

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held January 3, 2005

Mayor Bartman called the meeting to order at 7:30 p.m. in the City Commission Chambers at City Hall and led the audience in the Pledge of Allegiance.

Present: Commissioners Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Mayor Bartman

Absent: None

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

2005-1. Mayor Bartman advised there were no communications received at City Hall.

2005-2. No public comment was received.

2005-3. Commissioner Lawless announced that a group of East Grand Rapids women were organizing a collection effort for supplies to help with the Tsunami relief efforts in southern Asia. More details would be available in the next several days about donation drop-off sites and times. He commended these residents for their efforts on behalf of the victims.

Mayor Bartman presented a thank you gift to Kathleen Underwood of the Friends of the Library for her many hours of hard work and her dedication to the library/community center campaign project in the spring of 2004. She noted Ms. Underwood had put in countless hours making phone calls, preparing mailings, and speaking with residents about the need for a better library and municipal complex, and credited the success of the bond issue to the efforts of Ms. Underwood and other such dedicated volunteers.

2005-4. Barbara Loveland, President, and sixteen members of the Friends of the East Grand Rapids Library presented Mayor Bartman with a check for \$100,000 for their pledge towards the new library and community center project that is scheduled to begin in the spring. The entire group posed for a picture to commemorate the occasion. Everyone thanked the Friends of the Library for their efforts on this project and the ongoing support of the library staff and programs throughout the year.

2005-5. Consider request to adopt a policy pertaining to lot split regulations.

2005-5-A. Barbour-Shimko. That a policy concerning the processing of lot split requests by city staff and elected officials be adopted as set forth in Exhibit "A" attached hereto.

City Attorney Huff explained this policy puts into writing the policy of working with residents on lot split requests and states that no opinion given by staff or elected officials is considered binding until a decision is made by the City Commission.

Commissioner Lawless reiterated that staff will work with residents to explain all applicable zoning codes and regulations; however the final decision will rest with the City Commissioners as the Zoning Board of Appeals.

Commissioner Mulhall asked that the written policy be made part of the materials given to anyone asking about lot splits.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7

Nays: -0-

2005-6. Barbour-Shimko. Motion to approve the consent agenda as follows:

2005-6-A. Minutes of the regular meeting held December 20, 2004.

2005-6-B. Payroll disbursements in the amount of \$157,669.31, county and school disbursements in the amount of \$5,063.00, and total remaining disbursements in the amount of \$376,224.59, as reviewed by the Finance Committee be approved.

2005-6-C. Contract for LEED commissioning services for the library and community center project awarded to Technical Energy Solutions, Inc. in the amount of not to exceed \$39,120.00.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7

Nays: -0-

2005-7. The meeting adjourned at 7:45 p.m. subject to the call of the Mayor until January 3, 2005.

Karen K. Brower, City Clerk

Attachments: A – Policy concerning processing lot split requests.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held January 17, 2005

Alison Reilly, a 5th grader from Breton Elementary, called the meeting to order at 7:29 p.m. in the City Commission Chambers at City Hall. The members of Mrs. Loyd's 5th grade class led the audience in the Pledge of Allegiance.

Present: Commissioners Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Mayor Bartman

Absent: None

Also Present: City Manager Donovan; City Attorney Huff; Assistant City Attorney Wood; Public Safety Director Gallagher; Finance Director VanderWall; Parks & Recreation Director Bunn; City Services Director Feldt, City Clerk Brower

2005-8. Mayor Bartman advised there were no communications received at City Hall.

2005-9. Allyn Grbavcich, 2056 Englewood, stated he likes the design of the new library.

Zack Kirkwood, 1701 Breton, also expressed his enthusiasm for the new facility.

Emma Hall, 2600 Albert, especially liked the area overlooking the lake behind the library.

2005-10. Commissioner Barbour reported the Planning Commission had approved the final site plan for Phase 1 of the Jade Pig Ventures Planned Unit Development project at its meeting on January 11, 2005.

Commissioner Mulhall noted the observance of Martin Luther King, Jr.'s birthdate.

Commissioner Lawless welcomed his daughter Trilby's 5th grade class from Breton Elementary to the meeting.

Mayor Bartman thanked the students for attending the meeting and for their interest in their local government. She also noted there were significant renovations taking place inside the Gaslight Village D&W and urged other commissioners to visit the store.

2005-11. A zoning variance hearing was held regarding the request of Anthony Rossi of 940 Floral to allow the construction of living space in the attic creating a third story.

Anthony Rossi, 940 Floral, was present to introduce and answer questions about the variance request.

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

Commissioner Mulhall advised the City Commission that Mr. Rossi was his cousin but that he did not feel this would hinder his ability to consider this request without bias.

2005-11-A. Mulhall-Shimko. That the request of Anthony Rossi of 940 Floral to allow the construction of living space in the attic creating a third story be approved.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7

Nays: -0-

2005-12. Consider request to adopt a policy pertaining to cancellations for Parks & Recreation Department programs and league sports.

Parks & Recreation Director Bunn explained the new policy would better serve the residents and help staff in determining when classes should be cancelled. The policy will be detailed on customer receipts and in program brochures as well as explained by staff during registration.

2005-12-A.Lawless-Shimko. That the policy recommended by the Parks & Recreation Commission be approved as set forth in Exhibit "A" attached hereto.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-13. Public Hearing and Final Reading of an ordinance amendment to Sections 2.1, 2.4, 2.5 and 2.7 of Chapter 21 of Title II of the City Code pertaining to private incinerators.

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

2005-13-A.Lawless-Turner. That an ordinance amendment to Sections 2.1, 2.4, 2.5 and 2.7 of Chapter 21 of Title II of the City Code pertaining to private incinerators be adopted as set forth in Exhibit "B" attached hereto.

Commissioner Mulhall questioned the definition of trash as specified in this ordinance and how residents would be notified of complaints.

Commissioner Lawless spoke in favor of the amendment because the burning of trash in residential areas was no longer a community standard and was bothersome to many people. Commissioner Barbour also supported the amendment.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-14. Barbour-Turner. Motion to approve the consent agenda as follows:

2005-14-A.Minutes of the regular meeting held January 3, 2005.

2005-14-B.Payroll disbursements in the amount of \$158,129.01, county and school disbursements in the amount of \$1,386,946.36, and total remaining disbursements in the amount of \$202,481.16, as reviewed by the Finance Committee be approved.

2005-14-C.The preliminary minutes of the Traffic Commission meetings held October 4, 2004, November 1, 2004, December 6, 2004 and January 3, 2005.

2005-14-D.The preliminary minutes of the Parks & Recreation Commission meeting held December 13, 2004.

2005-14-E. The preliminary minutes of the Planning Commission meeting held December 14, 2004.

2005-14-F. The Public Safety Department Report for the month of November 2004.

2005-14-G.The City Services Department Report for the month of October 2004.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-15. Consider request to award a contract for lake management services.

Commissioner Lawless questioned the scope of the contract and the services covered in each year. He asked City Attorney Huff to review the proposed letter of agreement and make any changes necessary to limit the project to the two years recommended by staff.

2005-15-A.Lawless-Mulhall. That a contract for lake management services for 2005 and 2006 in the amount of \$70,000 be awarded to Professional Lake Management subject to the City Attorney's review of the contract.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

- 2005-16. Jim Dewild of MC Smith Associates explained the concept drawings for the landscaping and waterfront areas of the new Community Center. Bob Olson of Cox Medendorp & Olson reviewed the final designs for the interior layout and exterior elevations for the complex and answered questions from the City Commission. The Commission asked for additional drawings showing the options for a turnaround drive at the lower level entrance to the complex.
- 2005-17. Turner-Barbour. Motion to enter into an executive session to conduct a periodic personnel evaluation and to discuss pending litigation in accordance with Sections 8(a) and 8(e) of the Open Meetings Act. A roll call vote was taken.
- Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-
- 2005-18. The meeting adjourned at 8:46 p.m. subject to the call of the Mayor until February 7, 2005.

Karen K. Brower, City Clerk

Attachments: A – Policy concerning processing lot split requests.
B – Ordinance amendment concerning private incinerators.

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 7, 2005

Audrey Spidle, a 5th grader from Breton Elementary, called the meeting to order at 7:30 p.m. in the City Commission Chambers at City Hall. She and the members her 5th grade class led the audience in the Pledge of Allegiance.

Present: Commissioners Barbour, Horn, Lawless, Mulhall, Shimko and Mayor Bartman

Absent: Commissioner Turner

Also Present: City Manager Donovan; City Attorney Huff; Public Safety Director Gallagher; City Services Director Feldt; Building Inspector Conley; City Clerk Brower

2005-19. Mayor Bartman advised there were no communications received at City Hall other than those specific to agenda items.

2005-20. Kyle Wallace, 2716 Berwyck, thanked Mayor Bartman for taking the time to visit their classroom and answer their questions on City government.

Audrey Spidle, 2106 Boston, thanked Mayor Bartman and the city for the hospitality and the information presented at the meeting.

Kim Condon, 1709 York, and Sherri Jones, 2539 Albert, reported on the generous donations by EGR residents to the victims of the South Asia Tsunami. More than 800 blankets, 10,000 towels, 10,000 bottles of shampoo, 10,500 tubes of toothpaste and 27,000 bars of soap were collected and sent to Banda Aceh. They also thanked several local businesses for their assistance in this effort.

Dionate Harvey, 1908 Menominee, spoke of the class's penpals in Cairo and thanked all the citizens who donated to the tsunami relief efforts.

2005-21. Commissioner Mulhall complimented the Parks & Recreation Department for the Daddy-Daughter Dance held on Thursday, February 3rd.

Mayor Bartman reported the Grand Valley Metro Council Board had reviewed their audited financial statements recently and had prepared a list of legislative issues to be addressed in the upcoming year. She also announced a fundraiser would be held on Tuesday, February 15th for the "We The People" group's upcoming trip to the national competition. She also reflected on February's designation as "Black History Month" and urged all citizens to take part in this important event now and throughout the year.

2005-22. A zoning variance hearing was held regarding the request of Lieselotte Kuester, owner of 2184 Wealthy, and Century 21 Pearson—Cook Realtors to allow the operation of a business office in a building with three dedicated parking spaces instead of the required six spaces from all proposed uses.

Tim Fore of Century 21 Pearson Cook was present to introduce and answer questions about the variance request. He indicated the building would not be used as a traditional real estate office but rather a resource center staffed by only one person where residents and realtors could come to obtain information.

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

2005-22-A. Barbour-Lawless. That the request of Lieselotte Kuester, owner of 2184 Wealthy, and Century 21 Pearson—Cook Realtors to allow the operation of a business office in a building with three dedicated parking spaces instead of the required six spaces be approved.

City Manager Donovan reviewed the current parking ordinance. Mayor Bartman noted a similar parking variance would be on the Commission's agenda in two weeks and suggested considering both requests at the same time.

Commissioner Barbour spoke in support of the variance request because he felt the types of uses appropriate for different buildings was market driven and should not be artificially dictated by parking ordinances.

Commissioners Lawless, Shimko and Horn requested additional time to review the entire parking ordinance and consider this request in conjunction with the request by the D&W Plaza.

2005-22-B.Lawless-Horn. That the request of Lieselotte Kuester, owner of 2184 Wealthy, and Century 21 Pearson—Cook Realtors be tabled for two weeks to allow further consideration.

Yeas: Horn, Lawless, Mulhall, Shimko and Bartman – 5
Nays: Barbour – 1

2005-23. A zoning variance hearing was held regarding the request of Nancy Mulvihill of 2247 Anderson to renew a prior variance allowing the construction of an addition to the carport creating a garage with a side yard setback of 3'-0" instead of the required 7'-0" and to allow an additional 2'-0" of depth to the addition.

Steve Boluyt, contractor for Ms. Mulvihill, was present to introduce and answer questions about the variance request. Ms. Mulvihill was also present to answer questions.

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

2005-23-A.Lawless-Shimko. That the request of Nancy Mulvihill of 2247 Anderson to renew a prior variance allowing the construction of an addition to the carport creating a garage with a side yard setback of 3'-0" instead of the required 7'-0" be approved with the additional 2'-0" of depth requested by the applicant.

Commissioner Lawless reiterated his prior support for the variance request provided that the roofline of the house extend over the garage addition. Ms. Mulvihill indicated this was still the intent.

Commissioner Mulhall questioned the dimensions of the addition and whether the applicant could reconfigure the garage to provide a larger side yard setback. He indicated he did not support the variance as presented.

Yeas: Barbour, Horn, Lawless, Shimko and Bartman – 5
Nays: Mulhall – 1

2005-24. A zoning variance hearing was held regarding the request of Charley and Trisha Thompson of 2212 Wilshire to allow the construction of an addition to the rear of the garage creating a side yard setback of 3'-0" instead of the required 7'-0" and a combined side yard setback of 15'-0" instead of the required 18'-0."

Charley Thompson, 2212 Wilshire, was present to introduce and answer questions about the variance request. Bruce Nicola of Nicola Construction was also present to answer questions.

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

- Bill & Marilyn Lundquist, 2222 Wilshire In Favor
- Mimi & Rodney Martin, 2200 Wilshire In Favor

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

2005-24-A.Shimko-Horn. That the request of Charley and Trisha Thompson of 2212 Wilshire to allow the construction of an addition to the rear of the garage creating a side yard setback of 3'-0" instead of the required 7'-0" and a combined side yard setback of 15'-0" instead of the required 18'-0" be approved.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko and Bartman – 6
Nays: -0-

2005-25. Consider request to approve a site plan for the Gaslight Redevelopment P.U.D.

City Attorney Huff noted the preliminary site plan for this project was approved in conjunction with the review and rezoning process. He stated the final site plan was being presented in phases with Phase 1 containing the Wealthy Street frontage with retail and office uses. He reported the Planning Commission had reviewed the details at two separate meetings and recommends approval by the City Commission. The City's planning consultant, Langworthy Strader LeBlanc, has also been involved in the review process and has stated their satisfaction with the site plan as presented with only minor details remaining to be worked out during the building permit process.

Eric Rowland of Rowland Design, architect for Jade Pig Ventures, reviewed the refinements made since the original site plan was submitted, including the water feature on the central plaza, the addition of a ramp to the parking deck entrance, the change to make the north/south driveway one-way northbound, and the addition of an easement for traffic into the D&W parking lot. He noted the landscaping and surface plans have been designed by MC Smith Associates to coordinate with the proposed Streetscape project. Mr. Rowland also reviewed the details of the signage requirements proposed by the developer as part of the site plan and answered questions from the City Commission.

Steven VanSteenhuysen of Langworthy Strader LeBlanc reported that most of the issues in their preliminary report had been addressed to their satisfaction. He noted there had been many hours of review and discussion regarding the many details surrounding the traffic flow, signage, landscaping, and other issues.

Mayor Bartman opened the meeting for public comment. No public comment was received.

2005-25-A. Barbour-Horn. That the final site plan for Phase 1 of the Gaslight Redevelopment P.U.D. be approved as recommended by the Planning Commission and as submitted to the City Commission dated January 24, 2005.

Commissioner Barbour reported on the discussions held by the Planning Commission before unanimously recommending approval of this project. He noted that considerable time was spent reviewing the signage requirements of the existing East Grand Rapids ordinance and the stricter standards suggested by the developer.

Commissioner Lawless and Mayor Bartman both thanked the members of the Planning Commission—and especially Chairperson William Graham—for their attention to detail on this project, and thanked Jade Pig Ventures for working out these issues to everyone's satisfaction.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko and Bartman – 6
Nays: -0-

2005-26. Introduction of an ordinance amendment to add Article VII to Chapter 41 of Title IV of the City Code pertaining to the Wealthy Street Improvement District.

2005-26-A. Lawless-Shimko. That an ordinance amendment to add Article VII to Chapter 41 of Title IV of the City Code pertaining to the Wealthy Street Improvement District be introduced as set forth in Exhibit "A" attached hereto.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko and Bartman – 6
Nays: -0-

2005-27. After discussion, the City Commission decided to reschedule the regular meeting of April 4, 2005 to Monday, March 28, 2005 at 6:00 p.m. because of the School District's Spring Break.

2005-28. Barbour-Shimko. Motion to approve the consent agenda as follows:

2005-28-A. Minutes of the regular meeting held January 17, 2005.

2005-28-B. Payroll disbursements in the amount of \$164,086.42, county and school disbursements in the amount of \$206,981.06, and total remaining disbursements in the amount of \$363,232.70, as reviewed by the Finance Committee be approved.

2005-28-C. A resolution approving Amendment #32 to the Grand Valley Metro Council Articles of Incorporation as set forth in Exhibit "B" attached hereto.

Mayor Bartman noted the significance of this amendment and welcomed the City of Wyoming to the Grand Valley Metro Council.

2005-28-D. A resolution authorizing the City Clerk to submit grant requests to the State of Michigan to obtain new voting equipment as set forth in Exhibit "C" attached hereto.

2005-28-E. An application for Community Development Block Grant Funding in the amount of \$26,000.00 to be used for handicap curb ramps on sidewalks throughout the City.

2005-28-F. A settlement in the DC Byers litigation in the amount of \$22,500.00.

2005-28-G. Authorization for staff to solicit bids for the replacement of the sanitary sewer on Bagley Avenue and to proceed with construction during the school's spring break period, and to approve a corresponding budget amendment in the amount of \$89,800.00 from the Water/Sewer Fund Undesignated Fund Balance.

2005-28-H. The purchase of two police patrol vehicles in the amount of \$20,249.00 per vehicle through the State of Michigan purchasing program from Gorno Ford in Woodhaven, Michigan, and to rescind the authorization to purchase the vehicles through the Kent County purchasing program.

2005-28-I. The preliminary minutes of the Traffic Commission meeting held January 17, 2005. The City Commission took no action on the motions of the Traffic Commission; therefore the motions will take effect immediately.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko and Bartman – 6

Nays: -0-

2005-29. The meeting adjourned at 8:51 p.m. subject to the call of the Mayor until February 21, 2005.

Karen K. Brower, City Clerk

Attachments: A – Ordinance Amendment to Chapter 41 pertaining to the Wealthy Street Improvement District
B – Resolution Approving the Grand Valley Metro Council Articles of Incorporation Amendment
C – Resolution Authorizing City Clerk to Sign Grant Agreements for Voting Equipment

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

Nays: Mulhall – 1

- 2005-34. A zoning variance hearing was held regarding the request of Christin Brown of 2755 Hall to create a non-conforming lot from splitting a portion of the property known as part of lots 6 and 12 Eastwood Estates and part of lot 285, Woodcliff Plat containing 9,415 sq. feet instead of the required 12,000 sq. ft.

Christin Brown, was present to introduce and answer questions about the variance request.

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

- Janice DeLange & Edward Pieksma, 2754 Hall Opposed.

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

- 2005-34-A. Barbour-Horn. That the request of Christin Brown of 2755 Hall to create a non-conforming lot from splitting a portion of the property known as part of lots 6 and 12 Eastwood Estates and part of lot 285, Woodcliff Plat containing 9,415 sq. feet instead of the required 12,000 sq. ft. be approved.

Commissioner Barbour expressed concern about the significant amount of land needed to bring this proposed lot into compliance with the zoning requirements. He noted there was a provision in the code for lots that spanned two zoning districts, but that this lot did not even meet the exception.

Yeas: -0-

Nays: Barbour, Horn, Mulhall, Shimko and Bartman – 5

- 2005-35. Consider request of Lieselotte Kuester, owner of 2184 Wealthy, and Century 21 Pearson—Cook Realtors to allow the operation of a business office in a building with three dedicated parking spaces instead of the required six spaces from all proposed uses.

- 2005-35-A. Mulhall-Shimko. Motion to remove from the table the request of Lieselotte Kuester, owner of 2184 Wealthy, and Century 21 Pearson—Cook Realtors to allow the operation of a business office in a building with three dedicated parking spaces instead of the required six spaces.

Yeas: Barbour, Horn, Mulhall, Shimko and Bartman – 5

Nays: -0-

- 2005-22-A. Barbour-Lawless. That the request of Lieselotte Kuester, owner of 2184 Wealthy, and Century 21 Pearson—Cook Realtors to allow the operation of a business office in a building with three dedicated parking spaces instead of the required six spaces be approved.

Building Inspector Conley explained the request and reported the owners of the building had paid half the cost of adding three on-street parking spaces in 1986. She noted that although on-street spaces were not normally counted into the required number of spaces, these three spaces were clearly created at the request of the building owners.

Lilo Kuester, owner of 2184 Wealthy, stated the space in question was only 430 square feet and was not suitable to many types of office or retail uses because of its size.

Tim Fore, Century 21-Pearson-Cook, stated there would be agents and citizens visiting the office throughout the day but not spending long periods of time at the office. He felt there would be sufficient parking because of the short-term visits.

Commissioners Horn, Barbour and Mulhall spoke in support of the variance request because they felt it was appropriate because of the size and location of the lease space. Mayor Bartman also expressed her support due to the agreement with the owners concerning the on-street parking and the size of the office space.

Yeas: Barbour, Horn, Mulhall, Shimko and Bartman – 5

Nays: -0-

- 2005-36. A zoning variance hearing was held regarding the request of Rick Geenen of Clinton Realty, owner of 2181 Wealthy to allow 190 parking spaces instead of the 277 spaces required to construct a new one-story building.

