

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held January 5, 2004

Mayor Bartman called the meeting to order at 5:32 p.m. in the City Commission Chambers at City Hall. City Manager Donovan led the audience in the Pledge of Allegiance.

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

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; City Clerk Brower; City Assessor Mesik; Assistant City Attorney Jensen

2004-1. No public comment was received.

2004-2. Commissioner Mulhall wished everyone a safe and prosperous new year.

2004-3. The minutes of the regular meeting held December 15, 2003 were received as submitted.

2004-4. Barbour-Baxter. That payroll disbursements in the amount of \$73,996.20, county and school disbursements in the amount of \$150,571.76, and total remaining disbursements in the amount of \$370,196.07, as reviewed by the Finance Committee be approved.

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

Nays: -0-

Commissioner Lawless arrived.

2004-5. Mulhall-Barbour. 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, Baxter, Horn, Lawless, Mulhall, Shimko and Bartman – 7

Nays: -0-

2004-6. The meeting adjourned at 5:35 p.m. subject to the call of the Mayor until January 19, 2004.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held January 19, 2004

Mayor Bartman called the meeting to order at 7:30 p.m. in the City Commission Chambers at City Hall. Hannah O'Brien, Nikki Canepa, Bobbie Swaney, Molly Hartwig and Courtney Tornga, core leaders of the Middle Schools S.T.A.R.S. mentoring program, led the audience in the Pledge of Allegiance.

Present: Commissioners Barbour, Baxter, Horn, Mulhall and Mayor Bartman

Absent: Commissioners Lawless and Shimko

Also Present: City Attorney Huff; City Manager Donovan; Finance Director VanderWall; City Services Director Feldt; Public Safety Director Gallagher; Parks & Recreation Director Bunn; Deputy Public Safety Director Herald; Building Inspector Conley; City Clerk Brower

2004-7. Frank Musto, 2311 Wealthy, addressed the safety of the parking on Lakeside Drive across from Collins Park. Mayor Bartman advised Mr. Musto that this item would be covered later in the agenda.

2004-8. Mayor Bartman reported the Middle School Open Gym program would continue to be held with some changes made to safeguard the those participating in this great program and thanked staff for all their work in handling the recent situation. She also congratulated East Grand Rapids businesses/residents Jersey Junction, Rose's, Rose's Express, Suzanne Geha, Dr. Mann, Dr. Newman, and Dr. Kool for their inclusion in the "100 Best of Grand Rapids" article in the January issue of Grand Rapids Magazine. Mayor Bartman also reminded everyone of the message and vision of Martin Luther King, Jr. on this day of observance.

Commissioner Barbour questioned why the Middle School Open Gym program was cancelled on January 16th. Parks & Recreation Director Bunn thought it was likely because school was closed on that date but would check into the matter.

Commissioner Mulhall also remarked on the Martin Luther King, Jr. holiday and the ideals that Dr. King represented. He thanked Chief Gallagher, Deputy Chief Herald and Parks & Recreation Director Bunn for their response to the weapons incident at the middle school during open gym.

Commissioner Baxter also thanked the staff members involved in the management of the issues surrounding the incident at the middle school and asked that close monitoring of this situation continue.

2004-9. The minutes of the regular meeting held January 5, 2004 were received as submitted.

2004-10. Barbour-Baxter. That payroll disbursements in the amount of \$148,554.20, county and school disbursements in the amount of \$1,413,560.37, and total remaining disbursements in the amount of \$969,845.12, as reviewed by the Finance Committee be approved.

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

Nays: -0-

2004-11. Jim Fetzer, Director of Development for the Interurban Transit Partnership, was present to outline the "Great Transit, Great Tomorrows" study of major circulation corridors being done by the ITP and to answer questions from the City Commission.

2004-12. A zoning variance hearing was held regarding the request of Charles and Kelli Gatecliff of 2722 Maplewood to allow the construction of an attached garage and two-story addition to the rear of the home creating a side yard setback of 4'-0" instead of the required 7'-0" for the garage and 6'-0" for the addition, and creating an overall side yard setback of 10'-0" instead of the required 18'-0."

Charles Gatecliff, 2722 Maplewood, was present to introduce and answer questions about the variance request.

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

- Donald Zeilstra, 2730 Elmwood	Opposed
- Daniel & Jo Wells, 2746 Maplewood	In Favor
- Linda & John Ritch, 2714 Maplewood	Opposed

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

2004-12-A. Barbour-Horn. That the request of Charles and Kelli Gatecliff of 2722 Maplewood to allow the construction of an attached garage and two-story addition to the rear of the home creating a side yard setback of 4'-0" instead of the required 7'-0" for the garage and 6'-0" for the addition, and creating an overall side yard setback of 10'-0" instead of the required 18'-0" be approved.

Commissioners Barbour and Mulhall spoke of their concerns about the size and scope of this project in relation to the size of the lot and the proximity of surrounding properties. Commissioner Mulhall noted that there were several options available to the homeowner that would minimize the impact and not require a variance be granted.

Commissioners Baxter and Horn stated their opposition to the size of the garage in relation to the property line and the neighboring home.

Mayor Bartman asked the applicant if they would prefer that this matter be tabled to allow revisions to the proposal. Mr. Gatecliff requested that the City Commission table this request.

2004-12-B. Baxter-Mulhall. That the request of Charles and Kelli Gatecliff of 2722 Maplewood to allow the construction of an attached garage and two-story addition be tabled until a future meeting.

Yeas: Barbour, Baxter, Horn, Mulhall and Bartman – 5
Nays: -0-

2004-13. A zoning variance hearing was held regarding the request of Michael Morse of 2465 Indian Trail to allow the construction of a new home with a walk out level that creates a third story instead of the 2 ½ stories allowed with a height of 38'-0" instead of the 35'-0", and to allow a front yard setback of 15'-0" instead of the required 53'-0."

Michael Morse, owner of 2465 Indian Trail, was present to introduce and answer questions about the variance request. John Halland, architect for Mr. Morse, was also present.

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

The City Commission questioned Mr. Morse on various aspects of his request and decided to address the variance request as two separate requests.

2004-13-A. Mulhall-Baxter. That the request of Michael Morse of 2465 Indian Trail to allow the construction of a new home with a walk out level that creates a third story instead of the 2 ½ stories allowed with a height of 38'-0" instead of the 35'-0" allowed be approved.

Commissioners Mullhall and Baxter spoke in support of this variance request because of the setting on the lake being appropriate for walkout levels.

Commissioner Barbour also supported the height variance because of the secluded nature of home at the end of a dead-end street where the height would not adversely affect surrounding properties.

Yeas: Barbour, Baxter, Horn, Mulhall and Bartman – 5
Nays: -0-

2004-13-B. Mulhall-Baxter. That the request of Michael Morse of 2465 Indian Trail to allow the construction of a new home with a front yard setback of 15'-0" instead of the required 53'-0" be approved.

City Commissioners discussed the differences between the current request and other variance requests in the same area involving front yard setbacks. Commissioners Mulhall, Barbour and Baxter stated their concerns about the proximity of the four-stall garage to the property boundary and asked the applicant to consider reducing the size of the garage or changing the placement on the site to increase the distance from the property boundary.

Mr. Morse requested that this item be tabled to allow him to consider changing the request.

2004-13-C. Mulhall-Baxter. That the request of Michael Morse of 2465 Indian Trail to allow the construction of a new home with a front yard setback of 15'-0" instead of the required 53'-0" be tabled until a future meeting.

