the rear yard did not meet standards regardless of which yard was designated as the front.

Yeas: Coretti, Horn, Yadlowsky and Bartman – 4

Nays: Graham and Seibold – 2

- 2008-13. A zoning variance hearing was held regarding the request of CMF GR., LLC, Bellaire Property Holdings, LLC of 2166 Wealthy to allow 2.7 off-street parking spaces instead of the required 11 spaces to allow for a change in use for the property.

City Services Director Feldt reported national standards were used to determine needed parking in this case because the City's ordinances do not specify requirements for fitness centers. He stated the Planning Commission had approved the site plan on the condition that it receives City Commission approval for the parking variance. He again stated the forthcoming changes to the City's parking ordinance would eliminate the need for such a variance and recommended the City Commission condition any variance on this space not being used for offices.

Brad McFarland of Coach Me Fit was present to introduce and answer questions about the variance request. He stated Gaslight Village was a perfect fit for their business concept and that the normal operations would see 3-4 people working with trainers at any given time.

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

- 2008-13-A. Coretti-Seibold. That the request of CMF GR., LLC, Bellaire Property Holdings, LLC of 2166 Wealthy to allow 2.7 off-street parking spaces instead of the required 11 spaces to allow for a change in use for the property be approved with the condition that this variance is valid only for non-office uses.

Commissioner Seibold reiterated her comments regarding the availability of parking spaces within short distances from most places in the village.

Commissioner Yadlowsky stated his support for the variance as he felt it was a good fit for the area.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6

Nays: -0-

- 2008-14. Consider request to approve a sidewalk encroachment permit for an awning at 2166 Wealthy.

City Services Director Feldt explained that Coach Me Fit wished to place an awning 4' in depth and 6' in width over the city sidewalk. He noted staff had no objection to this request.

- 2008-14-A. Yadlowsky-Coretti. That a sidewalk encroachment permit be granted to Coach Me Fit for a 4' x 6' awning on the front of the store at 2166 Wealthy.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6

Nays: -0-

- 2008-15. Consider request to approve the division of land at 3218 and 3208 Reeds Lake Blvd.

City Services Director Feldt explained the applicants wished to split off a separate buildable lot while retaining a small portion of the land to add to their home site. He stated Grand Rapids Township had approved the request in July 2007 as these lots are divided between the township and the City. He stated both lots will conform to zoning standards after the land division.

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

2008-15-A. Yadlowsky-Coretti. That the request of Louis and Mary Beth Roossien, owners of 3208 and 3218 Reeds Lake Blvd, to transfer a portion of the vacant lot at 3208 Reeds Lake Blvd to the existing home site at 3218 Reeds Lake Blvd be approved, with the conditions that the split complies with the surveys, and the relevant deed or land contract be recorded with the Kent County Registrar of Deeds within 90 days of approval be approved.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6
Nays: -0-

2008-16. Public Hearing and Introduction of ordinance amendment to Section 5.190 of the City Code to modify the exhibits to the Planned Unit Development Agreement for the Jade Pig Ventures PUD.

Planning Consultant VanSteenhuysen reported the original PUD site plan was approved by the City Commission in November 2005 and the applicant was now seeking to amend portions of the site plan to change the orientation of the condominium tower and the elimination of underground parking, to reduce the amount of commercial space, to change the materials/design of the exterior, and to change the access driveways to the north. He noted the applicant's parking study showed no overall impact of the changes in parking. He stated the Planning Commission found the proposed changes consistent with the original approval and findings of fact and recommended approval by the City Commission with three conditions. He summarized the conditions as a shared driveway agreement or other configuration, administrative approval of several site plan issues such as pedestrian access and parking bollards; and that the future phases be consistent with the original PUD approval.

Robert Bisty of Built Form Architects reviewed the changes and showed elevation drawings, basic floor plans showing corridors/elevators and material samples.

Mayor Bartman opened a public hearing. The following people were present and expressed their opinions concerning this proposal:

- Gordon Jones, 325 Rosewood

Felt changes were contrary to the proposal "sold" to residents several years ago and asked City Commission to get more information and consider changes very carefully.

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

2008-16-A. Horn-Graham. That an ordinance amendment to Section 5.190 of the City Code to modify the exhibits to the Planned Unit Development Agreement for the Jade Pig Ventures PUD be introduced with the conditions outlined in the Statement of Consistency as set forth in Exhibits "A" and "B" attached hereto.

Commissioner Seibold reported the Planning Commission was initially concerned about the aesthetics of the proposed exterior; however it was satisfied with the revisions made by the architects. She stated the Planning Commission also approved of the relocation of the commercial space and the windows added to the ground floor parking garage but was concerned the building may tower over the nearby condominiums.

Commissioner Yadlowsky was also concerned about the reorientation of the condo tower as he felt it would make it more visible and obtrusive. He asked that the applicant and architects keep these concerns in mind when constructing this building and planning future buildings.

Commissioner Graham questioned the lack of pedestrian access along the western edge of the property. Mr. Wierda answered that if the shopping center property next door is redeveloped new walkways will be constructed at that time.

Mayor Bartman stated she liked some aspects of the redesigned building, such as the classical architecture and the location of the commercial space, better than the original and she looked forward to seeing it built.

Yeas: Coretti, Graham, Horn, Seibold, Yadowsky and Bartman – 6
Nays: -0-

2008-17. Consider request to adopt a resolution committing funds to the Joint Facilities Committee for an artificial turf replacement sinking fund.

2008-17-A. Coretti-Graham. That a resolution committing \$40,000 per year to a joint sinking fund for the replacement of artificial turf fields in cooperation with the East Grand Rapids School District be adopted as set forth in Exhibit “B” attached hereto.

Yeas: Coretti, Graham, Horn, Seibold, Yadowsky and Bartman – 6
Nays: -0-

2008-18. Coretti-Yadowsky. Motion to approve the consent agenda as follows:

2008-18-A. Receipt of communications as presented.

2008-18-B. Minutes of the regular meeting held January 7, 2008.

2008-18-C. Payroll disbursements of \$223,242.04; county and school disbursements of \$197,486.49 and total remaining disbursements of \$266,541.84.

2008-18-D. The preliminary minutes of the Parks & Recreation Commission meeting held December 10, 2007.

2008-18-E. The preliminary minutes of the Traffic Commission meeting held December 18, 2007.

2008-18-F. The preliminary minutes of the Planning Commission meeting held December 11, 2007.

2008-18-G. The Public Safety Department Report for November 2007.

Yeas: Coretti, Graham, Horn, Seibold, Yadowsky and Bartman – 6
Nays: -0-

2008-19. Seibold-Coretti. 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: Coretti, Graham, Horn, Seibold, Yadowsky and Bartman – 6
Nays: -0-

The meeting adjourned at 7:39 p.m. subject to the call of the Mayor until February 4, 2008.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section 5.190 amending the JadePig PUD.
B – Planning Commission Statement of Consistency regarding the JadePig PUD.
C – Resolution committing funds for replacement of artificial turf.

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 4, 2008

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

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Mayor Bartman

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Parks & Recreation Director Bunn; City Services Director Feldt; City Clerk Brower; Planning Consultant VanSteenhuysen.

2008-20. No public comment was received.

2008-21. Commissioner Morris reported the Gaslight Village Business Association was increasing its membership with the new businesses in town and they were developing many exciting programs and events.

2008-22. Mayor Bartman requested the City Commission add an item to its agenda to authorize the City Manager to act on a new video service franchise agreement application from AT&T.

2008-22-A.Morris-Coretti. Motion to add to the agenda a resolution authorizing the City Manager to take actions necessary to place the Uniform Franchise application from AT&T into effect. A roll call vote was taken.

Yeas: Coretti, Graham, Horn, Morris, Yadlowsky and Bartman – 6

Nays: -0-

Commissioner Seibold arrived.

2008-23. Consider request to adopt a Statement of Consistency with the Findings of Fact for the Jade Pig Redevelopment PUD.

Planning Consultant VanSteenhuysen noted the City Commission was being asked to approve the preliminary site plan with the conditions outlined in the Statement of Consistency and authorizing the applicant to continue working on their final site plan for future approval.

2008-23-A.Graham-Coretti. That a Statement of Consistency with the Findings of Fact for the Jade Pig Redevelopment PUD be adopted as set forth in Exhibit "A" attached hereto.

Commissioner Yadlowsky felt the new orientation of the building was very different from the original design which attempted to minimize the visual impact from Wealthy Street and from the neighboring apartments and condominiums. He stated the original approval focused on keeping the mass in the center of the development away from neighboring properties and this reorientation would have a negative impact.

Mr. VanSteenhuysen agreed that more of the western façade was visible to the plaza; however he felt the tower was still a significant distance from the neighbors. He stated the new location for the commercial space created a better synergy with other businesses and was a good tradeoff.

Commissioner Graham reported the Planning Commission discussed the relocation of the mass of the building and accepted the reasons given by the applicants for this change. He noted the Planning Commission liked the new location for the retail space.

Commissioner Seibold reported the condominium association has not expressed much opposition to the changes to the condominium building. She felt the condominiums were oriented toward Reeds Lake and this building would be in their back yards, not in their front yards. She noted the neighboring properties were still separated by parking lots, green spaces, carports, and the driveway.

Mayor Bartman noted there are no clear definitions for visual impact and individuals may feel differently about the impact.

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

2008-24. Final Reading of an ordinance amendment to Section 5.190 of the City Code to modify the exhibits to the Planned Unit Development Agreement for the Jade Pig Ventures PUD.

2008-24-A. Coretti-Morris. That an ordinance amendment to Section 5.190 of the City Code to modify the exhibits to the Planned Unit Development Agreement for the Jade Pig Ventures PUD be adopted as set forth in Exhibit “B” attached hereto.

Mayor Bartman noted the Jade Pig development has impacted Gaslight Village very positively with the retail buildings and with Regatta Plaza and she looked forward to the next phase.

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

2008-25. Presentation of conceptual plans for the Waterfront Park area.

Parks & Recreation Director Bunn introduced staff members from MC Smith Associates and gave a short history of the Gilmore-Waterfront Park properties that were acquired in 1992 with the help of a DNR grant. He noted the original purchase documents and subsequent recreation master plans have included improvements to preserve the natural area while enhancing public access. He reported King & McGregor had completed a botanical survey and wetland evaluation as a component of this improvement process and found that of the 78 species of plants, many were not suitable to maintain good habitats and several were considered invasive. The lack of quality plantings and the presence of invasive species are most likely the result of fill dirt dumped in the 1980’s in preparation for a development that did not ultimately take place. Mr. Bunn reported the Parks & Recreation Commission has held five public workshops and made presentations to the school science teachers and the Lakes Committee to gather input. He noted a strong consensus to preserve the environment and restore the wetlands and other requests for restrooms, lighting and other amenities. He asked the City Commission to give their input on the proposals so the Parks & Recreation Commission could finalize their recommendations.

Jim DeWilde of MC Smith Associates outlined the conceptual plans for the two sections of Gilmore-Waterfront Park. On the west side, the fill dirt and undesirable plans would be removed and restored with indigenous plants. One central walkway, secondary paths/overlooks, a 25-space parking area and a 4-season restroom facility are proposed. On the east side, the bike path would be replaced, and more pathways added including a gazebo structure, a play area, fishing pier, floating boardwalks, and some restoration of the wooded areas. He noted most walking paths would be crushed stone to keep the natural feel while providing handicap accessibility.

Mayor Bartman opened the meeting for public comment:

Edward Bolt of the Grand Rapids Audobon Club, stated the Club was enthusiastic about the proposals and would be writing a letter detailing their support.

Commissioner Seibold questioned the path connection to the west at Lakeside/Durant and asked the neighbors in this area be consulted on this issue. She also asked that thought be given to keeping boaters from using the boardwalks as a pick-up site after parking trailers at the Streets & Utilities site.

Commissioner Graham thanked the Parks & Recreation Commission and the staff for all their work on this project and for using the public input to create such a comprehensive proposal.

Commissioner Morris felt that if lighting the bike trail was important, it should be done along the entire trail and not just a portion. He did not support an additional restroom building as there were already facilities at Remington Park, Collins Park, the Community Center and Woodcliff. He supported having some type of play area included in the plans. He questioned whether the plans called for changes to the channel between the lakes. Mr. DeWilde stated no changes were planned for the channel as the bridge over Reeds Lake Blvd was not high enough to get any boats through.

Commissioner Yadowsky supported the idea of year-round restroom facilities. He suggested the playground be minimal and possibly combined with natural elements like rocks and trees to encourage exploration of the woods. He questioned whether the boardwalks would need to be removed in the winter. Mr. DeWilde showed pictures of the type of boardwalks proposed that could be left in the water over the winter. Commissioner Yadowsky felt the lighting was probably not necessary and suggested keeping the improvements simple and easy to maintain.

Commissioner Coretti supported the play area and all the improvements proposed.

Commissioners Horn and Yadowsky questioned how the restrooms and trails would be maintained. Mr. Bun answered the City's grounds maintenance staff would be responsible for much of the maintenance and that outside groups may be utilized occasionally for large-scale cleanups.

Mayor Bartman expressed concern about year-round restroom facilities and the challenges with keeping them clean, stocked, and maintained. She was also very concerned about vandalism and the safety of people using them as this was an isolated location that may not be regularly patrolled. She advocated for lighting in both the parking lots and along the streets to promote walking by those who live north of the lake. She asked the final proposal include plans for dividing the improvements into phases for budgeting purposes.

2008-26. Introduction of an ordinance amendment to Chapter 50 of Title V of the City Code pertaining to parking regulations.

Planning Consultant VanSteenhuyse reported that parking and zoning ordinances are now being updated to match provisions of the Master Plan's new Subarea Map. He stated a subcommittee of planning and city commissioners had met to discuss the desired mix of businesses, office uses and the effect on available parking. The recommendation is to treat first floor offices as "special uses." The special use designation would have to be approved by the City Commission and can include special provisions, conditions or off-site employee parking arrangements to encourage retail and pedestrian accessibility. The proposed ordinance includes an exempt zone for the historical buildings on Wealthy.

2008-26-A. Yadowsky-Graham. That an ordinance amendment to Chapter 50 of Title V of the City Code pertaining to parking regulations be introduced as set forth in Exhibit "C" attached hereto and sent to the Planning Commission for review.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadowsky and Bartman – 7
Nays: -0-

2008-27. Introduction of an ordinance amendment to Article VII of Title V of the City Code pertaining to zoning regulations for the C-1 Commercial District.

2008-27-A. Yadowsky-Seibold. That an of an ordinance amendment to Article VII of Title V of the City Code pertaining to zoning regulations for the C-1 Commercial District be introduced as set forth in Exhibit "D" attached hereto and sent to the Planning Commission for review.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadowsky and Bartman – 7
Nays: -0-

2008-28. Consider request to adopt a resolution regarding the Uniform Video Service Local Franchise Agreement application from AT&T.

2008-28-A. Coretti-Horn. That a resolution authorizing the City Manager to respond to, complete, sign and, if appropriate, approve the Uniform Franchise application from AT&T be adopted as set forth in Exhibit "E" attached hereto.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-

2008-29. Coretti-Seibold. Motion to approve the consent agenda as follows:

2008-29-A. Receipt of communications as presented.

2008-29-B. Minutes of the regular meeting held January 21, 2008.

2008-29-C. Payroll disbursements of \$195,466.71; county and school disbursements of \$69,317.40 and total remaining disbursements of \$411,375.03.

2008-29-D. The appointment of Dan DeVol of 1045 Conlon to the Planning Commission for a term ending June 30, 2009.

2008-29-E. An application for Community Development Block Grant funds in the amount of \$9,769.00 for the installation and upgrades of handicap curb ramps in City sidewalks and to authorize the Mayor to sign the grant application.

2008-29-F. A license agreement with BP Products North America for observation wells and borings in the Wealthy Street right-of-way.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-

2008-30. Coretti-Horn. Motion to enter into an executive session to conduct a personnel evaluation for the City Manager in accordance with Section 8(a) of the Open Meetings Act. A roll call vote was taken.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-

The meeting adjourned at 7:22 p.m. subject to the call of the Mayor until February 18, 2008.

Karen K. Brower, City Clerk

Attachments: A – Statement of Consistency with Findings of Fact for the JadePig Redevelopment PUD.
B – Ordinance amendment to Section 5.190 amending the JadePig PUD.
C – Ordinance amendment to Chapter 50 pertaining to parking regulations.
D – Ordinance amendment to Article VII of Title V pertaining to zoning regulations.
E – Resolution authorizing the City Manager to act on the AT&T Cable application.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held February 18, 2008

City Clerk Brower called the meeting to order at 6:01 p.m. in the Commission Chambers at the East Grand Rapids Community Center.

Present: Commissioners Graham, Morris, Seibold, Yadlowsky

Absent: Commissioners Coretti and Horn and Mayor Bartman

Also Present: City Attorney Huff; City Manager Donovan; City Services Director Feldt; Public Safety Director Herald; City Clerk Brower; Captain Lark; Captain Williams; PSO Smith

2008-31. City Clerk Brower explained that the Mayor and Commission President were unable to attend the meeting and asked for a motion to appoint a temporary president of the City Commission to conduct the meeting.

2008-31-A.Graham-Morris. That Commissioner Seibold be appointed as the President pro tem to conduct the meeting of February 18, 2008.

Yeas: Graham, Morris, Seibold and Yadlowsky – 4

Nays: -0-

2008-32. No public comment was received.

2008-33. President Seibold wished Mayor Bartman a speedy recovery.

2008-34. Chief Herald presented a Life Saving Award to Public Safety Officer Eric Smith, and Chief's Citation Certificates to citizens Mark Buddy, Heather Bunting, Karen Dahl, Julie Lepzinski and Allison Cook for their actions to resuscitate a fellow runner during the Resolution Run on December 31st. David Naumes, the runner who suffered a heart attack, was present to convey his appreciation to everyone involved in saving his life.

2008-35. Final Reading of an ordinance amendment to Section 5.156 of Chapter 50 of title V of the City Code revising procedures for the collection of delinquent zoning escrow fees.

City Manager Donovan reported the amendment would allow delinquent zoning escrow fees to be added to the property taxes in the same manner as other unpaid fees.

President Seibold opened a public hearing on this amendment. No public comment was received. President Seibold closed the public hearing.

2008-35-A.Morris-Yadlowsky. That an ordinance amendment to Section 5.156 of Chapter 50 of title V of the City Code revising procedures for the collection of delinquent zoning escrow fees be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Graham, Morris, Seibold and Yadlowsky – 4

Nays: -0-

2008-36. Consider request to adopt a resolution approving a liquor license for the Derby Station Restaurant to be located at 2237 Wealthy.