Mayor Bartman announced the applicants had requested feedback from the City Commissioner concerning this request prior to their site plan review with the Planning Commission meeting. She noted the variance hearing would be held and feedback given, but no vote would be taken until the Planning Commission had considered this issue and made a recommendation.

Gary Geenen, Clinton Realty, reviewed the proposed new construction, the additions to the existing buildings, and the changes to the facades and parking areas.

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

- Rob McDougal, D&W Stores Supported the façade changes and the additional spaces.

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

Steven VanSteenhuysen of LSL Planning, reviewed their report on the preliminary site plan. He noted there were minor issues for the Planning Commission to review, including the cross connection access to the Jade Pig site to the west and truck movement through the site. He suggested the Planning Commission could work through these issues and give a recommendation contingent upon the parking variance approval.

Commissioner Shimko questioned Mr. McDougal about the size and type of delivery trucks servicing the Gaslight Village D&W. Mr. McDougal stated they would be willing to work with their vendors to minimize problems with large trucks maneuvering into the loading areas.

Commissioner Barbour reported the Planning Commission had reviewed the preliminary site plan briefly in December and had given feedback to the applicant for their final proposal. He thanked Clinton Realty for their proposals to improve the property and pledged to continue working with the applicant resolve any remaining issues prior to the Planning Commission's vote.

Commissioners Shimko, Horn and Mulhall stated their appreciation of this proposal and looked forward to the final recommendation of the Planning Commission. Mayor Bartman also expressed her willingness to continue working out the details of this project.

- 2005-37. Mayor Bartman announced the ordinance amendment had been withdrawn pending further review of information.

- 2005-38. Review of Thiesen variance request at 2137 Lake Drive.

Building Inspector Conley reported the exterior construction and basic landscaping restoration has taken place at 2137 Lake Drive as required by the City Commission in extending the variance on December 6, 2004.

The City Commissioners thanked Mr. Theisen for working so diligently to complete this project.

- 2005-39. Barbour-Shimko. Motion to approve the consent agenda as follows:

2005-39-A. Minutes of the regular meeting held February 7, 2005.

2005-39-B. Payroll disbursements in the amount of \$165,598.85, county and school disbursements in the amount of \$202,575.77, and total remaining disbursements in the amount of \$177,241.11, as reviewed by the Finance Committee be approved.

2005-39-C. The financial reports for the quarter ending December 31, 2004.

2005-39-D. The purchase of two administrative vehicles for the Public Safety Department from Shaheen Chevrolet of Lansing in the amount of \$35,550.00, and the purchase of a cargo van for the Engineering Department from Gorno Ford of Woodhaven in the amount of \$15,039.00.

2005-39-E. An agreement with Artemis Environmental, Inc., of Grand Haven to conduct water sampling and monitoring services for Reeds Lake in the amount of \$4,400.00.

2005-39-F. City Services Department Report for the months of November and December 2004.

2005-39-G. Public Safety Department Report for the month of December 2004.

Yeas: Barbour, Horn, Mulhall, Shimko and Bartman – 5

Nays: -0-

2005-40. The meeting adjourned at 8:40 p.m. subject to the call of the Mayor until March 7, 2005.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held March 7, 2005

Mayor Bartman called the meeting to order at 7:32 p.m. in the City Commission Chambers at City Hall and led the audience in the Pledge of Allegiance.

Present: Commissioners Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Mayor Bartman

Absent: None

Also Present: City Manager Donovan; Assistant City Attorney Wood; Finance Director VanderWall; City Services Director Feldt; Building Inspector Conley; City Clerk Brower

- 2005-41. Mayor Bartman advised of the following communications received at City Hall:
- D. Thank you note and letter from Barbara Hoag, 1059 Eastwood, regarding the passing of her husband, Jerry Hoag, on January 29, 2005.
 - E. Invitation from Liz Keegan of the National Issues Forums regarding a meeting on land use on Tuesday, March 15th at 6:30 pm in the City Commission Chambers.
 - F. Email from Aaron Mracna, 1637 Pontiac, expressing dissatisfaction with the outcome of the election on February 22, 2005.

2005-42. Lois Moseley, 1753 Breton, asked the City Commission to intercede in the proposed expansion of the Breton Village Mall to enforce agreements and restrictions agreed to by the previous owner of the property regarding parking spaces, building location and other items.

2005-43. Commissioner Barbour noted there may be a conflict with the academic boosters ceremony and the next City Commission meeting on March 21st.

Commissioner Lawless acknowledged the outcome of the election on February 22nd and the high voter turnout for that day. He thanked Mayor Bartman for her leadership during the time leading up to the vote and the many hours she spent educating residents about the issue.

Mayor Bartman also recognized the 58% voter turnout on February 22nd and hoped that all residents would come back together after the vote to ensure the best interests of all citizens would be met in the development. She also invited commissioners to attend the Land Use Forum on March 15th and the Summit on Racism on March 18th. She asked the Cadence and the Grand Rapids Press to publish notices of the public hearing scheduled for March 21st regarding changes to the boat launch. Mayor Bartman also wished the High School Varsity Hockey Team good luck during the State quarter final matches on Wednesday.

2005-44. A zoning variance hearing was held regarding the request of Kimberly & Gregg Hughes and State Farm Insurance to allow the installation of a wooden sign on the front elevation of the building at 2143 Wealthy.

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

- Chris Perkey and Karie Koster, EGR Firehouse Grill In Favor

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

2005-44-A. Barbour-Shimko. That the request of Kimberly & Gregg Hughes and State Farm Insurance to allow the installation of a wooden sign on the front elevation of the building at 2143 Wealthy be approved.

Commissioner Barbour reported on the discussion held at the Planning Commission regarding signage and stated the smaller, projecting wall-type signs were geared more toward pedestrian traffic and making communities friendlier to those on foot. He supported the applicant's request.

Commissioner Lawless also supported the request because the new sign fit the aesthetics of the business district and it's compliance with the signage standards incorporated into the Gaslight Redevelopment P.U.D. just approved by the City Commission.

Commissioner Mulhall expressed his support for the variance request because of the sign's historical significance and the future changes contemplated for the City's sign ordinance.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

Commissioner Mulhall questioned the timetable for reviewing the sign ordinance for possible changes. City Manager Donovan reported the process would begin at the Planning Commission with the next six months and then come to the City Commission for final decisions.

2005-45. Mayor Bartman announced the lot split request at 2428 Hall Street had been withdrawn from the agenda until more information could be obtained from the applicant.

2005-46. Final Reading of an ordinance amendment to add Article VII to Chapter 41 of Title IV of the City Code pertaining to the Wealthy Street Improvement District.

2005-46-A. Lawless-Mulhall. That an ordinance amendment to add Article VII to Chapter 41 of Title IV of the City Code pertaining to the Wealthy Street Improvement District be adopted as set forth in Exhibit "A" attached hereto with a phrase added to paragraph C on page 2 referencing the date of the report on the utility lines.

City Manager Donovan reviewed the findings of the engineer's report showing that over 80% of the poles and associated components needed significant repair or replacement. He stated the intent of the ordinance provisions was to ask the utility companies to share in the cost of the relocation because of the probability of considerable work to these facilities over the next several years even without the relocation.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-47. Introduction of an ordinance amendment to Section 10.82 of Chapter 104 of Title X of the City Code pertaining to the cost recovery schedule for drunk driving arrests.

2005-47-A. Barbour-Turner. That an ordinance amendment to Section 10.82 of Chapter 104 of Title X of the City Code pertaining to the cost recovery schedule for drunk driving arrests be introduced as set forth in Exhibit "B" attached hereto.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-48. Consider request to approve the issuance of bonds for the Gaslight Village Streetscape Project.

2005-48-A. Turner-Horn. That staff be directed to proceed with the issuance of \$2,500,000 in Michigan Transportation Fund Bonds for the streetscape project in Gaslight Village.

City Manager Donovan reviewed the preliminary plans for a historical bus stop and a new direction/entrance sign for the business district. He also reported the architects are interested in placing a snowmelt system within the sidewalks of the business district in conjunction with this project. He noted the cost of the project would increase significantly; however it would decrease maintenance costs and provide additional safety for pedestrians. The snowmelt system would be bid as an alternate to the project in case funding could be obtained.

Commissioners Horn, Lawless and Barbour expressed interest in looking further at the snowmelt system and working toward finding the funds for this additional item. Mayor Bartman also stated her support for the system if funding could be worked out.

Commissioner Shimko asked staff to continue working with the Interurban Transit Partnership Board regarding their reimbursement of costs associated with the bus stop area should the bids come in higher than anticipated.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-49. Shimko-Turner. Motion to approve the consent agenda as follows:

2005-49-A. Minutes of the regular meeting held February 21, 2005.

2005-49-B. Payroll disbursements in the amount of \$161,636.44, county and school disbursements in the amount of \$702,873.18, and total remaining disbursements in the amount of \$333,363.69, as reviewed by the Finance Committee be approved.

2005-49-C. A contract in the amount of \$13,000 with Robert W. Baird & Company for services relating to financial advice for the Gaslight Village Streetscape project.

2005-49-D. A contract with Law Weathers & Richardson in the amount of \$9,500.00 for bond counsel services relating to the Gaslight Village Streetscape project.

2005-49-E. A contract with C2 Media Productions Group in the not-to-exceed \$18,930.00 for the redesign and programming of the city's website.

2005-49-F. A change order in the amount of \$26,771.60 for the contract with Wyoming Excavators for changes made to the 2004 road and sewer construction projects.

2005-49-G. Authorization for staff to proceed with final design and bid work for the 2005 construction projects.

2005-49-H. A contract with Prime Excavating of Grand Rapids in the amount of \$90,244.67 plus 5% project contingencies for a total of \$94,744.67 for the Bagley Avenue Sanitary Sewer Replacement project.

2005-49-I. The following appointments to the Construction Board of Appeals:

<u>Name</u>	<u>Address</u>	<u>Term Ending</u>
Eric Hughes, Designer	2722 Richards	June 30, 2007
Mary Margaret Munski, Architect	2220 Anderson	June 30, 2007
Nick Nicola, Builder	2721 Darby	June 30, 2006
Mark Shuart, Builder	4945 Cascade	June 30, 2006
Thomas Skoog, Builder	2553 Arundel	June 30, 2007
Steve Williams, Engineer	1038 Wren	June 30, 2007

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-50. Turner-Shimko. 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: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-51. The meeting adjourned at 8:17 p.m. subject to the call of the Mayor until March 21, 2005.

Karen K. Brower, City Clerk

Attachments: A – Ordinance Amendment to Chapter 41 pertaining to the Wealthy Street Improvement District.
B – Ordinance Amendment to Section 10.82 of Chapter 104 pertaining to cost recovery.

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 21, 2005

Mayor Bartman called the meeting to order at 7:31 p.m. in the City Commission Chambers at City Hall and led the audience in the Pledge of Allegiance.

Present: Commissioners Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Mayor Bartman

Absent: None

Also Present: City Manager Donovan; Assistant City Attorney Wood; Finance Director VanderWall; City Services Director Feldt; Building Inspector Conley; City Clerk Brower

2005-52. Mayor Bartman there were no communications received at City Hall that did not pertain to agenda items.

2005-53. No other public comment was received.

2005-54. Commissioner Lawless reported on the grand re-opening ceremonies at the Gaslight Village D&W Store on March 17, 2005 following extensive interior remodeling. Commissioner Lawless noted the Board of Review had met recently to review property assessment appeals filed by residents. He thanked Paul Howland, Patsy Dodgson, Sam Helmrick and Carl Reid for their service on the Board of Review.

Mayor Bartman also congratulated the D&W Store on their remodeling. She reported the Land Use Forum on March 15, 2005 yielded many interesting viewpoints from East Grand Rapids Residents. Mayor Bartman also read portions of a wonderful review of the Firehouse Grill from the Grand Rapids Press dining guide and congratulated the owners of the restaurant.

2005-55. A zoning variance hearing was held regarding the request of Mary-Margaret Munski of 2220 Anderson to allow the construction of a two-story addition creating a side yard setback of 1'-11" instead of the required 7'-0" and a combined side yard setback of 11'-11" instead of the required 18'-0."

Mary-Margaret Munski, 2220 Anderson, was present to introduce and answer questions about the variance request.

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

- | | |
|---------------------------------------|---|
| - John VanGessel, 2233 Wilshire | Concerned about dilapidated fence in rear yard. |
| - Dan Ronda, 2225 Wilshire | Concerned about fence attached to his garage and the overgrown trees close to power lines |
| - Allen & Susan Emmons, 2226 Anderson | Opposed to two-story addition in close proximity to their home. |

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

2005-55-A. Lawless-Horn. That the request of Mary-Margaret Munski of 2220 Anderson to allow the construction of a two-story addition creating a side yard setback of 1'-11" instead of the required 7'-0" and a combined side yard setback of 11'-11" instead of the required 18'-0" be approved.

Commissioner Lawless stated his feelings that the proposed two-story addition was too large to be located this closely to the property line and adjacent structures. He acknowledged that a two-car garage was a desirable feature to add to this home; however he did not support the request in it's current form.

Commissioner Turner echoed these sentiments and stated it was unfortunate that all lots were not large enough to accommodate all types of additions and changes.

Yeas: -0-

Nays: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6

2005-56. A zoning variance hearing was held regarding the request of Bill & Samantha Mehney of 3127 Bonnell to allow the construction of a new home with an average height of 35'-0" and three stories on the walkout side instead of the 25'-0" and 2½ stories permitted.

Building Inspector Conley explained the variance request and noted the lot was a non-conforming lot because of the size of the lot. This non-conforming status means the maximum height of a new home is reduced from 35'-0" to 25'-0". She also reported that after reviewing the prints, the height of the proposed home and requested variance is 30'-0" instead of the permitted 25'-0."

Dave Morren, architect for Mr. and Mrs. Mehney, was present to introduce and answer questions about the variance request. He stated the home could be redesigned to reduce the height of the roof and eliminate the walkout level, if required by the City Commission.

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

- Ralph Hauenstein, representing 3121 Bonnell In favor.
- Jackie Domin, 3126 Bonnell Concerned about size and height of new home.
- Sue Swain, 3175 Bonnell Opposed because this home would be out of character with others on the street.
- Robert Paul, 3140 Bonnell Opposed to size and height.

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

- David Smith, 3147 Bonnell Opposed.
- Mark Domin, 3126 Bonnell Opposed.
- Paul & Susan Richards, 3111 Bonnell Opposed.
- Sue & Jeff Swain, 3175 Bonnell Opposed.
- Richard DeBoer, 3128 Hall Opposed.
- Tom & Stefany Welch, 3110 Bonnell In Favor.
- Carlos & Jenny Costa, 3137 Bonnell In Favor.

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

2005-56-A. Turner-Horn. That the request of Bill & Samantha Mehney of 3127 Bonnell to allow the construction of a new home with an average height of 28'-6" on the walkout side instead of the 25'-0" permitted be approved.

2005-56-B. Lawless-Mulhall. Motion to amend 2005-56-A. to require the home be built consistent with the existing grade of the lot using industry standards as guidelines.

Commissioner Lawless noted the applicants were within their rights as property owners to construct a two-story home as viewed from the street and the City Commission could only regulate the height beyond that which is typical for a two-story home. He stated the City Commission had generally allowed similar requests for walkout levels on lots that allowed such a feature.

Commissioner Mulhall also supported the request at 28'-6" measured from the rear of the home because this meant the front of the home would be at 25'-0," which is the height that would be allowed without the walkout level.

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6

Nays: -0-

Vote on 2005-56-A, as amended:

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6

Nays: -0-

2005-57. Consider request to approve the division of a lot located at 2428 Hall Street.

Mayor Bartman opened a public hearing on this request. No public comment was offered.

2005-57-A. Shimko-Mulhall. That the request of John Scott, owner of 2428 Hall Street, to create a buildable lot to the east of the existing home containing 74'-0" of lot 3 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.

John Scott, the owner of the property was present to answer questions and explain the drainage easement arrangements made with the neighbors.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7

Nays: -0-

2005-58. Consider request to approve the division of a lot located at 3111 Bonnell.

Mayor Bartman opened a public hearing on this request. No public comment was received.

City Manager Donovan reviewed the history of the gates on this section of Reeds Lake Blvd and the issues concerning public and pedestrian access to the area, easements for utilities and the condition of the dirt road. He suggested the City Commission allow staff the opportunity to provide recommendations for dealing with these issues prior to this lot split or others being granted. City Attorney Wood advised that developing a consistent policy with regard to properties fronting on this section of roadway would eliminate the need to consider requests on a case by case basis. She noted there were several conditions in the City Code for granting lot splits and several could not be met with the current situation regarding the gates and the roadway.

Commissioner Lawless asked that the staff's recommendation contain a proposal for paving the road and suggestions for a method of special assessments.

Mayor Bartman noted that the existing dirt road does not lie within the platted right-of-way in several locations and the City should address this issue as well.

Commissioner Barbour arrived.

2005-58-A. Shimko-Turner. Motion to table the request of Paul & Susan Richards of 3111 Bonnell, to create a buildable lot to the east of the existing home be tabled until such time that staff can provide recommendations concerning access to the properties, utility easements and the condition of the roadway.

2005-58-B. Lawless-Mulhall. Motion to amend 2005-58-A. to add the establishment of a moratorium on lot split requests on lower Reeds Lake Boulevard for 120 days while staff's recommendations are prepared, and to direct staff to include affected property owners and other interested residents in the decision making process concerning public access to this lakefront area.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7

Nays: -0-

Vote on 2005-58-A., as amended:

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7

Nays: -0-

2005-59. Final Reading of an ordinance amendment to Section 10.82 of Chapter 104 of Title X of the City Code pertaining to the cost recovery schedule for drunk driving arrests.

2005-59-A.Horn-Shimko. That an ordinance amendment to Section 10.82 of Chapter 104 of Title X of the City Code pertaining to the cost recovery schedule for drunk driving arrests be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7

Nays: -0-

2005-60. Consider request to approve changes to the boat launch at John Collins Park.

Parks & Recreation Director Bunn explained the proposed renovations to the boat launch at Collins Park. There would be no change to the boat launch from Lakeside Drive to the water's edge. At the edge of the water, the launch would be widened enough to place one skid-pier on each side while still maintaining two 11' lanes for launching and retrieval of watercraft. This would be an addition of one skid-pier and the excavation and placement of both piers off to the sides of the ramp.

Mayor Bartman opened the meeting for public comment. The following people were present to express their opinions on this issue:

- John Combs, 661 Manhattan

Questioned the need for a wider launch and the number of actual complaints received by the City. Stated the lake was currently overcrowded and there was no parking on the street. Did not want taxpayer money spent to allow more people on the lake. Suggested implementing a launching permit fee for those using the lake.

- Mary Dersch, 956 Lakeside

Felt Reeds Lake was a public asset that everyone deserved to enjoy. Felt traffic problems on Lakeside are made worse by vehicles waiting to enter the boat ramp and allowing a better in/out path would help with this.

- Kathleen Cares, 944 Bellclaire

In favor of the proposed changes. Felt safety and boater attitudes would benefit.

- Bill Roosien, 3218 Reeds Lake Blvd

Opposed to any changes that would add more boaters to the lake.

- Bill Poisson, 2718 Richards

Gave historical information on the launch and stated the city has a legal obligation to provide access. Supported changes to allow two adequate lanes of traffic in/out of the lake. Suggested moving the ramp to the north shore and charging users.

- Terry Poisson, Pearson, Michigan

Thanked City for providing access and working toward making the ramp easier and more accessible.

- Frank Spies, 2122 Tenway

Sees no benefit to widening the ramp. Felt lake could not support any more traffic.

2005-60-A.Horn-Turner. That the plans designed by MC Smith Associates for a two-lane boat launch with dual skid piers located to the sides of the launch be approved and staff be authorized to request bids for the related construction work.

City Manager Donovan stated that the limited parking and busy street naturally limit the number of boaters willing to wait to launch on Reeds Lake. He felt adding the extra skid pier and widening the mouth of the launch would not add more traffic to the lake.

Commissioner Lawless spoke in favor of the changes by stating the current situation is not family friendly. He felt the changes would alleviate some of the problems on Lakeside Drive. He also noted a canoe/kayak launch was planned for the rear of the new community complex to assist those without boat trailers use the lake.

Commissioner Mulhall stated his opinion that available parking would dictate the use of the launch, not the number of lanes. He noted the changes would make it more convenient for those committed users who brave long wait and the traffic.

Parks & Recreation Director Bunn estimated the cost of these improvements at approximately \$30,000. If approved, he will finalize the design work and solicit bids for the project, and then return to the City Commission for approval.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-61. Consider request to approve a lease agreement for office space and other items relating to temporary moving and storage.

2005-61-A.Mulhall-Lawless. That a package of quotations and proposals relating to temporary office and lease spaces, moving and storage services and warehouse facilities for the relocation of city and library operations during the upcoming renovations be approved as follows:

Lovett Building, LLC	\$46,800 + utilities	Lease agreement for library space
Powell Relocation Group	\$25,000	Moving/Book Storage
Williams-Scottsman Company	\$93,500 +	Temporary office buildings for City Hall/Recreation
Custer Office Furniture	\$13,660	Rental furniture, set-up, tear-down
Custer Office Furniture	\$3,450	Moving boxes, furniture, etc. to temp. location
DeVries Management Co.	\$16,200 + utilities	Warehouse storage lease

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-62. Consider request to adopt a resolution approving the sale of bonds for the Gaslight Village Streetscape project.