Yeas: Barbour, Baxter, Horn, Mulhall and Bartman – 5
Nays: -0-

2004-14. A zoning variance hearing was held regarding the request of Grace Episcopal Church at 1815 Hall Street to allow the installation of a ground sign to be nearer the street than the building and to allow the sign to be 7'-0" high instead of the permitted 4'-0."

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

2004-14-A. Barbour-Baxter. That the request of Grace Episcopal Church at 1815 Hall Street to allow the installation of a ground sign to be nearer the street than the building and to allow the sign to be 7'-0" high instead of the permitted 4'-0" be approved.

Yeas: Barbour, Baxter, Horn, Mulhall and Bartman – 5
Nays: -0-

2004-15. Consider request to adopt resolutions requesting recommendations and setting a hearing on necessity regarding the proposed improvement of Lansing Street.

Eugene Williams, 2143 Lansing, spoke in favor of paving Lansing Street.

Richard Elias, owner of 535 Greenwood, stated his opposition to the standards used in calculating the proposed assessments for the commercial properties with access to this street and his intentions to prepare his own study regarding this issue for the upcoming public hearings.

2004-15-A. Mulhall-Horn. That a resolution directing the City Manager to provide information and recommendations regarding the proposed improvement to Lansing Street be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Barbour, Baxter, Horn, Mulhall and Bartman – 5
Nays: -0-

2004-15-B. Barbour-Baxter. That a resolution setting a "Hearing On Necessity" for February 2, 2004 be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Barbour, Baxter, Horn, Mulhall and Bartman – 5
Nays: -0-

2004-16. Consider request to authorize staff to seek bids for 2004 capital improvement projects.

2004-16-A. Baxter-Horn. That staff be authorized to seek bids for the 2004 Capital Improvement projects as outlined.

Yeas: Barbour, Baxter, Horn, Mulhall and Bartman – 5
Nays: -0-

2004-17. The preliminary minutes of the Traffic Commission meeting held December 1, 2003 were received.

Mayor Bartman explained that motions passed by the Traffic Commission can be amended or overturned by the City Commission. If the City Commission takes no action, the motion automatically goes into effect.

Deputy Chief Herald reviewed the action of the Traffic Commission to permanently allow approximately 10-12 parking spaces on the west side of Lakeside Drive from Wealthy Street north to the pedestrian crossing following a trial period in 2003.

The following people were present to express their feelings concerning this matter:

- Frank Musto, 2311 Wealthy, #25

Felt safety should be the primary concern in this case and stated that parking in this area would endanger seniors who used this sidewalk.

Mayor Bartman closed the public comment portion of the meeting.

2004-17-A. Mulhall-Barbour. Motion to overturn the action of the Traffic Commission allowing parking on Lakeside Drive from Wealthy Street north to the pedestrian crossing.

Commissioner Mulhall stated his feelings that parking should not be allowed in this area because of the inconvenience to residents. Commissioner Barbour supported the motion to overturn the motion because he felt additional parking spaces could be gained elsewhere and parking should not be allowed in this area.

Janyce Huff, Traffic Commission Chairperson, was present to explain the need for additional parking following the renovations to Collins Park and the process followed by the Traffic Commission in studying this area for months prior to making the decision to open 10 parking spaces in this location.

Mayor Bartman stated her belief that additional parking near Collins Park was needed and that this area meets the standards for parking vehicles on both sides. Commissioner Horn agreed that these parking spaces supported the investment made at John Collins Park and were needed by citizens.

Yeas: Barbour, Mulhall – 2

Nays: Baxter, Horn and Bartman – 3

The motion of the Traffic Commission will take effect immediately.

2004-18. The preliminary minutes of the Parks & Recreation Commission meeting held December 8, 2003 were received

2004-19. The preliminary minutes of the Planning Commission meeting held December 16, 2003 were received.

2004-20. The preliminary minutes of the Library Commission meeting held November 24, 2003 were received.

2004-21. The report on Water System Leak Detection Survey was received.

2004-22. The City Services Department Report for the months of October 2003 and November 2003 were received.

2004-23. The meeting adjourned at 9:22 p.m. subject to the call of the Mayor until February 2, 2004.

Karen K. Brower, City Clerk

Attachments: A – Resolution Directing Manager to Provide Information on Special Assessments
B – Resolution Setting Hearing On Necessity

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 2, 2004

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, Baxter, Horn, Lawless, Mulhall, Shimko and Mayor Bartman

Absent: None

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

- 2004-24. Mayor Bartman advised of the following communications received at City Hall:
- A. Several emails regarding the proposal by Jade Pig Ventures for the Ramona Medical building and former Jacobson's sites.
 - B. Thank you card from the family of John Rose for the flowers sent in memory of their father.
 - C. Letter from George Lessens of 836 Pinecrest requesting priority snowplowing on Pinecrest.
- 2004-25. EGR School Superintendent James Morse was present to inform the City Commission of the upcoming county-wide special education millage request on February 24th. Dr. Morse also congratulated all schools within the district for receiving "A's" on their State Report Cards and suggested everyone visit the school's newly updated website at egrps.org.
- 2004-26. Baxter-Mulhall. Motion to add to the agenda a request to endorse the KISD Special Education Millage. A roll call vote was taken.
- Yeas: Barbour, Baxter, Horn, Lawless, Mulhall, Shimko and Bartman – 7
Nays: -0-
- 2004-27. Baxter-Mulhall. Motion to endorse the KISD Special Education Millage election on February 24, 2004 and encourage all residents to vote in favor of this request.
- Yeas: Barbour, Baxter, Horn, Lawless, Mulhall, Shimko and Bartman – 7
Nays: -0-
- 2004-28. Commissioner Shimko complimented the School District on their new website design.
- Commissioner Mulhall congratulated the "We The People" group from the High School on their 4th consecutive State Championship.
- Chief Gallagher announced that Officer Ryan Holmes was the new Community/School Liaison Officer working with the students and administration on various school issues.
- Mayor Bartman thanked all city staff for their hard work during the last several weeks when snowstorms, power failures and watermain breaks have required extra hours and effort.
- 2004-29. The minutes of the regular meeting held January 19, 2004 were received as submitted.
- 2004-30. Barbour-Baxter. That payroll disbursements in the amount of \$153,218.77, county and school disbursements in the amount of \$273,797.19, and total remaining disbursements in the amount of \$273,069.32, as reviewed by the Finance Committee be approved.
- Yeas: Barbour, Baxter, Horn, Lawless, Mulhall, Shimko and Bartman – 7
Nays: -0-

- 2004-31. Consider request to adopt resolutions determining necessity and setting a hearing on the assessment roll for a special assessment district to pave Lansing Street.

Mayor Bartman opened the public hearing to determine the necessity of this proposed improvement. The following people were present to express their opinions:

- Richard Elias, 1715 Exeter (representing 535 Greenwood) Supported improvement but opposed method used to calculate the assessments. Presented his own traffic study to support request for lower assessment.
- Eugene Williams, 2143 Lansing Supported paving because of road conditions; stated 99% of traffic was commercial.

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

- 2004-31-A. Mulhall-Horn. That a resolution determining necessity of the proposed improvements be adopted as set forth in Exhibit "A" attached hereto.

City Manager Donovan reviewed the configuration of the street and the method used to calculate the proposed assessments. City Attorney Huff noted that national standards had been used for the trip generation portions of the assessments.