Larry Zeiser, co-owner of the new restaurant, was present to explain the new restaurant and answer questions from the City Commission.

Commissioner Morris questioned whether the required \$1 million in liquor liability insurance had been secured. Mr. Zeiser asked the City Commission to consider allowing him to purchase \$500,000 in coverage because the insurance was very expensive and he had operated his three other restaurants for several years on only \$100,000 in liquor liability insurance coverage. City Attorney Huff noted the amount of insurance required by the City's ordinance was to protect the general public in unforeseen circumstances and the requirement had been met by other restaurants without issue. The City Commission discussed liquor liability briefly and declined to entertain the request for reduction. Mr. Zeiser indicated he would purchase the full amount of liquor liability insurance by the opening date of the restaurant.

2008-36-A. Morris-Yadlowsky. That a resolution approving a new Class C on premise liquor license for The Derby Station, LLC be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Graham, Morris, Seibold and Yadlowsky – 4
Nays: -0-

2008-37. Yadlowsky-Graham. Motion to approve the consent agenda as follows:

2008-37-A. Receipt of communications as presented.

2008-37-B. Minutes of the regular meeting held February 4, 2008.

2008-37-C. Payroll disbursements of \$203,772.00; county and school disbursements of \$-0- and total remaining disbursements of \$161,639.74.

2008-37-D. The quarterly financial report for the period ending December 31, 2007.

2008-37-E. An extension of the contract with Professional Lake Management for management services for Reeds Lake for the 2008 and 2009 seasons for the not to exceed amount of \$8,500 per year.

2008-37-F. Carpeting and tile work at the Public Safety building in the amount of \$5,707.41 from Superior Carpet Systems of Byron Center.

2008-37-G. The preliminary minutes of the Planning Commission meeting held January 8, 2008.

2008-37-H. The preliminary minutes of the Parks & Recreation Commission meeting held January 14, 2008.

2008-37-I. The Public Safety Department Report for December 2007.

Yeas: Graham, Morris, Seibold and Yadlowsky – 4
Nays: -0-

2008-38. Morris-Yadlowsky. 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: Graham, Morris, Seibold and Yadlowsky – 4
Nays: -0-

The meeting adjourned at 6:25 p.m. subject to the call of the Mayor until March 3, 2008.

Karen K. Brower, City Clerk

Attachments: A – Ordinance Amendment to Section 5.156 regarding the collection of escrow fees.
B – Resolution approving a liquor license for the Derby Station restaurant.

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 3, 2008

President Horn called the meeting to order at 6:01 p.m. in the Commission Chambers at the East Grand Rapids Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Coretti, Graham, Horn, Morris, Yadlowsky

Absent: Commissioner Seibold and Mayor Bartman

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

2008-39. No public comment was received.

2008-40. Commissioner Graham read excerpts from a recent Cadence feature asking people what they felt the best part about East Grand Rapids was. Commissioner Graham was very pleased with the positive responses from those interviewed.

Commissioner Horn commended the Streets & Utilities crew members for their perseverance in keeping the streets clear during the continuous winter weather during February. He also thanked the Public Safety Department for assisting the City of Grand Rapids during the recent explosion in the Easttown area by providing traffic control and medical triage services.

2008-41. Consider request to approve the division of land at 3120 Reeds Lake Blvd.

Paul Richards, 3111 Bonnell, was present to introduce and answer questions about the request. He stated the property in question was being transferred from the vacant lot he and his wife owned to the adjacent property owner as a buffer in the event a home is eventually built on the vacant lot.

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

2008-41-A. Morris-Yadlowsky. That the request of Paul and Susan Richards, owners of 3120 Reeds Lake Blvd, and Kevin Budelman and Yang Kim, owners of 3121 Bonnell, to transfer 30 feet of land from the vacant lot at 3120 Reeds Lake Blvd to the property containing the home at 3121 Bonnell be approved, with the condition that the split complies with the surveys and the relevant deed or land contract be recorded with the Kent County Registrar of Deeds within 90 days of approval.

Yeas: Coretti, Graham, Horn, Morris and Yadlowsky – 5

Nays: -0-

2008-42. Consider request to approve final plans and grant applications for improvements to Gilmore-Waterfront Park.

Parks & Recreation Director Bunn reported the Parks & Recreation Commission had adjusted the conceptual plans to divide work into two separate phases and to remove several items from the project to reduce the costs to fit the maximum grant and city match available. He reviewed the items removed from the project application and answered questions from the City Commission. Mr. Bunn asked the City Commission to approve the plans and adopt a resolution authorizing staff to submit a grant application with 35% matching funds.

A public hearing was held regarding the proposed plans. The following people were present:

- Gordon Jones, 325 Rosewood

Opposed constructing a parking lot in the middle of a natural area when there were more than 70 spaces a short walk away at the Streets & Utilities building.

The following communications were received at City Hall concerning the proposed plans:

- | | |
|---------------------------------|--|
| - Tom & JJ Scott | Favored eliminating playground and year-round restrooms. |
| - Irene VanHuisen, 639 Rosewood | Supported natural setting instead of playground/bathrooms. |

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

2008-42-A. Coretti-Yadlowsky. That the conceptual plans recommended by the Parks & Recreation Commission for the Gilmore-Waterfront Park area be approved and a resolution authorizing the application for grant funding for these improvements be adopted as set forth in Exhibit "A" attached hereto.

The City Commission discussed the parking lot proposed for the area that had been reduced from 25 spaces to 15 spaces to save funds. City Manager Donovan and Parks & Recreation Director Bunn felt minimal parking on the grounds of the park was needed for elderly and handicapped patrons as well as those with small children who may not wish to walk several minutes from nearby lots. Mr. Donovan also reported that the DEQ had required onsite parking as a condition of the original grant and was likely to require designated parking areas in the improved park as well. Mr. Bunn reported he had spoken with DEQ representatives and they feel convenient accessible parking at the site is a requirement.

Commissioner Morris suggested leaving the 15-space in the plan for this submittal and then looking at alternatives when designing the new Streets & Utilities facility over the next few years. Commissioner Horn supported keeping the parking as proposed in the plans and connecting offsite parking when the nearby facilities are remodeled.

Commissioner Graham noted landscaping is planned around the parking area to screen it from the rest of the park and from the roadway.

Yeas: Coretti, Graham, Horn, Morris and Yadlowsky – 5
Nays: -0-

2008-43. The City Commission rescheduled the April 7, 2008 meeting to March 31, 2008 at 6:00 pm.

2008-44. Morris-Yadlowsky. Motion to approve the consent agenda as follows:

2008-44-A. Receipt of communications as presented.

2008-44-B. Minutes of the regular meeting held February 18, 2008.

2008-44-C. Payroll disbursements of \$195,192.16; county and school disbursements of \$313,156.21 and total remaining disbursements of \$333,434.52.

2008-44-D. The expenditure of up to \$20,000 for an education rain garden at John Collins Park in cooperation with the West Michigan Environmental Action Council.

Patricia Pennell from WMEAC was present to support the rain garden project and answer questions.

2008-44-E. The purchase of a 2008 Ford F250 XLT from Gorno Ford of Woodhaven Michigan in the amount of \$26,986.00, the purchase of a 2008 Chevrolet Suburban 1500 from Sparta Chevrolet of Sparta in the amount of \$32,490.05, and a vehicle accessory package for the Ford F250 from Mark's Body Shop of Grand Rapids in the amount of \$11,836.65.

Yeas: Coretti, Graham, Horn, Morris and Yadlowsky – 5
Nays: -0-

2008-45. Coretti-Yadlowsky. 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: Coretti, Graham, Horn, Morris and Yadlowsky – 5
Nays: -0-

The meeting adjourned at 6:30 p.m. subject to the call of the Mayor until March 17, 2008.

Karen K. Brower, City Clerk

Attachments: A – Resolution authorizing grant application for Gilmore-Waterfront Park.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held March 17, 2008

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

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

Absent: Commissioner Yadlowsky

Also Present: City Attorney Huff; City Manager Donovan; Finance Director VanderWall; City Services Director Feldt; Public Safety Director Herald; Planning Consultant VanSteenhuysse; City Clerk Brower

2008-46. No public comment was received.

2008-47. City Manager Donovan announced the Goals & Objectives worksession planned for March 24th has been rescheduled to be held at the end of the March 31st City Commission meeting.

2008-48. A zoning variance hearing was held regarding the request of James Mika and Wendy Peterson of 1700 Pontiac to allow an extension of a previously granted variance for a side yard setback of 3.0' instead of the required 6.93'.

Mayor Bartman announced that due to a problem with mailing the required notices, the hearing would be held at this meeting and then continued until the meeting on March 31st when a decision will be made.

City Services Director Feldt reviewed the drawings for the request approved in 2007. He noted the property is now being sold and the new owners would like additional time to complete the approved addition.

City Attorney Huff stated the City Commission was compelled to grant an extension of the variance unless circumstances in the neighborhood had changed since the original variance was granted.

Katherine Zago of 1700 Pontiac was present to answer questions about the variance request. Commissioner Seibold questioned the applicant on whether the new owners would prefer to construct a garage with a roof peak to match the house and whether this would be allowed without further review of the granted variance. City Services Director Feldt stated variances are granted by adopting the submitted site plan and elevations, so a change such as the architectural style of the garage would require Commission approval. Ms. Zago indicated the new owners would likely want to change the style of the roof to match the house. Mr. Feldt will work with the applicants to see if a new drawing can be done by the next meeting so it could be approved then.

No other public comment was received. Mayor Bartman continued the public hearing to the next meeting.

2008-48-A.Horn-Coretti. That the request of James Mika and Wendy Peterson of 1700 Pontiac to allow an extension of a previously granted variance for a side yard setback of 3.0' instead of the required 6.93' be approved.

2008-48-B.Horn-Seibold. That the request of James Mika and Wendy Peterson of 1700 Pontiac to allow an extension of a previously granted variance be tabled until the meeting of March 31, 2008.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Bartman – 6

Nays: -0-

2008-49. Coretti-Seibold. Motion to approve the consent agenda as follows:

2008-49-A.Receipt of communications as presented.

2008-49-B. Minutes of the regular meeting held March 3, 2008.

2008-49-C. Payroll disbursements of \$192,294.33; county and school disbursements of \$79,022.96 and total remaining disbursements of \$661,705.96.

2008-49-D. The purchase of an air bag extrication system from Rescue Resources in Rockford at a cost of \$3,480.00.

2008-49-E. The adoption of a new policy for issuing licenses, permits and zoning applications as follows:

No license, permit or zoning application can be processed by City staff for any property and/or business owner who has any past due property tax, personal property tax, water bill, or any other bill outstanding to the City until all past due accounts are paid in the full amount.

2008-49-F. The addition of an 18% penalty to be added to all delinquent bills placed on the City's annual summer tax roll.

2008-49-G. An agreement with Moore & Bruggink to provide engineering services for the 2008 planning and improvement projects at a cost of \$47,370.00 plus project contingencies of \$4,737.00.

2008-49-H. The preliminary minutes of the Parks & Recreation Commission meetings Held February 11, 2008 and February 26, 2008.

2008-49-I. The preliminary minutes of the Library Commission meeting held February 25, 2008.

2008-49-J. The preliminary minutes of the Traffic Commission meeting held February 25, 2008. The City Commission took no action on the Traffic Commission's motion to install "no parking" signs on the north side of Hall Street from 2639 Hall to Lake Drive.

2008-49-K. The Public Safety Department Report for January 2008.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Bartman – 6
Nays: -0-

2008-50. Coretti-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: Coretti, Graham, Horn, Morris, Seibold and Bartman – 6
Nays: -0-

The meeting adjourned at 6:10 p.m. subject to the call of the Mayor until March 31, 2008.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Rescheduled Regular Meeting Held March 31, 2008

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

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Mayor Bartman

Absent: None

Also Present: Assistant City Attorney Stapleton; City Manager Donovan; Finance Director VanderWall; City Services Director Feldt; Public Safety Director Herald; Captain Lark; Captain Williams; City Clerk Brower

2008-51. No public comment was received.

2008-52. Commissioner Seibold congratulated Wealthy Elementary Principal Mark Tompkins on his new position as Superintendent for the Harbor Springs School District.

Commissioner Morris remarked on the recent ACLU Award presented to the City of East Grand Rapids and complimented Mayor Bartman and Public Safety Director Herald on their speeches at the event.

Commissioner Horn noted the ACLU award was great recognition for the City and its operations.

Mayor Bartman displayed the plaque naming East Grand Rapids as the "2007 Civil Libertarian of the Year" for providing safe locations for those viewing, supporting and protesting during President Bush's April 2007 visit to the EGR High School. She noted few cities had ever received the award and gave the credit for the handling of the event to the members of the Public Safety Department who considered it part of their duty to accommodate all attending the event.

Mayor Bartman also noted the EGR High School "We The People" group spoke at the ACLU meeting and that they were holding a silent auction/fundraiser on April 19th to raise funds for their national trip.

2008-53. A zoning variance hearing was held regarding the request of James Mika and Wendy Peterson of 1700 Pontiac to allow an extension of a previously granted variance for a side yard setback of 3.0' instead of the required 6.93'.

City Services Director Feldt reviewed the drawings for the request approved in 2007. He noted the property is now being sold and the new owners would like additional time to complete the approved addition.

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

- David & Susan Warmels, 833 Rosewood In Favor.

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

2008-53-A. Coretti-Yadlowsky. That the request of James Mika and Wendy Peterson of 1700 Pontiac to allow an extension of a previously granted variance for a side yard setback of 3.0' instead of the required 6.93' be approved.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7

Nays: -0-

2008-54. A zoning variance hearing was held regarding the request of Matthew Borgula of 910 Bellclaire to allow the enclosure and enlargement of a porch creating a combined side yard of 11.5' instead of the required 17.5'.

Matt Borgula, 910 Bellclaire, was present to introduce and answer questions about the variance request.

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

2008-54-A. Coretti-Yadlowsky. That the request of Matthew Borgula of 910 Bellclaire to allow the enclosure and enlargement of a porch creating a combined side yard of 11.5' instead of the required 17.5' be approved.

Commissioner Coretti felt it would be a good addition to the property and was not changing the existing footprint of the home.

Commissioner Siebold also expressed support for the project.

Commissioner Horn noted he had been concerned about drainage onto neighboring properties but after viewing the property he felt the trees would alleviate problems.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-

2008-55. Coretti-Seibold. Motion to approve the consent agenda as follows:

2008-55-A. Receipt of communications as presented.

2008-55-B. Minutes of the regular meeting held March 17, 2008.

2008-55-C. Payroll disbursements of \$190,817.57; county and school disbursements of \$-0- and total remaining disbursements of \$149,627.87.

2008-55-D. Approval of the proposed 2008 construction projects and authorization for staff to proceed with designing and bidding for these capital projects.

2008-55-E. The reorganization of the Engineering Division of the City Services Department as outlined by the City Manager with the reclassification of one full-time position and the addition of a part-time position.

2008-55-F. The recommendation of the Personnel Committee to award a one-time bonus of \$2,500 and five additional vacation days to the City Manager in recognition of his excellent performance evaluation.

Mayor Bartman commended the City Manager for his outstanding leadership and dedication to the city and its residents. She felt the City was fortunate to have his services.

2008-55-G. An amendment to the City's Street Lighting Agreement with Consumers Energy to correct the inventory of street lights actually in place.

City Manager Donovan thanked Community Service Coordinator LaDonna Ghareeb for her work in researching, auditing and negotiating a settlement with Consumers Energy.

A contract with Kel Graphics of Cadillac in the amount of \$20,352.40 for t-shirts for recreation programs and special events.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-

2008-55-H. The 2007 Annual Report for the Public Safety Department. Public Safety Director Herald gave a short presentation highlighting accomplishments and statistics in the report. Mr. Herald noted that traffic accidents were up slightly but that crime rates remained very low and the city is one of the safest in the State. He urged residents to lock their house doors and windows and to secure vehicles to further reduce incidents of theft.

- 2008-56. City Manager Donovan gave a presentation on the compiled Goals & Objectives for the City of East Grand Rapids for 2008. City Commissioners discussed and gave input on the goals presented by the staff members.
- Commissioner Seibold suggested adding a city entrance sign on Reeds Lake Blvd south of Cascade Road. City Manager Donovan agreed this and other directional signs could be discussed during the budget process.
- 2008-57. Seibold-Coretti. Motion to add to the agenda an executive session to discuss pending litigation in accordance with Section 8(e) of the Open Meetings Act. A roll call vote was taken.
- Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-
- 2008-58. Seibold-Coretti. Motion to enter into an executive session to discuss attorneys' opinions in accordance with Section 8(h) of the Open Meetings Act. A roll call vote was taken.
- Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-

The meeting adjourned at 7:09 p.m. subject to the call of the Mayor until April 21, 2008.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held April 21, 2008

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

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Mayor Bartman

Absent: None

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

2008-59. No public comment was received.

2008-60. City Manager Donovan reminded commissioners the City was organizing a team for the Relay for Life event in May and invited everyone to participate or donate to the American Cancer Society for the team.

2008-61. A zoning variance hearing was held regarding the request of Sean Kelsch, owner of 2723 Elmwood, to allow the construction of an addition to the home creating a 9' separation from the home instead of the required 10'.

Nathan Willink, contractor for Mr. Kelsch, was present to introduce and answer questions about the variance request.

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

2008-61-A. Coretti-Morris. That the request of Sean Kelsch, owner of 2723 Elmwood, to allow the construction of an addition to the home creating a 9' separation from the residence instead of the required 10' be approved.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7

Nays: -0-

2008-62. A zoning variance hearing was held regarding the request of Sarah Ash, owner of 2624 Reeds Lake Blvd, to allow the construction of a new home with a front yard on Bissell Drive instead of Bissell Court, to create a rear yard setback of 12' instead of the required 25' and to allow an overall height of 40' instead of the allowable 35'.

City Services Director Feldt outlined the history of this lot as it was created by the first lot split in 2002 and the subsequent variance requests that have come before the Zoning Board of Appeals. Mr. Feldt noted homes in the area surrounding this property have different front yard orientations and depths. Mr. Feldt answered several questions regarding the setbacks as approved in 2002, ordinance provisions and lot grading.

Commissioner Horn questioned how the height of the structure was measured and whether fill would be brought in or the natural grading of the land would be changed to facilitate the walkout level. Mr. Feldt explained the ordinance provided the measurements be taken from the proposed final grade and that fill dirt could be added or the grade could be changed.

Todd Oleson, husband of Sarah Ash, 1195 East Paris, was present to introduce and answer questions about the variance request. He noted they were trying to take the neighboring house that was under construction into account when designing and placing the house on this lot. He stated that since the drawings had been submitted they had angled the proposed home slightly to encroach less on the rear yard setback.