City Manager Donovan reported the bids for the project were being solicited and would be submitted to the City Commission on April 18th. The City Commission would determine the final bond amount at that time.

2005-62-A.Barbour-Shimko. That a resolution authorizing staff to proceed with the sale of bonds for the streetscape project in Gaslight Village be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-63. Consider request to adopt a resolution regarding the Breton Village expansion proposal.

Assistant City Attorney Wood reviewed the resolution and noted the language that reserved the City of East Grand Rapids right to intervene in future changes to this site if it was determined that the welfare of its residents was affected.

Commissioner Lawless noted his excitement about the changes to the Breton Village Mall that will benefit the surrounding community. He acknowledged the plans did not propose any northward expansion toward the residents on Arundel and no changes to the use of parking spaces along that fence.

2005-63-A.Lawless-Barbour. That a resolution announcing the City's intention not to intervene in the redevelopment of Breton Village Mall be adopted as set forth in Exhibit "C" attached hereto.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7

Nays: -0-

2005-64. Shimko-Turner. Motion to approve the consent agenda as follows:

2005-64-A. Minutes of the regular meeting held March 7, 2005.

2005-64-B. Payroll disbursements in the amount of \$155,403.45, county and school disbursements in the amount of \$40,813.90, and total remaining disbursements in the amount of \$698,841.34, as reviewed by the Finance Committee be approved.

2005-64-C. The appointment of Hunter Meriwether of 526 Lovett to the Traffic Commission for a term ending June 30, 2005.

2005-64-D. The appointment of Richard VanderZyden of 727 Plymouth to the Planning Commission for a term ending June 30, 2006.

2005-64-E. A contract with Wolverine Fireworks Display in the amount of \$15,000 for the 4th of July fireworks display.

2005-64-F. A contract with OMM Engineering in the amount of \$15,000 for engineering work on the Bonnell hill drainage project.

2005-64-G. The purchase of one in-car video system for the Public Safety Department from Mobile Vision of Boonton, New Jersey in the amount of \$5,209.00.

2005-64-H. The Public Safety Department Report for the months of January 2005 and February 2005.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7

Nays: -0-

2005-65. The meeting adjourned at 9:27 p.m. subject to the call of the Mayor until March 28, 2005.

Karen K. Brower, City Clerk

Attachments: A – Ordinance Amendment to Section 10.82 of Chapter 104 pertaining to cost recovery.
B – Resolution approving the sale of bonds for the Gaslight Village Streetscape project
C – Resolution regarding the Breton Village expansion proposal.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Rescheduled Regular Meeting Held March 28, 2005

President Shimko called the meeting to order at 7:30 a.m. in the City Commission Chambers at City Hall.

Present: Commissioners Barbour, Horn, Lawless, Shimko and Turner

Absent: Commissioner Mulhall and Mayor Bartman

Also Present: City Manager Donovan; City Attorney Huff; City Clerk Brower

2005-66. President Shimko advised of the following communications received at City Hall:

- A. Email from John Scott of 2428 Hall thanking the City Commission for granting the lot split he requested.
- B. Email from Scott Kautzmann of 2113 Wealthy questioning the meaning of signs placed by Jade Pig Ventures on the fence outside the former Jacobson's property.

2005-67. No other public comment was received.

2005-68. There were no reports from the City Commission.

2005-69. Turner-Lawless. Motion to approve the consent agenda as follows:

2005-69-A. Minutes of the regular meeting held March 21, 2005 as amended below.

City Clerk Brower noted the vote on Item 2005-55-A. should read as follows:

Yeas: -0-

Nays: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6

2005-69-B. Payroll disbursements in the amount of \$163,289.27, county and school disbursements in the amount of \$-0-, and total remaining disbursements in the amount of \$187,245.09, as reviewed by the Finance Committee be approved.

2005-69-C. The purchase and installation of a new voice mail server from All-Tronics, Inc. in the amount of \$8,370.00.

Yeas: Barbour, Horn, Lawless, Shimko and Turner – 5

Nays: -0-

2005-70. The meeting adjourned at 7:32 a.m. subject to the call of the Mayor until April 18, 2005.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held April 18, 2005

Mayor Bartman called the meeting to order at 7:30 p.m. in the City Commission Chambers at City Hall and led the audience in the Pledge of Allegiance.

Present: Commissioners Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Mayor Bartman

Absent: None

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

Mayor Bartman reported that following the budget worksession earlier in the evening, the City Commission had conducted the executive session prior to the regular meeting since there was sufficient time. The following motion was made at 7:02 p.m. prior to the meeting.

2005-71. Barbour-Shimko. Motion to enter into an executive session to discuss a collective bargaining agreement in accordance with Section 8(c) of the Open Meetings Act. A roll call vote was taken.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7

Nays: -0-

The executive session was then conducted prior to the regular meeting and adjourned at 7:20 p.m.

2005-72. Mayor Bartman advised of the deaths of three members of the extended East Grand Rapids family: Susan Nolan, a third-grade teacher at Wealthy Elementary and daughter of former City Commissioner David Mehney on March 28th, Betsy Perrigo, a long-time resident and employee at Fifth Third Bank, and Don Wisner, an employee of the Streets & Utilities Department on April 19th. A moment of silence was observed in memory.

2005-73. Howard Hansen of Blue Bridge Ventures informed the City Commission that he had purchased the Amberley Gardens Development from the original developers and would be proceeding with ground breaking after May 1st. He hoped to have the road in place by July 1st and pledged to maintain the level of quality promised to the City during the review and approval process.

2005-74. Commissioner Mulhall thanked Juanita Westaby for her lengthy article on the fitness program within the Public Safety Department.

Mayor Bartman reported that over 600 people had participated in the Multiple Sclerosis Walk around Reeds Lake over the weekend. She also noted the Bagley Street project was nearing completion and thanked the residents and businesses for their patience during the construction process.

2005-75. A zoning variance hearing was held regarding the request of Richard Siersma and Diane Lange of 546 Greenwood to allow the construction of a detached garage 8'-0" from the home instead of the required 10'-0" and with an average height of 14'-0" instead of the allowable 12'-0."

David Graf, contractor for the owners, was present to introduce and answer questions about the variance request.

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

- Pete & Sue Keener, 550 Greenwood

Opposed.

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

2005-75-A. Lawless-Turner. That the request of Richard Siersma and Diane Lange of 546 Greenwood to allow the construction of a detached garage with an average height of 14'-0" instead of the allowable 12'-0" be approved.

Yeas: Barbour, Horn, Lawless, Shimko, Turner and Bartman – 6
Nays: Mulhall – 1

Commissioner Lawless expressed concern about the placement of the garage and the proximity to the neighboring property. Commissioner Mulhall echoed these concerns and noted the drainage issues on this property after the garage is built.

2005-75-B. Turner-Mulhall. That the request of Richard Siersma and Diane Lange of 546 Greenwood to allow the construction of a detached garage 8'-0" from the home instead of the required 10'-0" be approved.

Commissioner Lawless questioned whether the garage could be placed farther from the street to minimize the impact on the neighboring property and retaining the line of sight from that home's windows. He suggested delaying this request for two weeks to receive input from the neighbors at 550 Greenwood regarding placement of the proposed garage before a final vote.

Commissioner Mulhall supported the concept of moving the garage farther from the street.

2005-75-C. Lawless-Horn. That the request of Richard Siersma and Diane Lange of 546 Greenwood to allow the construction of a detached garage 8'-0" from the home instead of the required 10'-0" be tabled to a future meeting to allow neighbors input on placement of the garage closer to the rear property line.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko and Turner – 6
Nays: Bartman – 1

2005-75-D. Mulhall-Horn. Motion to extend the deadline for removal of the existing garage from May 1, 2005 to June 1, 2005 while the variance request is being considered.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-76. Consider request to approve the transfer of a liquor license for the Gaslight Inn.

City Clerk Brower explained the transfer of the existing tavern license to the new owners of Gaslight Inn and noted the owners were also seeking an upgrade to a Class C license.

Dan Weiskopf, new owner of the restaurant, was present to explain the new restaurant concept and answer questions from the City Commission.

2005-76-A. Turner-Shimko. That a resolution approving the transfer of a liquor license from Damoose Enterprises to Food Art Concepts LLC for the restaurant located at 2162 Wealthy Street be adopted as set forth in Exhibit "C" attached hereto.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

Commissioner Lawless noted the substantial investment in renovations to the property and the willingness of the applicant to do so before the completion of the new streetscape.

2005-77. Mayor Bartman announced the contracts for renovation of the Community Center had been moved to the next City Commission meeting.

2005-78. Consider request to award a contract for the Gaslight Village Streetscape project.

City Manager Donovan explained there were two contracts to award—one for the street construction and one for the snowmelt system. He explained the deduction of the granite curb caps, the change to the tree guards and noted the bus shelter was being removed from the project pending review and changes to the design to fit within the project budget.

Mayor Bartman reported the Streetscape Committee had reviewed the proposals and assisted staff and architects with decision making concerning the items to include in the project. Mayor Bartman thanked the residents, business owners, staff and architects who served on this committee over the last year.

2005-78-A. Barbour-Shimko. That a contract in the amount of \$2,157,571.95 be awarded to Eastland Concrete Construction for the Gaslight Village Streetscape project, including \$86,000 for contingencies, the removal of the granite curbs and the bus shelter, and the changes to the tree guards.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-78-B. Shimko-Turner. That a contract be awarded to River City Mechanical in the amount of \$398,900 plus contingencies of \$20,000 for a snowmelt system to be included in the Gaslight Village Streetscape project.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

Mayor Bartman thanked City Manager Donovan for his leadership and vision on this project.

2005-79. Consider request to adopt amend the resolution authorizing the issuance of MTF bonds for the Gaslight Village Streetscape and other street resurfacing projects.

2005-79-A. Turner-Horn. That a resolution to amend the “Resolution to Authorize the Issuance of 2005 Michigan Transportation Fund Bonds” be adopted as set forth in Exhibit “B” attached hereto.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-80. Introduction of an ordinance amendment to Chapters 54 of Title V of the City Code pertaining to land divisions.

2005-80-A. Lawless-Horn. That an ordinance amendment to add Section 5.407 to Chapter 54 of Title V establishing a 120-day moratorium on the processing or approval of any land divisions affecting property adjacent to Reeds Lake Boulevard on the south shore of Reeds Lake between Darby and Hall Street as set forth in Exhibit “C” attached hereto.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-81. Turner-Mulhall. Motion to add to the agenda the consideration of a request to adopt a resolution amending the MERS benefit requirement to allow a 60-day window for an eight-year vesting requirement.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-82. Consideration of a request to adopt a resolution amending the MERS benefit requirement to allow a 60-day window for an eight-year vesting requirement.

2005-82-A. Shimko-Mulhall. Consideration of a request to adopt a resolution amending the MERS benefit requirement to allow a 60-day window for an eight-year vesting requirement.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-83. Mulhall-Turner. Motion to approve the consent agenda as follows:

2005-83-A. Minutes of the regular meeting held March 28, 2005.

2005-83-B. Payroll disbursements in the amount of \$154,659.84, county and school disbursements in the amount of \$826.06 and total remaining disbursements in the amount of \$160,889.18, as reviewed by the Finance Committee be approved.

2005-83-C. The appointment of City Manager Brian Donovan to the Interurban Transit Partnership Board for a term ending December 31, 2005.

Mayor Bartman thanked Win Irwin for his six years of service as the City's representative on this Board and his dedication to public transportation in the Grand Rapids area.

2005-83-D. A contract with Langworthy Strader LeBlanc in the amount of \$15,000 for a study to update the City's sign regulations, parking requirements and the Gaslight Village Sub-Area plan of the Comprehensive Master Plan.

2005-83-E. The preliminary minutes of the Traffic Commission meeting held March 7, 2005. No action was taken on the motion regarding the Crosswalk Study.

2005-83-F. The preliminary minutes of the Parks & Recreation Commission meeting held March 14, 2005.

2005-83-G. The preliminary minutes of the Library Commission meeting held February 28, 2005.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-84. The meeting adjourned at 8:59 p.m. subject to the call of the Mayor until May 2, 2005.

Karen K. Brower, City Clerk

Attachments: A – Resolution authorizing MTF bonds for the Gaslight Village Streetscape project.
B – Resolution approving the transfer of the Gaslight Inn liquor license
C – Ordinance amendment regarding lower Reeds Lake Blvd land division moratorium.

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 2, 2005

Mayor Bartman called the meeting to order at 7:30 p.m. in the City Commission Chambers at City Hall and led the audience in the Pledge of Allegiance.

Present: Commissioners Horn, Lawless, Mulhall, Shimko, Turner and Mayor Bartman

Absent: Commissioner Barbour

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

Mayor Bartman reported that following the budget worksession earlier in the evening, the City Commission had conducted the executive session prior to the regular meeting since there was sufficient time. The following motion was made at 6:47 p.m. prior to the meeting.

2005-85. Shimko-Mulhall. Motion to add to the agenda an executive session to discuss the acquisition of property in accordance with Section 8(c) of the Open Meetings Act. A roll call vote was taken.

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6

Nays: -0-

2005-86. Mulhall-Horn. Motion to enter into an executive session to discuss the acquisition of property in accordance with Section 8(c) of the Open Meetings Act. A roll call vote was taken.

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6

Nays: -0-

The executive session was then conducted prior to the regular meeting and adjourned at 7:05 p.m.

2005-87. Mayor Bartman advised of the following communications received at City Hall.

- A. Card from Dave & Linda Mehney thanking the City for the flowers sent after the death of their daughter recently.
- B. Letter from Bill & Samantha Mehney opposing the granting of a lot split request by their neighbors.
- C. Letter from Joyce Laughlin thanking the Public Safety Department for their assistance when her daughter locked her keys in her vehicle.

2005-88. No public comment was received.

2005-89. Commissioner Lawless thanked City Services Director Feldt for arranging a meeting with the merchants association to update them on the status of the streetscape project.

Mayor Bartman invited everyone to attend a rally on May 3rd at Calder Plaza to protest proposed cuts to revenue sharing funds from the State of Michigan. She noted the City of East Grand Rapids alone had lost more than \$1.1 million over the last several years.

2005-90. A zoning variance hearing was held regarding the request of Richard Siersma and Diane Lange of 546 Greenwood to allow the construction of a detached garage 8'-0" from the home instead of the required 10'-0."

2005-90-A. Lawless-Shimko. That the request of Richard Siersma and Diane Lange of 546 Greenwood to allow the construction of a detached garage 8'-0" from the home be taken from the table for consideration.

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

City Manager Donovan reported the neighboring property owner did not have an opinion on the placement of the garage on the lot or its proximity to the applicant's home.

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

- Pete & Sue Keener, 550 Greenwood No opinion on placement.

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

2005-90-B. Mulhall-Turner. That the request of Richard Siersma and Diane Lange of 546 Greenwood to allow the construction of a detached garage 8'-0" from the home instead of the required 10'-0" be approved.

Commissioner Lawless spoke against granting the variance and stated he felt the community standard was to place detached garages at the rear of the lot.

Commissioners Shimko and Horn expressed their support for the placement of the garage as proposed as they felt this would better serve the applicant and the neighboring property.

Yeas: Horn, Mulhall, Shimko, Turner and Bartman – 5
Nays: Lawless – 1

2005-91. Consider request to award a contract for renovations to the Community Center Complex.

2005-91-A. Shimko-Turner. That a contract be awarded to Triangle Construction in the amount of \$7,363,000 plus contingencies of \$400,000 for renovations to the Community Center Complex.

Mayor Bartman reviewed the history of the project and the process used to compare the bids and request post-bid addendum quotations.

Commissioner Lawless noted that all the commitments made to the residents in the bond proposal had been kept and all would be proud of the resulting complex.

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-92. Consider request to adopt a resolution relinquishing utility rights for a portion of Maxwell Drive.

City Services Director Feldt reported he had contacted all the utility companies and found no reason not to consider this request.

2005-92-A. Turner-Horn. That a public hearing to consider the request to relinquish utility rights on a vacated portion of Maxwell Drive be set for June 6, 2005.

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-93. Turner-Shimko. Motion to approve the consent agenda as follows:

2005-93-A. Minutes of the regular meeting held April 18, 2005.

2005-93-B. Payroll disbursements in the amount of \$152,361.26, county and school disbursements in the amount of \$-0- and total remaining disbursements in the amount of \$205,656.43, as reviewed by the Finance Committee be approved.

2005-93-C. A contract with Rehman Robson PC for annual audits in the following amounts: \$13,500 for FY 6/30/05; \$13,950 for FY 6/30/06; \$14,425 for FY 6/30/07; \$14,700 for FY 6/30/08; and \$15,100 for FY 6/30/09.

2005-93-D. A contract with Med 1 of Grand Rapids in the amount of \$14,875.00 for biennial physical exams and fitness testing for 34 members of the Public Safety Department.

2005-93-E. A contract with Kel Graphics of Cadillac in the amount of \$18,684.30 for t-shirts for various 2005-06 programs and events.

2005-93-F. A contract in the amount of \$267,533.00 with Michigan Lighting Systems for the purchase of traffic signal hardware and streetlight equipment for the Gaslight Village Streetscape Project.

2005-93-G. The list of meeting dates for City Commission and advisory boards for FY 2005-06.

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-94. Turner-Horn. Motion to add to the agenda an agreement with DTE Energy for work related to the Gaslight Village Streetscape project. A roll call vote was taken.

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-95. Shimko-Turner. That an agreement with DTE Energy for work related to the Gaslight Village Streetscape project in the amount of \$52,392.00 be approved as proposed in the quotation dated May 2, 2005.

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-96. The meeting adjourned at 7:51 p.m. subject to the call of the Mayor until May 16, 2005.

Karen K. Brower, City Clerk

Attachments: A – Resolution authorizing MTF bonds for the Gaslight Village Streetscape project.
B – Resolution approving the transfer of the Gaslight Inn liquor license
C – Ordinance amendment regarding lower Reeds Lake Blvd land division moratorium.

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 16, 2005

Mayor Bartman called the meeting to order at 7:30 p.m. in the Conference Room at the High School Media Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Mayor Bartman

Absent: None

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

Mayor Bartman reported that following the budget worksession earlier in the evening, the City Commission had voted to add an executive session to the agenda and to conduct the executive session prior to the regular meeting since there was sufficient time. The following motion was made at 6:39 p.m. prior to the meeting.

2005-97. Barbour-Shimko. Motion to add to the agenda an executive session to discuss an attorney's opinion in accordance with Section 8(h) of the Open Meetings Act. A roll call vote was taken.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7

Nays: -0-

2005-98. Barbour-Turner. 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: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7

Nays: -0-

The executive session was then conducted prior to the regular meeting and adjourned at 7:25 p.m.

2005-99. Mayor Bartman advised of the following communications received at City Hall.

D. An invitation from JadePig Ventures to their groundbreaking ceremony on Wednesday, May 18th at 11:30 a.m. at the former Jacobson's site.

E. Information from Mary Dersch of the Friends of the Library regarding a Fundraising Project to provide an aquarium and turtle tank for the new library.

F. A list of proposed trees to replace those taken down for the Gaslight Village Streetscape Project.

G. Email from Katy Brandt (unknown address) upset with the removal of trees in Gaslight Village.

H. Email from Mona Erickson, 931 Breton, expressing anger at the removal of trees in Gaslight Village.

I. Email from John Scott, 3000 Bonnell, congratulating the City on the start of several projects within the City.

J. Letter from Margit Sarne, 647 Lovett, concerning the harmful effects of sandblasting in Gaslight Village to those with breathing related illnesses.

2005-100. Dave DeVrou, 1563 Woodlawn, introduced himself as a candidate for the 2nd Ward City Commission seat.

2005-101. Commissioner Mulhall reported he would be unable to attend the Jade Pig groundbreaking ceremony due to a work commitment.

Commissioner Lawless commended Building Inspector Conley and City Clerk Brower for coordinating the city staff's move to temporary quarters. He also thanked Sharon Conley for her eleven years of service to the City and wished her well in her new position as she leaves City employment.

Mayor Bartman praised all City staff members who pitched in and moved the City offices and library over the last week. She noted the Public Safety officers cooked lunch, and the Streets & Utilities crews assisted with the library's move. Mayor Bartman also thanked everyone who attended the groundbreaking at City Hall on Thursday, May 10th and announced the City's annual clean-up day would be held on May 21st at the Streets & Utilities site.

Mayor Bartman reported on the candidates for the available City Commission seats. She noted the observance of Police Officer's Memorial Day and thanked members of the Public Safety Department for their service.

City Manager Donovan thanked Building Inspector Conley for her dedication and service to the City and noted Cascade Township would be handling permits and inspections until another building inspector was hired.

2005-102. A zoning variance hearing was held regarding the request of Jeff Schad & Marilyn Lankfer of 933 Princeton Blvd to allow the construction of an addition to the home creating a rear yard setback of 15'-0" instead of the required 25'-0."

Jim Karczewski, 2607 Frederick, architect for the applicants, was present to introduce and answer questions about the variance request.

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

2005-102-A. Barbour-Mulhall. That the request of Jeff Schad & Marilyn Lankfer of 933 Princeton Blvd to allow the construction of an addition to the home creating a rear yard setback of 15'-0" instead of the required 25'-0" be approved.