Commissioner Lawless questioned several aspects of the calculation method and suggested regenerating the assessments using a 25% reduction and a 50% reduction in the trip-generation portion of the assessment for 535 Greenwood to account for those cars that use the Greenwood entrance to this building. The assessment roll will be certified at the next meeting after a final public hearing.

Commissioner Barbour supported additional research into this matter but stated his opinion that the ratios used for the assessments seemed to be consistent with the national standards.

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

- 2004-31-B. Baxter-Shimko. That a resolution setting a "Hearing On Assessment Roll" for February 16, 2004 be adopted as set forth in Exhibit "B" attached hereto.

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

- 2004-32. Finance Director VanderWall presented the quarterly financial reports for the period ending December 31, 2003 and answered questions from the City Commission regarding the ending fund balance and possible reductions to State-shared revenues in the upcoming fiscal year.

- 2004-33. Consider request to approve the Community Development Block Grant Agreement and to authorize an application for the use of block grant funds.

- 2004-33-A. Baxter-Barbour. That the application for Community Block Grant funds in the amount of \$26,000 for barrier-free curb ramps on city sidewalks be approved, and that the Mayor be authorized to sign the Community Development Block Grant Program Agreement as set forth in Exhibit "C" attached hereto.

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

- 2004-34. Consider request to approve a contract extension for public education consulting services.

2004-34-A. Shimko-Baxter. That a contract with Jones & Gavan for public education services be approved at a rate of \$125 per hour for senior consultants and \$75 per hour for project management staff.

Commissioner Barbour asked that monthly updates be provided to the City Commission on the amounts spent because there is no "not-to-exceed" amount on this contract.

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

2004-35. Consider request to award a contract for fundraising consulting services for the Community Complex expansion project.

2004-35-A. Mulhall-Baxter. That a not-to-exceed contract of \$10,000 be awarded to Barbara Hoag for fundraising services for the Community Center expansion project.

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

2004-36. Consider request to approve contract extensions to the Water and Sanitary Sewer Service Agreements.

2004-36-A. Barbour-Shimko. That the First Extension to Water and Sanitary Sewer Service Agreement with the City of Grand Rapids extending the original agreement by five additional years to 2034 be approved as set forth in Exhibit "D" attached hereto.

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

2004-37. Consider request to purchase a patrol vehicle for the Public Safety Department.

2004-37-A. Lawless-Barbour. That the purchase of a 2004 Ford Crown Victoria in the amount of \$19,719.00 from Gorno Ford in Woodhaven, Michigan be approved.

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

2004-38. The meeting adjourned at 8:45 p.m. subject to the call of the Mayor until February 16, 2004.

Karen K. Brower, City Clerk

Attachments: A – Resolution Determining Necessity of Lansing Street paving improvement
B – Resolution Setting Hearing On Assessment Roll
C – Community Development Block Grant Agreement
D – Extension of Water and Sewer Agreement with the City of Grand Rapids

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held February 16, 2004

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 Baxter, Horn, Lawless, Mulhall, Shimko and Mayor Bartman

Absent: Commissioner Barbour

Also Present: City Attorney Huff; City Manager Donovan; Finance Director VanderWall; City Services Director Feldt; Parks & Recreation Director Bunn; Building Inspector Conley; City Clerk Brower

- 2004-39. Mayor Bartman advised of the following communications received at City Hall:
- A. Letter from the Army thanking East Grand Rapids for supporting the military service of PSO Joshua McConkie.
 - B. Letters and emails from eleven residents concerning their viewpoints on the proposed redevelopment plans for the Ramona Medical Building and the former Jacobson's properties.
 - C. An email from a resident which has been copied and distributed throughout East Grand Rapids by someone claiming that information has not been disclosed to residents. Mayor Bartman reiterated her commitment to open government and offered to address any concerns residents may have on any issue.
- 2004-40. Jim Koetje, State Representative for the 86th District, was present to update the commissioners on the budget and revenue issues being discussed by the legislature.
- Bob Eleveld, Candidate for the 86th District Representative position, announced his candidacy for the open position and offered to assist the City with the library expansion project.
- 2004-41. Commissioner Mulhall commended the Parks & Recreation Department for the Daddy/Daughter Dance held on February 11th and the wonderful atmosphere and activities for all the participants. He also congratulated Parks & Recreation Director Bunn on his division victory in the Heart & Sole Run on February 14th.
- Commissioner Lawless thanked the twenty members of the Community Center Concept Team for their hard work over the last several weeks and their presentation on February 9th on a recommendation for the community center renovation and expansion.
- Mayor Bartman thanked everyone for their support during her mother's recent illness. She reported that the Grand Valley Metro Council was working on a project to promote cooperation between municipalities to realize cost savings. She also reported attending a press conference announcing the support of several cities of the Kent Intermediate School District's special education millage election on February 24th.
- 2004-42. The minutes of the regular meeting held February 2, 2004 were received as submitted.
- 2004-43. Lawless-Baxter. That payroll disbursements in the amount of \$162,097.99, county and school disbursements in the amount of \$153,242.68, and total remaining disbursements in the amount of \$225,495.15, as reviewed by the Finance Committee be approved.
- Yeas: Baxter, Horn, Lawless, Mulhall, Shimko and Bartman – 6
Nays: -0-

2004-47. A zoning variance hearing was held regarding the request of Brent Early of 921 Orchard to allow the construction of a second story over an existing portion of the home approximately 3'-0" from the detached garage instead of the required 10'-0."

Brent Early, 921 Orchard, was present to introduce and answer questions about the variance request. Tom Battle, contractor for the applicant, was also present to answer questions.

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

- Julie Ridenour, 925 Orchard No objections.

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

- Robert Sears, 958 Pinecrest In favor.

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

2004-47-A. Baxter-Shimko. That the request of Brent Early of 921 Orchard to allow the construction of a second story over an existing portion of the home approximately 3'-0" from the detached garage instead of the required 10'-0" be approved.

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

2004-48. A zoning variance hearing was held regarding the request of Karl Roberts of 1118 Pinecrest to allow the construction of a 2 ½ story addition to the rear of the home approximately 6'-0" from the detached garage instead of the required 10'-0."

Tom Battle, contractor for the applicant, and Karl Roberts, 1118 Pinecrest, were present to introduce and answer questions about the variance request.

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

2004-48-A. Baxter-Shimko. That the request of Karl Roberts of 1118 Pinecrest to allow the construction of a 2 ½ story addition to the rear of the home approximately 6'-0" from the detached garage instead of the required 10'-0" be approved with the condition that fireproofing material be installed on the interior of the garage as required by building code.

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

2004-49. Consider request to approve the division of a lot located at 1526 Groton.

No public comment was received on this issue.

2004-49-A. Shimko-Lawless. That the division of the lot located at 1526 Groton to deed a 5'-0" x 20'-0" triangular piece from this lot (Lot 532 Paris Park No.3) to 2440 Richards (Lot 529 Parks Park No. 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.

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

- 2004-50. Public Hearing and request to adopt a resolution confirming the assessment roll for a special assessment district to pave Lansing Street.

City Manager Donovan reported the Finance Committee had reviewed the trip generation portion of the assessments as requested by the City Commission at its last meeting. Because there are driveways from Greenwood that can also be used by visitors utilizing the commercial buildings, the Finance Committee recommends a 25% reduction in the trip generation assessment for the commercial properties.