Darrin Chapin of Blue Stone Construction clarified that portions but not all of the home encroach on the rear yard setback. He stated the topography of the lot made it difficult to place a home on this lot and pushing the home into this corner was the only way to avoid bringing in fill and destroying the look of the property.

Commissioner Morris questioned the location and encroachment of the garage portion of the home. He felt the garage could be modified or shifted so as not to encroach over the setback lines.

The following people were present and expressed their opinions concerning this variance request:

- Jim Krug, 2628 Reeds Lake Blvd Opposed the proposed placement. Stated they were building the home to the south of this property and had met side and year setbacks.
- Jamie Starner, Realtor He noted property had been for sale for 2½ years and this was the second interested party that could not work with the approved setbacks. Stated the lot split should not have been approved with the setbacks as approved because it made it too difficult to sell. Predicted he would be back with another client if this variance was denied.
- Kathy Wynsma, 2634 Reeds Lake Blvd. Opposed because of encroachment of side and front setbacks. When they split this lot, they proposed the east-facing front yard to match the lot next door. She felt a very nice home could be built within the existing setbacks.
- Michael Fillion, 589 Grand River Stated the house had been placed to avoid the wetlands. He stated house would be 33' from the private drive and only 5' closer than the Krug house. He noted a house across the street was oriented the same way they were proposing. He stated the original lot split had detailed one possible way to orient the lot but that there were several ways of achieving the same result.

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

- Eric Wynsma, 2634 Reeds Lake Blvd Explaining 2002 split and supporting proposed new home.
- Miller & Leslie Siegel, 2626 Reeds Lake Blvd No objection to rear yard; opposed to height variance.
- Mike & Joan Knox, 2640 Reeds Lake Blvd Concerned about negative impact of rear yard and height.
- James Krug, owner of 2628 Reeds Lake Blvd Opposed to rear yard setback request.
- Willard Schroeder, 2618 Reeds Lake Blvd Concerned about building mass and height on top of the hill.

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

2008-62-A.Coretti-Morris. That the request of Sarah Ash, owner of 2624 Reeds Lake Blvd, to allow the construction of a new home with a front yard on Bissell Drive instead of Bissell Court, to create a rear yard setback of 12' instead of the required 25' and to allow an overall height of 40' instead of the required 35' be approved.

City Manager Donovan stated that staff was opposed the close proximity of the proposed home to the city park land to the west and asked that the proper setbacks be kept to protect the park property.

Commissioner Seibold clarified that most commissioners do visit the site of each variance request prior to the meetings and that the prescribed setbacks had been in place for many years and were not being made more difficult for this potential buyer. She stated the neighborhood lacked consistency and she would like to see new homes built to add uniformity to the setbacks from the street. She favored keeping the existing setbacks and orientation to add uniformity from the street and to keep the home distanced from the park property. She felt it was possible to build a home within the setbacks and stated she would not be supporting this request.

Commissioner Morris stated he was not opposed to changing the orientation on the lot but was opposed to the 40' height. He also felt the garage could be changed to limit the encroachment on the side of the property.

Commissioner Yadowsky was not opposed to the height since it would include a walkout portion set into the existing hill. He was, however, opposed to the proximity to the park property and other houses in the area.

Commissioner Graham was concerned about the height of the home and the precedent it would set for other variance requests. He was not opposed to the orientation of the front yard, given there was little consistency in the surrounding homes. He was also not in favor of locating the new home that close to the park land and would not be supporting the project.

Commissioner Horn stated he could support changing the front yard designation, but would not support allowing variances into the setbacks after that change.

Mayor Bartman opposed building a home so close to the park property and at the height proposed. In light of the objections from neighbors, she felt this variance should not be granted.

Yeas: - 0-

Nays: Coretti, Graham, Horn, Morris, Seibold, Yadowsky and Bartman – 7

2008-63. Consider request to approve the division of land at 2750 Reeds Lake Blvd.

City Services Director Feldt explained the owners of the property wished to divide it into four parcels: Parcel A containing the existing home on 3.49 acres, Parcels B (0.81 acres) and C (0.68 acres) to the east of the existing home, and Parcel D containing 8.97 acres to the west of the home. Mr. Feldt reported the owner was working with neighboring property owners to address utility easements through these properties and an easement containing a private drive that serves as access to the homes at 2736 and 2738 Reeds Lake Blvd.

Bill Hall, attorney representing Mr. Stekete, was present to introduce and answer questions about the request. He noted that all land division standards are met by the proposed division and all resulting lots would conform to zoning requirements. Mr. Hall stated the owners are concerned about protecting the natural features and prefer to use the private drive along the back of Parcels B and C as driveways for any new homes rather than cut down trees on Reeds Lake Blvd. He stated an easement agreement is being worked out to continue access to the Decker and Loeks homes as well. Mr. Hall indicated Mr. Decker is satisfied with the easement that has existed for 60 years and does not want to sign any new easements.

The following people were present and expressed their opinions concerning this request:

- Margaret O'Byrne, 2721 Reeds Lake Blvd Questioned whether Parcel D would be split again since it is so large. Mayor Bartman and City Attorney Huff explained the parcel could be divided later by being platted or another land division request.
- Bill Boorstein, 2646 Reeds Lake Blvd Concerned about the two large parcels being divided in the future to allow more development.

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

- Bill Decker, 2738 Pioneer Club Opposed further use of the private easement for new homes.
- Willard Schroeder, 2618 Reeds Lake Blvd No objection.

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

2008-63-A.Horn-Coretti. That the request of 2750 Reeds Lake Blvd LLC, owner of a 14-acre parcel at 2750 Reeds Lake Blvd, to allow the division of that property into four conforming parcels be approved, with the following conditions:

- A. Approval by City staff and recording of both proposed driveway easement documents is completed before relevant deeds are prepared for requested land divisions;
- B. Parcels B, C and D shall secure utility service directly from the adjoining public street utilities other than the noted easement along the south edge of parcels B and C, and

- C. That the split complies with the surveys and legal descriptions contained in the land division application are recorded with the Kent County Registrar of Deeds within 90 days of approval.

City Attorney Huff explained the easement for the private drive is now likely considered permanent since it has been in place since 1948. He stated the reason for requesting additional easement documents is to correct the exact boundaries of the easement and address shared maintenance and utilities. Mr. Hall added the remaining property owners have agreed to maintain the roadway even if Mr. Decker chooses not to participate.

Ruth Loeks, 2736 Reeds Lake Blvd, stated the private drive in front of her home has never been maintained by the Steketees and she was opposed to additional vehicles using the private drive and would not pay maintenance costs to have the drive used by new homes.

Peter Steketee, 2060 Robinson, reported the easement had always been maintained by his family as a gravel road with maintenance and snowplowing alternating between the Steketees, Deckers and Loeks when needed. He noted Mr. Decker did not want to participate in any maintenance agreement for a percentage of the entire costs because he used a very short portion of the easement before entering his own driveway. He wanted the new easements in place to allow for Parcels B and C to utilize the private drive instead of Reeds Lake Blvd to preserve the trees along that frontage. He and his engineer, Don DeGroot of Exxcel Engineering, stated the intent has been to use the private drive as the front yard setback and that deed restrictions as such would be placed on Parcels B and C.

Commissioner Seibold and Mayor Bartman questioned whether conditions could be added to the land division approval for the designation of the front yards on both these lots and to prevent Parcel C from being split again in the future.

Commissioners Horn and Morris favored approving the land division with the condition the easement be worked out and leaving the details to the parties involved.

Mrs. Loeks reiterated she did not want additional homes to access the private drive in front of her home. Commissioner Seibold suggested tabling this issue until Mr. Steketee and Mrs. Loeks can come to an agreement on the details of the easement.

- 2008-63-B. Seibold-Yadlowsky. That the request of 2750 Reeds Lake Blvd, LLC, owner of a 14-acre parcel at 2750 Reeds Lake Blvd, to allow the division of that property into four conforming parcels be tabled until a future meeting.

Yeas: Coretti, Graham, Seibold, Yadlowsky and Bartman – 5
Nays: Horn, Morris – 2

- 2008-64. Consider request to approve a street name change.

City Services Director Feldt explained the residents of the south arm of Reeds Lake Blvd and Bissell Ct have requested the names of their streets be changed to Reeds Lake Ct to correct confusion with Reeds Lake Blvd.

- 2008-64-A. Coretti-Horn. That Reeds Lake Blvd south arm and Bissell Drive and Bissell Court be changed to Reeds Lake Court.

Kathy Wynsma, 2634 Reeds Lake Blvd, stated the new name would be less confusing for deliveries and guests and safer for emergency vehicles responding to fires or medical situations.

Commissioner Seibold suggested spelling out COURT on the new street sign to make it easier to find.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-

- 2008-65. Final Reading of an ordinance amendment to Article VI of Chapter 50 of Title V of the City Code pertaining to parking regulations.

Planning Consultant VanSteenhuysen explained the Planning Commission had reviewed the ordinance and made only a few changes relating to parking requirements for the hospital.

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

2008-65-A. Graham-Yadlowsky. That an ordinance amendment to Article VI of Chapter 50 of Title V of the City Code pertaining to parking regulations be adopted as set forth in Exhibit "A" attached hereto.

Mayor Bartman thanked Mr. VanSteenhuysen, Mr. Huff, the subcommittee and the Planning Commission for their work on this complex issue.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-

2008-66. Final Reading of an ordinance amendment to Article VII of Chapter 50 of Title V of the City Code pertaining to zoning regulations for the C-1 Commercial District.

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

2008-66-A. Morris-Seibold. That an ordinance amendment to Article VII of Chapter 50 of Title V of the City Code pertaining to zoning regulations for the C-1 Commercial District be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-

2008-67. Coretti-Yadlowsky. Motion to approve the consent agenda as follows:

2008-67-A. Receipt of communications as presented.

2008-67-B. Minutes of the rescheduled regular meeting held March 31, 2008.

2008-67-C. Payroll disbursements of \$192,243.45; county and school disbursements of \$6,321.70 and total remaining disbursements of \$302,267.64.

2008-67-D. A contract with Wolverine Fireworks Display in the amount of \$18,000 for the 4th of July fireworks show.

2008-67-E. The implementation of GASB Statement No. 43 and Statement No. 45 and a budget amendment to fund the first year contribution of \$212,529.00 to a trust established with ICMA to record retiree benefits as future liabilities for the City.

2008-67-F. The amended snow and ice control procedures as outlined by the Streets & Utilities Supervisor in a memo dated April 10, 2008.

2008-67-G. An agreement with Consumers Energy to provide for the interconnection and operation of the city's new solar power units at the Community Center.

2008-67-H. The preliminary minutes of the Planning Commission meeting held March 11, 2008.

2008-67-I. The preliminary minutes of the Traffic Commission meeting held March 24, 2008. No action was taken on the Traffic Commission's motions to adjust the traffic signal flash schedules and to include pedestrian "bump-outs" at Lake Grove/ Hall Street in the city's construction bid package. The motions will take effect immediately.

2008-67-J. The Public Safety Department Report for February 2008.

2008-67-K. Commissioner Morris reported the Gaslight Village Business Association was meeting monthly and had prepared a calendar of events for the upcoming year.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7

Nays: -0-

2008-67-L. Finance Director VanderWall and City Assessor Mesik presented an overview of the FY 2008-09 budget and answered questions from the commission. Ms. VanderWall reported there would be \$1.2 million available for the Streets & Utilities building remodeling. She stated a property tax millage rate remained the same, but a 3% sewer rate increase was proposed to cover rising costs.

The meeting adjourned at 8:15 p.m. subject to the call of the Mayor until May 5, 2008.

Karen K. Brower, City Clerk

Attachments: A – Ordinance Amendment to Article VI of the City Code pertaining to parking regulations.
B – Ordinance Amendment to Article VII of the City Code pertaining to C-1 zoning 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 May 5, 2008

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

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Mayor Bartman

Absent: None

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

2008-68. No public comment was received.

2008-69. City Manager Donovan reported the press conference demonstrating the solar panels on the Community Center had received good coverage from the local media.

2008-70. A zoning variance hearing was held on the request of Blodgett Hospital to:

- A. Permit an addition to the hospital which is 4 stories and 72 feet 2 inches high, instead of the maximum 2.5 stories and 35 feet in height in the A-1 and A-2 districts; and including all portions of the existing hospital building that exceed current height maximums and are nonconforming.
- B. Permit an addition that encroaches into the required front yard setback on Wealthy Street at three building corners, resulting in setbacks from the centerline of the street of 60.44 feet, 58.12 feet and 54.59 feet, instead of the minimum 63 feet from the centerline.
- C. Permit an accessory structure (dumpster enclosure) to be located in the front yard and 2.58 feet from the Wealthy Street right-of-way, and an accessory structure (liquid oxygen tank enclosure) to be located in the front yard and 14.79 feet from the Wealthy Street right-of-way, instead of the required location for accessory structures in the rear yard and 60 feet from any right-of-way line.
- D. Permit an existing nonconforming structure (the parking ramp) to be located 33 feet from the centerline of Plymouth Street and 42.79 feet from the centerline of Sherman Street instead of the required 63 feet for that portion of the structure lying within the A-1 Residential District; and a variance to permit the same existing nonconforming structure to be located 36.31 feet from the centerline of Sherman Street instead of the required minimum 58 feet, for that portion of the structure lying within the A-2 Residential District.

Planning Consultant VanSteenhuysen explained the hospital was currently a non-conforming use and the variances and Special Use Permit would bring the hospital into conformance with ordinance requirements. He noted there were several issues relating to the existing building and the proposed addition that require variances for height and encroachment into the setbacks. The special use includes the use of the property and the site plan. The Planning Commission has reviewed the proposal and recommends approval with conditions. One of the conditions relates to future requirements for Blodgett to maintain an acceptable balance of parking for staff and patients/visitors. The other conditions address bringing the site plan into conformance with the requested variances and participation in a storm sewer separator.

Jim Wilson, President of Blodgett Hospital, thanked the Planning Commissioners and City staff for their input and assistance during the past several months. He outlined the new addition and changes to the existing campus that will take place over the next 2-3 years to upgrade the facilities and place each of the hospital's 284 beds in private rooms and will allow the hospital to stay in EGR for the next 20-50 years. He showed aerial photos of the facility as it now exists and with the new addition as well as drawings of the improved landscaping plans, screening fences and changes to the driveways. He reported Blodgett had held three meetings for neighbors to discuss the plans and gather input before finalizing the plans. The construction will be done in several phases.

Mayor Bartman opened a public hearing on any and all aspects of the Blodgett Hospital renovation and expansion project. No public comment was received. Mayor Bartman closed the public hearing.

2008-70-A.Horn-Yadlowsky. That the request of Blodgett Hospital to allow an addition to the hospital which is 4 stories and 72 feet 2 inches high, instead of the maximum 2.5 stories and 35 feet in height in the A-1 and A-2 districts; and including all portions of the existing hospital building that exceed current height maximums and are nonconforming.

Commissioner Seibold questioned whether the encroachment into the setback was due to the building overhang and whether there were potential problems with relocating the main entrance/exit so close the intersection of Wealthy and Laurel. Mr. VanSteenhuysen answered the new building's overhang was not the reason for the setback variances. City Services Director Feldt stated the City's traffic engineers and city staff were satisfied the reconfigured driveways were properly spaced and met all applicable standards.

Commissioner Seibold reported there was confusion with some neighbors and Blodgett staff about the location of the new addition and asked hospital staff to address this. Derrick Brown and Jim Wilson stated they had spoken with the neighbor who had questions and had clarified the exact location of the new addition in relation to the grass/green space and existing driveways.

Commissioner Seibold expressed concern about the appearance of the concrete retaining wall near the Wealthy/Plymouth intersection and questioned whether Blodgett would construct the wall of new or reused brick from the Withey Building. Lorissa MacAllister of Progressive AE reviewed the plans for screening the wall with trees, plantings and ivy and stated Blodgett officials preferred to screen the wall naturally rather than create an expanse of brick.

Mayor Bartman stated the summary of the Planning Commission and staff reports set forth the criteria and standards met by the hospital's proposal and that she was very comfortable approving the plans. She thanked Blodgett for working out details with the City and for remaining as a neighborhood hospital in the area.

Commissioner Yadlowsky agreed the hospital had done a good job fitting the addition into the existing hospital and fitting it into the neighborhood.

Commissioner Horn felt this approval process was an excellent example of cooperation between an applicant, neighbors and the City to make sure the resulting proposal benefited everyone. He stated the requirements for windows and a courtyard necessitated building the addition closer to the street than normally allowed.

Commissioner Graham noted the new buildings would be in line with other rooflines in the hospital and would blend in well. He felt the benefits brought to the area by the hospital were worth granting the variances.

Commissioner Seibold noted some neighbors were concerned with the height and felt the additional space was not needed for private patient rooms. She reported she had explained national requirements to the residents and answered other questions for them. She stated she supported the overall project even with some of the concerns she had previously voiced.

Mayor Bartman reported her conversations with neighbors had also addressed some concerns but had mostly been about relief that Blodgett was not moving out of the area and having a vacant campus to redevelop. She noted the meetings with neighbors had been very positive and focused on keeping the neighborhood hospital with all the benefits that brings. She was very grateful for the investment in the community and the commitment to remain in the area and create up to 400 new jobs.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-

2008-70-B.Morris-Horn. That the request of Blodgett Hospital to allow an addition that encroaches into the required front yard setback on Wealthy Street at three building corners, resulting in setbacks from the centerline of the street of 60.44 feet, 58.12 feet and 54.59 feet, instead of the minimum 63 feet from the centerline.

City Manager Donovan reported the Planning Commission had reviewed in detail the standards that necessitate the space outside patient windows that required placing the building so close to the street.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-

2008-70-C.Horn-Morris. That the request of Blodgett Hospital to allow an accessory structure (dumpster enclosure) to be located in the front yard and 2.58 feet from the Wealthy Street right-of-way, and an accessory structure (liquid oxygen tank enclosure) to be located in the front yard and 14.79 feet from the Wealthy Street right-of-way, instead of the required location for accessory structures in the rear yard and 60 feet from any right-of-way line.

Commissioner Seibold thanked Blodgett for improving this area and making the best of the mechanical areas of the building. Mayor Bartman noted Blodgett had made these changes in response to input from the neighbors.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-

2008-70-D.Graham-Yadlowsky. That the request of Blodgett Hospital to allow an existing nonconforming structure (the parking ramp) to be located 33 feet from the centerline of Plymouth Street and 42.79 feet from the centerline of Sherman Street instead of the required 63 feet for that portion of the structure lying within the A-1 Residential District; and a variance to permit the same existing nonconforming structure to be located 36.31 feet from the centerline of Sherman Street instead of the required minimum 58 feet, for that portion of the structure lying within the A-2 Residential District.