Commissioner Mulhall expressed his support for the request and noted the applicants were replacing an existing deck and not further encroaching on the rear-yard setback than the current deck.

Yeas: Barbour, Horn, Mulhall, Shimko, Turner and Bartman – 6

Nays: -0-

Abstain: Lawless – 1

2005-103. Consider request to award approve the division of a lot located at 935 Cambridge.

The following people were present concerning this request:

- Jim Karczewski, 2607 Frederick

Explained the request on behalf of the owners and answered questions concerning lot sizes and placement of the home and driveways.

- Michael Fee, 950 Cambridge

Questioned the relocation of the existing driveway and how many trees would be removed for the new home.

- Jack Smith, 955 Cambridge

Questioned what architectural style of home would be built on the new lot.

- Todd Hendricks of Rhoades McKee

Represented David Samrick of 915 Cambridge expressing opposition to the granting of the lot split because of the resulting changes to the character of the neighborhood. He questioned the accuracy of the survey being used by the applicant and whether sufficient square footage was available for a conforming lot. He suggested placing several conditions on any approval and tabling the request until an accurate survey could be obtained.

- Mary Yurko, 910 Rosewood

Stated she had always understood the lot was unbuildable and asked that if the split was granted there be no further variances granted to allow the home to be built closer than zoning ordinances allowed.

City Attorney Huff reviewed the conditions suggested by Mr. Hendricks and noted many of them were not appropriate for privately held property that complied with City zoning requirements. He agreed that an accurate survey was imperative to making an informed decision on this request.

2005-103-A. Barbour-Horn. That the request of Cross Country Relocation of Milwaukee, Wisconsin, owners of 935 Cambridge, to create a buildable lot to the north of the dwelling on lot 388 and part of lot 389 of Ottawa Hills No. 2 subdivision 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.

Commissioner Lawless noted that although many residents would feel the loss of such a stately tree-lined lot, the City Commission could not add conditions outside the zoning code to prevent a split of a lot that meets zoning district size requirements.

Commissioner Barbour requested that the matter be tabled until an accurate survey could be obtained.

2005-103-B. Turner-Mulhall. That the request of Cross Country Relocation of Milwaukee, Wisconsin, owners of 935 Cambridge, to create a buildable lot to the north of the dwelling be tabled until a new survey of the property can be completed.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-104. Barbour-Shimko. Motion to add to the agenda a request to authorize the City Attorney to proceed with legal action and a request to set a date for public hearings related to the proposed budget and the roll of delinquent accounts. A roll call vote was taken.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-105. Consider request to authorize the City Attorney to proceed with legal action related the Streetscape project.

Commissioner Lawless reported that City staff had been in discussions with SBC and Consumers Energy for more than a year regarding utility relocation work for the Gaslight Village Streetscape project. He noted that the utility lines and equipment in question were in poor condition and presented public health and safety concerns. He stated the City had been negotiating in good faith with these companies; however it was now clear that an impasse had been reached regarding the payment of expenses and that the project would be delayed unless action was taken to compel these companies to begin the project while discussions continue. He spoke in favor of authorizing the City Attorney to file a lawsuit regarding this matter.

2005-106. Turner-Shimko. Motion to authorize the City Attorney to file a lawsuit against Consumers Energy and SBC to seek the commencement of work on the Gaslight Village Streetscape project while discussions regarding payment continue.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

Commissioner Lawless departed.

2005-107. Consider request to adopt a resolution authorizing the Public Safety Department to apply for grants for homeland security training and equipment.

2005-107-A. Shimko-Turner. That a resolution supporting the compliance of the National Incident Management System and authorizing staff to apply for any applicable grants available be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Barbour, Horn, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-108. Consider request to set a public hearing date for the proposed FY 2005-06 budget and the assessment roll for accounts delinquent more than 90 days.

2005-108-A. Barbour-Mulhall. That June 6, 2005 be established as the date for public hearings related to the FY 2005-06 proposed budget and the delinquent accounts and for a special meeting to adopt the proposed budget.

Yeas: Barbour, Horn, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-109. Turner-Barbour. Motion to approve the consent agenda as follows:

2005-109-A. Minutes of the regular meeting held May 2, 2005.

2005-109-B. Payroll disbursements in the amount of \$157,149.11, county and school disbursements in the amount of \$-0- and total remaining disbursements in the amount of \$310,790.14, as reviewed by the Finance Committee be approved.

2005-109-C. Request to allow the sale of historic gaslight fixtures as surplus property at a cost of \$500 each.

2005-109-D. The Public Safety Department Report for the month of March 2005.

Yeas: Barbour, Horn, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-110. The meeting adjourned at 8:20 p.m. subject to the call of the Mayor until June 6, 2005.

Karen K. Brower, City Clerk

Attachments: A – Resolution authorizing application for grants for homeland security training.

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

2005-115-A. Turner-Shimko. That the request of Steve Rutherford of 909 Maxwell to allow the construction of a detached garage with an average height of 15'-0" instead of the allowable 12'-0" be approved.

Commissioner Turner stated his support of the request as he felt the garage was consistent with other homes in the neighborhood.

Commissioner Mulhall opposed the request because he felt it was too much mass in a small area.

Commissioner Barbour suggested delaying a decision until more information on similar variances granted in this neighborhood and the effective date of zoning regulations in this area could be obtained.

Yeas: Horn, Shimko, Turner and Bartman – 4
Nays: Barbour and Mulhall – 2

2005-116. Consider request to award approve the division of a lot located at 935 Cambridge.

2005-116-A. Shimko-Barbour. That item 2005-103-A., the request of Cross Country Relocation of Milwaukee, Wisconsin, owners of 935 Cambridge, to create a buildable lot to the north of the dwelling be taken from the table for consideration.

Yeas: Barbour, Horn, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-103-A. Barbour-Horn. That the request of Cross Country Relocation of Milwaukee, Wisconsin, owners of 935 Cambridge, to create a buildable lot to the north of the dwelling on lot 388 and part of lot 389 of Ottawa Hills No. 2 subdivision 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.

City Attorney Huff outlined the results of the new survey which showed the existing driveway is located on the new lot; however both lots created by the proposed split would still meet the zoning requirements in this district.

The following people were present to speak regarding this request:

- Todd Hendricks (Rhoades McKee) Representing David Samrick of 915 Cambridge. Stated zoning ordinance allowed the denial of this request based on the negative impact on the surrounding area. Submitted a petition signed by 80 residents requesting the issue be studied before a decision is made. Reviewed requested conditions presented at the last meeting.
- Neil Colgrove, 905 Cambridge Stated most residents were upset at the prospect of a new home in this area. He felt this was a threat to the neighborhood and asked the decision be delayed until sufficient thought can be put into the future of the area.
- Craig Wilson, 920 Cambridge Questioned the placement of the driveway. Asked that this request be denied based on the fact it was not reasonable to place another home in this area because of the large lot sizes.
- Paul McGraw, 926 Cambridge Concerned about the size and style of house that would be built on the new lot. Asked that building plans be submitted showing the exact home that would be constructed prior to any approval for the lot split.
- Michael Fee, 950 Cambridge Concerned about the neighborhood. Noted this was an out-of-state owner that did not understand East Grand Rapids. Asked that all legal options be exhausted to deny this request.

Mayor Bartman closed the public portion of the issue and asked the owner's representative to address the issue of the home to be built and the driveway.

Jim Karczewski, 2607 Frederick, noted the current owners of the entire property and the potential owners of the new lot that he has spoken with are very concerned about building a home to fit with the character of the neighborhood and would work toward fitting the home into the area. Mr. Hendricks again asked about the conditions proposed by the adjoining property owner and whether these were acceptable. He reiterated his request for a moratorium on lot splits on this street until the issue could be studied.

Mr. Karczewski reviewed options for relocating the driveway to the property at 935 Cambridge. He stated a shared driveway was feasible, but not necessarily desirable. He noted the driveway could be moved to run close to the home along the north side of the home—although this would require the removal of several trees. He stated if he were hired to work on this project, he would recommend removing the existing garage and rebuilding an attached garage at the southwest corner of the home with the driveway on the south side of the home.

Commissioner Barbour spoke about respecting the rights of private property owners and the need for minimal government regulations on those wishing to improve their property according to their own wishes. He did not feel it was up to the government to judge the aesthetics of any residential structure, and stated his belief that the current ordinance regulating these issues is the result of many years of dealing with requests and balancing the needs of property owners and surrounding neighborhoods. He stated the issue before the City Commission was whether the properties resulting from the proposed lot split would conform to the zoning ordinances without burdening utilities and the neighborhood in accordance with the standards of review outlined in Section 5.406A of the City Code. He believes those standards are met by this proposal. He favored conditioning the lot split on the relocation of the driveway to the property containing the existing home.

Commissioner Turner concurred that the driveway should be relocated prior to development occurring on this lot.

City Attorney Huff answered questions from Commissioner Mulhall regarding the land division ordinance and the types of conditions that could be placed on approvals. He further stated that the consequences of the land division as stated in Subsection A3 are only those consequences of the land division itself since there is no pending proposal to develop the property and no indication that other than single-family residential use will subsequently be proposed.

2005-116-B. Mulhall-_____. Motion to amend 2005-103-A., to include conditions that the new owners work with the neighbors to save as many trees as possible and that the house to be built match the character, size, style, and grade level of the surrounding neighborhood.

The motion failed due to lack of a second.

2005-116-C. Turner-Horn. Motion to amend 2005-103-A., to add the following condition: the existing driveway be relocated to the south side of the structure at 935 Cambridge upon the first of a) the ownership of the newly created parcel being transferred to a new owner other than the owner of 935 Cambridge, or b) the construction of a new residence on the newly created parcel, and that a document shall currently be recorded with the Kent County Registrar of Deeds reflecting these conditions.

Yeas: Barbour, Horn, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

Vote on 2005-103-A., as amended:

Yeas: Barbour, Horn, Shimko, Turner and Bartman – 5
Nays: Mulhall – 1

2005-117. A public hearing was held regarding the request to relinquish utility rights in the vacated Maxwell Street.

The following communication was received at City Hall concerning this issue:

- Christine Grunewald, 2260 Argentina Concerned about the implications of this item. *(City Services Director Feldt reported he had spoken with Ms. Grunewald and answered her questions.)*

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

2005-117-A. Horn-Shimko. That a resolution relinquishing utility rights in the vacated Maxwell Avenue south of Argentina be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Barbour, Horn, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-118. A Public Hearing on the special assessment roll of delinquent accounts for placement on the July 1, 2005 tax roll.

The following communications were received:

- David VerMeulen, 725 Gladstone Disputed the late payment of a bill from August 2001 and the resulting penalties assessed.

No other public comment was received.

2005-118-A. Turner-Shimko. That the special assessment roll of delinquent accounts totaling \$48,342.76 be certified and that these accounts be placed on the July 1, 2005 tax roll.

Yeas: Barbour, Horn, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-119. A public hearing was held pertaining to the General Fund budget and the property tax levy for Fiscal Year 2005-2006. No public comment was received.

2005-120. City Manager Donovan reported on the status of working with neighbors regarding the moratorium on lot split requests for lower Reeds Lake Blvd. He reported interest in recent months from several property owners to divide the lots currently addressed to Bonnell to create new lots with frontage on the unimproved section of Reeds Lake Blvd on the south shore of Reeds Lake. He noted several issues that need to be resolved prior to allowing these properties to be split and developed: the improvement of the road from gravel to pavement with appropriate drainage and water/sewer system, and reconciliation of the platted roadway to the existing placement, the need for sidewalks, the placement of the gates, and the wishes of those who do not want to develop their properties.

The following people were present to speak regarding this request:

- Scott Kautzmann, 2113 Wealthy Questioned the current zoning and whether multi-family high rises could be built in this area.
- Tim Feagan, 1049 Santa Barbara Favored constructing the road and water/sewer system in sections depending on the number of homes who wished to participate. Willing to work out the issues of the gates, sewage systems, etc.
- Penny Bennett, 662 Manhattan Questioned the access of properties on Bonnell to lakefront access following any land divisions.

Commissioner Barbour spoke of the need to develop a consistent policy and structure for improvement that could be applied to all properties along this roadway. He agreed with the suggestion to work in small sections according to those wishing to participate in the project. He noted there were some deed restrictions on some of the properties and suggested those be resolved before proceeding with the first section.

- 2005-121. Finance Director VanderWall reported the bonds for the \$3.1 million Gaslight Village Streetscape project had been sold on May 11, 2005. There were seven bids received, and the best interest rate was 3.83% from the UBS Corporation. The City maintained its AA+ rating from both rating agencies for this sale.

Commissioner Horn noted the City had saved \$43,000 in interest payments because the interest rate was lower than originally projected.

- 2005-122. Shimko-Turner. Motion to approve the consent agenda as follows:

2005-122-A. Minutes of the regular meeting held May 16, 2005.

2005-122-B. Payroll disbursements in the amount of \$162,193.95, county and school disbursements in the amount of \$-0- and total remaining disbursements in the amount of \$195,268.69, as reviewed by the Finance Committee be approved.

2005-122-C. The purchase of easement rights from the Lakeshore Club Condominium Association in the amount of \$5,000, plus the installation of a short wall along the sidewalk and the replacement of trees disturbed by the work.

Yeas: Barbour, Horn, Mulhall, Shimko, Turner and Bartman – 6

Nays: -0-

- 2005-123. The meeting adjourned at 9:22 p.m. subject to the call of the Mayor until June 20, 2005.

Karen K. Brower, City Clerk

Attachments: A - Resolution relinquishing utility rights on Maxwell

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 6, 2005

The meeting was called to order by Mayor Bartman at 9:23 p.m. in the Media Center Conference Room at the East Grand Rapids High School.

Present: Commissioners Barbour, Horn, Mulhall, Shimko, Turner and Mayor Bartman

Absent: Commissioner Lawless

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

2005-124. Consider request to adopt a resolution adopting the FY 2005-06 budget and setting a millage rate for FY 2005-06.

2005-124-A. Barbour-Mulhall. That a resolution adopting the FY 2005-06 as amended during the budget worksession and setting millage rate for FY 2005-06 be adopted as set forth in Exhibit "A" attached hereto

Mayor Bartman reviewed the recommendation of the Personnel Committee to increase the car allowance for the City Manager and to make an extra contribution to his retirement plan in recognition of his favorable performance evaluation. She thanked Mr. Donovan for his outstanding service to the citizens of East Grand Rapids.

Commissioner Mulhall also thanked City Manager Donovan for his leadership in the management of the city staff, the preparation of the budget, and the many projects taking place in the City at this time.

Yeas: Barbour, Horn, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-125. Consider request to adopt a resolution establishing water/sewer rates for FY 2005-06.

2005-125-A. Turner-Shimko. That a resolution setting water/sewer rates for the upcoming fiscal year be adopted as set forth in Exhibit "B" attached hereto

Yeas: Barbour, Horn, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-126. The special meeting was adjourned at 9:27 p.m.

Karen K. Brower, City Clerk

Attachments: A - Resolution adopting FY 2005-06 budget.
B – Resolution establishing water/sewer rates for FY 2005-06.

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 20, 2005

Mayor Bartman called the meeting to order at 5:31 p.m. in the Conference Room at the High School Media Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Horn, Lawless, Mulhall, Shimko and Mayor Bartman

Absent: Commissioners Barbour and Turner

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

2005-127. Mayor Bartman advised of the following communications received at City Hall.

- L. An email from an unidentified citizen supporting the Jade Pig Ventures Gaslight Redevelopment project.
- M. An email from Linda Carrington of 2262 Lake Drive concerning the use of the public address system at the high school during athletic practices and events.

2005-128. No public comment was received.

2005-129. City Manager Donovan noted the Standard Federal Bank Reeds Lake Run would be held on June 25th and thanked everyone for their support of the race and their patience during the times the roads would be closed for the safety of the participants. He also reported the intersection of Lakeside Drive and Wealthy Street would be closed in the near future for realignment and other construction work.

2005-130. Community/School Liaison Officer Ryan Holmes announced awards to members of the community who have served as crossing guards for the last several years and thanked them for their service in providing a safe atmosphere for school-age children walking to and from school:

Anne Ganiard	10 years
Jan Aardema	5 years
Duane Early	5 years
Susan Maccardini	5 years
Diane Redford	5 years

City Commissioners thanked these and other crossing guards for their help with children on their way to school.

2005-131. Consider request to approve a contract for relocation of telephone lines in Gaslight Village.

City Manager Donovan and City Attorney Huff outlined the settlement with SBC regarding the relocation of utility lines within Gaslight Village. Mr. Huff noted SBC would be dropped from the lawsuit previously authorized by the City Commission.

2005-131-A. Shimko-Horn. That a contract with SBC Michigan for the relocation of telephone poles, lines and other equipment in for the Gaslight Village Streetscape Project be approved as set forth in Exhibit "A" attached hereto.

Yeas: Horn, Lawless, Mulhall, Shimko and Bartman – 5

Nays: -0-

Mayor Bartman thanked City Manager Donovan for his work on this project and commended SBC for their willingness to partner with the City to improve the infrastructure in the City.

2005-132. Shimko-Mulhall. Motion to approve the consent agenda as follows:

2005-132-A. Minutes of the regular and special meetings held June 6, 2005.

2005-132-B. Payroll disbursements in the amount of \$159,510.61, county and school disbursements in the amount of \$5,064.21 and total remaining disbursements in the amount of \$570,699.34, as reviewed by the Finance Committee be approved.

2005-132-C. A contract with Ken Beres Consulting, Inc. in the amount not-to-exceed \$6,400.00 for assistance to bid the property and liability insurance coverages for the City.

2005-132-D. The preliminary minutes of the Planning Commission meeting held April 12, 2005.

2005-132-E. The preliminary minutes of the Traffic Commission meeting held May 2, 2005.

2005-132-F. The preliminary minutes of the Library Commission meeting held May 23, 2005.

2005-132-G. The preliminary minutes of the Joint Facilities Committee meeting held April 27, 2005.

2005-132-H. The city Services Department Report for the months of January and February 2005.

2005-132-I. The Public Safety Department Report for the month of April 2005.

Yeas: Horn, Lawless, Mulhall, Shimko and Bartman – 5

Nays: -0-

2005-133. The meeting adjourned at 5:39 p.m. subject to the call of the Mayor until July 5, 2005.

Karen K. Brower, City Clerk

Attachments: A - Agreement with SBC for relocation of utility lines for streetscape project.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held July 5, 2005

Mayor Bartman called the meeting to order at 5:30 p.m. in the Conference Room at the High School Media Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Mayor Bartman

Absent: None

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

2005-134. Mayor Bartman advised there were no communications received at City Hall.

2005-135. No public comment was received.

2005-136. Commissioners Turner, Horn, Barbour and Mulhall all complimented the Parks & Recreation Department for their work on the 4th of July activities and the Reeds Lake Run the weekend prior. All events were well attended and ran very smoothly.

Commissioner Mulhall questioned whether the situation with the high school's outdoor P.A. system had been resolved. City Manager Donovan reported that following complaints about the use of loud music during practice sessions and special events, the City had implemented a policy prohibiting the use of the P.A. system for unnecessary music during its events and rentals. The School District has asked its groups to be courteous and keep any music very low to avoid problems. Mayor Bartman suggested that the Joint Facilities Committee review this issue and develop a consistent policy for all concerned.

Mayor Bartman congratulated the Parks & Recreation Department and other city departments for the outstanding events of the last several weeks and thanked everyone for working together to make these occasions so special for the community. She also noted she was participating in the Mayor's Walking Challenge with other local mayors to raise awareness of the health benefits of walking.

2005-137. Election of President for FY 2005-06.

2005-137-A. Shimko-Lawless. That Commissioner Barbour be elected President of the East Grand Rapids City Commission to assume leadership duties in the absence of the Mayor for FY 2005-06.

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6

Nays: -0-

Abstain: Barbour – 1

Mayor Bartman thanked Commissioner Shimko for his role as president during the past fiscal year.

2005-138. Introduction of an ordinance amendment to Section 5.31 of Chapter 50 of Title V of the City Code pertaining to the hours of operation in the business district.

Mayor Bartman noted that several local businesses had requested the City Commission consider amending the City Code to extend the required closing time for businesses from 11:00 p.m. until 1:00 a.m. She reported the issue would be sent to the Planning Commission for research and recommendation before a final reading before the City Commission.

The following people were present and expressed their feelings regarding this issue:

- Steve Wilson, Big Bob's Pizza Supported the change. Stated there were currently many times when customers were turned away because the restaurant was closing.
- Dave Bauwkamp, D&W Stores Supported the change. Felt residents were forced to drive to another D&W store further away because of the early closing time.
- Scott Wierda, Jade Pig Ventures Gave a progress report on their development. Stated that two potential tenants have been lost due to the 11:00 pm closing requirement.
- Dan Wieskopf, Gaslight Inn Agreed that 1:00 am would be a nice option to have; stated not all businesses would choose this closing time, but would appreciate opportunity during certain seasons or events.

2005-138-A. Turner-Shimko. That an ordinance amendment to Section 5.31 of Chapter 50 of Title V of the City Code pertaining to the hours of operation in the business district be introduced as set forth in Exhibit "A" attached hereto and sent to the Planning Commission for their review and recommendation.

Commissioner Turner expressed support for the proposal and the opportunities it would present for local businesses.