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

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| - Eugene Williams, 2143 | Opposed the revised assessments; stated that 90% of traffic on Lansing was commercial. |
| - Diane Lange, 2150 Lansing | Reiterated heavy volume of vehicles traveling to Greenwood offices and stated opposition to reducing assessments for the businesses. Reported most delivery and trash trucks cannot use Greenwood entrance because of building overhangs. |
| - Richard Siersma, 546 Greenwood | Reported that majority of cars using Lansing Street were visiting Greenwood offices. |
| - Richard Elias, 535 Greenwood | Disputed national standards used to create trip generation portion of assessments; offered landscaping to solve problems. |

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

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|------------------------------|--|
| - Gene & Mary Williams | In favor of paving and original assessments. |
| - Dave Horning, 435 Lakeside | Supports original assessments, opposes reduction for commercial buildings. |

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

- 2004-50-A.Lawless-Horn. That a resolution confirming the assessment roll as recommended by the Finance Committee for the special assessment district to pave Lansing Street be approved as set forth in Exhibit "A" attached hereto.

The City Commission discussed the various options for measuring the non-residential traffic on this street and the standards used by staff for the proposed assessments. Commissioners Lawless and Baxter spoke in favor of the 25% reduction as recommended by the Finance Committee.

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

City Manager Donovan reported that bids would be sought in conjunction with the city's other road construction projects and would be approved by the City Commission later this spring.

- 2004-51. Consider request to establish a schedule to consider a special assessment district to pave Frederick Drive.

City Manager Donovan reported that a majority of residents on Frederick Drive had voted to proceed with a special assessment district to pave their street. He submitted a tentative schedule and asked for permission to begin this process.

- 2004-51-A.Mulhall-Baxter. That staff be directed to begin preparing documents for special assessment hearings to consider an improvement to Frederick Drive.

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

2004-52. Consider request to adopt a resolution approving a contract with the Michigan Department of Transportation for the Reeds Lake Trail project.

2004-52-A. Baxter-Shimko. That a resolution approving a contract with the Michigan Department of Transportation for the construction of the Reeds Lake Trail and authorizing the Mayor and City Clerk to sign the documents relating to the contract be adopted as set forth in Exhibit "B" attached hereto.

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

2004-53. Consider request to determine alternate meeting date for spring break meeting of April 5, 2004.

2004-53-A. Shimko-Baxter. That the April 5, 2004 City Commission meeting be rescheduled to Monday, March 29, 2004 at 7:30 pm.

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

2004-54. The preliminary minutes of the Parks & Recreation Commission meeting held January 12, 2004 were received.

2004-55. The preliminary minutes of the Joint Facilities Committee meeting held January 14, 2004 were received.

2004-56. The preliminary minutes of the joint City Commission and Planning Commission meeting held January 21, 2004 were received.

2004-57. The preliminary minutes of the Library Commission meeting held January 26, 2004 were received.

2004-58. The preliminary minutes of the Traffic Commission meeting held February 2, 2004 were received.

2004-59. The City Services Department Report for the month of December 2003 was received.

2004-60. Baxter-Mulhall. Motion to enter into an executive session to discuss an attorney's opinion in accordance with Section 8(h) of the Open Meetings Act.

2004-61. The meeting adjourned at 9:18 p.m. subject to the call of the Mayor until March 1, 2004.

Karen K. Brower, City Clerk

Attachments: A – Resolution Confirming Assessment Roll for Lansing Street
B – Resolution Approving Contract for Reeds Lake Trail

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 1, 2004

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, Baxter, Horn, Lawless, Mulhall, Shimko and Mayor Bartman

Absent: None

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

2004-62. Mayor Bartman advised of the following communications received at City Hall:

- A. Email from Pete Keener of 550 Greenwood opposing the construction of seven and twelve story condominium units at the Ramona site.
- B. Invitation from the City Services Department for Arbor Day celebrations on Saturday, May 1, 2004 at Manhattan Park.

2004-63. Martha Smart, Kent District Library Director, was present to introduce KDL Board member Michael Meier to the East Grand Rapids City Commission.

2004-64. Commissioner Lawless presented a sample resolution supporting the concept of public transportation and asked the City Commission to consider adopting this resolution at its next meeting. He also asked the City Commission to consider contacting Michigan State University in support of the proposal to build a new medical school in the Grand Rapids area.

Commission Mulhall noted that the East Grand Rapids Schools were holding a diversity forum at the same time as the City Commission meeting and stressed the importance of diversity in the community.

Mayor Bartman announced that 60 Third Graders from Lakeside Elementary would be visiting City Hall on Tuesday, March 2nd to learn about City government. She also reported that Jade Pig Ventures had submitted their planned unit development application for the Ramona and Jacobson's properties in Gaslight Village and would be appearing before the Planning Commission in March.

2004-65. The minutes of the regular meeting held February 16, 2004 were received as submitted.

2004-66. Barbour-Baxter. That payroll disbursements in the amount of \$151,580.39, county and school disbursements in the amount of \$423,813.90, and total remaining disbursements in the amount of \$291,226.62, as reviewed by the Finance Committee be approved.

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

Nays: -0-

2004-67. Steve Edison, Chairman of the Community Center Concept Team, presented a final report from the Concept Team on their findings and recommendations regarding the renovation and expansion of the library, city hall and recreation operations at the Lakeside Drive site. The Concept Team recommends expanding the Library to 23,700 square feet, renovating the city hall/administration operations, and relocating and expanding the recreation department into the empty water reservoir building for an estimated total cost of \$7.7 million. In addition, the report recommends second proposal in the amount of \$1.8 million to add additional square footage to various operations, complete the outdoor pocket parks, boardwalks and streetlighting improvements. Mr. Edison reported the Concept Team had researched various options regarding the details of these improvements and recommends scheduling the two proposals for the election on June 14, 2004 and asks that the private

monies pledged for this project be used to reduce the “Standard of Excellence” proposal to decrease the millage requested of voters.

Mayor Bartman asked for comment from the public present. The following people expressed their thoughts about this issue:

- Rob Dean, 700 Plymouth Spoke in support of Standard of Excellence plan. Suggested using fundraising for additional proposal rather than standard plan, and suggested placing the issues on the November ballot to allow more time to educate residents.
- Armen Kassouni, 2454 Elmwood Asked that actual bids be solicited prior to submitting proposal to the voters. Opposed additional taxes for buildings when prior bond was not paid off and when no provisions were made for ongoing maintenance. Felt proposal was too costly and not enough information had been provided.
- Sue Swain, 3175 Bonnell Felt parking was the major issue at the municipal complex and spoke against current plan because of lack of parking. Stated furnishings costs were too expensive.
- Thomas Troy, 942 Bellelaire Skeptical about cost estimates and using the parking at the high school for overflow parking. Asked for actual bids before voting.

The City Commission then discussed the recommendations of the Concept Team and questioned Mr. Edison on various components of the proposal. City Manager Donovan noted that O.A.K. Construction had reviewed the cost estimates for accuracy.

Mayor Bartman noted that parking is not a problem for most visitors during the day and the high school parking lot would be used for overflow parking during special events in the same manner that municipal complex parking lots are used by the schools during their large events.

Commissioner Barbour reported the cost estimates were developed using the level of furnishings and equipment of the recently completed Middle School Library to assure quality materials at reasonable costs. He noted this proposal was developed by a group of citizen volunteers and delivered a better proposal than in 2001 at a much lower cost. He also thanked the members of the Concept Team for their work and the city’s advisory boards for reviewing the proposal and providing their input.