Mr. VanSteenhuysen noted this variance would remove the non-conforming status from the hospital's property and allowed for the granting of the special use permit.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-

2008-71. A public hearing was held on the request of Blodgett Hospital to approve a Special Use to permit a hospital in the A-1 District, including approval of a Complete Site Plan.

Mayor Bartman opened a public hearing. The following people were present to speak on this issue:

- Heather DeKorte, 738 Rosewood Reluctant to see the demolition of the Withey Building to allow for additional parking. She suggested documenting the inside and outside of the building for future historical use.

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

2008-71-A.Horn-Morris. That the request by Blodgett Hospital for a Special Use to permit a hospital in the A-1 District, including approval of a Complete Site Plan be approved with the following conditions:

1. Special use approval is subject to prior approval of the height and setback variances identified on the Variance Site Development Plan. The setbacks on the Site Plan (Sheet DP2) shall be revised to be consistent with the Variance Site Development Plan.
2. Should parking demand by patients and visitors exceed the spaces available on-site and lead to use of non-designated parking spaces or an increased use of on-street parking, the City shall notify Blodgett and request that staff parking be shifted to off-site locations so that adequate on-site spaces are available for use by patients and visitors. The City Commission, after consultation with Blodgett, shall approve the number of staff spaces to be converted to patient/visitor spaces. The hospital shall make the spaces available to patients and visitors within 45 days of City Commission approval. Should Blodgett fail to provide the patient/visitor parking spaces within the time required or fail to agree to any reasonable request by the City for additional on-site patient/visitor parking spaces, the City shall have recourse to any means available, including but not necessarily limited to, court action to implement an increase in on-site parking spaces.

3. Blodgett shall participate in the cost of a storm sewer separator for the storm sewer that serves the site and outfalls to Fisk Lake, including engineering design and installation. Blodgett shall pay one-half (½) of this cost, or \$150,000, whichever is less.

Commissioner Seibold reiterated her concern about the expanse of the concrete wall. She stated the used brick from the Withey Building could be reused to enhance the look of the wall.

Mayor Bartman agreed the Withey Building should be photographed and documented for historical use, but felt the building had outlived its use in a hospital setting and left it to the Blodgett staff as to whether this building should be torn down or reused. Mayor Bartman stated she appreciated the positive approach and continued work by Commissioner Seibold on this issue, but felt the hospital had made the retaining wall as attractive as possible and had answered the questions on the Withey Building.

Commissioner Graham clarified the entrance and exit driveways during the construction. Mr. Wilson stated the new driveway will be constructed first and then the site of the addition closed off.

Commissioner Yadlowsky agreed it was sad to see the Withey Building demolished but understood it could no longer be effectively used by the hospital.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-

2008-72. Coretti-Graham. Motion to approve the consent agenda as follows:

2008-72-A. Receipt of communications as presented.

2008-72-B. Minutes of the regular meeting held April 21, 2008.

2008-72-C. Payroll disbursements of \$188,945.66; county and school disbursements of \$-0- and total remaining disbursements of \$114,798.51.

2008-72-D. The establishment of June 2, 2008 as the date for public hearings for the budget and delinquent account hearings, and the date for a special meeting to adopt the budget.

2008-72-E. The purchase of seven bicycles for the Public Safety Department from Village Bike Shop of Cascade in the amount of \$4,067.91.

2008-72-F. A resolution authorizing Consumers energy to install a streetlight in the 900 block of San Jose as set forth in Exhibit "A."

2008-72-G. The quarterly financial report for the period ending March 31, 2008.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-

The meeting adjourned at 7:01 p.m. subject to the call of the Mayor until May 19, 2008.

Karen K. Brower, City Clerk

Attachments: A – Resolution authorizing streetlight on San Jose.
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 19, 2008

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

Present: Commissioners Coretti, Graham, Horn, Morris, Yadlowsky and Mayor Bartman

Absent: Commissioner Seibold

Also Present: City Attorney Huff; City Manager Donovan; Finance Director VanderWall; City Services Director Feldt; Parks & Recreation Director Bunn; Streets & Utilities Supervisor Stehouwer; City Clerk Brower; Captain Lark, Captain Williams

2008-73. No public comment was received.

2008-74. Commissioner Graham commented on the article in the MML Review Magazine on the city's green roof written by City Clerk Brower.

City Manager Donovan thanked Parks & Recreation Director Bunn and Human Resources Manager Dewey for organizing the City's team for the Relay for Life event that raised over \$35,000 for the American Cancer Society. Mayor Bartman commended all the employees who participated.

2008-75. Consider request to approve the division of land at 2750 Reeds Lake Blvd.

2008-75-A.Horn-Morris. That the request of 2750 Reeds Lake Blvd LLC, owner of a 14-acre parcel at 2750 Reeds Lake Blvd, to allow the division of that property into four conforming parcels be taken from the table for consideration.

Yeas: Coretti, Graham, Horn, Morris, Yadlowsky and Bartman – 6

Nays: -0-

City Attorney Huff reported the applicant has worked with the neighboring property owners to reach an agreement that Parcels B and C will be restricted to accessing their properties on the easement from Pioneer Club Road to the entrance to their driveways but no further west along the private drive. He noted Mr. Steketee is still working out a maintenance agreement with the hope Mrs. Loeks will participate, but that the other owners will maintain their sections of the easement regardless. Mr. Huff stated the remaining conditions and representations from the last meeting are still in place, and the applicant has further agreed that Parcels B and C cannot be further divided in the future. He reported the applicant may wish to use Parcel A in conjunction with Parcel D in the future and does not wish to place future restrictions on Parcel A.

William Hall, attorney for Mr. Steketee, reported the driveway/easement is going to be moved slightly to the north to remove it from Mr. Decker's property, and that Parcel B would be required to locate their driveway as far east as possible to limit traffic traveling farther down the driveway.

The following people were present and expressed their opinions concerning this request:

- David Pray, 2935 Reeds Lake Blvd

Representing Bill Decker – opposes further traffic in the easement even after improvements; questioned traffic caused by proposed six condos on Parcel D. Felt there was adequate access to Parcels B and C from Reeds Lake Blvd that they did not need to use this easement. Also opposed being required to join in the maintenance of the road. Mr. Hall clarified the easement would only be used by Parcels A, B and C, and that

Parcel D would not use this easement. Mr. Hall acknowledged that Mr. Decker would most likely not participate in the maintenance agreement. Mr. Pray asked how access from Parcel D would be restricted and that a physical barrier be erected to keep other traffic out.

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

- Ruthe Miller, 2713 Reeds Lake Blvd Concerned about a mature pine tree across from her home.

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

2008-75-B. Yadowsky-Coretti. That the prior motion (2008-63-A) be amended to include the additional and modified conditions as recommended in the City Manager's memo of May 13, 2008.

Yeas: Coretti, Graham, Horn, Morris, Yadowsky and Bartman – 6
Nays: -0-

Commissioner Yadowsky questioned whether a restriction could be placed on vehicles using the private drive as access to Parcel D. City Manager Donovan felt this was private property and enforcement of the deed restrictions would fall to those who owned the property. City Attorney Huff noted vehicles would be trespassing on private property without permission and the Public Safety Department could be called to assist with repeated violations.

Motion 2008-63-A., as amended:

2008-63-A. Horn-Coretti. That the request of 2750 Reeds Lake Blvd LLC, owner of a 14-acre parcel at 2750 Reeds Lake Blvd, to allow the division of that property into four conforming parcels be approved, with the following conditions:

- A. Each of Parcel B and Parcel C may not be further subdivided, whether through land division, platting, establishment as a condominium or other method. The owners of the adjacent Parcels may mutually agree to relocate the boundary between the parcels. Any boundary adjustment must be performed with applicable law.
- B. The City will not provide any maintenance on the private drive.
- C. The applicant will impose a restriction on Parcel B that the owner of Parcel B may only use that portion of the existing gravel driveway located within Parcels B and C.
- D. Parcels B, C and D shall secure utility service directly from the adjoining public street utilities other than the noted easement along the south edge of parcels B and C, and
- E. That the split complies with the surveys and legal descriptions contained in the land division application are recorded with the Kent County Registrar of Deeds within 90 days of approval.

Yeas: Coretti, Graham, Horn, Morris, Yadowsky and Bartman – 6
Nays: -0-

2008-76. Consider request to accept the donation of property at 2618 Reeds Lake Blvd.

City Manager Donovan reported that Mr. Willard Schroeder, owner of 2618 Reeds Lake Blvd, has offered to donate the property to the city for use as a park after he no longer occupies the property. The property is adjacent to Hodenpyl Woods and will be used as an extension of this property. Mr. Schroeder will maintain the property while living there and will pay property taxes until he leaves the property.

City Attorney Huff noted that Mr. Schroeder will retain a life estate and the city will assume the responsibility and cost of removing the residence after it is vacated. The agreement allows picnic tables, parking and passive park uses but not high intensity use.

Mayor Bartman thanked Mr. Schroeder for this generous donation to the City that will be used with great care.

2008-76-A.Horn-Yadlowsky. That the Quit Claim Deed be accepted from Willard Schroeder of 2618 Reeds Lake Blvd conveying ownership of the property to the City of East Grand Rapids.

Yeas: Coretti, Graham, Horn, Morris, Yadlowsky and Bartman – 6
Nays: -0-

2008-77. Graham-Yadlowsky. Motion to approve the consent agenda as follows:

2008-77-A.Receipt of communications as presented.

2008-77-B.Minutes of the regular meeting held May 5, 2008.

2008-77-C.Payroll disbursements of \$255,879.59; county and school disbursements of \$-0- and total remaining disbursements of \$384,624.62.

2008-77-D.An amendment to the rate agreement with Consumers Energy.

2008-77-E.The sale of the 1992 Ford Mini-Pumper Fire Vehicle to White County Fire Department in Cleveland, Georgia in the amount of \$25,000.

2008-77-F. The preliminary minutes of the Parks & Recreation Commission meeting held April 14, 2008.

2008-77-G.The preliminary minutes of the Planning Commission meeting held April 15, 2008.

2008-77-H.The preliminary minutes of the Traffic Commission meeting held April 28, 2008. No action was taken on the Traffic Commission's motion to approve dual bumpouts at Hall and Conlon as a traffic calming project. The motion will take affect automatically.

Yeas: Coretti, Graham, Horn, Morris, Yadlowsky and Bartman – 6
Nays: -0-

The meeting adjourned at 6:22 p.m. subject to the call of the Mayor until May 19, 2008.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held June 2, 2008

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

Present: Commissioners Coretti, Graham, Horn, Morris, Yadlowsky and Mayor Bartman

Absent: Commissioner Seibold

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

2008-78. No public comment was received.

2008-79. Commissioner Morris reported the Gaslight Village Business Association was working on a system to hang banners above Wealthy Street for special events, and is planning a community sidewalk/garage sale event in August and a Fall Festival in October.

2008-80. A Public Hearing was held on the special assessment roll of delinquent accounts for placement on the July 1, 2008 tax roll.

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

2008-80-A. Horn-Yadlowsky. That the special assessment roll of delinquent accounts totaling \$75,707.04 be certified and that these accounts be placed on the July 1, 2008 tax roll.

Yeas: Coretti, Graham, Horn, Morris, Yadlowsky and Bartman – 6

Nays: -0-

2008-81. A public hearing was held pertaining to the General Fund budget and the property tax levy for Fiscal Year 2008-2009. No public comment was received.

2008-82. Consider request to approve a final site plan for Phase II of the Jade Pig Ventures PUD.

Planning Consultant VanSteenhuysen reported most items requested by the Planning Commission have been resolved and the remaining items can be handled at the time that building permits are issued. The Planning Commission recommends approval with four conditions: the changes to the site plan requested by the City Services Director, the addresses used by the residents and businesses of the property, a shared driveway agreement, and the possibility of future changes to the PUD agreement.

Scott Wierda of Jade Pig Ventures requested the building be allowed to use Wealthy Street as its address so the retail clients would have a recognizable address. He reported that condominium presales would begin this summer and construction would begin in the fall.

City Services Director Feldt spoke in favor of requiring a separate address to avoid confusion over a Wealthy Street address that does not front on Wealthy and the door/address will not be visible to pedestrians and drivers on Wealthy.

2008-82-A. Coretti-Horn. That a final site plan as shown on drawings dated May 6, 2008 be approved as recommended by the Planning Commission with the following conditions:

1. The site plan shall be amended to reflect the changes in the City Service Director's memorandum, dated May 15, 2008, prior to application for building permits.

2. The applicant shall propose a name for the drive in front of the building that is not already in use within the City; all uses within the building shall be addressed to this drive.
3. The applicant shall enter into a shared driveway agreement with the owners of the Lakewood Hills Apartments, prior to issuance of building permits, in a form acceptable to the City Attorney. If a shared driveway agreement cannot be accomplished, a driveway in a safe and efficient location shall be planned as part of Phase 3. The applicants shall abandon the "Temporary Driveway to Ramona Medical Property" upon provision of the new access.
4. All future phases and amendments to the Jade Pig Redevelopment PUD shall be consistent with the parking and traffic recommendations and conclusions of the Jade Pig Redevelopment PUD ordinance. Any change that affects the number of residential units, the number and/or location of parking spaces, the mix of retail, office and service uses or other change that would result in an increase in the need for parking spaces beyond that approved in the original PUD approval, shall not be considered unless a parking study has been completed by a professional traffic/parking consultant that shows how parking needs for the entire site can be met.

Mayor Bartman agreed that a Wealthy Street address would give identity. She felt the entire PUD was one large piece of property and was entitled to use Wealthy Street as its address and that it would not be complicated to direct people to the right spot.

2008-82-B. Morris-Horn. Motion to amend 2008-82-A to remove condition #2.

Commissioner Horn felt the issue should reside with the landlord and that if the Wealthy address proved problematic it could be changed at a later date.

Commissioner Yadlowsky favored staff's recommendation to require a separate street name.

Yeas: Coretti, Graham, Horn, Morris and Bartman – 5

Nays: Yadlowsky – 1

Commissioner Yadlowsky reiterated his prior objections to the reorientation of the building to be closer to the condominiums and apartments.

Vote on 2008-A. as amended:

Yeas: Coretti, Graham, Horn, Morris and Bartman – 5

Nays: Yadlowsky – 1

2008-83. Coretti-Horn. Motion to approve the consent agenda as follows:

2008-83-A. Receipt of communications as presented.

2008-83-B. Minutes of the regular meeting held May 19, 2008.

2008-83-C. Payroll disbursements of \$198,536.60; county and school disbursements of \$-0- and total remaining disbursements of \$344,444.27.

2008-83-D. Adoption of two resolutions establishing a trust with ICMA for retiree health care funding as set forth in Exhibits "A" and "B" attached hereto.

2008-83-E. Purchase and installation of components of a radio repeater system for the Public Safety Department in the amount of \$7,800.00 from Drew Wireless LLC.

2008-83-F. List of meeting dates for FY 2008-09.

2008-83-G.Reeds Lake Sampling and Monitoring Report for 2007.

2008-83-H.The preliminary minutes of the Traffic Commission meeting held May 8, 2008. No action was taken on the Traffic Commission's motion to remove parking on the west and south side of Lake Drive from Hall Street to the southeast city limits. The motion will take affect automatically.

Yeas: Coretti, Graham, Horn, Morris, Yadlowsky and Bartman – 6
Nays: -0-

The meeting adjourned at 6:22 p.m. subject to the call of the Mayor until June 16, 2008.

Karen K. Brower, City Clerk

Attachments: A – Resolution establishing a trust with ICMA
B – Resolution establishing a trust with ICMA

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 2, 2008

The meeting was called to order by Mayor Bartman at 6:22 p.m. in the Commission Chambers at the East Grand Rapids Community Center.

Present: Commissioners Coretti, Graham, Horn, Morris, Yadlowsky and Mayor Bartman

Absent: Commissioners Seibold

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

2008-84. Consider request to adopt a resolution adopting the FY 2008-09 budget and setting a millage rate for FY 2008-09.

2008-84-A. Graham-Coretti. That a resolution adopting the FY 2008-09 as amended during the budget worksession and setting millage rate for FY 2008-09 be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Coretti, Graham, Horn, Morris, Yadlowsky and Bartman – 6
Nays: -0-

2008-85. Consider request to adopt a resolution establishing water/sewer rates for FY 2008-09.

2008-85-A. Graham-Coretti. That a resolution setting water/sewer rates for the upcoming fiscal year be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Coretti, Graham, Horn, Morris, Yadlowsky and Bartman – 6
Nays: -0-

Mayor Bartman thanked the staff for the preparation time that goes into presenting the budget to the City Commission.

2008-86. The special meeting was adjourned at 6:24 p.m.

Karen K. Brower, City Clerk

Attachments: A – Resolution adopting FY 2008-09 budget.
B – Resolution establishing water/sewer rates for FY 2008-09.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held June 16, 2008

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

Present: Commissioners Graham, Horn, Yadlowsky and Seibold

Absent: Commissioners Coretti and Morris and Mayor Bartman

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

2008-87. No public comment was received.

2008-88. President Horn commended the Streets & Utilities crew members for working so hard following the heavy rains on June 7-8 when electricity was knocked out and the city's sewer lift stations were disabled. Some crews worked for more than 20 hours moving generators and clearing blocked catch basins. Thanks to their hard work, there were very few reports of problems during this time.

President Horn also noted the Reeds Lake Clothesline Art Fair would be held June 21st and welcomed the new Graydon's Crossing Restaurant to Gaslight Village.

2008-89. Introduction of an ordinance amendment to Section 9.56 of Chapter 93 of Title IX of the City Code pertaining to preliminary breath tests.

City Attorney Huff stated a recent court ruling has necessitated a change to the ordinances to state that a preliminary breath test can be requested but not required for persons under the age of 21. He pointed out this ordinance does not apply to persons driving automobiles.

Commissioner Seibold questioned why this pertained only to those under age 21. City Attorney Huff stated this section deals with the consumption of alcohol by minors, which is illegal. He noted it was not illegal for those over age 21 to consume alcohol, so this section did not apply to those over age 21.

2008-89-A. Graham-Yadlowsky. That an ordinance amendment to Section 9.56 of Chapter 93 of Title IX of the City Code pertaining to preliminary breath tests be introduced as set forth in Exhibit "A" attached hereto.

Yeas: Graham, Horn, Seibold and Yadlowsky – 4

Nays: -0-

2008-90. Yadlowsky-Seibold. Motion to approve the consent agenda as follows with the correction noted in item "D":

2008-90-A. Receipt of communications as presented.