Commissioner Lawless thanked the business owners for appearing at the meeting to speak in favor of their request. He disclosed that his law firm performs work for D & W. He stated his feeling that this issue would require much dialogue between all those involved and requested public input from the City's residents on any proposed change. He expressed his concern about using 1:00 am and suggested discussing 12:00 midnight as a more likely alternative. He also questioned whether this extension should be limited to just restaurants or include retail establishments as well. He reviewed with the Commission his understanding of some of the benefits to the community of the current 11:00 p.m. closing time. He favored further discussion and more details before any decision to send this issue to the Planning Commission.

Amna Seibold, Vice Chair of the Planning Commission, was present and stated the Planning Commission would be able to discuss this issue in the upcoming months and that she would convey the importance of the many factors to her fellow commissioners.

Commissioner Mulhall also expressed concern about extending hours until 1:00 am and asked staff to gather as much public input as possible.

Commissioner Horn questioned whether the later closing time would place any strain on the Public Safety Department with additional calls for service.

Commissioner Lawless suggested scheduling more than one public hearing after any recommendation from the Planning Commission and gathering examples and reports from other communities similar to East Grand Rapids. He further suggested taking the time to discuss the issue again at the next meeting before sending a proposed ordinance to the Planning Commission.

Commissioner Shimko spoke against discriminating against those restaurants that do not serve alcohol.

Mayor Bartman stated she would work with City Manager Donovan to gather as much information as possible and give several options prior to the next meeting.

2005-138-B. Lawless-Mulhall. That this issue be tabled until the next City Commission meeting to allow time for additional information to be obtained.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-139. Consider request to adopt a resolution amending the policy on zoning escrow accounts.

City Manager Donovan recommended adding a quarterly billing process to the current policy on zoning escrow accounts to keep closer track of the funds expended on special zoning issues.

2005-139-A. Barbour-Shimko. That a resolution setting forth additional requirements and timelines for zoning escrow accounts be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-140. Consider request to adopt a resolution accepting Laurel Circle as public street.

2005-140-A. Barbour-Mulhall. That a resolution accepting Laurel Circle as part of the City's street system be adopted as set forth in Exhibit "C" attached hereto.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-141. Discussion of additional items for Community Center project.

City Manager Donovan explained the list of items had been eliminated from the project to meet the budget limitations. He reported staff had reviewed all the items cut from the project and had recommended that some of them be placed on a list to be added back if funding permitted at a later point.

2005-141-A. Barbour-Shimko. That the City Manager's recommendations totaling \$137,550 for additional items to be included in the Community Center project be approved as requested.

The City Commission discussed the list and agreed that most items should be included if possible. The sunshades on the rear of the building were moved to a higher priority than the public fishing pier. The main entrance was discussed, but no consensus reached on whether to spend additional money on a polycarbonate material or use a metal roof. City Manager Donovan will get information on the warranty and expected life of this material and present this to the City Commission at their next meeting.

2005-141-B. Shimko-Turner. That this request be tabled until further information is presented.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-142. City Manager Donovan reported the appointment of Cascade Township and LSL Planning as temporary zoning administrators for plan review, building permits, inspections and zoning/planning review until a new building inspector can be hired.

2005-142-A. Horn-Shimko. Motion to approve this arrangement with Cascade Township and LSL Planning.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-143. Turner-Mulhall. Motion to approve the consent agenda as follows:

2005-143-A. Minutes of the regular meeting held June 20, 2005.

2005-143-B. Payroll disbursements in the amount of \$143,026.07, county and school disbursements in the amount of \$-0- and total remaining disbursements in the amount of \$442,151.38, as reviewed by the Finance Committee be approved.

2005-143-C. A not-to-exceed contract in the amount of \$17,000 to MC Smith Associates for architectural and electrical engineering plans and inspections for the Lakeside Drive streetlighting and improvements.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-144. The meeting adjourned at 6:52 p.m. subject to the call of the Mayor until July 18, 2005.

Karen K. Brower, City Clerk

Attachments: A - Ordinance amendment to Section 5.31 pertaining to hours of operation in the business district.
B - Resolution amending the zoning escrow account policy.
C - Resolution accepting Laurel Circle as a public street.

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 18, 2005

Mayor Bartman called the meeting to order at 5:29 p.m. in the Conference Room at the High School Media Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Horn, Mulhall, Shimko, Turner and Mayor Bartman

Absent: Commissioners Barbour and Lawless

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

2005-145. Mayor Bartman advised of the following communications received at City Hall:

- A. Thank you card from Marnie Masterson expressing appreciation for the kindness and friendship shown to her father, Jim Lloyd, a senior citizen volunteer at the Public Safety Department.
- B. Letter from Kathy Keating VandeVoren thanking the Public Safety Department for providing her son with the opportunity to intern with the Department recently.
- C. Letter from Greg Walski thanking Chief Gallagher for the professionalism and courtesy extended to him during his recent internship at East Grand Rapids.

2005-146. No other public comment was received.

2005-147. Mayor Bartman reported the AFSCME union's recent newsletter had contained an article thanking city employees and officials for working together to provide Don Wisner's family with peace of mind during his last days. Mayor Bartman also noted that a group of high school students would be staying at the high school over the upcoming weekend during a community service project where they would be working to fix-up houses in inner-city areas.

City Manager Donovan displayed the proof for the soon-to-be-posted billboards advertising the walking challenge program featuring Mayor Bartman and other local mayors for the Blue Cross/Blue Shield Walking Works campaign.

2005-148. A zoning variance hearing was held regarding the request of John McClain of 455 Edgemere to allow the construction of an addition to the home 7.7' from the side lot line instead of the required 8.5.'

John McClain, 455 Edgemere, was present to introduce and answer questions about the variance request.

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

2005-148-A. Turner-Shimko. That the request of John McClain of 455 Edgemere to allow the construction of an addition to the home 7.7' from the side lot line creating a combined side yard setback of 17'-0" instead of the required 18'-0" be approved.

Yeas: Horn, Mulhall, Shimko, Turner and Bartman – 5
Nays: -0-

2005-149. A zoning variance hearing was held regarding the request of William Beaulieu of 1022 Lake Grove to allow the construction of a detached garage 1.4' from the side lot line instead of the 3.0' required and 2.0' from the rear lot line instead of the 3.0' required.

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

Commissioner Shimko questioned whether the foundation remaining from the old garage was sufficient to support a new structure. City Services Director Feldt answered this would be determined when a building permit was issued and a foundation inspection performed. Commissioner Shimko suggested conditioning the variance on the use of the old foundation so that if a new foundation had to be constructed it could be done in a conforming location.

2005-149-A. Turner-Shimko. That the request of William Beaulieu of 1022 Lake Grove to allow the construction of a detached garage 1.4' from the side lot line instead of the 3.0' required and 2.0' from the rear lot line instead of the 3.0' required be approved with the condition that the variance is contingent upon the existing foundation being able to be used for this structure.

Yeas: Horn, Mulhall, Shimko, Turner and Bartman – 5
Nays: -0-

2005-150. Introduction of an ordinance amendment to Section 5.31 of Chapter 50 of Title V of the City Code pertaining to the hours of operation in the business district.

2005-150-A. Horn-Shimko. Motion to take from the table Item 20005-138-A, an ordinance amendment to Section 5.31 of Chapter 50 of Title V of the City Code pertaining to the hours of operation in the business district.

Yeas: Horn, Mulhall, Shimko, Turner and Bartman – 5
Nays: -0-

2005-138-A. Turner-Shimko. That an ordinance amendment to Section 5.31 of Chapter 50 of Title V of the City Code pertaining to the hours of operation in the business district be introduced as set forth in Exhibit "A" attached hereto and sent to the Planning Commission for their review and recommendation.

Mayor Bartman reported the following communications had been received at City Hall concerning this issue:

- Lee Parnham, Studs Up	In Favor.
- Sharon White, 555 Locust	In Favor.
- Jeff & Anita Avery, 515 Cambridge	In Favor.
- Colleen Etue & Jim Dowdy, 262 Gracewood	In Favor.
- Steve Goulet, 2602 Frederick	In Favor.
- Sue Stoddard, 1427 Woodcliff	In Favor.
- Margit Sarne, 647 Lovett	Opposed.
- John Levings, 864 Bellelaire	Opposed.

The following people were present to express their feelings regarding this issue:

- Karie Koster, Firehouse Grill (2150 Wealthy)	Supported the extension of hours. Stated many people stop by the restaurant late in the evening and had to be turned away. Would be advantageous during special events.
- Stacy Wykoski, 2311 El Dorado	Objected. Felt the extra hours would draw people from outside the area. Stated there were other options nearby and that the neighbors would object to increased traffic.
- George Aquino, 1050 Pinecrest	Supported additional hours. Felt it would attract residents from the area on their way home from evening events and during special events such as football games, plays, etc.
- Nick Coutsos, 550 Laurel	Supported extending hours. Felt majority of residents would appreciate options close to their homes.

Mayor Bartman stated the amendment would be sent to the Planning Commission for their review and recommendation following a public hearing. The amendment would then be sent back to the City Commission for another public hearing before a final decision is made.

Commissioner Mulhall asked that the Planning Commission consider the 1:00 am closing time in addition to alternative times. He also suggested the Planning Commission research and consider ordinances and experiences from other communities similar to East Grand Rapids when making their decision.

Mayor Bartman asked that all relevant materials and communications be forwarded to the Planning Commission.

Vote on 2005-138-A.

Yeas: Horn, Mulhall, Shimko, Turner and Bartman – 5
Nays: -0-

2005-151. Discussion of additional items for Community Center project.

2005-151-A. Turner-Shimko. Motion to remove Item 2005-141-A. from the table for discussion.

Yeas: Horn, Mulhall, Shimko, Turner and Bartman – 5
Nays: -0-

2005-141-A. Barbour-Shimko. That the City Manager's recommendations totaling \$137,550 for additional items to be included in the Community Center project be approved as requested.

City Manager Donovan explained the request to include certain items in the construction project and reviewed the warranty information on the polycarbonate and metal roofing systems for the entry into the Community Center.

Commissioner Horn stated that metal roofing was usually preferred by architects because of its durability, but stated he was comfortable with either choice if the warranty was acceptable.

City Manager Donovan also requested the addition of brick soffits at a cost of \$1,300 for the lower level because of the aesthetics and maintenance factors.

2005-141-B. Turner-Horn. To amend 2005-141-A. to include the brick soffits at a cost of \$1,300 in the list of items to include for the Community Center.

Yeas: Horn, Mulhall, Shimko, Turner and Bartman – 5
Nays: -0-

2005-141-C. Shimko-Mulhall. Motion to amend 2005-141-A. to remove the roofing structure materials until further discussion could be held on the advantages or disadvantages of either material.

Yeas: Horn, Mulhall, Shimko, Turner and Bartman – 5
Nays: -0-

Vote on 2005-141-A. as amended.

Yeas: Horn, Mulhall, Shimko, Turner and Bartman – 5
Nays: -0-

2005-152. Mulhall-Turner. Motion to approve the consent agenda as follows:

2005-152-A. Minutes of the regular meeting held July 5, 2005.

2005-152-B. Payroll disbursements in the amount of 168,981.37, county and school disbursements in the amount of \$-0- and total remaining disbursements in the amount of \$242,118.08, as reviewed by the Finance Committee be approved.

2005-152-C. A not-to-exceed contract in the amount of \$5,000 to Sterling Codifiers for the update of the City Code and the placement of the Code on the internet.

2005-152-D. Appointments to advisory boards for FY 2005-06 as follows:

Planning Commission	Marnie Masterson, 2138 Heather Amna Seibold, 2809 Woodcliff Circle David Smith, 3147 Bonnell	Three-year terms ending 6/30/08
Parks & Recreation Comm.	Judith Baxter, 3060 Hall Dirk Buth, 1900 San Lu Rae Joe Camp, 2022 Coronado Amy Coretti, 1436 Laurel Terry McCarthy, 961 San Jose Joanie Snyder, 2627 Beechwood Jim Weiss, 2127 Wilshire (NEW) Todd Wolffis, 2630 Hampshire	One-year terms ending 6/30/06
Library Commission	Carol Donovan, 2944 Hall Heather DeKorte, 738 Rosewood 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 6/30/06
Board of Review	Patsy Dodgson, 1045 Conlon Sam Helmrick, 984 Gladstone Paul Howland, 2809 Woodcliff Circle John Scott, 3000 Bonnell (NEW)	One-year terms ending 6/30/06
Traffic Commission	Janyce Huff, 2310 Anderson Bob Saltsman, 2905 Reeds Lake Blvd Todd Avis, 532 Gladstone Camille Donnelly, 854 Lakeside Hunter Meriwether, 526 Lovett Andrew Leopold, 1016 Santa Cruz	One-year terms ending 6/30/06

2005-152-E. The preliminary minutes of the Planning Commission meeting held June 14, 2005.

2005-152-F. The preliminary minutes of the Parks & Recreation Commission meeting held June 13, 2005.

2005-152-G. The preliminary minutes of the Traffic Commission meeting held June 6, 2005.

Yeas: Horn, Mulhall, Shimko, Turner and Bartman – 5

Nays: -0-

2005-153. Consider request to approve the purchase of replacement vests for the Public Safety Department.

City Manager Donovan outlined the situation concerning the bullet resistant vests that had recently been determined to be defective. After researching and testing other vests, the Public Safety Department recommends replacing the defective vests as soon as possible. He also noted that staff had secured a grant of \$7,000 to offset the unbudgeted replacement of the new vests.

Commissioner Mulhall noted the importance of protecting the Public Safety Officers in every way possible and thanked staff for researching this issue so thoroughly.

Chief Gallagher reported that 20 of 30 vests were affected by this safety issue and thanked Lt. Brian Williams for working so quickly to resolve this situation.

2005-153-A. Turner-Shimko. That the purchase of bullet resistant vests for the Public Safety Department from First Choice at a unit price of \$695 and a total cost of \$13,900 with funding of \$7,000 from a grant and the remaining \$6,900 paid from the Drug Seizure Account.

Yeas: Horn, Mulhall, Shimko, Turner and Bartman – 5
Nays: -0-

2005-153-B. The Public Safety Department Report for the month of May 2005 was received.

Commissioner Shimko thanked the Alticor company for allowing the Public Safety Department to practice high angle rescues at it's facility in Ada. Chief Gallagher also thanked the company and noted that East Grand Rapids was the nearest department to the facility with adequate equipment to reach the highest portions of the manufacturing plant.

2005-154. Shimko-Turner. Motion to enter into an executive session to discuss real estate acquisition and pending litigation in accordance with Sections 8(d) and 8(e) of the Open Meetings Act. A roll call vote was taken.

Yeas: Horn, Mulhall, Shimko, Turner and Bartman – 5
Nays: -0-

2005-155. The meeting adjourned at 6:29 p.m. subject to the call of the Mayor until August 1, 2005.

Karen K. Brower, City Clerk

Attachments: A - Ordinance amendment to Section 5.31 pertaining to hours of operation in the business district.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held August 1, 2005

President Barbour called the meeting to order at 5:30 p.m. in the Conference Room at the High School Media Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Barbour, Horn, Lawless, Mulhall, Shimko and Turner

Absent: Mayor Bartman

Also Present: Assistant City Attorney Bloom; Public Safety Director Gallagher; City Services Director Feldt; City Clerk Brower

2005-156. Consider request to add an executive session to the agenda.

2005-156-A. Shimko-Lawless. 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: Barbour, Horn, Lawless, Mulhall, Shimko and Turner – 6

Nays: -0-

2005-157. President Barbour advised of the following communications received at City Hall:

D. Email from Meg Sorensen with suggestions for future commission meetings.

E. Six emails from residents regarding the proposal to extend hours for businesses in Gaslight Village (four in favor and two opposed).

2005-158. Ruth Smith, 555 Lakeside Drive, stated her opposition to extending the hours in the business district.

Richard Rasmussen, 946 Bellclaire, expressed concern about the closing of one driveway from the D&W plaza and suggested adding an additional driveway to the north. He also gave his concerns about congestion and traffic safety at Blodgett hospital and the student parking situation in Gaslight Village.

2005-159. Commissioner Mulhall complimented the youth service group that visited the Grand Rapids area recently to work on homes in the inner city areas.

Commissioners Shimko displayed one of the print ads for the Walking Works program and encouraged Mayor Bartman in her walking program.

Chief Gallagher reported the Public Safety Department would be hosting a community forum on race relations on August 18th at the EGR High School. He also noted that National Night Out would be celebrated with block parties and an open house on August 2nd.

2005-160. Dawn Lewis, EGR Branch Manager, and Martha Smart, Director, of the Kent District Library presented the 2004 annual report on the library system and answered questions from the City Commission.

2005-161. A zoning variance hearing was held regarding the request of Charles Wilkinson of 1745 Vesta Lane to allow the installation of a movable awning to extend not closer than 2.5' from the side lot line instead of the required 7.0.'

Charles and Cathy Wilkinson, 1745 Vesta Lane, were present to introduce and answer questions about the variance request.

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

2005-161-A. Lawless-Mulhall. That the request of Charles Wilkinson of 1745 Vesta Lane to allow the installation of a movable awning to extend not closer than 2.5' from the side lot line instead of the required 7.0' be approved.

Commissioner Lawless spoke in support of the variance due to the angled lot line that makes compliance difficult. He also felt the mature landscaping and the limited seasonal use of the awning represented by the applicant made this request acceptable.

Commissioner Mulhall gave his support to the variance because it did not extend past the wall of the garage.

President Barbour felt the variance was acceptable because the awning was not a fixed structure with a visible mass.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko and Turner – 6
Nays: -0-

2005-162. A zoning variance hearing was held regarding the request of Rick Geenen of Clinton Realty, owner of 2181 Wealthy, to allow 188 parking spaces instead of the 286 spaces required to construct a new one-story building.

Steven VanSteenhuysen of LSL Planning, explained the variance request on behalf of the staff and answered questions from the commissioners. He noted that using ITE standards for parking spaces, the project would need a variance of 7.5 spaces instead of the 98 spaces needed by the City ordinance standards.

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

- | | |
|--------------------------------------|--|
| - Rick Geenen, owner of 2181 Wealthy | Explained the project and answered questions. |
| - P.K. Mason, 2157 Wealthy | Supported the request. Questioned the number and location of barrier-free parking spaces provided. |
| - Matt Yadlowsky, 2235 Hall | Questioned whether a restaurant was planned for the new building and the effect on parking. |

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

- | | |
|----------------------------|----------|
| - Margit Sarne, 647 Lovett | Opposed. |
|----------------------------|----------|

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

Commissioner Lawless stated his support for the first condition suggested by Mr. VanSteenhuysen and invited discussion on the proposed condition concerning the re-evaluation of the parking variance with any change in use. He felt this condition would restrict the owner's ability to lease spaces in the future. He also suggested adding a condition that barrier-free spaces be maintained at the minimum levels but be redistributed at any point in the future as deemed necessary.

The City Commission discussed the proposed condition concerning future evaluation of the variance for changes in use. The consensus was that it was not necessary to revisit the issue every time a tenant changed, given the fact that different types of businesses would have different peak periods. President Barbour noted that using the ITE standards, this expansion project would need a variance of only 4% of available spaces.

2005-162-A. Turner-Horn. That the request of Rick Geenen of Clinton Realty, owner of 2181 Wealthy, to allow 188 parking spaces instead of the 286 spaces required to construct a new one-story building be approved with the following notations: 1) if an agreement is reached with the owners of the adjacent Jade Pig property to provide a vehicular connection to the property, the three spaces in the location of the proposed easement may be eliminated without the need for an additional variance; and 2) the barrier-free spaces may be redistributed to meet customer and tenant needs, provided the minimum number of barrier-free spaces required by state and federal law are maintained within the parking lot.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko and Turner – 6

Nays: -0-

2005-163. Consider request to adopt a resolution in support of the Amtrak Pier Marquette service line.

2005-163-A. Mulhall-Shimko. That a resolution supporting continued funding for the Amtrak Pier Marquette service line be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7

Nays: -0-

2005-164. Turner-Shimko. Motion to approve the consent agenda as follows:

2005-164-A. Minutes of the regular meeting held July 18, 2005.

2005-164-B. Payroll disbursements in the amount of \$171,620.81, county and school disbursements in the amount of \$862,271.13 and total remaining disbursements in the amount of \$497,138.31, as reviewed by the Finance Committee be approved.

2005-164-C. An extension of the contract with Michigan Pavement Markings of Wyoming for lane-striping and other markings in August 2005 and May 2006 in the amount of \$18,000.00.

2005-164-D. A change order in the amount of \$14,370.41 for the contract with Prime Excavating for the Bagley Avenue sanitary sewer project; and a corresponding budget amendment from the Water/Sewer undesignated fund balance.

2005-164-E. The purchase of air packs, rescue pack and fitness training equipment for the Public Safety Department from West Shore Fire, Inc. in the amount of \$21,695.00 and from American Health Fitness in the amount of \$6,409.50 with funding from a federal homeland security grant.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7

Nays: -0-

2005-165. Mulhall-Turner. 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: Barbour, Horn, Lawless, Mulhall, Shimko and Turner – 6

Nays: -0-

2005-166. The meeting adjourned at 6:38 p.m. subject to the call of the Mayor until August 15, 2005.

Karen K. Brower, City Clerk

Attachments: A - Resolution supporting Amtrak Pier Marquette service line.