Commissioner Horn reviewed the process used by the Concept Team to analyze the problems with the current buildings and the future needs of various operations.

Commissioner Baxter thanked Mayor Bartman for establishing the Concept Team and Mayor Edison for leading the group over the last several weeks of meetings.

Commissioner Mulhall also thanked Mayor Edison and the Team members for all their work on this issue and their faithfulness to the parameters set by the City Commission. He felt the proposal was fiscally sound and met the needs and standards of the community.

Commissioner Lawless thanked everyone in attendance for their interest in this issue and invited residents to contact him if they had further feedback or questions on the many issues surrounding this proposal. He stated his support of the Concept Team’s recommendations and the short- and long-term cost effectiveness of this proposal.

Mayor Bartman noted the following communications were received at City Hall concerning this issue:

- Jon King, 1139 San Jose Questions about the current properties and alternative options.
- Richard Russo, 1614 Andover Questions about location alternatives, program usage, cost estimates and tax levies. Opposed to current proposal.

- Sam Helmrick Supported need for quiet study rooms.
- Bruce Watson, 4650 Breton Ct Offer of construction management services.
- Diane Demarest, 2549 Beechwood Impressed with plan, parking plan and shared spaces.
- Anonymous Parking concerns
- Patsy Dodgson Likes Concept Team's plans.
- Craig & Gretchen Speck, 3200 Hall Supported plan because of shared space, lake access and June ballot timing, suggested use of natural light in lower level.
- Armen Kassouni, 2454 Elmwood Opposed to plan because of high cost and lack of alternatives.
- Steve Swaney, 2928 Beechwood Questioned availability of Boston Street church property.
- Doug Fast, 2520 Hampshire Opposed to plan
- Tom Smith, 2255 Boston Suggestion to look at church property for relocation of city operations.
- Chris Hennessey, 2417 Maplewood Opposed to plan because of cost and parking issues.
- Peter Canepa, 633 Manhattan Opposed to spending money on a branch library.
- Todd Wolffis, 2630 Hampshire Opposed because of high cost.
- John & Skye Wickland, 947 Maxwell Opposed because of cost.
- Michael Wiener, 3040 Woodcliff Suggested working with Jade Pig on various options, including selling lakefront property.
- Armen Kassouni, 2425 Elmwood Recap of meeting held with city officials to discuss concerns.
- Steve Edison, 2855 Elmwood Additions to recap of meeting noted above.
- Doug Fast, 2520 Hampshire Noting reactions of other people.
- Dawn Lewis, Library Manager Conveying complaints of a patron in the library.

Mayor Bartman also invited the residents to contact her with questions and feedback on this issue and noted the City Commission would be making a decision at its next meeting on March 15, 2004.

2004-68. Barbour-Mulhall. 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.

Commissioner Lawless stated he would be abstaining from voting on this issue because of his firm's representation of a party in the pending litigation.

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

Nays: -0-

Abstain: Lawless – 1

2004-69. Barbour-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, Baxter, Horn, Mulhall, Shimko and Bartman – 6

Nays: -0-

Abstain: Lawless – 1

2004-70. The meeting adjourned at 8:19 p.m. to hold the Executive Session.

2004-71. The meeting resumed at 8:29 p.m. following the Executive Session.

2004-72. City Attorney Huff reviewed the request of TDG, LLC to approve the site plan and related materials for the Wilcox Gardens project. He explained the site plan review process and further explained that this request did not involve a rezoning of the property nor was it affected by private deed restrictions. It was noted that this was simply a request to confirm that lots created from a land division complied with the requirements of the City's zoning ordinance.

Jim Karczewski, architect for the Wilcox Garden Site Condominium project, Nyal Deems, attorney for the applicants, and Tom Gribben, property owner, were present to answer questions from the City Commission.

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

- Julie Adams, 1930 Lake Drive Requested the City Commission to vote against this issue until a lawsuit filed by the Adams to halt this project could be acted upon by the Circuit Court.

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

- Donald McCulloch, 1874 Lake Drive Opposed to development because of concerns raised by neighbors and restrictions on deeds.

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

2004-72-A. Mulhall-Barbour. That the Site Plan for the Wilcox Garden Site Condominium project as presented by TDG LLC be approved as recommended by the Planning Commission.

Commissioner Barbour noted the Planning Commission had reviewed this proposal at its last four meetings and established numerous conditions to their approval of this project based on feedback from neighboring residents. He stated that the Planning Commission preferred to approve the site plan with the related conditions rather than having the land divided into individual lots with no prior approval or conditions attached, as would be the case without the site condominium umbrella.

Commissioners Baxter and Mulhall thanked the Planning Commissioners and the developers for their commitment to working through this project.

Yeas: Barbour, Baxter, Horn, Mulhall, Shimko and Bartman – 6
Nays: -0-
Abstain: Lawless – 1

2004-73. Consider request to approve the division of a lot located at 2000 Lake Drive.

City Attorney Huff reviewed the lot split request and noted that all requirements of the City Code pertaining the lot size and utilities have been met.

Julie Adams, 1930 Lake Drive, asked the City Commission to vote against this lot split until the court action mentioned previously could be resolved.

2004-73-A. Barbour-Baxter. That the division of the lot located at 2000 Lake Drive to deed portions of the parcel containing the residence at 2000 Lake Drive to two adjacent parcels to be used for the Wilcox Gardens site Condominiums 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, Baxter, Horn, Mulhall, Shimko and Bartman – 6
Nays: -0-
Abstain: Lawless – 1

- 2004-74. Consider request to adopt resolutions requesting recommendations and setting a hearing on necessity regarding the proposed improvement of Frederick Drive.

City Manager Donovan outlined the proposed improvement to pave Frederick Drive and answered questions from the City Commission. He reported final engineering and design work was being completed and a final assessment roll would be adopted after bids were received.

The following people were present to speak on this issue:

- Beth Bickley, 2545 Frederick Questioned cost estimates, tree removal and topographical survey landmarks.
- Jim Karczewski, 2607 Frederick Questioned whether utilities would be upgraded during the construction.

- 2004-74-A. Barbour-Shimko. That a resolution directing the City Manager to provide information and recommendations regarding the proposed improvement to Frederick Drive be adopted as set forth in Exhibit "A" attached hereto. be approved.

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

- 2004-74-B. Baxter-Mulhall. That a resolution setting a "Hearing On Necessity" for March 15, 2004 be adopted as set forth in Exhibit "B" attached hereto.

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

- 2004-75. Consider request to refer ordinance amendment for hours of operation in the business district to the Planning Commission.

Mayor Bartman requested that the City Commission table this issue until input can be sought from the members of the Gaslight Village Business Association.

- 2004-75-A. Mulhall-Shimko. Motion to table the ordinance amendment until a future meeting.

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

- 2004-76. Consider request to accept a proposal for bond counsel services.

- 2004-76-A. Baxter-Shimko. That the proposal of Law Weathers & Richardson to provide bond counsel services to the City for the possible upcoming millage election at a cost not-to-exceed \$13,000 be accepted.

Yeas: Barbour, Baxter, Horn, Mulhall, Shimko and Bartman – 6
Nays: -0-
Abstain: Lawless – 1

- 2004-77. The preliminary minutes of the Planning Commission meetings held February 10, 2004 and February 17, 2004 were received.