2008-90-B. Minutes of the regular and special meetings held June 2, 2008.

2008-90-C. Payroll disbursements of \$197,582.02; county and school disbursements of \$128.18 and total remaining disbursements of \$224,907.74.

2008-90-D. Appointments to advisory boards for FY 2008-09 as follows:

Planning Commission

Don Lawless, 2539 Albert
Marnie Masterson, 2138 Heather
Tom Stankewicz, 1453 Albert

Three-year terms ending 6/30/11

Parks & Recreation Comm.	Judith Baxter, 3060 Hall Dirk Buth, 1900 San Lu Rae Rick Merpi, 617 Plymouth Terry McCarthy, 961 San Jose Joanie Snyder, 2627 Beechwood Jim Weiss, 2127 Wilshire	One-year terms ending 6/30/09
Library Commission	Carol Donovan, 2944 Hall Jennifer Khorey, 2656 Boston Beth Graff, 1000 Breton Jeff Minore, 1103 Lake Grove Joel Schultze, 933 Pinecrest Luis Solis, 2258 Audobon Mark Tourek, 1705 Oxford Kathleen Underwood, 2637 Hampshire	One-year terms ending 6/30/09
Board of Review	Patsy Dodgson, 1045 Conlon Sam Helmrick, 984 Gladstone Paul Howland, 2809 Woodcliff Circle	One-year terms ending 6/30/09
Construction Board of Appeals	Nick Nicola, 2721 Darby Laura Paulin, 1627 Breton Rd SE	Two-year terms ending 6/30/10
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 6/30/09

City Manager Donovan noted that Commissioner Graham was now assigned as City Commission liaison to the Board of Review instead of Commissioner Yadlowsky as noted in the agenda materials.

2008-90-E. The purchase of a replacement generator for the Streets & Utilities Division \$18,186.00 from Wolverine Tractor and Equipment Company with a related budget amendment from the General Fund Ending Balance.

2008-90-F. The purchase of a mini-excavator for the Streets & Utilities Division from Carleton Equipment Company in the amount of \$34,697.00.

2008-90-G. A budget amendment of \$6,683.63 for changes to the traffic signals at Plymouth Road and Wealthy Street from the Major Street Fund undesignated fund balance.

2008-90-H. The preliminary minutes of the Joint Facilities Committee meeting held May 14, 2008.

2008-90-I. The preliminary minutes of the Traffic Commission meeting held May 27, 2008. The City Commission took no action on the motion of the Traffic Commission to install yield signs at certain intersections.

2008-90-J. The preliminary minutes of the Library Commission meeting held May 27, 2008.

2008-90-K. The Public Safety Department Report for April 2008.

Yeas: Graham, Horn, Seibold and Yadlowsky – 4
Nays: -0-

The meeting adjourned at 6:08 p.m. subject to the call of the Mayor until July 7, 2008.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section 9.56 regarding preliminary breath tests.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held July 7, 2008

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

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

Absent: Commissioners Coretti and Yadlowsky

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

2008-91. Mayor Bartman requested that an ordinance amendment regarding the suspension of temporary use permit requirements be added to the agenda for consideration.

2008-92. Seibold-Morris. Motion to add to the agenda consideration of an emergency ordinance amendment establishing a moratorium on temporary use permits. A roll call vote was taken.

Yeas: Graham, Horn, Morris, Seibold and Bartman – 5

Nays: -0-

2008-93. No public comment was received.

2008-94. Commissioner Seibold complimented those involved in the City's 4th of July Celebration. She noted the fireworks were outstanding this year.

Commissioner Morris reported the Gaslight Village Merchants Association had hosted a tour for the concierge staff of the Amway and Marriott hotels to showcase Gaslight Village so they could inform their visitors about the shopping and lakefront areas of East Grand Rapids.

Commissioner Horn thanked the employees of the Streets & Utilities, Public Safety and City Services Departments for their response to the heavy rains on July 2nd.

City Manager Donovan thanked Bank of America for their recent donation of \$10,000 to the Reeds Lake Trail project from the proceeds of the Reeds Lake Run.

Mayor Bartman commended the staff of the Parks & Recreation Department for their work on the Art Fair/Book Sale weekend, the Reeds Lake Run event, and the 4th of July celebration. She noted it was three weekends in a row for them and everyone had done an incredible job for the community.

Mayor Bartman praised the work of the Streets & Utilities crew members and the Public Safety Department for their work the night of July 2nd after the City received 5+” of rain in one evening. Many members worked through the night and into the following day clearing drains and assisting residents with water/sewer issues. She noted that several years ago a rainstorm like this one would have flooded more than 200 homes, but with the drainage and retention improvements made over the years, there were only a few problems last week.

2008-95. Don Lawless, Chairman of the ITP Board, and Commissioner Morris updated the City Commission on the current services and future plans of the Interurban Transit Partnership. Peter Varga, Executive Director of the ITP, was also present to answer questions.

2008-96. A zoning variance hearing was held regarding the request of Krista Rensland on behalf of the owners of 2809 Elmwood Drive to allow the construction of two pergolas attached to the home creating a side yard setback of 1.0' instead of the required 7.0' and a combined side yard setback of 8.6' instead of the required 18.0.'

City Services Director Feldt outlined the request and the variances from the required setback for each of the two pergolas proposed.

Mike Mills and Krista Rensland of Meadowgreen Landscapes were present to introduce and answer questions about the variance request. Ms. Rensland noted the owners wished to take advantage of the existing concrete patio but desired shade for a portion of the area.

The following people were present and expressed their opinions concerning this variance request:

- Jessica LaPine, representing owner of 2821 Elmwood Opposed because it would concentrate all the activity and noise along the property line closest to her home. Felt the entire rear yard was available for use.
- Kelly Eldred, property owner Felt it would enhance the property value by improving a bare patio with shade and quality materials.
- Bob Yarger, 2804 Oakwood Concerned about increased drainage issues in his yard that may have been exacerbated by landscaping changes made at the home.

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

- Letitia MacWhirter, 2821 Elmwood Opposed.
- Tim Wolffis, 1428 Woodlawn No objection.

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

2008-96-A.Horn-Seibold. That the request of Krista Rensland of 2809 Elmwood Drive to allow the construction of two pergolas attached to the home creating a side yard setback of 1.0' instead of the required 7.0' and a combined side yard setback of 8.6' instead of the required 18.0' be approved.

Commissioner Seibold agreed that a pergola structure would make the patio more attractive and questioned why this would be treated as a structure. City Services Director Feldt explained the cross members of the pergola make the difference according to the ordinance. He noted if the pergolas are not attached to the main structure, they would have to be 10' away from the home and 3' away from the property line. City Attorney Huff reviewed the ordinance definitions.

Commissioner Graham stated he could not support the variance as he felt 1' away from the property line was too much to approve, especially since the home had a large back yard.

Commissioner Morris complimented the owners on their improvements thus far and stated he could approve the rear pergola attached to the home if the pergola attached to the garage was removed from consideration.

2008-96-B.Morris-Seibold. Motion to amend 2008-96-A. to remove the pergola with the 1.0' setback alongside the garage from the approval motion.

Commissioners Seibold and Horn approved of the compromise to include the pergola over the patio but not the one alongside the garage.

Mayor Bartman observed the standards for granting variances were not met by this request and spoke against any type of structure that would be placed 1' from any lot line anywhere in the city.

Yeas: Horn, Morris and Seibold – 3
Nays: Graham and Bartman – 2

City Attorney Huff explained that the City's ordinance provides a vote must be held over until the next meeting to allow absent members to vote if the vote of the absent members could change the outcome of the vote.

2008-96-C.Horn-Seibold. Motion to table this issue until the next meeting to allow Commissioners Coretti and Yadowsky to vote on this motion.

Yeas: Graham, Horn, Morris, Seibold and Bartman – 5
Nays: -0-

2008-97. Public Hearing on the request to rezone the property known as Lakewood Hills Apartments, 555 Lakeside Drive, from B-1 Apartment district to a planned unit development with 75 units in three buildings of five stories with a height of 47.5' plus a manager's unit/office.

Planning Consultant VanSteenhuysen reported the Planning Commission had denied essentially the same proposal in November and the issue now moves to the City Commission for consideration. The City Commission held a public hearing on December 3, 2007 to gather input and then tabled the issue to allow the applicant to answer questions. He stated the City Commission was now being asked to approve the preliminary PUD, approve the preliminary PUD with conditions, or deny the PUD, all subject to a "Findings of Fact" that would need to be adopted. The applicant has since changed the plans to move the buildings all the way forward to the front setback line, eliminated the pedestrian access sidewalk and added a manager's apartment increasing the number of units to 76. The Planning Commission found the prior plan was not consistent with the Master Plan and objected to having a wall of buildings along Lakeside Drive. Mr. VanSteenhuysen felt the plan now being proposed increased the "wall" effect by aligning the buildings along the front setback line. He summarized the latest proposal as five-story buildings measuring 47.5' tall with a density of 21 dwelling units per acre. He also noted the remaining concern about the driveway being located so close to the boat launch and the absence of pedestrian access from Gaslight Village to the lakefront as emphasized by the Master Plan.

Mayor Bartman reopened the public hearing on this issue:

Denis Johnson of Post Architects, representing Lakewood Hills, stated the applicant's position that the proposal was an improvement over prior proposals because more landmark trees were preserved while creating additional greenspace behind the buildings. He noted the proposed buildings would still be further from the street than the current buildings. He contended the decks, balconies and rooflines created the same effect of stepping-back the buildings and avoiding a tall wall of buildings along the street. He stated their traffic engineer did not feel there were any issues relating to the placement of the entrances and that the urban area surrounding the project could accept the density proposed. Mr. Post stated the increased density was needed to make the project viable, as the costs did not support rebuilding 2-story buildings on this site given the owner's preference to have apartments as opposed to condos. He noted the proposal was only 12½' taller than currently allowed. He stated the "carriage house" look of the manager's unit would soften the entrance area and the parking garages around it. He reported the owners had removed the pedestrian access because they don't understand it and feel it would be an unfriendly alley.

Commissioner Morris questioned why the patio and roofline step-backs couldn't be kept and the buildings moved back to their angled positions of the last proposal as he felt this would allow the most greenspace in the front and benefit the community. Mr. Johnson replied they could do this if the commission wanted it.

Mayor Bartman closed the public hearing.

2008-97-A.Horn-Graham. Motion to direct the City Attorney to prepare for adoption at the next meeting a Findings of Fact document using the City Commission's comments on the new proposal.

Yeas: Graham, Horn, Morris, Seibold and Bartman – 5
Nays: -0-

Commissioner Morris referenced his previous comments about the orientation of the buildings and asked for variations in height along the length of the building or a minimum of angling the buildings along the street.

He also stated the pedestrian walkway was an important component as it related to the Master Plan but could be eliminated in his opinion if there was reason to do so.

Commissioner Graham expressed frustration about the changing proposals and the applicant's unwillingness to comply with the standards and requests of the City. He felt the City had worked with the applicants in every way possible, but that there was no effort to accept the City's direction on certain elements of the proposal. He suggested the City Attorney review the history of the proposals to use in the Findings of Fact.

Commissioner Seibold agreed with Commissioner Graham's comments. She stated that when she saw the buildings again aligned along the front setback she was very frustrated. She stated their refusal to include a sidewalk that is easy to include and essential in a walkable community was disillusioning to the entire process.

Commissioner Horn also referenced the many attempts to work with this owner to develop a compromise proposal only to have the project redesigned again and again without taking the City's input. He felt the proposal was very one-sided and that a PUD proposal should benefit more than just the property owner.

Mayor Bartman read a prepared statement outlining several areas where this proposal exceeds the City Code and does not meet the standards set forth in the ordinances and the vision of the Master Plan. She felt the project was not innovative, did not increase useful open space or include a mixture of uses, does not include pedestrian access, and is inconsistent with the objections of the Master Plan. She noted the "coning or tapering" effect was discussed by the Planning Commission but not included in the Master Plan. She felt the applicant was not serious about the proposal and only wanted to engage the city in a lengthy legal challenge for their own benefit. She noted officials have recently approved several developments by working with developers toward a shared vision in good faith negotiations, all of which she felt were lacking in the Lakewood Hills proposals. She noted this property is zoned as B-1 Apartment District and should not be given automatic approval as a PUD just because the site next door was given PUD approval. She also took objection to the argument that height was required for this project because mature trees block the view of the lake. Mayor Bartman reiterated that the public plaza, walkways, artwork, retail presence, historic preservation and pedestrian friendliness defined the Jade Pig PUD and benefited the entire community, but that the Lakewood Hills proposal benefited only those owning or living on the Lakewood Hills property. She remained unconvinced that this property could not be used as currently zoned or could be redeveloped only with significant height and density increases. She noted the property was currently being used as apartments and could continue to do so without exceptions. She vowed a five-story wall of buildings overshadowing Lakeside Drive and Collins Park would not be built with her support and asked the applicant to submit a plan that respects the vision and goals of the community.

2008-98. Final Reading of an ordinance amendment to Section 9.56 of Chapter 93 of Title IX of the City Code pertaining to preliminary breath tests.

2008-98-A.Horn-Morris. That an ordinance amendment to Section 9.56 of Chapter 93 of Title IX of the City Code pertaining to preliminary breath tests be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Graham, Horn, Morris, Seibold and Bartman – 5
Nays: -0-

2008-99. Election of President for FY 2008-09.

2008-99-A.Morris-Seibold. 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 2008-09.

Yeas: Graham, Horn, Morris, Seibold and Bartman – 5
Nays: -0-

2008-100. Adoption of an ordinance amendment to add Section 5.34 to Article IV of Chapter 50 of Title V of the City Code to adopt a temporary moratorium on the application of Section 5.33 requiring the issuance of temporary use permits before conducting certain temporary uses within the City.

City Manager Donovan reported this ordinance was difficult to enforce as many events did not notify the city within the 90 days required by ordinance. When the permit applications are submitted less than 30 days prior to the event, it makes approving or denying the temporary use permit very difficult and sometimes impossible if there is objection from the neighbors and insufficient time to schedule an appeal hearing. He asked that the requirements of the ordinance be suspended for 90 days until a solution or new ordinance can be drafted.

2008-100-A. Horn-Seibold. That an ordinance amendment to add Section 5.34 to Article IV of Chapter 50 of Title V of the City Code to adopt a temporary moratorium until October 3, 2008 on the application of Section 5.33 requiring the issuance of temporary use permits before conducting certain temporary uses within the City be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Graham, Horn, Morris, Seibold and Bartman – 5
Nays: -0-

2008-101. Seibold-Graham. Motion to approve the consent agenda as follows:

2008-101-A. Receipt of communications as presented.

2008-101-B. Minutes of the regular meeting held June 16, 2008.

2008-101-C. Payroll disbursements of \$280,196.49; county and school disbursements of \$-0- and total remaining disbursements of \$551,646.03.

2008-101-D. The proposal of Law Weathers & Richardson for legal services to the City through June 30, 2013 as outlined by the City Manager's memorandum dated June 25, 2008.

2008-101-E. The purchase of two ¾-ton two-wheel drive pickups and one ¾-ton four-wheel drive pickup with a plow package from Red Holman Pontiac-GMC for a total price of \$60,713.35.

2008-101-F. The purchase of a rebuilt replacement pump for the sewer cleaning equipment in the amount of \$7,500.00 from Jack Doheny Company.

2008-101-G. The purchase of confined space retrieval equipment for the Streets & Utilities Department from Agile Safety in the amount of \$8,230.00.

2008-101-H. A contract with Caledonia Excavating in the amount of \$906,333.68 and project contingencies of \$90,633.37 for the 2008 road and sewer construction projects.

Yeas: Graham, Horn, Morris, Seibold and Bartman – 5
Nays: -0-

2008-102. Graham-Horn. Motion to enter into an executive session to the acquisition of property and pending litigation in accordance with Sections 8(d) and 8(e) of the Open Meetings Act. A roll call vote was taken.

Yeas: Graham, Horn, Morris, Seibold and Bartman – 5
Nays: -0-

The meeting adjourned at 7:47 p.m. subject to the call of the Mayor until July 21, 2008.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section 9.56 regarding preliminary breath tests.
B – Ordinance amendment to Section 5.33 regarding a moratorium on temporary use permits.

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 21, 2008

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

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Mayor Bartman

Absent: None

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

2008-103. No public comment was received.

2008-104. Mayor Bartman announced the Lakewood Hills Apartments PUD item would be tabled at the request of the applicant. She requested an executive session be added to the end of the agenda to discuss pending litigation.

2008-105. Seibold-Coretti. Motion to add to the end of the agenda an executive session to discuss pending litigation in accordance with Section 8(e) of the Open Meetings Act. A roll call vote was taken.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-

2008-106. Decision on the zoning variance request of Krista Rensland on behalf of the owners of 2809 Elmwood Drive to allow the construction of two pergolas attached to the home creating a side yard setback of 1.0' instead of the required 7.0' and a combined side yard setback of 8.6' instead of the required 18.0.'

2008-106-A. Seibold-Horn. Motion to take from the table the request of the owners of 2809 Elmwood to allow the construction of two pergolas.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-

Mayor Bartman explained that since the vote was divided at the last meeting, Commissioners Coretti and Yadlowsky who were absent at the last meeting would need to vote on the amendment first, and then the entire commission would vote on the original motion.

Original motion:

2008-96-A. Horn-Seibold. That the request of Krista Rensland of 2809 Elmwood Drive to allow the construction of two pergolas attached to the home creating a side yard setback of 1.0' instead of the required 7.0' and a combined side yard setback of 8.6' instead of the required 18.0' be approved.

Amendment to motion:

2008-96-B. Morris-Seibold. Motion to amend 2008-96-A. to remove the pergola with the 1.0' setback alongside the garage from the approval motion.

Commissioners Coretti and Yadlowsky indicated they were voting "yes" on motion 2008-96-B.

Vote totals for 2008-96-B:

Yeas: Coretti, Horn, Morris, Seibold, Yadlowsky – 5
Nays: Graham and Bartman – 2

Amended motion:

2008-96-A. Horn-Seibold. That the request of Krista Rensland of 2809 Elmwood Drive to allow the construction of one pergola attached to the main portion of the home creating a side yard setback of 2.2' instead of the required 7.0' and a combined side yard setback of 9.8' instead of the required 18.0' be approved.

Commissioner Seibold questioned whether the neighbors had tried to work this out. The applicant indicated they had not.