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

Todd Needham, contractor for the applicants, was present to introduce and answer questions about the variance request. Mr. Budlemann was also present to explain their need for a two-car garage and extra bedrooms.

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

- | | |
|--------------------------------|---|
| - Paul Richards, 3111 Bonnell | Concerned about 1½ story addition so close to the lot line and the living spaces in their home. |
| - Deborah Meijer, 2805 Bonnell | Asked if trees could be kept. |
| - Bill Mehney, 3127 Bonnell | No objections to the request. |
| - Susan Richards, 3111 Bonnell | Felt the addition was too tall and too close to the lot line. |

Commissioner Horn arrived.

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

- | | |
|---------------------------------------|----------|
| - Paul & Susan Richards, 3111 Bonnell | Opposed. |
|---------------------------------------|----------|

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

Commissioner Lawless questioned the applicant on the other options for placing the addition. Other commissioners questioned staff regarding height limitations, side yard setbacks, combined setbacks, future easements and the proximity of the Richards property.

Commissioner Lawless stated his willingness to work with the applicant to accommodate a two-car garage. He acknowledged the applicants' efforts to soften the impact of the addition by slanting the roof over the garage, but expressed concern about the height of the addition adjacent to the neighboring property. Mr. Lawless also spoke to the Commission's concern about breaking the front yard setback "plane" on the block. Commissioners Turner and Mulhall echoed these sentiments. Several commissioners suggested the applicant work with the neighbors to reconfigure the request.

Commissioner Barbour spoke in favor of the request because of the angled lot lines that made the placement of any addition very difficult.

2005-171-A. Shimko-Horn. That the request of Kevin Budlemann and Yang Kim of 317 Gladstone to allow the construction of an addition to the home creating a side yard setback of 7'8" instead of the required 10'0", a combined side yard setback of 18.3' instead of the required 24.0', and a front yard setback of 42.0' instead of the required 53.0' be tabled to allow the residents to discuss the options.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko and Turner – 6
Nays: -0-

2005-172. Consider request to establish a policy on lot splits for lower Reeds Lake Blvd.

City Manager Donovan reviewed the history of the project and stated that a general policy had been developed following several meetings with residents/owners along this street. He noted that City Services Director Feldt had reviewed the topography and drainage in the area and developed four separate sections along the road to facilitate further discussions regarding development. Mr. Donovan stated that each section would be handled individually and would have to meet city ordinances and engineering standards for drainage, road width, curbs, etc. before development could occur. He answered questions and clarified various issues for the commissioners.

President Barbour invited those present to speak concerning this issue:

- | | |
|---------------------------------------|---|
| - Jim Kuras, 2737 Darby | Requested clarification on the voting rights and percentages. |
| - Robert Stokes, 2905 Bonnell | Requested an extension of the moratorium to allow property owners to discuss issues and work with the city on questions about the amount of property relinquished for water/sewer and right-of-way easements, drainage matters, and environmental impact. |
| - Nick Nicola, 2721 Darby | Questioned the 67% proposal for approval from property owners and whether improvements could be made without lot split requests. |
| - Chris Panopoulos, 3033 Mary | Clarified certain points on sections and voting rights. |
| - A.J. Birkbeck, 2701 Reeds Lake Blvd | Questioned the rights and impact on his parents property at the end of Darby/Reeds Lake Blvd that is not currently included in this policy but may be affected by the decisions. Also asked whether there will be cul-de-sac for vehicles and city plows. |
| - Don Markham, 540 Gladstone | Questioned the boundaries of the sections. |

The City Commission discussed the issue and the advantages of tabling the issue to allow further research and clarification on the questions raised. Staff was asked to address the following issues:

- A description/map of the four proposed sections;
- Advantages/Disadvantages of requiring 67% or 70% of owners to agree to move forward;
- Clarify further that owners of multiple lots receive one vote;
- Specify that seasonal road closures are still in effect between the gates;
- How to handle properties outside the four sections that would be affected by road widths/easements, etc.;
- Winter maintenance issues relating to the environmental impact of salt use;
- Ideas for capturing solids from storm water runoffs;
- Drainage areas proposed;
- Cul-de-sac or Turnaround at gates to avoid property damage.

2005-172-A. Lawless-Shimko. That the moratorium on lot split requests on the unimproved section of Reeds Lake Blvd be extended until September 19, 2005 to allow staff to address the above issues:

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko and Turner – 6
Nays: -0-

2005-173. Consider request to adopt a resolution abandoning a portion of Lakewood Drive.

2005-173-A. Shimko-Turner. That a resolution abandoning a portion of Lakewood Drive from 450 feet north of Upton Road to Gracewood Drive from the City's street system be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko and Turner – 6
Nays: -0-

2005-174. Consider request to approve an agreement with Consumers Energy for streetlights on Laurel Circle and Amberley Court.

2005-174-A. Lawless-Turner. That an amendment to the streetlighting agreement with Consumers Energy be approved to provide for the placement and maintenance of light fixtures in the Wilcox Gardens and Gardens at Amberley developments as set forth in Exhibit "B" attached hereto..

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko and Turner – 6
Nays: -0-

2005-175. Consider request to approve a reimbursement agreement regarding the Reeds Lake Blvd watermain.

2005-175-A. Turner-Shimko. That a reimbursement agreement between Johnson Newhof Associates and the City of East Grand Rapids for costs associated with the extension of a watermain to 3040 Reeds Lake Blvd be approved as set forth in Exhibit "C" attached hereto.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko and Turner – 6
Nays: -0-

2005-176. Consider request to approve an incentive program for the construction at the Community Center.

2005-176-A. Turner-Horn. To approve an addendum to the contract with Triangle Associates for the Community Center project adding an incentive program for the sharing of cost savings proposed during construction.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko and Turner – 6
Nays: -0-

2005-177. Discussion of material selection for the entry at the Community Center.

City Manager Donovan reviewed the architect's recommendation for the polycarbonate material for use on the covered entry at the Community Center and reported that funding was available in the general fund ending balance for FY 2004-05 to fund this additional expense.

2005-177-A. Lawless-Shimko. To select the polycarbonate roofing material for the entry structure at the Community Center project at an additional cost of \$7,000.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko and Turner – 6
Nays: -0-

2005-178. Turner-Shimko. Motion to approve the consent agenda as follows:

2005-178-A. Minutes of the regular meeting held August 1, 2005.

2005-178-B. Payroll disbursements of \$171,825.55, county and school disbursements of \$2,699,008.30, and total remaining disbursements of \$1,166,497.07, as reviewed by the Finance Committee be approved.

2005-178-C. The appointment of City Manager Donovan as the City's representative to the Michigan Municipal League conference in September 2005.

2005-178-D. The preliminary minutes of the Planning Commission meeting held July 12, 2005.

2005-178-E. The Public Safety Department Report for the month of June 2005.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko and Turner – 6
Nays: -0-

2005-179. Mulhall-Turner. 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: Barbour, Horn, Lawless, Mulhall, Shimko and Turner – 6
Nays: -0-

2005-180. The meeting adjourned at 7:32 p.m. subject to the call of the Mayor until September 6, 2005.

Karen K. Brower, City Clerk

Attachments: A - Resolution abandoning a portion of Lakewood Drive.
B – Agreement with Consumers Energy for Laurel Circle and Amberley Court
C – Reimbursement agreement for watermain to 3040 Reeds Lake Blvd.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held September 6, 2005

President Barbour called the meeting to order at 6:00 p.m. in the Conference Room at the High School Media Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Barbour, Lawless, Mulhall, Shimko, Turner and Mayor Bartman

Absent: Commissioner Horn

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

A moment of silence was observed in memory of those who lost their lives due to Hurricane Katrina and related flooding in the southern United States over the last week.

2005-181. Mayor Bartman advised of the following general communications received at City Hall:

- A. Email from Meg Sorensen, 630 Cambridge, complimenting the City for hosting the “Nothing To Hide” forum in August.
- B. Press Release from Chief Gallagher announcing the deployment of two officers to the FEMA hurricane relief task force working along the gulf coast after Hurricane Katrina.

2005-182. No public comment was received.

2005-183. Commissioner Lawless congratulated Chief Gallagher, Deputy Chief Herald and the entire staff of the Public Safety Department for organizing and participating in the “Nothing To Hide” forum addressing diversity issues and building relationships within the metropolitan area. Commissioner Lawless also presented survey results from a recent survey conducted by The Rapid that summarized public perceptions of the transit system.

Commissioner Shimko thanked City Manager Donovan and staff members for keeping the City Commission informed of the progress of various construction projects taking place throughout the City.

Mayor Bartman also commended the Public Safety Department for the “Nothing To Hide” forum. She noted that two Public Safety Officers, Lt. Charles Lark and PSO Dan Olney, had been assigned to the hurricane relief efforts and asked city residents to keep these officers in their thoughts. She announced that City Hall would be accepting financial donations on behalf of the Red Cross to assist with the hurricane relief and that over 1,000 storm victims from the area would be sheltered in West Michigan. Mayor Bartman also reported on the resurfacing of Reeds Lake Blvd by the Kent County Road Commission following the initial “chip sealing” of the street. She thanked County Commissioner Dean Agee for his role in having the wearing coat of asphalt put down over the gravel to protect runners, bikers and others using the street from the dangers of loose gravel.

Mayor Bartman reminded everyone of the joint City Commission/Planning Commission meeting on Tuesday, September 13, 2005 at 5:30 pm at the Woodcliff Building to begin the process of updating the Subarea section of the Comprehensive Master Plan.

2005-184. Mayor Bartman announced the zoning variance hearing had been cancelled because it was discovered that a variance was not needed.

2005-185. Public Hearing and Final Reading of an ordinance amendment to Section 5.31 of Chapter 50 of Title V of the City Code pertaining to the hours of operation in the business district.

Commissioner Barbour outlined the Planning Commission's discussions on this issue and their decision not to condition the approval on offsite parking arrangements or the addition of a taxi service. He noted the project would still need final site plan approval.

Yeas: Barbour, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

Mayor Bartman thanked the members of the Planning Commission for their attention to the details of this project and stated her appreciation for Rose's Restaurant as a positive addition to the community. She noted a formal public hearing prior to final adoption of a PUD amendment would take place at the next meeting on September 19, 2005.

2005-187. Introduction of an ordinance amendment to Sections 2.180, 2.183 and 2.187 of Chapter 28 of Title II of the City Code pertaining to stormwater regulations.

2005-187-A. Lawless-Mulhall. That an ordinance amendment to Sections 2.180, 2.183 and 2.187 of Chapter 28 of Title II of the City Code pertaining to stormwater regulations be introduced as set forth in Exhibit "C" attached hereto.

Commissioner Lawless asked staff to provide copies of the maps referred to in the new ordinance.

Yeas: Barbour, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-188. Turner-Shimko. Motion to approve the consent agenda as follows:

2005-188-A. Minutes of the regular meeting held August 15, 2005.

2005-188-B. Payroll disbursements of \$173,830.37, county and school disbursements of \$7,305,920.42, and total remaining disbursements of \$350,583.51, as reviewed by the Finance Committee be approved.

2005-188-C. The purchase of software and equipment in the amount of \$17,363.00 from RecTrac for online registration components for the City's website.

2005-188-D. The purchase of an automated external defibrillator in the amount of \$2,595 plus shipping from the AED Superstore for placement at Wealthy Pool.

2005-188-E. The establishment of a special assessment district for the emergency repair of a private storm sewer along Lovett Avenue as requested by the City Services Director.

2005-188-F. Authorizing the Planning Director and Building Official from Cascade Charter Township to issue civil infraction citations and appearance tickets for misdemeanor penalties as requested by the City Services Director.

Yeas: Barbour, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-189. The meeting adjourned at 6:51 p.m. subject to the call of the Mayor until September 19, 2005.

Karen K. Brower, City Clerk

Attachments: A - Ordinance amendment to Section 5.31 pertaining to hours of operation in the business district.
B - Amended PUD agreement for Rose's Restaurant at 550 Lakeside Drive
C - Ordinance amendment to Sections 2.180, 2.183 and 2.187 regarding stormwater 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 September 19, 2005

Mayor Bartman called the meeting to order at 6:03 p.m. in the Conference Room at the High School Media Center.

Present: Commissioners Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Mayor Bartman

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Finance Director VanderWall; Public Safety Director Gallagher; Planning Consultant VanSteenhuysen; City Clerk Brower

2005-190. Mayor Bartman advised of the following general communications received at City Hall:

- A. Letter from Debra Daining (sp?) expressing disappointment about the reproductions of streetlights used in the Gaslight Village Streetscape project.
- B. Letter from Dale Sommers of the Kent County Road Commission regarding the recently resurfaced portion of Reeds Lake Blvd in Grand Rapids Township.

2005-191. No public comment was received.

2005-192. Commissioner Turner congratulated the staff of the Parks & Recreation Department, City Services Department and Public Safety Department for the well organized "Reeds Lake Triathlon" that took place on September 10th. Mr. Turner also reported that one business took advantage of the later closing time on September 17th—the first day allowed by the new ordinance.

Commissioner Mulhall shared his recent experience at a funeral with full military honors and a flag-draped casket that was very moving.

Commissioner Lawless congratulated the EGR Varsity Football Team for their win over Lowell last week. He commended the city staff involved in the website project and urged residents to browse through the site. He also distributed information from a conference he attended about budgeting for results, not costs, with public dollars.

City Manager Donovan reported that benches and trees were still available for purchase/dedication in the Gaslight Village Streetscape project. Benches are \$1,900 and trees are \$1,100; both have brass plaques attached recognizing the donor.

Mayor Bartman also thanked the Parks & Recreation Department and other staff members for putting on the Triathlon. She noted the lights being placed in the streetscape project are actually streetlights and not the ornamental gaslights. The replacement gaslights in the business district will be very high quality and have an antique theme. Mayor Bartman reported visiting the 2nd graders at Breton School earlier in the day. She also noted the Planning Commission and City Commission had held a joint meeting last week to begin discussing the Master Plan Sub-Area update and urged citizens to give their input. She also thanked Gary Veldhof and Karen Brower for their work on the website project.

2005-193. A zoning variance hearing was held regarding the request of Kevin Budlemann and Yang Kim of 317 Gladstone to allow the construction of an addition to the home creating a front yard setback of 45'-4 1/2" instead of the required 53'0," a side yard setback of 7'11" instead of the required 10'0," and a combined side yard setback of 18'4" instead of the required 24'0."

2005-193-A. Barbour-Lawless. That the request of Kevin Budlemann and Yang Kim to allow the construction of an addition to the home be taken from the table for discussion.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

Planning Consultant VanSteenhuysen reported the applicants had revised the plans for their addition to address concerns of neighboring property owners. He noted the measurements used for the side yard setback should be adjusted by 1'-0" because readings were taken from the building instead of the proposed porch. Kevin Budlemann, owner of 3121 Bonnell, reviewed his revised request and answered questions.

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

2005-193-B. Turner-Horn. That the request of Kevin Budlemann and Yang Kim of 317 Gladstone to allow the construction of an addition to the home creating a front yard setback of 45'-4 1/2" instead of the required 53'0," a side yard setback of 7'11" instead of the required 10'0," and a combined side yard setback of 17'4" instead of the required 24'0" be approved.

Commissioner Barbour thanked the applicants for revising their proposal to address concerns. He indicated his support for the new request.

Commissioner Lawless noted that the angled lot lines made it difficult to add to this residence without encroaching on the setbacks. He also thanked the applicants for revising their proposal to address concerns.

Commissioner Mulhall spoke in support of the request.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-194. Public Hearing and Final Reading of request by the Gilmore Collection to make changes to the P.U.D. agreement governing the Rose's Restaurant property at 550 Lakeside Drive.

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

- Greg Gilmore, Gilmore Collection Excited about project and ready to begin plan drawings.

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

2005-194-A. Barbour-Shimko. That a resolution approving changes requested by the Gilmore Collection to the P.U.D. agreement governing the Rose's Restaurant property at 550 Lakeside Drive be adopted as set forth in Exhibit "A" attached hereto.

Commissioner Mulhall stated that his support for the proposal was based on the owner's representation that a taxi/trolley service would be offered to patrons and that off-site parking at the Bratschie law offices or other private lot would be utilized for employees.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-195. Consider request to establish a policy on lot splits for lower Reeds Lake Blvd.

Mayor Bartman noted that a previously approved lot split along this portion of roadway would not be affected by the new policy.

City Manager Donovan summarized the provisions of the proposed policy and asked the City Commission to adopt the policy and allow the Finance Committee to continue working on small details still under discussion.

Commissioner Lawless addressed prior concerns regarding stormwater runoff by noting that a new storm water ordinance with more stringent federal regulations would be adopted later in the agenda that would dictate the drainage/runoff in this area.

The following residents were present to express their opinions on this issue:

- Don Buske, 3055 Mary Questioned impact on lake, the size of certain lots, the reimbursement provisions, and the voting procedures. Staff answered each question.
- Lou Roossien, 3218 Reeds Lake Blvd Questioned winter maintenance, turnarounds and cooperation with GR Township.
- Doug VerMuelen, 3725 Duchess Questioned platted and actual roadway and access to his property; asked to table.
- Erwin Clahassey, 3037 Mary Asked that daughter's property receive separate vote because of separate ownership.
- Jim VerMuelen, 2227 Ontanogen Felt road should be open to all; threatened city if emergency vehicles could not reach his property when needed.
- Deb Meijer, 2805 Bonnell Questioned drainage improvements.
- A.J. Birkbeck, 2093 Robinson Felt further development was not necessary.
- Bob Stokes, 2905 Bonnell Questioned impact of Nicola lot split on his parent's property and on further development or improvements.
- Bob Stokes, 2905 Bonnell Stated 90% of property owners had tentatively agreed to pursue deed restrictions to limit development in his section.

2005-195-A. Lawless-Horn. That a policy outlining the infrastructure requirements and procedural issues for implementation relating to the unimproved portion of Reeds Lake Blvd along the south shore of Reeds Lake be adopted as set forth in Exhibit "B" attached hereto with the direction to the Finance Committee to review the voting procedures portion of the policy.

Commissioner Lawless spoke about various provisions of the policy and his hopes that it would provide a framework for property owners to work through the various issues surrounding possible development of the area.

Commissioner Mulhall asked that the City review its policy on salt usage in the winter and possibilities for reducing lake disruption.

Mayor Bartman stated her support for the plan because it represents a fair method of working with property owners to address development requests.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-196. Final Reading of an ordinance amendment to Sections 2.180, 2.183 and 2.187 of Chapter 28 of Title II of the City Code pertaining to stormwater regulations.

2005-196-A. Lawless-Horn. That an ordinance amendment to Sections 2.180, 2.183 and 2.187 of Chapter 28 of Title II of the City Code pertaining to stormwater regulations be adopted as set forth in Exhibit "C" attached hereto with the direction to staff to provide the maps specified in the ordinance by the end of 2005.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-197. Introduction of an ordinance amendment to add Section 5.34 to Chapter 50 of Title V of the City Code pertaining to the height of residential structures.

Commissioner Lawless outlined the history of this issue and described examples of the types of projects that create concerns within neighborhoods. He noted the City Attorney and the Finance Committee had spent

several months researching other municipal ordinances and working to create a simple and efficient way to address the issue. The proposed amendment addresses only new structures and gives an allowance of 18" before a variance procedure would be required.

Commissioner Barbour also expressed concern for the character of existing neighborhoods and his hope that regulations could be kept to a minimum while still achieving common goals. He asked City Attorney Huff to work on language addressing the conditions requiring a variance.

Mayor Bartman asked if there were provisions for addressing situations where the topography of the land required extensive grading, such as lots that sloped on one side.

2005-197-A. Lawless-Mulhall. That an ordinance amendment to add Section 5.34 to Chapter 50 of Title V of the City Code pertaining to the height of residential structures be introduced as set forth in Exhibit "D" attached hereto.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-198. Turner-Shimko. Motion to approve the consent agenda as follows:

2005-198-A. Minutes of the regular meeting held September 6, 2005.

2005-198-B. Payroll disbursements of \$164,323.15, county and school disbursements of \$90,769.50, and total remaining disbursements of \$1,774,496.66, as reviewed by the Finance Committee be approved.

2005-198-C. The purchase of seven in-car laptop computer systems from Drew Wireless of Grand Rapids at a cost of \$39,538.96 for Public Safety Department patrol and response vehicles.

2005-198-D. A contract with Barbara Hoag in the amount not to exceed \$7,500.00 for fundraising consultation services for Phase 2 of the Reeds Lake Trail project.

2005-198-E. Preliminary minutes of the Traffic Commission meeting held August 1, 2005.

2005-198-F. Preliminary minutes of the Parks & Recreation Commission meeting held August 11, 2005.

2005-198-G. The Public Safety Department Report for the month of July 2005.

Yeas: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-199. Turner-Shimko. 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: Barbour, Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 7
Nays: -0-

2005-200. The meeting adjourned at 7:47 p.m. subject to the call of the Mayor until October 3, 2005.

Karen K. Brower, City Clerk

Attachments: A – Resolution amending PUD agreement for Rose's Restaurant at 550 Lakeside Drive
B – Policy for road improvements on lower Reeds Lake Blvd
C – Ordinance amendment to Sections 2.180, 2.183 and 2.187 regarding stormwater regulations.
D – Ordinance amendment to add Section 5.34 regarding finished lot grade for new homes.