- 2004-78. The preliminary minutes of the Traffic Commission meeting held February 16, 2004 were received.

- 2004-79. The preliminary minutes of the Parks & Recreation Commission meeting held February 23, 2004 were received.

- 2004-80. The preliminary minutes of the Library Commission meeting held February 23, 2004 were received.
- 2004-81. The meeting adjourned at 9:41 p.m. subject to the call of the Mayor until March 15, 2004.

Karen K. Brower, City Clerk

Attachments: A – Resolution Directing City Manager to Provide Recommendations for Frederick Drive
B – Resolution Setting a Hearing of Necessity for Improvement on Frederick Drive

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

UNOFFICIAL
Reference Only

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held March 15, 2004

Mayor Bartman called the meeting to order at 7:30 p.m. in the City Commission Chambers at City Hall. Boy Scouts Joseph VanderZee and Michael Alfaro and Lakeside Elementary Student Council members Allie Renwick, Brianne Milroy, Francine Rizzo and Nick Mulhall led the audience in the Pledge of Allegiance.

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

Absent: Commissioner Baxter

Also Present: City Attorney Huff; City Manager Donovan; Public Safety Director Gallagher; Finance Director VanderWall; City Services Director Feldt; Parks & Recreation Director Bunn; City Assessor Mesik, Streets & Utilities Superintendent Keating; City Clerk Brower

2004-82. No public comment was received.

2004-83. Commissioner Barbour gave an update on the Planning Commission's preliminary meeting with Jade Pig Ventures regarding the proposed redevelopment of the Jacobson's and Ramona Medical properties. He reported there would be many opportunities for public comment over the next several months as the Planning Commission reviews the various aspects of the proposal. The Planning Commission will hold a public hearing on this issue at 5:30 p.m. on Tuesday, April 13, 2004.

Commissioner Mulhall thanked the Public Safety Department for their quick response to a medical situation at St. Stephen's church recently. He reported the first officers arrived within 3 minutes of the 9-1-1 call.

Commissioner Lawless reported on the Board of Review meetings held last week and thanked Patsy Dodgson, Carl Reid, Paul Howland and Sam Helmrick for their many hours of service to the citizens on this board. He also noted that the property characteristics information is now on the city's website.

Mayor Bartman thanked the 60 third graders from Lakeside Elementary who visited City Hall last week to learn about city government, and thanked the Public Safety Department for their recent assistance when she experienced car trouble.

2004-84. The minutes of the regular meeting held March 1, 2004 were received as submitted.

2004-85. Lawless-Barbour. That payroll disbursements in the amount of \$147,361.46, county and school disbursements in the amount of \$-0-, and total remaining disbursements in the amount of \$204,927.02, as reviewed by the Finance Committee be approved.

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

Nays: -0-

2004-86. Commissioner Lawless reviewed the costs for the "Standard of Excellence" and "Excellence Plus" proposals for the municipal office complex project as submitted by the Community Center Concept Team. He reported that the Finance Committee had reviewed the report and recommended the following changes to the City Commission. First, reduce the "Standard of Excellence" cost by \$300,000 (projected reimbursements to the general fund) and by \$948,800 (private funds pledged) for a new bond amount of \$6,996,200. Second, to divide the "Excellence Plus" into two separate ballot questions, the first for \$1 million in material/equipment upgrades and another for \$800,000 for additional space for the library and recreation department.

Mayor Bartman asked for comment from the public present on both the proposal and the Finance Committee's recommendations. The following people expressed their thoughts about this issue:

- Rob Deane, 700 Plymouth Spoke in support of plan to expand and renovate buildings; urged June vote instead of delaying to later in the year.
- Kathleen Underwood, 2637 Hampshire Supported making the buildings handicap accessible.
- Sue Clay, 1605 Hall In Favor of proposal because of added space.
- Gretchen Speck, 3200 Hall Supported proposal; appreciated public spaces using the lake.
- Craig Wilson, 920 Cambridge Spoke in favor proposal because of need to repair hazardous conditions; suggested public education campaign to avoid confusion with school millage question on same ballot.
- Connie Christenson, 915 San Jose Supported proposals and giving taxpayers several choices; advocated for strong library system as a compliment to excellent school system.
- Carl Mead, 1147 Pinecrest Opposed plan because of unnecessary concentration of services on one site; suggested waiting until redevelopment projects in Gaslight Village were completed before making decisions; felt taxes in EGR were too high already and shouldn't be increased for this purpose.
- Mary Swain, 514 Lakeside Stated government should be downsizing instead of increasing; advocated for leasing lakefront land for private use and moving municipal buildings to Gaslight Village.
- Mary Dersch, 956 Lakeside Supported expanding all operations on site because of the economic efficiencies created by sharing space; noted that other options for relocating had been discarded because of cost.
- Gary Stark, 2637 Hampshire Spoke in favor of expansion because library is overcrowded; felt sharing space for all services was an advantage to proposal.
- Armen Kassouni, 2454 Elmwood Opposed to plan because of cost; felt buildings should be modernized but not expanded; upset that maintenance costs were not included in proposal. Suggested city and schools work together to share space. City Manager Donovan responded the city and schools do work together extensively to coordinate facilities; and noted ongoing maintenance cannot be included in a capital bond. Commissioner Lawless reported that yearly maintenance and repairs are budgeted on an ongoing basis but upgrades of this magnitude require more funding than the yearly budget could provide.
- Jeff Elble, 2555 Albert Opposed because of cost. Asked if Concept Team researched updating the facility without expanding as a cost-saving option.
- Dan Wells, 2746 Maplewood Opposed because of similarity to 2001 plan. Felt City should have purchased Jacobson's or church property and moved all operations. Mayor Bartman responded that government buildings in Gaslight Village would not generate the type of traffic to support the retailers. She also stated the city and schools did submit an offer to purchase the church property but the offer was ignored.

- Anna Seibold, member of Concept Team Stated buildings were inadequate for current use and needed immediate attention; stated many “wants” were not placed in proposal because of cost consciousness; suggested cutting services to levels appropriate for the small space if this proposal is not approved.
- Chris Condin, 1059 San Jose Opposed because of cost. Suggested spending \$1 million to fix whatever possible for that amount.
- Louise Neller, 133 Rexford Spoke in support of the proposal because of the shared space and the utilization of the empty space provided by the water reservoir that is already owned by the city.
- Chris Hennessey, 2417 Maplewood Agreed that the municipal complex needed improvements but felt the cost was too much for the economic times.
- Tom Ainsworth, 1628 Andover Felt school facilities were not being utilized; reported that Citizen Task Force had voted 22-1 to move something offsite but this was not followed. Felt parking problems on the site could not be solved and would get worse with new condos/retail in Gaslight Village. Stated June was a bad time to put on ballot because of low voter turnout. Commissioner Barbour clarified that the condos/retail being proposed would be providing new parking spaces below grade to address the city code requirements.
- Steve Edison, 2855 Elmwood Stated June was election date chosen by the Concept Team because of the need for timely repairs and the favorable interest rates and bid environment. He spoke in favor of splitting the “Excellence Plus” into two separate proposals on the ballot to give residents more options.
- Patsy Dodgson, 1045 Conlon Stated she would be inclined to vote for proposal because of public access to the lake.
- Jim Sukenik, 2946 Pioneer Club Felt City Commission should not renovate existing building just because it could avoid purchasing property. Felt the plan was an improvement over current facilities but just too costly at this point in time with the faltering economy. Suggested waiting two years.
- Mike Corby, 2663 Hall Stated residents were not interested in this issue and would not vote for the current proposal in June.
- Pamela VanderPloeg, Kent Dist. Library Spoke about the increasing usage at the library even with the explosion of technology. Stated computer use and reference questions were up significantly this year.
- Todd Wolffis, 2630 Hampshire Opposed from an economic standpoint; stated many families were moving out of East Grand Rapids because of the high taxes.