Vote on 2008-96-A., as amended:

Yeas: Coretti, Horn, Morris, Seibold, Yadlowsky – 5

Nays: Graham and Bartman - 2

- 2008-107. A zoning variance hearing was held regarding the request of Richard Elias III, owner of 535 Greenwood, to allow the alteration and enlargement of a nonconforming structure and nonconforming use of the land, and to allow the elimination of the 10' greenbelt requirement between the parking lot and adjacent properties.

Zoning Administrator Faasse reviewed the request to reorient the main entrance, add a handicap access ramp, and a small addition to enlarge patient spaces. He noted Planning Commission had discussed drainage and screening extensively before approving the site plan contingent on the granting of variances by the City Commission. He explained there is currently no greenbelt provided and the applicant is requesting a variance to keep the same conditions that currently exist.

Craig Baker of First Companies, and John Blair of R2 Design Group, were present to answer questions. They indicated the parking lot would be re-striped, but not repaved. Mr. Baker noted the primary purpose of the remodeling was to update the interior of the building and accommodate handicap access.

Commissioner Graham spoke in favor of the improvements to patient safety and comfort.

Commissioner Seibold questioned whether any further information was available about the drainage issues. Mr. Blair explained they were still exploring ways to improve drainage. City Services Director Feldt noted the property currently drained toward the vacant land to the north. He stated that since the parking lot was not undergoing any significant changes they were not required to improve drainage as part of this project. City Manager Donovan suggested the City Commission could condition the variance on some type of drainage improvements. Planning Consultant VanSteenhuysen stated the City could require drainage improvements at any time in the future if the conditions at the site did not meet the standards of the ordinance or building codes.

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

- 2008-107-A. Horn-Coretti. That the request of Richard Elias III, owner of 535 Greenwood, to allow the alteration and enlargement of a nonconforming structure and nonconforming use of the land, and to allow the elimination of the 10' greenbelt requirement between the parking lot and adjacent properties be approved.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7

Nays: -0-

- 2008-108. A zoning variance hearing was held regarding the request of Corey and Beth Graff of 1000 Breton to allow the construction of screen porch 7.0' from the detached garage instead of the required 10.0' and to allow the maximum lot coverage percentage to increase from 37% to 38.5%.

Zoning Administrator Faasse explained the applicants wished to convert a portion of the existing porch into an enclosed mud room with bedroom addition above and then expand the screened porch closer to the garage than allowed.

Bob Kirchgessner, builder, was present to introduce the variance request. He noted the calculation for the lot coverage would be closer to 38%. He stated an existing drain tile would be utilized to handle the runoff from the house and the concrete driveway will be slightly smaller than currently exists.

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

- Barbara Stanton & Janice Moody, 1038 Breton No objection.

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

2008-108-A. Horn-Coretti. That the request of Corey and Beth Graff of 1000 Breton to allow the construction of screen porch 7.0' from the detached garage instead of the required 10.0' and to allow the maximum lot coverage percentage to increase from 27% to 38.0% be approved.

Commissioner Coretti indicated she was comfortable with the 7.0' foot separation between the house and the garage, but was concerned with the lot coverage percentage as it may set future precedent.

Commissioner Seibold felt the City Commission was very concerned about overbuilding on small lots had placed the current restrictions in place to address the issue. She was worried that larger and larger requests would follow from other homeowners. She noted this house was already slightly over the percentage allowed and that a slightly larger encroachment would not make a significant difference in this property.

Commissioner Horn noted the house was built prior to the current zoning regulations and there are undoubtedly many other houses in the area in the same situation. He supported the homeowner's efforts to improve their property and felt access to the rear of the home was still adequate.

Commissioner Morris felt the porch already existed and a slightly larger porch would make no difference.

Commissioner Yadlowsky and Mayor Bartman noted this was a very small change to the existing situation and was a welcome improvement to the home.

Commissioner Seibold noted her support for the request was based on the fact the applicant had obviously kept their request to a bare minimum. She hoped future applicants would keep square footage to a minimum when planning additions that came close to the lot coverage or setback requirements.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7

Nays: -0-

2008-109. Consideration of Findings of Fact Concerning the PUD application of Lakewood Hills Apartments, 555 Lakeside Drive.

2008-109-A. Seibold-Coretti. Motion to table this issue to a future meeting.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7

Nays: -0-

2008-110. Coretti-Yadlowsky. Motion to approve the consent agenda as follows:

2008-110-A. Receipt of communications as presented.

2008-110-B. Minutes of the regular meeting held July 7, 2008 as corrected below.

Mayor Bartman noted address of the variance in 2008-96 and 2008-96A should be 2809 Elmwood.

2008-110-C. Payroll disbursements of \$280,196.49; county and school disbursements of \$-0- and total remaining disbursements of \$551,646.03.

2008-110-D. The appointment of Matt Meyer of 558 Laurel to the Traffic Commission and Pam Witting of 1019 Floral to the Parks & Recreation Commission for one-year terms ending June 30, 2009.

2008-110-E. The purchase of a slit seeder/thatcher unit for the grounds maintenance staff at a cost of \$3,799.00 from Weingartz Equipment.

2008-110-F. The establishment of a fee of \$5.00 for residents and \$10.00 for non-residents for the Public Safety Department to perform Preliminary Breath Tests for citizens whose court sentences require the tests.

2008-110-G. A contract with in'tHout Concrete of Caledonia in the amount of \$90,676.00 and project contingencies of \$9,067.00 for the sidewalk replacement program.

2008-110-H. The preliminary minutes of the Planning Commission meeting held May 13, 2008.

2008-110-I. The preliminary minutes of the Traffic Commission meeting held June 23, 2008. No action was taken on the motions of the Traffic Commission to install "no parking" signs on Orchard and to install "2-hour parking" signs on Ross Court.

2008-110-J. The Public Safety Department Report for May 2008.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-

2008-111. Seibold-Coretti. 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: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-

The meeting adjourned at 6:39 p.m. subject to the call of the Mayor until August 4, 2008.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held August 4, 2008

City Clerk Brower called the meeting to order at 6:00 p.m. in the Commission Chambers at the East Grand Rapids Community Center.

Present: Commissioners Graham, Morris, Seibold, Yadlowsky

Absent: Commissioners Coretti, Horn and Mayor Bartman

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

2008-112. City Clerk Brower explained the Mayor and Commission President were unable to attend the meeting and asked for a motion to appoint a temporary president of the City Commission to conduct the meeting.

2008-112-A. Graham-Yadlowsky. That Commissioner Seibold be appointed as the President pro tem to chair the meeting of August 4, 2008.

Yeas: Graham, Morris, Seibold and Yadlowsky – 4

Nays: -0-

2008-113. No public comment was received.

2008-114. City Manager Donovan reminded everyone of the primary election on August 5th.

Commissioner Morris reported the Gaslight Village Business Association would be conducting sidewalk sales later in the week and were very interested in the new signs the City would be working on in the near future.

President Seibold reported the Gaslight Village Business Association was also organizing a community garage sale this week in the parking deck with the proceeds to benefit the sports teams.

2008-115. Martha Smart, Dawn Lewis and Charles Fry of the Kent District Library were present to give an annual report for the library system, including news of record circulation, a new endowment fund, new programs and expansions to the collections.

2008-116. Yadlowsky-Morris. Motion to approve the consent agenda as follows:

2008-116-A. Receipt of communications as presented.

2008-116-B. Minutes of the regular meeting held July 21, 2008 as corrected below.

2008-116-C. Payroll disbursements of \$208,900.82; county and school disbursements of \$1,677,998.40 and total remaining disbursements of \$88,198.35.

2008-116-D. A contract with Michigan Pavement Marking LLC to provide pavement marking services in the amount of \$24,091.12 with a corresponding budget amendment of \$15,091.12 from the Major Street Fund balance.

2008-116-E. The 2008 Goals & Objectives mid-year update report.

Yeas: Graham, Morris, Seibold and Yadlowsky – 4

Nays: -0-

The meeting adjourned at 6:21 p.m., subject to the call of the Mayor until August 18, 2008.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held August 18, 2008

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

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

Absent: Commissioner Yadowsky

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

- 2008-117. Kevin Gotch, 2053 Wilshire, was present to observe the meeting as part of a Scouting project.
- 2008-118. Commissioner Seibold commented the repaving of the D&W Shopping Center parking lot looked very nice and thanked the City staff for arranging to have the entrance/exit lanes marked for those using that lot.
- 2008-119. Coretti-Horn. Motion to approve the consent agenda as follows:
- 2008-119-A. Receipt of communications as presented.
 - 2008-119-B. Minutes of the regular meeting held August 4, 2008.
 - 2008-119-C. Payroll disbursements of \$436,457.37; county and school disbursements of \$6,500,115.57 and total remaining disbursements of \$246,704.44.
 - 2008-119-D. The preliminary minutes of the Planning Commission meeting held July 8, 2008.
 - 2008-119-E. The minutes of the Parks & Recreation Commission meeting held July 14, 2008.
 - 2008-119-F. The preliminary minutes of the Traffic Commission meeting held July 28, 2008. No action was taken on the motion of the Traffic Commission to install "no parking" signs on the south side of Lansing Street. The motion will take effect automatically.
 - 2008-119-G. The Public Safety Department Report for June 2008.
- Yeas: Coretti, Graham, Horn, Morris, Seibold and Bartman – 6
Nays: -0-
- 2008-120. Consider request to approve the division of land at 500 Rosewood.

Commissioner Graham arrived.

Linda Cline, 540 Rosewood, was present. She noted the driveway is currently right on the property line and they wish to expand their lot slightly to allow more room to open vehicle doors and work around the driveway.

- 2008-120-A. Horn-Coretti. That the request of Aaron and Linda Cline of 540 Rosewood and Donna Lundeen of 500 Rosewood to transfer a wedge-shaped piece of land approximately 6' wide at Rosewood Avenue and widening to approximately 40' at the rear of the lot from 500 Rosewood to 540 Rosewood be approved, with the conditions that the split complies with the surveys, and the relevant deed or land contract be recorded with the Kent County Registrar of Deeds within 90 days of approval be approved.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Bartman – 6
Nays: -0-

- 2008-121. Consider request of Sara Ash Trust, owner of 2624 Reeds Lake Court, to appeal the determination of the Zoning Administrator regarding the determination of the front yard and the refusal of the Zoning Administrator to place a variance request on the Zoning Board of Appeals agenda.

Zoning Administrator Faasse explained the owner of the property is appealing the interpretation that the eastern yard is the front yard of the property for zoning purposes and the interpretation that the most recent zoning variance request submitted cannot be considered by the Zoning Board of Appeals.

City Attorney Huff recommended the City Commission deal with the two appeals as separate issues. He reviewed the history of how this lot was created in a lot split in 2002 and the building envelope that was drawn onto the survey at the time and approved with the lot split. He stated the front yard was facing to the east as determined by using a real estate ruler to measure the proportional setbacks. Mayor Bartman pointed out the language on the surveys used at the time confirmed there were specific measurements used in the creation of the "building envelope" drawn in on the surveys.

Mayor Bartman opened a public hearing on this issue.

Todd Oleson and Sarah Ash, owners of the lot, were present. Mr. Oleson stated they had purchased the property with the intention of using the view of Reeds Lake and would like to maximize the view by building a home on the highest corner of the lot.

David Smith, attorney for Mr. Oleson and Ms. Ash, asked the City Commission to review the evidence and determine if any limitations were placed on the property by the City Commission in 2002. He stated the applicants do not feel the front yard was specified by the City Commission and wish to designate the front yard differently. Mr. Smith stated the burden was placed on the City to show the contract with the original owners showed a required configuration. Since the current owners were not a party to that agreement, they don't feel they should be bound by it and had purchased the land with the presumption of the least regulation possible. He also reviewed the history of the original lot split, including original surveys, memos from the former Building Inspector, and the location and orientation of the buildings on the site prior to the split. He went over the agreement between the City and the Wynsmas and noted specific limitations were not spelled out in the agreement, only referenced as an attached exhibit which shows setback lines that are not labeled and show two front yard setbacks. Mr. Smith argued the agreement did not clearly state any restrictions with regard to the setbacks or front yard designation that could be read and understood by someone not involved in the original land division that wished to purchase the lot. He displayed an email from City Services Director Feldt questioning how the records should be interpreted with regard to this issue and reiterated that there is more than one possible "building envelope" that can be used on this property, not just the one possibility on the original drawings. He reviewed the transcript of the 2002 meeting and asserted no specific restrictions were placed on the lot the applicants now own. He noted that the applicants had no way of knowing when they purchased the lot that this type of restriction existed from the agreement or other documentation available to them. He concluded that the 8' difference between designating the north or east as the front yard was not worth arguing over.

City Attorney Huff pointed out two instances in the 2002 transcript that specifically mentioned approving a site plan for the land division and gave his opinion that the site plan contained the dotted lines designating setbacks.

Commissioner Morris questioned why the original drawings did not show the setback lines extended all the way to the north for the side yard setback. City Manager Donovan speculated this was done because the topography of the land would make it difficult to build on that portion of the lot.

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

- 2008-121-A. Horn-Graham. Motion to uphold the determination of the Zoning Administrator that the City Commission had determined the front yard of this lot as facing east in its approval of the lot split in 2002.

Commissioner Seibold questioned whether the building envelope was typically shown to the City Commission when considering lot splits. City Manager Donovan confirmed this is usually done when buildable lots are created to give the Commission an idea of where a home could be placed. City Attorney Huff noted the

building envelope was also designated on the southern lot that was created at the same time as the lot now owned by the applicant. Commissioner Morris pointed out the northern lot shows an inconsistent application of the side yard setbacks with the dotted lines that were drawn not extending as far north as would be allowed.

Commissioner Horn felt the buyers did not practice due diligence when researching this lot prior to purchase. He felt a phone call to the City questioning the meaning of the dotted lines on the drawing attached to the agreement would have alerted the buyers to the fact that something was designated on this lot.

Commissioner Morris disagreed with the due diligence argument and stated that corner lots normally can choose which lot line is considered the front. He felt that although the original intent may have been to have both lots face east, the restrictions are not clearly spelled out, and the decision should be overturned.

Commissioner Graham questioned whether the front door usually faced the street on most homes. Mayor Bartman stated the ordinance did not specifically address the location of the front door when determining the front yard designation.

Mayor Bartman felt the front yard of the new lot was clearly determined to face east in both the memo and the surveys used by the Commission at the time. She disagreed with the statement that either direction could be construed to be a front yard because the corresponding rear yard proportions were clearly drawn in to reflect the front yard as facing east, not north. She felt the notations on the survey indicated the surveyor knew about the front and rear yard requirements for East Grand Rapids and drew the proportions accordingly. She stated she could not possibly look at the materials and see there was any thought the north could be the front yard because the rear yard would then be out of compliance. The survey further noted the measurements, easements and other restrictions of record. She also felt it important to note the agreement points to the survey attached as the exhibit that was agreed upon to enact the lot split. She did not feel there was ambiguity and the front yard was established as facing east because exact measurements had obviously been made to calculate square footage.

The Commission discussed how lots are measured according to the ordinance requirements. Mr. Smith interjected the City Commission was reading things incorrectly on the survey that were not meant to be interpreted. Mr. Morris questioned how irregular lots were measured and whether that would have any bearing on this case. Mr. Huff and Mayor Bartman answered that while it was possible that either frontage could likely be used to determine lot size, only the eastern lot line could be construed as the front yard when looking at the building envelope that was drawn in 2002 because the proportional yards drawn in on the west and south indicated the west was the appropriate size for a rear yard.

Mr. Smith objected to the calculations as he felt they were incorrect and he doubted the references on the survey could be used to support the front yard determination. He also objected to the 63' setback shown on the northern frontage as being confiscatory and did not make any sense. He further argued that statements made by Metropolitan Title Company and Williams & Works on the surveys to illustrate the easements and restrictions of record on file with the Registrar of Deeds and constituted extraneous information not relative to the discussion at hand.

Commissioner Seibold read aloud from the land division agreement stating the agreement becomes effective if, and only if, the City approves the land division as shown on the site plan attached to the agreement as shown. She felt this was very specific wording. She felt the building envelope as shown on the site plan was very limited and should have been a warning to a potential buyer that there were restrictions in place on this property. She felt the buyers should have been asking a lot of questions to determine the meaning of the notations on the survey. She understood the property would be challenging to build on, but felt the "buyer beware" saying should apply in this case. Commissioner Seibold also referenced a letter from Kathy Wynsma stating the intention of establishing the setback lines was to ensure both new lots faced the same direction as being a determining factor in her position.

Commissioner Morris contended the land division agreement said nothing about a building envelope, only referenced the boundaries of the land. He felt the document only referenced the land being divided and its boundaries.

Mr. Smith contended that a letter from Eric Wynsma refuted the statements made by Commissioner Seibold by stating that the outline showed only a possible scenario and not the only legal one.

Yeas: Coretti, Graham, Horn, Seibold and Bartman – 5

Nays: Morris – 1

Mayor Bartman then moved to the second appeal by the applicants regarding this property.

City Attorney Huff reported the applicant had recently submitted a revised building plan moving the front yard from the east to the north. Zoning Administrator Faasse made a determination that the same variance had already been heard and denied and therefore would not be considered by the City Commission. The applicant is appealing that determination. City Attorney Huff noted the only issue is whether the variance has already been heard and denied, or whether the new plan is a substantial change from the one already considered and should be heard by the City Commission. He stated it is staff's determination that no change has been made to the condition of the lot or the surrounding area that would constitute a change in conditions and allow this new request to be heard.

Mr. Smith stated the prior application requested variances for the rear yard setback, elevation and building configuration, but at that time the land division agreement debated previously was not a part of the discussion, even though the City knew of its existence and did not use it in the discussion at the prior variance hearing. He felt this was a change in the conditions surrounding this request. He also submitted a drawing showing the two alternative building configurations facing east and north. He stated that since the last variance hearing, the applicants have eliminated the rear yard setback request and that this is a changed condition from the application in April. He disagreed with Mr. Huff's opinion that a change in the physical condition of the property; he felt it should be a change in the conditions of the zoning variance. Most importantly, he felt the change in the position of the building in the southwest corner of the property constituted a change as the house was now proposed to be an average of 16-17' from the property line. He asked the Zoning Board of Appeals to determine that there were changed conditions based on this information. He asked the City Commission to work with the applicant to find a compromise.

Mayor Bartman questioned which part of the determination the City Commission was being asked to rule on. City Attorney Huff stated the most recent request asked to move the front yard from the east to the north and that staff ruled this could not be placed on the agenda as it was the same as a prior request. He clarified that a variance request can be filed for a rear or side yard setback as long as it is substantially different from one that has already been entertained. He further noted, however, the City Commission had just decided what the building envelope looked like for this lot and this is a request to approve a different building envelope which places the rear yard to the south and the side yard to the west. He stated this request should be looked at without regard to the house plans which are proposed because he felt these were not relevant to the request. He felt the only thing relevant to the request is whether the request had already been made and decided by the commission previously, and in staff's opinion it had.