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 3, 2005

Mayor Bartman called the meeting to order at 6:03 p.m. in the Conference Room at the High School Media Center.

Present: Commissioners Horn, Lawless, Mulhall, Shimko, Turner and Mayor Bartman

Absent: Commissioner Barbour

Also Present: City Attorney Huff; City Manager Donovan; Finance Director VanderWall; Public Safety Director Gallagher; Planning Consultant VanSteenhuyse; City Clerk Brower

2005-201. Shimko-Turner. Motion to add to the consent agenda a request to approve easements for the Gaslight Village Streetscape project. A roll call vote was taken.

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6

Nays: -0-

2005-202. Mayor Bartman advised of the following general communications received at City Hall:

A. List of paving and overlay projects scheduled by the City Services Department in the next few weeks.

2005-203. No public comment was received.

2005-204. Commissioner Lawless thanked the Public Safety Department for the extensive annual report and invited a presentation on the information at a future meeting. He noted that the services provided by the Department distinguish the community.

Mayor Bartman also commended the Public Safety Department members for their service to the community.

2005-205. A zoning variance hearing was held regarding the request of Dan Chappell of 863 Orchard to allow the construction of a children's playhouse as an accessory structure with a height of 14'-0" instead of the maximum 12'-0" allowed.

Dan Chappel, 863 Orchard, was present to introduce and answer questions about the variance request.

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

- Vic Wagner, 858 Pinecrest

Concerned about the height and privacy in his backyard; felt the applicant was aware of building codes prior to construction.

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

- Debbie Barnes, 850 Pinecrest

Opposed.

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

2005-205-A. Turner-Horn. That the request of Dan Chappell of 863 Orchard to allow the construction of a children's playhouse as an accessory structure with a height of 14'-0" instead of the maximum 12'-0" allowed be approved.

Commissioner Turner stated his feelings that the structure was well built and fit the character of the neighborhood.

Commissioner Mulhall expressed frustration that the structure was already in place and could have been built to conform to codes if the applicant had contacted the city prior to building the playhouse.

Commissioner Lawless stated the owner had risked having to make changes by building the structure without contacting the city to confirm applicable building regulations. He felt the height of the structure and its visibility over the top of fences was objectionable to those in surrounding yards and could not be supported.

Mayor Bartman shared the concerns about height and proximity. She noted the standards contained in the ordinances for granting a variance were not met by this request.

Yeas: -0-

Nays: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6

City Services Director Feldt stated the applicant would have 30 days to lower the structure to meet regulations.

2005-206. Public Hearing and consideration of a request to approve a special use permit for the placement of cellular antenna equipment on the City's water tower site

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

- Theresa Malone, applicant representative Reviewed proposed antennas, placement on the water tower, equipment on the ground, and proposed screening.

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

Assistant City Attorney Wood reviewed a resolution detailing the process used to research the antennas and the findings that allow the special use permit to be issued.

City Manager Donovan noted the City Commission's prior strategy of using existing towers for additional antennas to avoid multiple towers in the same area. He reported the terms of the lease and the financial arrangements were identical to the agreement with Nextel.

2005-206-A. Lawless-Mulhall. That a resolution granting a special use permit pursuant to Section 5.24 of the City Code to Michiana Metronet, d/b/a Centennial Communications, for the placement of cellular antennas and related equipment on and around the City's water tower site at the corner of Norfolk and Woodlawn as outlined on plans and specifications dated August 30, 2005, be adopted as set forth in Exhibit "A" attached hereto, and that city staff be requested to use funding from this contract to establish and implement a long-term landscaping plan for this area to maximize the attractiveness of the site.

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6

Nays: -0-

2005-207. Consider request to approve an agreement with Centennial Wireless for the placement of cellular antenna equipment on the City's water tower site.

2005-207-A. Horn-Shimko. That a lease agreement with Michiana Metronet, d/b/a Centennial Communications, be approved in conjunction with cellular antennas and related equipment at the City's water tower site at the corner of Norfolk and Woodlawn as set forth in Exhibit "B" attached hereto.

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6

Nays: -0-

2005-208. Review of Thiessen variance at 2137 Lake Drive.

City Manager Donovan and City Services Director Feldt reviewed the timelines and conditions for completion of this project that had been dictated by the City Commission and administered by the City staff since the variance was granted in 2002 and subsequent follow-ups since that time. It was noted that the driveway completion had been in the original requirements, but the applicant was allowed additional time on this item because of weather-related scheduling. Mr. Feldt reported the driveway was still not completed and this was the reason the matter was back in front of the City Commission for action.

Dennis Thiessen, 2137 Lake Drive, stated he had fallen behind on his schedule due to an injury and now preferred not to install the driveway until after all deliveries for interior work were over.

Mayor Bartman suggested allowing Mr. Thiessen until the end of October to complete the driveway and authorizing staff to proceed with legal action if the driveway is not completed at that time.

Commissioner Horn suggested requiring another performance bond from the applicant to ensure completion.

2005-208-A. Horn-Turner. Motion to 1) extend the completion date for the driveway work until November 15, 2005, 2) to require a performance bond of \$2,000 be submitted to the City by October 15, 2005 to be used, if necessary, by the city for payment towards the completion of the work and/or assessment of penalties, and 3), to authorize staff proceed with legal action if the bond is not posted by October 15th or if the driveway is not completed by November 15, 2005.

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-209. Consider appeal of Finance Committee decision regarding snowplowing license for Plow Only.

City Manager Donovan reviewed the appeal and history of the FY 2005-06 snowplowing contractor's license held by Kevin Malarney of Plow Only and answered questions from the City Commission. He noted the Finance Committee had placed the company on probation with certain requirements, some of which were not met satisfactorily. Mr. Malarney has now appealed the decision of the Finance Committee to the City Commission.

Mayor Bartman opened the meeting for public comment on this issue. The following people were present to speak about this issue:

- Jane Nelson Lowrey, 2343 Burchard Related unresolved customer service and refund issues with Plow Only resulting in court judgments against the company.
- Debbie Gulch, 2349 Burchard Very dissatisfied with the service received; left without snowplow service during winter storms last year.
- Michael Moore, attorney for Mr. Malarney Stated suspension of license would have detrimental effects on Plow Only's six drivers, and that two complaints were not justification for probation or revocation. Offered a full money-back guarantee within 24 hours to any customer upon a written complaint submitted to the City.

Commissioner Horn reported seeing advertising signs in the front yard of homes in EGR in direct violation of the probationary requirements against soliciting new customers in EGR. Mr. Moore stated these signs were given out to prior customers several years ago and that Mr. Malarney had no control over their use at this time. Mr. Moore also noted that the computer program used by Mr. Malarney's companies was incapable of producing names or telephone numbers on a printed list or to differentiate between Plow Only and Cut Only customers.

Several Commissioners expressed disappointment over the lack of compliance with the Finance Committee's requirements and efforts to allow this company to continue operating.

2005-209-A. Lawless-Mulhall. To uphold the decision of the Finance Committee by placing Plow Only on probation for the 2005-06 snowplowing season with the requirement that the company not solicit new plowing customers in East Grand Rapids and to review the license at the end of the season for further action.

Mayor Bartman spoke in favor of suspending the license for the upcoming year instead of probation to protect residents from the customer-service and non-performance issues expressed by past customers. Commissioners Horn and Turner also expressed their preference to suspend the license for one year.

Commissioners Lawless and Mulhall spoke in favor of probation for the upcoming year.

Yeas: Lawless, Mulhall and Shimko – 3
Nays: Horn, Turner and Bartman – 3

Don Markham, 540 Gladstone, questioned how residents would be reimbursed if the license was suspended if they had already paid for a full season of service.

2005-209-B. Turner-Horn. To suspend the 2005-06 snowplowing license of Plow Only.

Yeas: Horn, Turner and Bartman – 3
Nays: Lawless, Mulhall and Shimko – 3

The City Commission discussed possible conditions that could be placed on this company to ensure compliance and proper service to the residents.

2005-209-C. Horn-Shimko. To reestablish the probationary status imposed by the Finance Committee in its August 29, 2005 letter with the following changes/additions:

- 1) Probation for Plow Only beginning November 1, 2005 and ending May 1, 2006 (the established license time period);
- 2) A list of current Plow Only customers with names, addresses and phone numbers be submitted to the City by October 14, 2005 without lawn service customers included;
- 3) A performance bond of \$3,500 to be submitted to the City by Plow Only by October 14, 2005 that will be refunded at the end of the season if the City Manager and Finance Committee determine that the probation has been successfully completed and no offset from the performance bond as penalties or compensation to residents is required.
- 4) The suspension of the 2005-06 snowplowing license if requirements 1-3 are not met by October 14, 2005.
- 5) Authorizing the City Manager and the Finance Committee to oversee these requirements and to use the established policies and appeal process to review compliance with conditions, resident-related issues with this license, or the forfeiture of the performance bond.

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-210. Turner-Shimko. Motion to approve the consent agenda as follows:

2005-210-A. Minutes of the regular meeting held September 19, 2005.

2005-210-B. Payroll disbursements of \$177,378.82, county and school disbursements of \$238,823.12, and total remaining disbursements of \$350,297.77, as reviewed by the Finance Committee be approved.

2005-210-C. A contract with Moore & Bruggink in the amount not-to-exceed \$123,400 for engineering and design work for Phase 2 of the Reeds Lake Trail project.

City Manager Donovan noted the City had selected Moore & Bruggink following a proposal process prior to Phase 1 of the Reeds Lake Trail. He stated the current quotation was in line with costs for the first phase and had been adjusted for the amount of paperwork and meetings required by the Department of Environmental Quality.

2005-210-D. A not-to-exceed contract in the amount of \$9,775.00 with Commtech Design for technology coordination for the Community Center project.

Mayor Bartman noted this contract was for design and coordination only and that another contract for the wiring would be coming to the City Commission after the bids were received.

2005-210-E. Computer purchases in the amount of \$241.29 from CDW-G, \$1,773.00 from CPR, Inc., \$442.90 from Ocean, Inc., and \$5,686.00 from Trivalent Group, for a grand total of \$8,143.19.

2005-210-F. A settlement with Consumers Energy Company for the Gaslight Village Streetscape litigation.

2005-210-G. The Public Safety Department Annual Report for 2004.

2005-210-H. Easement agreements with Fifth Third Bank and the Marcia L. Geenan Trust for the Gaslight Village Streetscape project.

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-211. The meeting adjourned at 7:50 p.m. subject to the call of the Mayor until October 17, 2005.

Karen K. Brower, City Clerk

Attachments: A – Resolution approving special use permit for Centennial Communications
B – Lease agreement with Centennial Communications

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 17, 2005

Mayor Bartman called the meeting to order at 6:00 p.m. in the Conference Room at the High School Media Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Barbour, Horn, Mulhall, Shimko, Turner and Mayor Bartman

Absent: Commissioner Lawless

Also Present: City Attorney Huff; City Manager Donovan; Finance Director VanderWall; Public Safety Director Gallagher; City Services Director Feldt; Deputy Public Safety Director Herald; Lt. Lark; PSO Olney; Planning Consultant VanSteenhuysen; City Clerk Brower

2005-212. Mayor Bartman advised of the following general communications received at City Hall:

- B. Email from Scott Kautzmann, 2113 Wealthy, offering suggestions for the master plan amendment process.
- C. Email from Scott Kautzmann, 2113 Wealthy, regarding the recent Supreme Court ruling on eminent domain.
- D. Letter from Florence Bouwman, 3040 Manhattan Lane, objecting to the plans for a Parade of Homes entry in their neighborhood.
- E. Letter from Eric Starck, 2434 Lake Drive, regarding his experience with snowplow contractor Plow Only.

2005-213. No public comment was received.

2005-214. Commissioner Turner thanked Marty Kroes and Tim Thompson of the Streets & Utilities Department for their coaching before and during the Snowplow Roadeo where he competed in the Celebrity competition and took 7th place. City drivers Marty Kroes and Jeff Stults took first place in the Small Cities division, and Mike Ferris took 20th place in the Loader Competition.

Commissioner Barbour congratulated the Boys Golf Team on their State Championship over the weekend, and commended the Girl's Tennis Team for their 3rd place finish in the State competition. He noted the golf championship marked the 100th State title that EGR teams have won.

Commissioner Mulhall thanked the developers of the Amberley Gardens and Wilcox Gardens developments for the quality of their streets, signage and materials and wished them both well in their sales.

City Manager Donovan announced the next public input session for the Master Plan update would be on Tuesday, October 25th from 7:00 – 9:00 pm at Grace Episcopal Church on Hall Street.

Mayor Bartman reported Commissioner Lawless had been called out of town on business and regretted he was unable to attend the meeting. She announced that upon further review, the playhouse structure on Orchard that had been denied a variance did actually meet the height limitation when measured to the mid-line of the roof—the method of measurement defined in the city code. Mayor Bartman also recognized the drivers who competed in the Snowplow Roadeo and invited everyone a lip-sync fundraising event she would be participating in on November 17th. She then read from a thank-you letter written by a Breton Downs 2nd grader thanking Mayor Bartman for her visit to their classroom and announcing the decision to become a veterinarian following the visit.

2005-215. Lt. Charles Lark and PSO Dan Olney reported on their work for FEMA during the relief efforts following Hurricane Katrina in September and thanked the City Commission and residents for allowing them to assist those affected by the disaster.

- 2005-216. Public Safety Director Gallagher and Deputy Director Herald presented statistics from the 2004 Public Safety Department Annual Report and answered questions from the City Commission.
- 2005-217. A zoning variance hearing was held regarding the request of William & Susan Brennan of 935 Rosewood to allow the construction of an addition to the home creating a rear yard setback of 12'-0" instead of the required 25'-0."

Sue Brennan, 935 Rosewood, was present to introduce and answer questions about the variance request.

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

- | | |
|--|--|
| - Michael Moore, 948 Gladstone | Opposed because of height and proximity to lot line. |
| - Marty Bushlie, 941 Rosewood | No objection to the proposed 2-story addition. |
| - Bill Brennan, 935 Rosewood | Provided additional information and spoke in favor. |
| - Jim Karczewski, architect for new owners | Offered alternative roofline for addition to lessen impact on neighbors; showed photos and elevations. |
| - Suzanne Moore, 948 Gladstone | Concerned about height. Questioned whether new drawing would be used or if the lot would be split in the future. |
| - Stephanie Krauss, new owner | Stated intention to keep lot intact and to use new drawings. |
| - Elizabeth Bogo, 1628 Pontiac | Supported variance request. |

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

- | | |
|--|--|
| - Suzanne & Michael Moore, 948 Gladstone | Opposed. |
| - Bill & Sue Brennan, 935 Rosewood | Additional information; detail support of other neighbors. |
| - Dennis Hoban, 967 Gladstone | Opposed. |
| - Aaron Johnson, 954 Gladstone | Opposed. |
| - Pam Sullivan, 1600 Pontiac | Opposed. |
| - Petition signed by 16 surrounding properties | Opposed. |
| - Petition signed by 13 surrounding properties | In Favor. |

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

- 2005-217-A. Barbour-Horn. That the request of William & Susan Brennan of 935 Rosewood to renew the variance allowing the construction of an addition to the home creating a rear yard setback of 12'-0" instead of the required 25'-0" be approved.

The City Commission questioned the applicant, the new owner and the neighbors present on the size and use of the new addition, other available options, the alternate plan for the addition, and the property in general. Several commissioners shared their concerns about the height of the addition in proximity to the lot line and the mass of structure in one section of the lot. Others noted the large lot size may offer other opportunities to expand the home in compliance with the ordinance.

- 2005-217-B. Shimko-Horn. That the request of William & Susan Brennan of 935 Rosewood be tabled to allow time for the homeowners, prospective owners and the neighbor's to work toward a compromise on the issue.

Yeas: Barbour, Horn, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

- 2005-218. Consider request to adopt a resolution assuming authority to adopt the updated Comprehensive Master Plan.

City Manager Donovan reported that State law had changed since the 1999 adoption of the current Master Plan to allow the City Commission to make the final adoption of the master plan and any changes recommended by the Planning Commission.

2005-218-A. Turner-Shimko. That a resolution asserting the right of the East Grand Rapids City Commission to approve and adopt the master plan and related changes be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Barbour, Horn, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-219. Consider appeal of water bill charges by Julie Koning of 2746 Beechwood.

Julie Koning, 2746 Beechwood, asked the City Commission to forgive the \$800 water bill she received this summer because the amount was above any prior usage and she felt the meter was inaccurate.

Commissioner Barbour reported the Finance Committee had reviewed this request in detail and had determined that the meter had tested accurately in three tests. He noted the water features in Ms. Koning's landscaping may have used an inordinate amount of water over the dry spring and summer months.

Mayor Bartman related her own experience with a leaking fixture and how quickly water is used. She noted that forgiven water bills would affect rates of other customers in the future.

2005-219-A. Barbour-Shimko. Motion to uphold the decision of the Finance Committee in denying the request to forgive the water bill at 2746 Beechwood.

Yeas: Barbour, Horn, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-220. Shimko-Horn. Motion to add to the agenda a request to approve a change order for the Gaslight Village Streetscape project. A roll call vote was taken.

Yeas: Barbour, Horn, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-221. Consider request to approve a change order for the Gaslight Village Streetscape project.

City Manager Donovan reviewed the proposal to use concrete for the intersections in place of the planned asphalt surface. He recommended approval based on the longer life of the concrete and ease of future maintenance.

2005-221-A. Horn-Turner. To approve the proposal to substitute concrete for the asphalt in the four intersections in Gaslight Village at a cost of \$76,973, with funding of \$65,000 from the Local Street Fund and \$12,000 from the streetscape project contingencies.

Yeas: Barbour, Horn, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-222. Shimko-Turner. Motion to approve the consent agenda as follows:

2005-222-A. Minutes of the regular meeting held October 3, 2005.

2005-222-B. Payroll disbursements of \$164,931.17, county and school disbursements of \$76,984.61, and total remaining disbursements of \$639,223.28, as reviewed by the Finance Committee be approved.

2005-222-C. A contract with Berends Hendricks Stuit Insurance Agency, representing Selective Insurance Company, in the amount of \$153,446.00 for property and liability insurance.

2005-222-D. A contract with Tepper Nursery of Walker in the amount of \$7,944.65 for the annual tree planting program.

2005-222-E. A contract with Woodland Paving Company of Grand Rapids for the grind and resurface projects on Hall Street, Alexander Road and Idema Drive in the amount of \$260,666.50 plus contingencies of \$13,000.

2005-222-F. A contract with G.E.T. Concrete of Grand Rapids in the amount of \$82,250.00 for the annual sidewalk repair and replacement program.

2005-222-G. The preliminary minutes of the Planning Commission meeting held September 13, 2005 were received.

2005-222-H. The preliminary minutes of the Parks & Recreation Commission meeting held September 12, 2005 were received.

2005-222-I. The preliminary minutes of the Traffic Commission meeting held September 6, 2005 were received.

2005-222-J. The Public Safety Department Report for the month of August 2005 was received.

Yeas: Barbour, Horn, Mulhall, Shimko, Turner and Bartman – 6

Nays: -0-

2005-223. The meeting adjourned at 7:52 p.m. subject to the call of the Mayor until November 7, 2005.

Karen K. Brower, City Clerk

Attachments: A – Resolution assuming authority to adopt master plan.

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 7, 2005

Mayor Bartman called the meeting to order at 6:02 p.m. in the Conference Room at the High School Media Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Horn, Lawless, Mulhall, Shimko, Turner and Mayor Bartman

Absent: Commissioner Barbour

Also Present: City Attorney Huff; City Manager Donovan; Finance Director VanderWall; Public Safety Director Gallagher; City Services Director Feldt; Parks & Recreation Director Bunn; Planning Consultant VanSteenhuys; City Clerk Brower

2005-224. Mayor Bartman reflected on the life of Rosa Parks who died recently and noted that her legacy has made a difference throughout our nation. She asked all citizens to look to Mrs. Parks as an example of the opportunities in our lives to become involved and change the things we can change.

2005-225. Mayor Bartman advised of the following general communications received at City Hall:

F. Letter from Constance Ellis of 2003 Coronado regarding the need for a traffic signal at Lake Drive and Lovett.

G. Email from Stephen Bender of 2265 Englewood concerning speeding traffic on Englewood.

H. Email from Scott Kautzmann of 2113 Wealthy regarding the Mayor's recent Cadence column on the upcoming election.

2005-226. No public comment was received.

2005-227. Commissioner Mulhall thanked the members of the Junior State of Michigan for organizing the candidate forum later in the evening.

Commissioner Lawless expressed his gratification that so many interested candidates were running for City Commission in the election tomorrow and wished all of them good luck with their campaigns.

Mayor Bartman thanked the 2nd grade classes at Lakeside Elementary for their hospitality last week during her visit for their government studies. She noted the Streetscape project was wrapping up and all intersections would be open soon. Mayor Bartman introduced the "Kids Food Basket" program that provides take home meals for those children that do not have meals at home. She also thanked those residents running for City Commission and urged everyone to take the time to vote on Tuesday.

2005-228. Mayor Bartman presented a certificate to Jeff Stults of the Streets & Utilities Department for his participation in the American Public Works Association's Snowplow Roadeo. Not present were Mike Ferris who competed in the Loader Competition and Marty Kroes who participated in the snowplowing division. The City of East Grand Rapids won 1st place finish in the Small Cities Division. City Services Director Feldt presented Commissioner Turner with a commemorative snow shovel for his noteworthy performance in the Celebrity Division.