Mayor Bartman noted the following communications were received at City Hall concerning this issue:

- Patricia Kozal, 1931 Hall In Favor; parking concerns.
- Lisa Lyman Move operations off lakefront.
- Dan Wells, 2746 Maplewood Opposed because not needed at this cost.
- Susan Camp In Favor; parking concerns
- Beth Graff In Favor because expansion is overdue
- Joel Schultze, 933 Pinecrest Supports new plan because of value to citizens
- James Irwin Supports plan.

- | | |
|-----------------------------------|--|
| - Anonymous (3) | All three support proposal |
| - H Kalenda | Advocated for close handicap parking. |
| - David Teppo | Opposed to plan because of poor design |
| - Achilles Spagnuolo | Supports plan. |
| - Don & Helen Fitz, 1560 Woodlawn | In Favor of plan. |

Commissioner Lawless distributed a cost estimate of \$4.8 million prepared by the City's architects for the renovation of the municipal complex that did not include adding space beyond what was necessary for accessibility. He addressed several of the concerns voiced by audience members regarding the cost by saying that the "Standard of Excellence" proposal was the least expensive option of those researched over the last several years, including those that moved any or all operations off the lakefront site. He stated the City of East Grand Rapids had committed to serving the needs of its citizens with a library facility and recreation programs but the current buildings could not support that commitment any longer. He further stated his belief that this proposal would be an asset to the community and its future.

Commissioner Shimko stated the proposal to move the library to Jacobson's was rejected simply because it was far more expensive than expanding on the current site. He also clarified that the Manhattan Property was purchased with grant funding which prohibits development of municipal office buildings, and the Remington property, in addition to being a wetland and unsuitable for building, was deed restricted from future development by the wishes of the original donor.

2004-86-A. Mulhall-Horn. Motion to accept the recommendations of the Concept Team with modifications by the Finance Committee as follows and to direct staff to prepare ballot language for consideration at the next meeting:

1. The "Standard of Excellence" proposal at a maximum cost of \$6,996,200 (lower if additional private funding committed);
2. Two additional "Excellence Plus" proposals for \$1,000,000 and \$800,000 as outlined;
3. Placement of all proposals on the June 14, 2004 ballot;
4. Application of privately raised funds to the "Standard of Excellence" proposal;
5. A bond length of 30 years.

Commissioner Barbour spoke in favor of allowing the voters to decide this issue in June.

Mayor Bartman thanked all those who worked on the proposal and those who attended the various meetings to comment on this issue. She noted that Commissioner Baxter was unable to attend the meeting but was in full support of the proposal and had submitted a written statement regarding his support.

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

Nays: -0-

2004-87. Public hearing and request to adopt "Resolution Determining Necessity" and "Resolution Setting Hearing on Assessment Roll" regarding the proposed improvement of Frederick Drive.

City Manager Donovan reviewed the resolutions and the schedule for the improvement of Frederick Drive.

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

2004-87-A. Barbour-Shimko. That a "Resolution Determining Necessity" be adopted as set forth in Exhibit "A" attached hereto.

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

Nays: -0-

2004-87-B. Barbour-Mulhall. That a "Resolution Setting Hearing On Assessment Roll" be adopted as set forth in Exhibit "B" attached hereto with a hearing date of March 29, 2004.

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

2004-88. Introduction of an ordinance amendment to Section 1.692 of Chapter 14 and Section 9.35 of Chapter 92 of the City Code pertaining to the issuance of civil infraction citations.

2004-88-A. Lawless-Shimko. That an ordinance amendment to Section 1.692 of Chapter 14 and Section 9.35 of Chapter 92 of the City Code pertaining to the issuance of civil infraction citations be adopted as set forth in Exhibit "C" attached hereto.

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

2004-89. Consider request to award a contract for engineering and design work for paving Frederick Drive.

2004-89-A. Shimko-Mulhall. That a contract in the amount of \$2,100 be awarded to Williams & Works for the completion of a topographical survey of Frederick Drive.

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

2004-90. Consider request to adopt a resolution approving and authorizing execution of restated Urban Cooperation Agreement with the City of Grand Rapids and other municipalities.

2004-90-A. Shimko-Horn. That a resolution approving the restated Urban Cooperation Agreement be adopted as set forth in Exhibit "D" attached hereto.

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

2004-91. Consider request to adopt a resolution supporting public transportation in Michigan.

2004-91-A. Lawless-Mulhall. That a resolution endorsing support of public transportation in Michigan be adopted as set forth in Exhibit "D" attached hereto.

Commissioner Lawless outlined the situation facing public transportation entities in Michigan because of the economic situation and declining revenues and asked the resolution supporting public transportation be adopted.

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

2004-92. Consider request to approve appointments to the Construction Board of Appeals.

2004-92-A. Lawless-Shimko. That the following appointments be made to the Construction Board of Appeals:

Robert Olson	March 2006
Steve Williams	March 2006
Eric Hughes	March 2005
Mary Margaret Munski	March 2005

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

2004-93. Consider request to ratify expenditures for emergency repairs during a watermain break.

2004-93-A. Shimko-Barbour. That emergency expenditures of \$15,635.13 for the repair of the watermain at 2425 Lake Drive and a related transfer from the Water/Sewer Fund ending balance to the appropriate capital account be approved.

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

2004-94. Consider request to award a contract for a traffic and parking impact study.

2004-94-A. Lawless-Shimko. That a traffic and parking impact study in the amount of \$11,000 by URS Corporation be approved for use in the redevelopment projects in Gaslight Village.

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

2004-95. The City Services Department Report for the month of January 2004 was received.

2004-96. Consider request to authorize City Attorney to resolve tax tribunal dispute with Jade Pig Ventures.

2004-96-A. Barbour-Shimko. That the State Equalized Value and Taxable Value of the former Jacobson's property located at 2255 Wealthy be established at \$2,000,000 for the year 2003.

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

2004-97. The meeting adjourned at 10:02 p.m. subject to the call of the Mayor until March 29, 2004.

Karen K. Brower, City Clerk

Attachments: A – Resolution Determining Necessity of Improvement on Frederick Drive
B – Resolution Setting Haring on Assessment Roll for improvement on Frederick Drive
C – Ordinance Amendment to Section 1.692 and Section 9.35 regarding animal control enforcement
D – Resolution Approving restated Urban Cooperation Agreement
E – Resolution Supporting Public Transportation in Michigan

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Rescheduled Regular Meeting Held March 29, 2004

Mayor Bartman called the meeting to order at 7:30 p.m. in the City Commission Chambers at City Hall. The Brownie Troop from Lakeside Elementary led the audience in the Pledge of Allegiance. Those leading the pledge were Allaire Donahue, Laura Donahue, Kennedy Hand, Hailey Hubbard, Sidney Matthews, Sally Marsh, Abby Milkins, Frannie Mulhall, Rachel Ronda and Jessie Yadlowsky.

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

Absent: Commissioner Baxter

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

2004-98. No public comment was received.