2008-121-B. Horn-Coretti. Motion to uphold staff's decision not to place the most recent request before the City Commission for reconsideration.

Commissioner Morris questioned whether they were being asked to determine if material changes have been made from the request previously submitted. Mr. Huff confirmed the staff did not feel there were any material changes that were relevant to this request. Commissioner Morris accepted staff's recommendation on this issue.

Commissioner Seibold questioned what was different from the prior request. Mayor Bartman answered that Mr. Smith is suggesting the introduction of the land division agreement from 2002 that was not discussed in April is a changed condition. Mr. Smith confirmed he felt there was more information available now than in April when a decision was made without reviewing the agreement.

Commissioner Graham asked what information used to decide could be deemed as different. Mr. Huff gave his opinion that staff looked at whether a request had been made to move the front yard from the east to the north and felt that it had and that the conditions relevant to that request have not changed. He noted Mr. Smith wanted to look at more information, such as specific house plans and angled setbacks, where staff was looking

at it simply from the standpoint of whether a request had been made to allow a change in the front yard designation. Mr. Huff felt that changes in surrounding property lines, roads or overall neighborhood would constitute a change in condition, but not changing of the house plans.

Mr. Smith stated the April variance request had contained specific house plans with a rear yard setback request and the newest request had eliminated the rear yard setback, which he felt was reason alone to be considered a change. He stated the Commission would not be agreeing to the variance by agreeing to let the request be placed on the agenda for consideration. He also stated there was no impact on the adjacent Hodenpyl property.

Mayor Bartman reiterated that in order to re-hear a variance where a decision has already been made, the City Commission has to feel that substantial and significant changes have occurred that warrant doing so. Mr. Huff stated the latest variance request was characterized as "variance to front lot line" and there were no house plans attached to that request. He stated house plans were submitted later, but that staff's determination that the front yard variance had already been heard was made on information submitted by the applicant.

Mayor Bartman stated this was not a disagreement over 8' but was over a lot more than that, specifically the side yard setback of 10' adjacent to the Hodenpyl Woods property. She felt it was not a good idea to allow a structure to be built that close to park property that was deed restricted to remain in a natural state. She reported she had visited the area over the weekend and was appalled at the encroachment into the park property by the other properties where structures are farther than 10' from the lot line. She felt the elimination of the southern setback did nothing to alleviate her concern about the setback closest to the park property and re-hearing the request would not change her position on protecting the park property.

Commissioner Seibold agreed that re-hearing a variance would not change the reasons that the variance request was denied in April.

Mr. Smith interrupted discussion to show the proposed house plans and state that patios, hot tubs and other activity and landscaping always move toward the rear of the home. He felt that changing the front yard toward the north would place the Hodenpyl property in the side yard where limited activity occurs, which would actually keep activity away from the park. He suggested the City Commission be open to this.

City Manager Donovan agreed that amenities are always placed in the rear yards and that is why the 25' rear yard setback is included in the zoning ordinance to allow for these items. He felt placing the home closer to the park property would naturally push the amenities closer to or over the line into the park property.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Bartman – 6
Nays: -0-

The meeting adjourned at 7:28 p.m., subject to the call of the Mayor until September 2, 2008.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held September 2, 2008

City Clerk Brower called the meeting to order at 6:03 p.m. in the Commission Chambers at the East Grand Rapids Community Center.

Present: Commissioners Coretti, Morris, Seibold and Yadlowsky

Absent: Commissioners Graham and Horn and Mayor Bartman

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

2008-122. City Clerk Brower explained the Mayor and Commission President were unable to attend the meeting and asked for a motion to appoint a temporary president of the City Commission to conduct the meeting.

2008-122-A. Yadlowsky-Morris. That Commissioner Seibold be appointed as the President pro tem to conduct the meeting of September 2, 2008.

Yeas: Coretti, Morris, Seibold and Yadlowsky – 4

Nays: -0-

2008-123. Dave Murkowski, Chief Probate Judge for Kent County, was present to introduce Christopher Yates as a candidate for Circuit Court Judge in the November election. Mr. Yates, 2622 Hall Street, addressed the Commission regarding his candidacy and offered his phone number to speak with anyone personally if needed.

2008-124. Commissioner Morris commended Mayor Bartman on her remarks at the Blodgett Hospital groundbreaking ceremony on August 26th.

President Seibold thanked the Public Safety Department for their quick response to the fire at Mayor Bartman's house over the weekend.

2008-125. Coretti-Yadlowsky. Motion to approve the consent agenda as follows:

2008-125-A. Receipt of communications as presented.

2008-125-B. Minutes of the regular meeting held August 18, 2008.

2008-125-C. Payroll disbursements of \$212,656.96; county and school disbursements of \$5,960,083.87 and total remaining disbursements of \$342,351.65.

2008-125-D. The purchase of a new boiler for Wealthy Pool in the amount of \$22,645.00 and a related budget transfer in the same amount from the General Fund ending balance to a building capital account for this project.

Yeas: Coretti, Morris, Seibold and Yadlowsky – 4

Nays: -0-

2008-126. Coretti-Morris. Motion to enter into an executive session to discuss a legal opinion in accordance with Section 8(h) of the Open Meetings Act. A roll call vote was taken.

Yeas: Coretti, Morris, Seibold and Yadlowsky – 4

Nays: -0-

The meeting adjourned at 6:11 p.m., subject to the call of the Mayor until September 15, 2008.

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held September 15, 2008

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

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Mayor Bartman

Absent: None

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

2008-127. No public comment was received.

2008-128. Commissioner Morris complimented City Manager Donovan and City Clerk Brower for their work on the EGR Community Foundation's event on Friday, September 12th.

City Manager Donovan thanked the many volunteers who made the event possible.

Mayor Bartman congratulated The Derby Station on the great review in a recent newspaper. She also thanked everyone for their support and prayers following the fire at her home.

2008-129. A zoning variance hearing was held regarding the request of Marc Montpetit, 2559 Elmwood to allow the construction of an attached garage creating a side yard setback of 4.0' instead of the required 7.0' and a combined side yard setback of 15.6' instead of the required 18.0'.

Zoning Administrator Faasse explained the applicant wished to demolish the existing attached garage and rebuild a garage of the same size but move it closer to the street.

Marc Monpetit, 2559 Elmwood, was present to introduce and answer questions about the variance request. He noted the existing garage was constructed with a flat roof connecting it to the house and there were numerous leaks in the house.

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

2008-129-A. Coretti-Seibold. That the request of Marc Montpetit, 2559 Elmwood to allow the construction of an attached garage creating a side yard setback of 4.0' instead of the required 7.0' and a combined side yard setback of 15.6' instead of the required 18.0' be approved.

Commissioner Seibold noted the new garage would not be substantially different and that it would be an improvement to the home to have it constructed properly without leaks.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7

Nays: -0-

2008-130. Coretti-Graham. Motion to approve the consent agenda as follows:

2008-130-A. Receipt of communications as presented.

2008-130-B. Minutes of the regular meeting held September 2, 2008.

2008-130-C. Payroll disbursements of \$201,258.59; county and school disbursements of \$21,465.77 and total remaining disbursements of \$698,415.16.

2008-130-D. The purchase of RecTrac software and hardware for the Parks & Recreation Department in the amount of \$4,195.00.

2008-130-E. The preliminary minutes of the Parks & Recreation Commission meeting held August 11, 2008.

2008-130-F. The preliminary minutes of the Traffic Commission meeting held August 25, 2008. The City Commission took no action on the Traffic Commission's motion to change the lane markings on northbound Lakeside Drive at the Robinson Road intersection to create a left-turn only lane.

Lois Moseley, 1753 Breton, was present to object to the left-turn only lane as there is very little traffic turning left at this intersection and she feels it will force all the rest of the traffic into a single lane creating backups. City Services Director Feldt stated this would not affect the volume of traffic able to use the intersection but will improve safety. Mayor Bartman felt that if these changes cause unforeseen problems with traffic flow, the lane markings can be changed back to their former configuration.

2008-130-G. The Public Safety Department Report for July 2008.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7
Nays: -0-

The meeting adjourned at 6:15 p.m., subject to the call of the Mayor until October 6, 2008.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held October 6, 2008

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

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

Absent: Commissioners Coretti and Yadlowsky

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

2008-131. Brian Downs, Candidate for 17th Circuit Court Judge, was present to introduce himself to the City Commission.

2008-132. Mayor Bartman thanked the 2nd grade classes from Breton Downs Elementary for stopping by City Hall for a visit recently.

2008-133. A zoning variance hearing was held regarding the request of Peggy Burke & Ed Wietecha of 2555 Beechwood to allow the construction of an attached garage creating a side yard setback of 3.0' instead of the required 7.0' and a combined side yard setback of 16.5' instead of the required 18.0'.

Zoning Administrator Faasse reviewed the request and noted the applicants had been granted the same variance last year but had since changed their plans for the addition significantly so that a new variance was required.

Ed Wietecha, 2555 Beechwood, was present answer questions about the variance request. He showed several signatures on a map indicating his neighbors were in favor of the revised request.

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

2008-133-A. Seibold-Morris. That the request of Peggy Burke & Ed Wietecha of 2555 Beechwood to allow the construction of an attached garage creating a side yard setback of 3.0' instead of the required 7.0' and a combined side yard setback of 16.5' instead of the required 18.0' be approved.

Commissioner Seibold questioned why the City Commission needed to review a request when nothing related the setback variance already granted had changed. She asked staff to research this issue.

Yeas: Graham, Horn, Morris, Seibold and Bartman – 5

Nays: -0-

2008-134. Consider request to approve a special use permit for MetroPCS Wireless for the placement of wireless communication antennas at the East Grand Rapids water tower property.

City Attorney Huff reported MetroPCS Wireless was able to work with the other antenna owners already on the water tower site on the placement of the antennas to avoid equipment interference. He stated the proposal meets the City's standards and the lease agreement is the same as other cellular companies have with the City.

Mayor Bartman opened a public hearing on this issue. The following people were present and expressed their opinions concerning this temporary use permit:

- Kate Foy, 1745 Andover

Stated the City assured neighbors when the last antenna went up that no more would be placed on the water tower. Felt antennas were unsightly and too noisy. Asked if the City was required to allow on the water tower and couldn't they be put

somewhere else. Questioned whether there were any adverse medical effects from the equipment output.

- Jay Spencer, representing MetroPCS

Stated any noise is likely from the air conditioning units on the equipment sheds on the ground, not the antennas. Answered the emissions were very low and similar to standing 4' from a baby monitor.

Mr. Huff noted the City's ordinances encourage consolidated placement on existing tower rather than allowing multiple towers in the same area.

Mayor Bartman did not recall any assurances that additional antennas would not be added and concurred it would be better to have more antennas on this tower and not have towers all over. She noted changes in technology have allowed more antennas per structure than was possible several years ago.

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

- Barbara Harris, 2726 Norfolk, GR Phone call with questions.

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

2008-135. Graham-Horn. That a special use permit pursuant to Section 5.24 of the City Code be granted to MetroPCS for placement of cellular antennas and related equipment on and around the East Grand Rapids City water tower site at 1745 Woodlawn as shown on drawings dated August 29, 2008, and to approve a lease agreement with MetroPCS for placement of the antennas as outlined by the City Manager's memorandum of October 1, 2008.

Commissioner Seibold reported she had visited the site and was disappointed with the haphazard landscaping and the overall appearance of the site. She asked staff to look at the area to determine if additional landscaping work would improve the site or whether it might be more prudent to change the fencing or to place screening trees around the perimeter of the area instead of around individual equipment sheds.

Yeas: Graham, Horn, Morris, Seibold and Bartman – 5
Nays: -0-

2008-136. Adoption of an ordinance amendment to add Section 5.34 to Article IV of Chapter 50 of Title V of the City Code to extend a temporary moratorium on the application of Section 5.33 requiring the issuance of temporary use permits before conducting certain temporary uses within the City.

City Attorney Huff reported the Infrastructure Committee has discussed this issue and an ordinance amendment has been drafted and is being reviewed. He asked the Commission extend the moratorium to allow time to refine and adopt the new ordinance.

2008-136-A. Horn-Seibold. That an ordinance amendment to add Section 5.34 to Article IV of Chapter 50 of Title V of the City Code to adopt a temporary moratorium until December 31, 2008 on the application of Section 5.33 requiring the issuance of temporary use permits before conducting certain temporary uses within the City be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Graham, Horn, Morris, Seibold and Bartman – 5
Nays: -0-

2008-137. Horn-Graham. Motion to approve the consent agenda as follows:

2008-137-A. Receipt of communications as presented.

2008-137-B. Minutes of the regular meeting held September 15, 2008.

2008-137-C. Payroll disbursements of \$201,258.59; county and school disbursements of \$204,144.53; county and school disbursements of \$342,416.87 and total remaining disbursements of \$360,659.04.

2008-137-D. A two-year extension of the Metro Act permit with AT&T/SBC until December 31, 2010.

2008-137-E. The purchase of computer hardware from Precision Data Products in the amount of \$3,126.40 and consulting services in the amount of \$2,500 from Trivalent Group for the replacement of the computer file server.

2008-137-F. Approval of the emergency purchase of a remanufactured motor for patrol vehicle 282 from Fox Ford of Grand Rapids in the amount of \$2,849.08.

2008-137-G. Approval of the emergency rental of excavating equipment in the amount of \$3,167.00 from Michigan Cat of Byron Center for repairs following the July 2nd storm.

Yeas: Graham, Horn, Morris, Seibold and Bartman – 5

Nays: -0-

The meeting adjourned at 6:37 p.m., subject to the call of the Mayor until October 20, 2008.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to add Section 5.34 placing a moratorium on temporary use permit requirements.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held October 20, 2008

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

Present: Commissioners Coretti, Graham, Horn, Seibold, Yadlowsky and Mayor Bartman

Absent: Commissioner Morris

Also Present: City Attorney Huff; City Manager Donovan; Finance Director VanderWall; City Services Director Feldt; Public Safety Director Herald; Zoning Administrator Faasse; City Clerk Brower; Captain Lark

2008-138. No public comment was received.

2008-139. Commissioner Graham thanked resident Tim Masek for the cruise around Reeds Lake in his boat.

2008-140. A zoning variance hearing was held regarding the request of Gregory Weaver of 810 Gladstone to allow the construction of a detached garage with a height of 15.3' instead of the maximum allowed 12.0.'

Mark Shuart of Shuart Associates was present to introduce and answer questions about the variance request. He noted the existing dilapidated garage would be demolished and a new garage with unfinished storage above would be constructed.

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

- Bob Goodrich, 826 Gladstone Support.

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

2008-140-A. Horn-Coretti. That the request of Gregory Weaver of 810 Gladstone to allow the construction of a detached garage with a height of 15.3' instead of the maximum allowed 12.0' be approved.

Commissioner Coretti noted the existing garage is not in good condition and that three other homes in the immediate area have similar heights.

Commissioner Yadlowsky noted the upper floor of the garage appeared to be too small to be living area and therefore he had no objection to the variance.

Commissioner Horn noted the proposed design was consistent with the area and appropriate for the home.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6

Nays: -0-

2008-141. A zoning variance hearing was held regarding the request of Jeff & Tammy Ammon of 1545 Breton to allow the construction of a detached garage with a height of 16.0' instead of the maximum allowed 12.0.'

Mark Shuart of Shuart Associates was present to introduce and answer questions about the variance request. He stated the old garage is being replaced with a larger garage with storage above.

The following people were present and expressed their opinions concerning this variance request:

- Penelope Coble, 1530 Rosalind Concerned the 22' height and 40' length of the new garage would tower over her property, block the view from her windows, and affect her property values.

Commissioner Yadlowsky noted this property backed up to the school so there were no residences affected by the proposed garage. He stated that since the ordinances did not allow a rental property using the garage, the objection by the neighbor was not a concern to him.

Commissioner Coretti stated she was comfortable with this variance because of the buffer provided by the school building.

Commissioner Seibold stated it was difficult to approve some garage heights and not others. She questioned whether it could be done with less height. Ms. Quinn stated they had to work around trees and the shared driveway and the proposed garage fit in the space available.

Mayor Bartman questioned whether the home occupations ordinance allowed workspace in the garage. City Manager Donovan answered the ordinance limits the use of the garages.

Commissioner Seibold remarked the neighbors on both sides were concerned about this proposal and she could not support it since it was more than just storage.

Mayor Bartman felt she could not support this as it was out of consistency with other requests in the neighborhood and out of place with the other garage in the shared driveway. She was also worried that future owners could turn an office with a bathroom into a studio apartment without the City's knowledge.

Yeas: Coretti, Yadlowsky – 2
Nays: Graham, Horn, Seibold, and Bartman – 4

2008-143. A zoning variance hearing was held regarding the request of Lynn Crowell of 2227 Estelle to allow the construction of a detached garage creating a side yard setback of 1.5' instead of the required 3.0,' a rear yard setback of 1.0' instead of the required 3.0,' and a separation of 6.4' from the dwelling instead of the required 10.0.'

Ron Graves of Deck-To-Den was present to introduce and answer questions about the variance request. He noted the old garage had been demolished and would be rebuilt as a slightly larger one-stall garage in the limited space available in the back yard. He noted access to the back yard could be obtained around the other side of the home.

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

2008-143-A. Horn-Coretti. That the request of Lynn Crowell of 2227 Estelle to allow the construction of a detached garage creating a side yard setback of 1.5' instead of the required 3.0,' a rear yard setback of 1.0' instead of the required 3.0,' and a separation of 6.4' from the dwelling instead of the required 10.0' be approved.

Mayor Bartman questioned whether the new garage was being built in the same footprint as the old garage. Mr. Faasse noted the old garage sat on the lot line while the new garage would be placed 1.5' feet from the lot line, but would be slightly larger and therefore closer to the home.

Commissioner Seibold felt the new garage was in the same general footprint and it would be difficult to place a garage elsewhere in the limited space available.

Commissioner Horn felt the new garage would be an improvement to the home and would compliment the neighborhood.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6
Nays: -0-

2008-144. A zoning variance hearing was held regarding the request of Matt & Diana Schad of 448 Cambridge to allow the construction of an addition expanding a nonconforming structure, creating a side yard setback of 4.8' instead of the required 7.0', and creating a combined side yard setback of 13.3' instead of the required 16.8.'

Zoning Administrator Faasse explained the lot was currently non-conforming and therefore had reduced setback allowances. He noted it was also necessary to approve any enlargement of a non-conforming structure.