2005-229. Senita Thompson and Lisa Staples from Blue Cross/Blue Shield of Michigan presented a \$5,000 check to Mayor Bartman on behalf of the City for winning the "Walking Works" challenge between area mayors over the summer months.

2005-230. Mayor Bartman stated that former Planning Commissioner Mark Davis was not able to attend the meeting but would be given a token of appreciation for his eight years of service on the Planning Commission. She noted Mr. Davis was knowledgeable in environmental law and provided invaluable advice during his tenure on this board.

2005-231. A zoning variance hearing was held regarding the request of William & Susan Brennan of 935 Rosewood to allow the construction of an addition to the home creating a rear yard setback of 12'-0" instead of the required 25'-0."

2005-231-A. Turner-Horn. That the request of William & Susan Brennan of 935 Rosewood to renew the variance allowing the construction of an addition to the home be taken from the table for consideration.

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

Bill Brennan, 935 Rosewood, was present to introduce and answer questions about the variance request. He reviewed the discussions and agreements that took place with their neighbors since the last meeting and the conditions that were now included in the request.

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

- Jim Karczewski, architect	Reviewed changes to rooflines to address concerns.
- Paul Janes, 2467 Lake Drive	Stated that Mr. and Mrs. Moore were willing to withdraw their prior objections if the conditions agreed upon were included in the variance.

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

- Bill & Susan Brennan, 935 Rosewood	Detailed information, conditions, deed restriction.
- Commissioner Barbour	Approve of revised plans.

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

2005-231-B. Lawless-Shimko. That the request of William & Susan Brennan of 935 Rosewood to renew the variance allowing the construction of an addition to the home creating a rear yard setback of 12'-0" instead of the required 25'-0" be approved with the following amendments: that the approval is limited to the revised design and elevations submitted for the November 7th City Commission meeting, and that the conditions and deed restriction signed by the property owners at 935 Rosewood and 948 Gladstone be included as further conditions of the variance approval.

Commissioners thanked the applicant and neighboring property owners for working together to resolve this issue.

Commissioner Lawless noted his support of the variance given the size of the lot and the positioning of the house on the lot.

Commissioner Mulhall spoke in support of the revised plans because the impact on the surrounding properties would be minimized by the stepped-back second story.

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-232. A zoning variance hearing was held regarding the request of Joel & Julie Schultze of 933 Pinecrest to allow the construction of an addition to the home creating a side yard setback of 4'-6" instead of the required 7'-0" and a combined side yard setback of 11'-6" instead of the required 18'-0."

Joel Schultze, 933 Pinecrest, was present to introduce and answer questions about the variance request.

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

- | | |
|--|--|
| - Joel Peterson, builder for Mr. & Mrs. Schultze | Explained proposed changes to home. |
| - Jenna Townsend, 941 Pinecrest | No objections provided agreed upon fencing and tree removal are completed. |

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

- | | |
|--------------------------------------|----------------|
| - Amy & Donald Tuitel, 917 Pinecrest | In Favor |
| - Robert Sears, 958 Pinecrest | In Favor |
| - Jenna Townsend, 941 Pinecrest | No objections. |
| - Petition signed by 13 residents | In Favor. |

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

- 2005-232-A. Shimko-Turner. That the request of Joel & Julie Schultze of 933 Pinecrest to allow the construction of an addition to the home creating a side yard setback of 4'-6" instead of the required 7'-0" and a combined side yard setback of 11'-6" instead of the required 18'-0" be approved.

Commissioners Lawless and Mulhall questioned whether a detached garage could be constructed and therefore eliminate the need for a variance. Both noted the size and dimensions of the lot were conducive to alternate placements of the new living and garage spaces. Commissioner Lawless stated that either, but not both, of the attached additions as proposed could be accommodated. He also noted that since the existing attached single stall garage is being torn down and rebuilt as a family room addition, alternate design options were readily available to attach a two-stall garage and a family room without the side-yard set-back encroachment requested.

Yeas: Horn, Shimko, Turner and Bartman – 4
Nays: Lawless, Mulhall – 2

- 2005-233. A zoning variance hearing was held regarding the request of Marshall Battani and Kari Wilson of 1771 Asbury to allow the construction of an addition to the home creating a rear yard setback of 18'-0" instead of the required 25'-0."

Kari Wilson Battani, 1771 Asbury, was present to introduce and answer questions about the variance request.

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

- 2005-233-A. Lawless-Mulhall. That the request of Marshall Battani and Kari Wilson of 1771 Asbury to allow the construction of an addition to the home creating a rear yard setback of 18'-0" instead of the required 25'-0" be approved.

Commissioner Lawless stated the unusual shape of the lot and the distance to the rear-yard neighbors made this addition non-intrusive to the other properties.

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

Mayor Bartman removed Item 14 from the consent agenda for individual consideration.

- 2005-234. Consider request to adopt revisions to the lower Reeds Lake Blvd development policy.

City Manager Donovan explained the changes made to the policy to define "ownership" with regard to voting rights for the development balloting.

The City Commission discussed various options for further defining ownership to address lots with multiple owners. City Attorney Huff will work on this issue and make additional revisions.

2005-234-A. Turner-Shimko. Motion to table this policy adoption until the next regular meeting

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-235. Shimko-Horn. Motion to approve the consent agenda as follows:

2005-235-A. Minutes of the regular meeting held October 17, 2005.

2005-235-B. Payroll disbursements of \$162,555.30, County and School disbursements of \$39,953.32, and total remaining disbursements of \$348,562.00.

2005-235-C. The appointment of Jennifer Khorey of 2656 Boston to the Library Commission for a term ending June 30, 2006.

2005-235-D. The amendment of the Reeds Lake Boulevard development policy to define property owners as set forth in Exhibit "A" attached hereto.

2005-235-E. Fund transfers for the Wealthy Streetscape as follows: \$20,000 from the water/sewer fund for utility box adjustments on Wealthy Street; \$8,000 from the water sewer fund for the resurfacing of Bagley Street due to the water and sewer replacement projects; \$35,000 from the major street fund for the new traffic signal at Wealthy and Lakeside; and \$65,000 from the local street fund from the savings in the sidewalk replacement program.

2005-235-F. A five-year proposal from Miller, Johnson, Snell & Cummiskey to provide labor attorney services at a cost of \$165 per hour for FY 2005-06, \$170 per hour for FY 2006-07, \$170 per hour for FY 2007-08, \$175 per hour for FY 2008-09, and \$180 per hour for FY 2009-10.

2005-235-G. To accept the bid of Custer Workplace Interiors in the amount of \$396,765.68 for office furniture and ancillary furnishings for the Community Center project with final determinations on individual pieces dependent on staff selections.

2005-235-H. A contract with North American Salt Company in the amount of \$30.88 per ton for the FY 2005-06 winter maintenance program.

2005-235-I. The purchase of a field line painter from Pioneer Equipment in the amount of \$2,595.00 for grounds maintenance operations.

2005-235-J. The purchase of two Crown Victoria police patrol units from Gorno Ford of Woodhaven, Michigan in the amount of \$40,498.00.

Yeas: Horn, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-236. The meeting adjourned at 6:58 p.m. subject to the call of the Mayor until November 21, 2005.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held November 21, 2005

Mayor Bartman called the meeting to order at 6:00 p.m. in the Conference Room at the High School Media Center.

Present: Commissioners Barbour, Lawless, Mulhall, Shimko, Turner and Mayor Bartman

Absent: Commissioner Horn

Also Present: City Attorney Huff; City Manager Donovan; Finance Director VanderWall; Public Safety Director Gallagher; City Services Director Feldt; Planning Consultant O'Donnell; City Clerk Brower

2005-237. Mayor Bartman advised of the following general communications received at City Hall:

I. Letter from Ted Lambrecht of Lambrecht Associates regarding the Master Plan update process.

2005-238. No public comment was received.

2005-239. Commissioner Mulhall thanked the members of the city staff and his fellow commissioners for their friendship and support during his years as City Commissioner.

Commissioner Lawless thanked those residents who voted on November 8th and complimented those who ran for office on their willingness to serve the community. He congratulated Amy Coretti, Matt Yadlowsky, Rick Morris and Anna Seibold for their victories. Commissioner Lawless noted the traffic signal at Wealthy and Lakeside was now operational and asked staff review the traffic flow through this intersection for any minor adjustments needed in the next several weeks. He also asked staff to grade and/or apply gravel to the southshore of Reeds Lake Blvd due to the deteriorating condition of the gravel road.

City Manager Donovan announced the ribbon-cutting ceremony for the Gaslight Village Streetscape would take place on Friday, November 25, 2005 at 6:45 pm in Gaslight Village. This will be immediately followed by the Tree Lighting event at 7:00 pm. Mr. Donovan also noted the school district would be holding a forum on diversity on November 20th at the Performing Arts Center.

Mayor Bartman wished a happy 40th birthday to commissioner-elect Amy Coretti. She thanked the young ladies—Eileen Donovan, Glenna Donovan, Wesley Bekins and Britt Jenkins—who had accompanied her during a lip-syncing fundraising event last week, and praised Andrea Scott of The Moving Company for choreographing the entire dance routine and organizing five female dancers for the event. Mayor Bartman also noted the upcoming retirement of Public Safety Officer Harry Weertman on November 30th. PSO Weertman has served the citizens of East Grand Rapids for 33½ years.

2005-240. Consider request to approve the division of a lot located at 3204 Reeds Lake Blvd.

Planning Consultant O'Donnell outlined the request and noted that both resulting lots would meet requirements for the A-1 Zoning District.

Tim Feagan, owner of the properties, was present to answer questions about the lot split. He noted there was an offer to purchase the second lot from another neighboring property owner. He agreed to work with the city on the timing of the road improvements to coincide with improvements made to this property.

Mayor Bartman opened a public hearing on this request. No other public comment was offered.

2005-240-A. Lawless-Barbour. That the request of Tim Feagan, owner of 3204 Reeds Lake Blvd, to divide the property at 3204 Reeds Lake Blvd into two conforming parcels with frontage on Reeds Lake Blvd, be approved with the following conditions: 1) that all requirements imposed by the city for the improvement of the road be completed within 90 days of the issuance of the certificate of occupancy, 2) that the outcome of the voting to

improve the road and subsequent special assessments be recorded in the deeds of these properties and other properties in this section of roadway, 3) that the split complies with the surveys, and 4) the relevant deed or land contract be recorded with the Kent County Registrar of Deeds within 90 days of approval.

Yeas: Barbour, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-241. Consider request to approve the division of a lot located at 2121 San Lu Rae.

Planning Consultant O'Donnell outlined the request and noted that both resulting lots would meet requirements for the A-2 Zoning District.

Mayor Bartman opened a public hearing on this request. No public comment was offered.

2005-241-A. Turner-Shimko. That the request of Jeff & Cindy Stowe and Jeff Peterson to create a buildable lot by subtracting 10'-0" from Lot 6 and adding it to Lot 5 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: Barbour, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-242. Consider request to approve a site plan for Phase 2 of the Gaslight Redevelopment P.U.D.

Commissioner Barbour reported the Planning Commission had reviewed this site plan over several meetings and was very pleased with the final design and the details provided by Jade Pig Ventures and Rowland Design. He noted there were minor revisions over the course of the discussions and all issues had been resolved.

Scott Wierda of Jade Pig Ventures reported on the progress of the buildings currently under construction on the Wealthy frontage that would be open next spring. He then reviewed the proposal for Phase 2 of the development—building #3 adjacent to the parking deck—and explained many of the features, such as the stepped-back design, the front entrance, the water feature, snow melt system, barrier-free access, and the green roof over a portion of the building.

Eric Rowland of Rowland Design was also present and reviewed the elevator system, underground parking, observation deck, the proposed brick, limestone and roofing materials, and answered questions from the City Commission.

Mayor Bartman opened a public hearing on this request.

- John Scott, 3000 Bonnell Very supportive of entire project.

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

2005-242-A. Turner-Barbour. That the site plan for Phase 2 of the Gaslight Redevelopment P.U.D. proposed by Jade Pig Ventures be approved as submitted in the drawings dated November 11, 2005 and as recommended by the Planning Commission.

Commissioner Shimko thanked those involved in the design and material selection for this project and noted his anticipation for the completion of the entire property.

Commissioner Lawless complimented the developer for the outstanding design and materials on this mid-lot building and for the level of cooperation and quality that has exceeded everyone's expectations.

Commissioner Barbour questioned the start date for this project. Mr. Wierda anticipating breaking ground in the spring of 2006 and reported that a model condominium would be constructed at Breton Village in the near future.

Mayor Bartman also complimented those involved with the planning and design of the current phase of the project and looked forward to the construction and completion of the buildings.

Yeas: Barbour, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-243. Consider request to adopt revisions to the lower Reeds Lake Blvd development policy.

City Attorney Huff explained the changes to the policy to further define “property owner” relating to voting rights for the possible improvement of Reeds Lake Blvd and future developments and answered questions from the City Commission.

2005-243-A. Barbour-Shimko. Motion to adopt the changes to the definition of property owners as submitted by the City Manager and set forth in Exhibit “A” attached hereto.

Yeas: Barbour, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-244. Consider request to adopt a resolution concerning regional cooperation between municipal governments.

2005-244-A. Shimko-Turner. Motion to adopt a resolution endorsing regional cooperation between municipal governments be adopted as set forth in Exhibit “B” attached hereto.

Commissioner Lawless stated the West Michigan Strategic Alliance may play a vital role in the effort to foster cooperation between local units of government in the next several years.

Yeas: Barbour, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-245. Shimko-Turner. Motion to approve the consent agenda as follows:

2005-245-A. Minutes of the regular meeting held November 7, 2005.

2005-245-B. Payroll disbursements of \$163,744.74, County and School disbursements of \$59,077.84, and total remaining disbursements of \$2,406,058.48.

2005-245-C. The purchase of telephone and radio recording equipment for the Public Safety Department from Drew Wireless of Grand Rapids in the amount of \$5,999.75.

2005-245-D. A contract for the performance of a sergeant examination/promotion process for the Public Safety Department from EMPCO of Troy, Michigan in the amount of \$16,900.00.

2005-245-E. A contract for library shelving to Library Furniture International at a cost of \$97,428.44 and a contract for wooden shelving endcaps and signage in the amount of \$90,742.59 to Library Design Associates for the Community Center project.

2005-245-F. The preliminary minutes of the Library Commission meetings held September 26, 2005 and October 24, 2005 were received.

2005-245-G. The preliminary minutes of the Traffic Commission meeting held October 3, 2005 were received. No action was taken on the Traffic Commission’s motion to modify parking on Locust and Sherman. Commissioner Lawless thanked the Traffic Commission for their ongoing review and modifications to parking, pedestrian and vehicular traffic and traffic calming issues in the City.

2005-245-H. The preliminary minutes of the Planning Commission meeting held October 11, 2005 were received.

2005-245-I. The Public Safety Department Report for the month of September 2005 was received.

Yeas: Barbour, Lawless, Mulhall, Shimko, Turner and Bartman – 6
Nays: -0-

2005-246. The meeting adjourned at 6:48 p.m. subject to the call of the Mayor until December 5, 2005.

Karen K. Brower, City Clerk

Attachments: A – Reeds Lake Blvd development policy.
B – Regional Cooperation Resolution.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held December 5, 2005

Mayor Bartman called the meeting to order at 6:03 p.m. in the Conference Room at the High School Media Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Barbour, Coretti, Horn, Lawless, Morris, Seibold, Shimko, Turner, Yadlowsky and Mayor Bartman

Absent: Commissioner Mulhall

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

2005-247. Mayor Bartman advised there were no general communications received at City Hall.

2005-248. No public comment was received.

2005-249. Turner-Shimko. To approve the minutes of the regular meeting held November 21, 2005 as submitted.

Yeas: Barbour, Horn, Lawless, Shimko, Turner and Bartman – 6

Nays: -0-

2005-250. Shimko-Lawless. That payroll disbursements of \$160,875.74; county and school disbursements of \$5,063.00, and total remaining disbursements of \$55,524.01; as reviewed by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Barbour, Horn, Lawless, Shimko, Turner and Bartman – 6

Nays: -0-

2005-251. Commissioner Turner thanked everyone for their assistance during his enjoyable time as a City Commissioner and singled out Commissioners Shimko and Lawless for their long-term commitments to the residents.

Commissioner Horn reported the Streetscape project was nearly complete and the snowmelt system was operational. He noted the business owners were very pleased with the results.

Commissioner Shimko reported the Tree Lighting Ceremony on November 25th was well-attended and everyone enjoyed the new amenities the Streetscape provided for the event. Commissioner Shimko also thanked City Manager Donovan, City Attorney Huff, Mayor Bartman, his fellow commissioners and his wife, Beth, for their support during his tenure as City Commissioner that made the experience so rewarding.

Commissioner Lawless thanked his wife, Sherri, and his family for allowing him the time and energy to devote to the City Commission over the last eight years. He thanked staff members for all the information they provide at each meeting to allow the Commission to make decisions and City Manager Donovan for his leadership on both the high-profile and low-profile issues—most notably the defined contribution and health savings accounts implemented for city employees. He noted that the next several years would be very challenging because of limited funding and increasing expenses. He urged the City Commission to continue strategic planning efforts to ensure East Grand Rapids is prepared for the future.

2005-252. Mayor Bartman presented gifts to retiring commissioners Lawless, Shimko and Turner and thanked them on behalf of the entire community for their dedication and service to the citizens of East Grand Rapids during their terms as City Commissioners.

2005-254-B. Horn-Barbour. Motion to amend 2005-254-A. to require that the driveway for Lot 497—the newly created separate lot—be placed at least 112' from the intersection of Boston/Breton, and to restrict the fencing capabilities for Lot 498—the currently existing home—to the current limitations with the front yard facing Boston.

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

Vote on 2005-254-A., as amended.

Yeas: Barbour, Coretti, Horn, Morris, Yadowsky and Bartman – 6
Nays: Seibold – 1

2005-255. Barbour-Morris. Motion to approve the consent agenda as follows:

2005-255-A. Quarterly report for the period ending June 30, 2005.

Commissioner Barbour reported the Finance Committee had reviewed the report in depth and was pleased with the year-end figures. He thanked the staff for keeping expenses in line and budgeting carefully.

2005-255-B. Committee and Commission assignments for City Commissioners and other community members as requested by Mayor Bartman.

Mayor Bartman noted that Commissioner Morris had been added to the EGR Community Foundation board to fill the vacancy noted on the prior listing.

2005-255-C. The emergency repair of a backhoe at the Streets & Utilities Department in the amount of \$4,821.00 to John Deere Equipment Company.

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

2005-256. The meeting adjourned at 6:58 p.m. subject to the call of the Mayor until December 19, 2005.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held December 19, 2005

Mayor Bartman called the meeting to order at 6:00 p.m. in the Conference Room at the High School Media Center and led the audience in the Pledge of Allegiance.

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

Absent: Commissioner Yadowsky

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

2005-257. Mayor Bartman advised there were no general communications received at City Hall.

2005-258. No public comment was received.

2005-259. City Manager Donovan thanked the vocal jazz ensemble, the madrigal choir and director Mark Webb from the East Grand Rapids High School for providing music at the employee holiday luncheon last week.

Mayor Bartman reported that city employees had held fundraisers in each department over the last few weeks to raise money for charities. The Library collected \$82 for Toys for Tots; the Public Safety Department raised \$150 for the Michigan Chapter of Police Survivors; the City Services Department donated \$1,260 to the Michigan Vets Home; and the Finance/Recreation/City Manager's offices also raised \$1,260 to give to Alternatives in Motion and the Kid's Food Basket programs.

2005-260. Consider request to approve additional attachments for Chapter 28 of the City Code pertaining to stormwater management adopted September 19, 2005.

City Services Director Feldt reviewed the zone maps for stormwater runoff measures and answered questions from the City Commission.

2005-260-A. Barbour-Horn. That the stormwater management zone maps for attachment to Chapter 28 of the City Code be approved as set forth in Exhibit "A" attached hereto.

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

Nays: -0-

2005-261. Seibold-Coretti. Motion to approve the consent agenda as follows:

2005-261-A. Minutes of the regular meeting held December 5, 2005.

2005-261-B. Payroll disbursements of \$169,836.51; county and school disbursements of \$208,411.17, and total remaining disbursements of \$1,574,632.63.

2005-261-C. The appointment of City Manager Brian Donovan to the Grand Valley Metro Council Board of Directors as the representative for the City of East Grand Rapids.

2005-261-D. The renewal of the following contracts for medical plan components: health care coverage with HCC Life as the Stop Loss Carrier, Physicians Care as the PPO provider and ASR Corporation as administrators and to fund \$1,000 in a health reimbursement account for each employee and retiree, and to renew life insurance and long-term disability with National Insurance Services as outline by the Finance Director.

2005-261-E. The minutes of the Parks & Recreation Commission meeting held November 14, 2005.

2005-261-F. The minutes of the Planning Commission meeting held November 8, 2005.

2005-261-G. The Public Safety Department Report for the month of October 2005.

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

Nays: -0-

2005-262. The meeting adjourned at 6:08 p.m. subject to the call of the Mayor until January 3, 2006.

Karen K. Brower, City Clerk

Attachments: A – Stormwater management zone maps for Chapter 28.

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