Joel Peterson of Insignia Homes was present to introduce and answer questions about the variance request. Diana Schad, 448 Cambridge, was also present and stated the existing kitchen and dining area were extremely small and this addition would allow reconfiguration of the area for their family. She noted the neighbors most affected were not opposed to the addition.

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

- 2008-144-A. Coretti-Yadlowsky. That the request of Matt & Diana Schad of 448 Cambridge to allow the construction of an addition expanding a nonconforming structure, creating a side yard setback of 4.8' instead of the required 7.0', and creating a combined side yard setback of 13.3' instead of the required 16.8' be approved.

Commissioner Seibold stated this was a minimal addition that will greatly improve the home and would not be any closer to the lot line than the current home.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6
Nays: -0-

- 2008-145. Consider request to approve the division of land at 804 Pinecrest.

Zoning Administrator Faasse explained the owners of 804 Pinecrest wished to separate the southern 74 feet to form a separate buildable lot. He noted all the standards set forth in the ordinances were met with this proposed land division after the demolition of the existing garage.

Mayor Bartman suggested adding a condition to the lot split that both resulting lots would use Pinecrest as their “front yard” for zoning purposes.

Commissioner Seibold questioned whether there was a concern about adding a driveway across from the high school where traffic problems already existed. Mr. Faasse answered the driveway would be placed a safe distance from the crosswalk and from the high school driveways. City Services Director Feldt concurred this was not seen as a concern.

Commissioner Horn noted the proposal contained a “turnaround” on the property so that vehicles would not be backing out onto Lake Drive.

Mayor Bartman opened a public hearing on this request. The following people were present:

- Joel Peterson of Insignia Homes

Representing the owners. Stated he had worked closely with the City on a drainage plan for both lots and on the new addition to the existing home.

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

- 2008-145-A. Horn-Seibold. That the request of Brian and Susan Lennon, owners of 804 Pinecrest, to divide the property, creating a vacant parcel to the south of the existing residence with a frontage of 74.0' on Pinecrest be approved, with the following conditions:

1. The existing attached garage on the south side of the residence be demolished prior to the issuance of any building permit, zoning approval, sale, conveyance, or transfer of either parcel, whichever comes first;
2. The split complies with the surveys presented in the land division application; and
3. The relevant deed or land contract be recorded with the Kent County Registrar of Deeds within 90 days of approval.
4. The existing home at 804 Pinecrest and the newly created lot south of the home have front yards designated on Pinecrest for zoning purposes.

Yeas: Coretti, Graham, Horn, Seibold, Yadowsky and Bartman – 6
Nays: -0-

- 2008-146. Introduction of an ordinance amendment to amend Section 5.33 to Article IV of Chapter 50 of Title V of the City Code pertaining to temporary uses.

City Manager Donovan reported the Infrastructure had reviewed the ordinance and recommends eliminating the permit process but keeping the requirements and enforcement in place. He suggested further clarifying the definition of a temporary use before final adoption.

- 2008-146-A. Graham-Seibold. That an ordinance amendment to amend Section 5.33 to Article IV of Chapter 50 of Title V of the City Code pertaining to temporary uses be introduced as set forth in Exhibit “A” attached hereto and sent to the Planning Commission for their review and recommendation.

Yeas: Coretti, Graham, Horn, Seibold, Yadowsky and Bartman – 6
Nays: -0-

- 2008-147. Consider request to approve the vacation of an easement on Boston Street.

City Services Director Feldt reviewed the land division and resulting development of the Bos property on Boston Street. He noted the design of the drainage systems had resulted in a request from the property owners to release the City’s easement so that a private easement can be established to complete the drainage of the detention pond. He noted there was also a “Declarations of Restrictions” document that would be amended and asked for authorization to work with the property owners on suitable amendments to facilitate these changes.

Rick Bos, owner of the original property, spoke in favor of releasing the easement. He stated a maintenance easement would be in place following construction of the drainage pipe.

- 2008-147-A. Yadowsky-Coretti. That a Termination and Release of Easement releasing a City’s easement in the Albert Builders Heather Downs Addition Subdivision be adopted as set forth in Exhibit “B” attached hereto, and that the City Services Director and the City Attorney be authorized to negotiate amendments to the existing Declaration of Restrictions for the storm water facilities serving these properties.

Yeas: Coretti, Graham, Horn, Seibold, Yadowsky and Bartman – 6
Nays: -0-

- 2008-148. Coretti-Horn. Motion to approve the consent agenda as follows:

2008-148-A. Receipt of communications as presented.

2008-148-B. Minutes of the regular meeting held October 6, 2008.

2008-148-C. Payroll disbursements of \$202,456.33; county and school disbursements of \$38,378.88 and total remaining disbursements of \$1,203,921.56.

2008-148-D. The purchase of a fire truck from Fire Trucks Plus of Rancho Cucamonga, California in the amount of \$435,000.00.

2008-148-E. The renewal of property and liability insurance with Berends Hendricks Stuit Insurance Agency representing Selective Insurance Company in the amount of \$133,236.00.

2008-148-F. The purchase of hardware and software from Florida Micro in the amount of \$3,989.76 and hardware from Yeo & Yeo Computer Consulting LLC in the amount of \$652.84 for computer replacements.

2008-148-G. The preliminary minutes of the Library Commission meeting held September 22, 2008.

2008-148-H. The preliminary minutes of the Parks & Recreation Commission meeting held September 8, 2008.

2008-148-I. The Public Safety Department Report for August 2008.

Yeas: Coretti, Graham, Horn, Seibold, Yadowsky and Bartman – 6
Nays: -0-

2008-149. Graham-Coretti. 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: Coretti, Graham, Horn, Seibold, Yadowsky and Bartman – 6
Nays: -0-

The meeting adjourned at 7:15 p.m., subject to the call of the Mayor until November 3, 2008.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to amend Section 5.33 pertaining to temporary uses.
B – Termination and Release of Easement

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 3, 2008

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

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Mayor Bartman

Absent: None

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

2008-150. No public comment was received.

2008-151. Commissioner Yadlowsky reminded everyone to vote in tomorrow's Presidential Election.

Commissioner Morris noted a recent trip to Saigon had reminded him that East Grand Rapids has very few traffic problems compared to other cities.

Commissioner Seibold thanked City Clerk Brower and Election Administrator Sally Bode for their work leading up to the election. City Manager Donovan asked that everyone take a few minutes to help move furniture after the meeting and set up for the election tomorrow.

Mayor Bartman announced City Manager Donovan's 15-year anniversary with the City of East Grand Rapids and thanked him for his service and the many notable accomplishments during his tenure. A singing telegram arrived and serenaded the crowd with songs in honor of the auspicious occasion.

2008-152. Stephen Blann of Rehmann Robson presented the audited financial statements for the year ending June 30, 2007 and answered questions from the City Commission.

Mayor Bartman thanked Finance Director VanderWall and the staff for continuing their careful review and attention to the financial health of the City during these uncertain times.

2008-153. A zoning variance hearing was held regarding the request of Jeff & Tammy Ammon of 1545 Breton to allow the construction of a detached garage with a height of 16.0' instead of the maximum allowed 12.0.'

Mayor Bartman reported this request had resulted in a tie vote at the last meeting, requiring it to be held over to allow Commissioner Morris to vote. City Services Director Feldt noted the applicants have since revised the plans to reduce the height to 15.0,' reduce the length of the building and to move the building 2' to the east.

Mark Shuart, contractor for the applicants, reviewed the revised request and answered questions.

The following people were present and expressed their opinions concerning this variance request:

- Penelope Coble, 1530 Rosalind

Appreciated the Ammon's work to minimize the impact on her home, but remained concerned the garage's height and length would block views from her living room windows. Asked them to consider moving the garage another foot to the east.

- Jeff Ammon, 1545 Breton

Stated they have accommodated the concerns as best they can and couldn't move the garage any farther east because of the location of the residence.

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

Mayor Bartman agreed with Mrs. Coble that the notices sent by the City could have provided more information to surrounding property owners and asked staff to review the notice procedures.

2008-153-A. Horn-Coretti. That the former motion approving request of Jeff & Tammy Ammon of 1545 Breton to allow the construction of a detached garage with a height of 16.0' instead of the maximum allowed 12.0' be withdrawn, and a new motion be made to approve the revised plans for a garage with a height of 15.0' instead of the 12.0' allowed with the condition the second story be used as storage only and that no plumbing be installed in the garage.

Commissioner Seibold stated that although the size of the garage was allowed by the ordinance, it was the combination of height and length that were concerning to Mrs. Coble and asked that staff consider how to better help residents understand the requests through the notices. She stated she would be supporting the variance since the applicants had minimized the impact on their neighbor.

Commissioner Graham felt the changes made were significant and appreciated the cooperation between the neighbors.

Commissioner Morris questioned whether the upper floor could be used as anything other than storage. Mr. Shuart replied the slope of the roof would make it difficult to use as anything but unfinished storage.

Mayor Bartman thanked the applicants for working with their neighbor and gave her support for the new plan as it was keeping with the historic feel of the home while providing needed storage.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadowsky and Bartman – 7
Nays: -0-

2008-154. Coretti-Seibold. Motion to approve the consent agenda as follows:

2008-154-A. Receipt of communications as presented.

2008-154-B. Minutes of the regular meeting held October 20, 2008.

2008-154-C. Payroll disbursements of \$206,776.80; county and school disbursements of \$37,163.23 and total remaining disbursements of \$477,465.20.

2008-154-D. The purchase of a replacement front snow plow for vehicle 111 from Allied Truck Equipment of Grand Rapids in the amount of \$4,043.48.

2008-154-E. A contract with Moore & Bruggink of Grand Rapids for a topographic survey of the Gilmore Park property in the amount of \$9,670.00 and a corresponding budget amendment for the same amount from the General Fund ending balance.

2008-154-F. A contract with Jack Dykstra Excavating of Walker in the amount of \$54,635.00 plus contingencies of \$5,464.00 for the replacement of a culvert in the Silver Creek drain, and a corresponding budget amendment of \$25,000.00 from the water/Sewer Fund balance.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadowsky and Bartman – 7
Nays: -0-

Mayor Bartman took a moment to express condolences to the family and friends of EGR High School staff member Dan Graham who died last week. She noted Mr. Graham would be missed by the entire faculty, staff and student body.

The meeting adjourned at 6:44 p.m., subject to the call of the Mayor until November 17, 2008.

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held November 17, 2008

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

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold and Yadlowsky

Absent: Mayor Bartman

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

2008-155. No public comment was received.

2008-156. No Commissioner comment was received.

2008-157. Introduction of an ordinance amendment to Section 3.40 of Chapter 32 of Title III of the Code pertaining to driveway sight distance obstructions.

City Services Director Feldt noted his department receives complaints regarding tall hedges or landscaping that blocks the line of sight for cars entering/exiting driveways or turning corners and needed clear language to be able to correct these dangerous conditions. He stated the ordinance would be enforced only when complaints were received from adjoining property owners and estimated that only 3-4 instances occur each year where the City would need to get involved. Mr. Feldt noted similar amendments would be forthcoming for the fence ordinance section.

2008-157-A. Coretti-Yadlowsky. That an ordinance amendment to Section 3.40 of Chapter 32 of Title III of the Code pertaining to driveway sight distance obstructions be introduced as set forth in Exhibit "A" attached hereto.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Yadlowsky – 6

Nays: -0-

2008-158. Coretti-Morris. Motion to approve the consent agenda as follows:

2008-158-A. Receipt of communications as presented.

2008-158-B. Minutes of the regular meeting held November 3, 2008.

2008-158-C. Payroll disbursements of \$266,218.94; county and school disbursements of \$-0- and total remaining disbursements of \$162,714.10.

2008-158-D. The purchase of ten Taser weapon systems from Michigan Taser Distributing of South Lyon, Michigan in the amount of \$15,880.72.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Yadlowsky – 6

Nays: -0-

The meeting adjourned at 6:08 p.m., subject to the call of the Mayor until December 1, 2008.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section 3.40 pertaining to driveway sight distance obstructions.

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 1, 2008

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

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

Absent: Commissioner Yadowsky

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

2008-159. No public comment was received.

2008-160. Commissioner Morris thanked Mayor Bartman for speaking at the tree lighting ceremony in Gaslight Village on November 28th. He also recognized Chad Zagel of Edward Jones for all his work organizing the tree lighting event.

Mayor Bartman complimented Parks & Recreation Director Fred Bunn for his work with the businesses on the tree lighting ceremony. She announced a resident was organizing a food and toiletries drive to benefit the local food banks and shelters this holiday season and bins would be placed at the Community Center for collection.

2008-161. Final Reading of an ordinance amendment to Section 3.40 of Chapter 32 of Title III of the Code pertaining to driveway sight distance obstructions.

City Services Director Feldt stated the proposed ordinance would regulate the height of landscaping features to ensure safety in and out of adjoining driveways.

2008-161-A. Coretti-Seibold. That an ordinance amendment to Section 3.40 of Chapter 32 of Title III of the Code pertaining to driveway sight distance obstructions be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Bartman – 6

Nays: -0-

2008-162. Coretti-Graham. Motion to approve the consent agenda as follows:

2008-162-A. Receipt of communications as presented.

2008-162-B. Minutes of the regular meeting held November 17, 2008.

2008-162-C. Payroll disbursements of \$201,681.06; county and school disbursements of \$41,063.20 and total remaining disbursements of \$177,339.05.

2008-162-D. The reappointment of Don Lawless to the Interurban Transit Partnership Board for a two-year term expiring December 31, 2010.

Mayor Bartman noted Mr. Lawless was currently the chairman of this board and represented East Grand Rapids very well.

2008-162-E. A change order in the amount of \$184,389.50 to the contract with Caledonia Excavating to remove several projects from the 2008 construction program.

2008-162-F. Authorization for staff to proceed with final design and bid documents for the 2009 Capital Improvement Construction program as outlined in the City Services Director memo dated November 24, 2008.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Bartman – 6
Nays: -0-

2008-163. Morris-Coretti. Motion to enter into an executive session to discuss an attorney's opinion and pending litigation in accordance with Section 8(h) and 8(e) of the Open Meetings Act. A roll call vote was taken.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Bartman – 6
Nays: -0-

The meeting adjourned at 6:08 p.m., subject to the call of the Mayor until December 15, 2008.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section 3.40 pertaining to driveway sight distance obstructions.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held December 15, 2008

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

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

Absent: Commissioner Coretti

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

2008-164. No public comment was received.

2008-165. Commissioner Graham complimented the Streets & Utilities staff on the well maintained roadways during the recent winter weather.

Commissioner Seibold thanked City staff for working with the Michigan Community Blood Centers to host the first monthly blood drive at the Community Center. Ms. Seibold also commended the Traffic Commission and Kent County Road Commission for deciding to rebuild the Robinson/Cascade intersection to improve safety.

Mayor Bartman also commented on how much better the Robinson/Cascade intersection was now that it was realigned to intersect at 90-degree angles.

2008-166. A zoning variance hearing was held regarding the request of Kori Quinn of 612 Laurel to allow the construction of a detached garage with a height of 16.3' instead of the maximum allowed 12.0.'

Zoning Administrator Faasse reviewed the request to replace the old garage with a larger and taller structure.

Tony Quinn, 612 Laurel, was present to introduce and answer questions about the variance request. He stated the height had been reduced from the last request and the plans were for storage only with no plumbing.

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

- Warren & Sharon Hecker, 618 Laurel	Opposed.
- Mary Buikema & Steven Cappadonia, 608 Laurel	In Favor.
- Marin & Erin Grin, 1941 Lake Dr.	In Favor.
- John & Lucy Knape, 559 Laurel	In Favor.
- Lynn Elliott, 1942 Sherman	In Favor.

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

2008-166-A. Horn-Morris. That the request of Kori Quinn of 612 Laurel to allow the construction of a detached garage with a height of 16.3' instead of the maximum allowed 12.0' be approved with the conditions the second story be used only for storage and that no plumbing be installed in the garage.

Commissioner Seibold noted one neighbor was still opposed and felt the structure was still quite tall for the area but since it backed up to the school it would encroach on fewer neighbors than other garages might.

Yeas: Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 6

Nays: -0-

2008-167. Final Reading of an ordinance amendment to Section 5.33 of Chapter 50 of Title V of the City Code pertaining to temporary uses.

Mayor Bartman opened a public hearing on this ordinance amendment. No public comment was received. Mayor Bartman closed the public hearing.

2008-167-A. Graham-Yadlowsky. That an ordinance amendment to Section 5.33 of Chapter 50 of Title V of the City Code pertaining to temporary uses be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 6
Nays: -0-

2008-168. Consider request to approve a policy concerning enforcement of sight distance obstructions ordinance.

2008-168-A. Horn-Seibold. That a policy for the enforcement of City Code Section 3.40 regarding sight distance at driveways and corner lots be adopted as follows:

The enforcement of City Code Section 3.40 Private Trees and Shrubs - obstructing public ways or clear vision areas, where applicable to vision obstructions at private driveways, will only be considered when a request is received from the property owner or resident of the driveway which is impacted by a vision obstruction contrary to the ordinance.

Yeas: Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 6
Nays: -0-

2008-169. Yadlowsky-Graham. Motion to approve the consent agenda as follows:

2008-169-A. Receipt of communications as presented.

2008-169-B. Minutes of the regular meeting held December 1, 2008.

2008-169-C. Payroll disbursements of \$201,326.70; county and school disbursements of \$30,844.33 and total remaining disbursements of \$265,120.49.

2008-169-D. A contract with Yellow Rose Transport Inc. in the amount of \$19,638.00 plus contingencies of \$4,000.00 for the purchase, transportation and disposal of sand, gravel and excavation spoils for construction and maintenance operations.

2008-169-E. The renewal of life insurance and long-term disability contracts with national Insurance Services, the funding of \$1,000 for each full-time employee and retiree's Health Reimbursement Account, and contracts with the Symetra Life as Stop Loss Carrier, Physicians Care as the PPO Provider and ASR Corporations as the administrators as recommended in the Finance Director memorandum of December 4, 2008.

2008-169-F. The preliminary minutes of the Joint Facilities Committee meeting held October 15, 2008.

2008-169-G. The preliminary minutes of the Traffic Commission meeting held October 27, 2008.

2008-169-H. The preliminary minutes of the Parks & Recreation Commission meeting held November 10, 2008.

2008-169-I. The preliminary minutes of the Planning Commission meeting held November 12, 2008.

2008-169-J. The Public Safety Department Report for October 2008.

Yeas: Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 6
Nays: -0-

The meeting adjourned at 6:15 p.m., subject to the call of the Mayor until January 5, 2009.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section 5.33 pertaining to temporary uses.

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