2004-99. Mayor Bartman announced that April is Child Abuse Prevention month and read a proclamation that had been issued denoting this observance in East Grand Rapids. Gregg Hughes from The Child & Family Resource Council accepted the proclamation and reviewed the programs, services and volunteer opportunities provided by the Council.

Commissioner Lawless gave a report from the Interurban Transit Partnership Board regarding use statistics, types of use, and organizations utilizing the services of The Rapid bus service. Commissioner Lawless also thanked the Friends of the Library for hosting two open houses to acquaint the public with the expansion proposal.

2004-100. Lawless-Shimko. Motion to add to the agenda an executive session to discuss the acquisition of real estate in accordance with Section 8(d) of the Open Meetings Act. A roll call vote was taken

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

Nays: -0-

2004-101. The minutes of the regular meeting held March 15, 2004 were received as submitted.

2004-102. Lawless-Barbour. That payroll disbursements in the amount of \$152,353.03, county and school disbursements in the amount of \$291,264.14, and total remaining disbursements in the amount of \$222,480.44, as reviewed by the Finance Committee be approved.

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

Nays: -0-

2004-103. Public hearing and request to adopt “Resolution Confirming Assessment Roll” regarding the proposed improvement of Frederick Drive.

City Manager Donovan stated bids would be solicited for this project and brought back to the City Commission for final approval and, if necessary, revision of the assessment roll.

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

- Lucia Patzelt, 2601 Frederick

Thanked City Commission and staff for working with residents to accomplish this project.

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

2004-103-A. Lawless-Barbour. That a "Resolution Confirming Assessment Roll" be adopted as set forth in Exhibit "A" attached hereto.

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

2004-104. A zoning variance hearing was held regarding the request of John & Mary Loeks of 652 Manhattan Road to allow the creating a side yard setback of 8'-6" instead of the required 10'-0" and creating a combined sideyard setback of 20'-0" instead of the required 24'-0."

John Loeks, 652 Manhattan, was present to introduce and answer questions about the variance request.

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

2004-104-A. Shimko-Lawless. That the request of John & Mary Loeks of 652 Manhattan Road to allow the construction of an addition creating a side yard setback of 8'-6" instead of the required 10'-0" and creating a combined sideyard setback of 20'-0" instead of the required 24'-0" be approved.

Commissioner Mulhall expressed his support for this request because the encroachment was from the overhangs instead of actual walls, the irregular shape of the lot, and the fact the neighboring property's garage was adjacent to the new addition.

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

2004-105. Lawless-Shimko. Motion to enter into an executive session to discuss the acquisition of real estate in accordance with Section 8(d) of the Open Meetings Act. A roll call vote was taken

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

The meeting adjourned at 7:52 p.m. to hold the executive session. The meeting resumed at 8:22 p.m.

2004-106. Consider request to adopt a resolution setting ballot language for the June 14, 2004 election for the renovation and expansion of Community Center.

Mayor Bartman reviewed the City Commission's decision to place three ballot proposals before voters on June 14, 2004 in accordance with the recommendations of the Community Center Concept Team.

City Manager Donovan reported the final bond amount would be \$6,940,000 after fundraising and reimbursements were subtracted, which correlated to a millage rate of .6424 for Proposal #1. The millage rate for Proposal #2 is .0956, and .0763 for Proposal #3.

Mayor Bartman asked for comment from the public present on the ballot language. No public comment was received.

Mayor Bartman noted the following communications were received at City Hall concerning this issue:

- | | |
|---------------------------|--|
| - Anonymous (5) | Support proposal |
| - Anonymous (1) | Opposed cost of project; questioned how buildings became unsafe. |
| - Annie Davies Maclachlan | Supported proposal. |
| - Val Burhans | Suggestions for final library design. |
| - Jodi Cary, 564 Locust | Suggested waiting until after November presidential election. |

- Betsy & Dave Horning, 435 Lakeside Supported proposal; felt cost would be an issue for voters.
- Margit Sarne Supported proposal.
- Thomas Engelsma Opposed cost of proposal; suggested fundraising for entire project.
- John Roberts, 1061 Plymouth Opposed because of cost; felt city should conserve and consolidate—not expand.
- Jim Sukenik Requesting additional statistics on library use and budget information on municipal buildings.
- Todd Wolffis Questioning numbers used and city official’s positions regarding the proposed plan.
- Armen Kassouni List of talking points for opposition group to use when speaking at meetings.
- Kathleen Underwood Questions on future scheduling and responses to public questions.
- Lyn Talbert Support proposals.
- Jeff Elble Questioned whether an estimate had been prepared for repair and improvement of facilities without expansion.
- Andrew Maternowski Questioned whether “green” building materials and LEED certification would be used for the new buildings.

2004-106-A. Mulhall-Shimko. That a resolution setting the ballot language for the election to be held June 14, 2004 be adopted as set forth in Exhibit “B” attached hereto.

Commissioner Lawless congratulated the fundraising committee on obtaining over \$1 million of commitments toward this project and asked if future commitments would lower the millage amount prior to the election. City Manager Donovan responded that additional private dollars would lower the amount of the bond issued in the future, but that the language on the ballot would remain the same because of time constraints.

Commissioner Mulhall thanked former Mayor Steve Edison and the members of the Community Center Concept Team for all their hard work on this issue.

Dave Mehney, 3049 Mary, expressed his support for the plan because of the flexibility should the needs of the community change in the future.

Mayor Bartman thanked those who worked to put together this proposal. She noted that although the average cost per homeowner for Proposal #1 was \$80 per year, the cost for the majority of homeowners would be closer to \$65 per year.

Commissioner Lawless noted the new Community Center would be a complement to the plans presented by Jade Pig Ventures for the Ramona Medical and Jacobson’s sites and would fit well with the anticipated revitalization of the downtown area.

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

Nays: -0-

2004-107. Final Reading of an ordinance amendment to Section 1.692 of Chapter 14 and Section 9.35 of Chapter 92 of the City Code pertaining to the issuance of civil infraction citations.

2004-107-A. Shimko-Mulhall. That an ordinance amendment to Section 1.692 of Chapter 14 and Section 9.35 of Chapter 92 of the City Code pertaining to the issuance of civil infraction citations be adopted as set forth in Exhibit “C” attached hereto.

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

Nays: -0-

2004-108. Consider request to award a contract for fireworks for the 4th of July Celebration.

2004-108-A. Barbour-Mulhall. That a contract in the amount of \$15,000 be awarded to Zambelli Fireworks Internationale for the 4th of July Celebration fireworks show.

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

2004-109. Consider request to approve the purchase of fitness equipment for the Public Safety Department.

2004-109-A. Lawless-Shimko. That the purchase of three fitness machines from Cascade Gym & Equipment Sales of Cascade in the amount of \$5,000.00 be approved.

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

2004-110. The City Services Department Report for the month of February 2004 was received.

2004-111. The preliminary minutes of the Planning Commission meeting held February 17, 2004 were received.

2004-112. The meeting adjourned at 8:38 p.m. subject to the call of the Mayor until April 19, 2004.

Karen K. Brower, City Clerk

Attachments: A – Resolution Confirming Assessment Roll for Frederick Drive
B - Resolution Setting Ballot Language for June 14, 2004
C - Ordinance amendment to Section 1.692/9.35

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held April 19, 2004

Mayor Bartman called the meeting to order at 7:30 p.m. in the City Commission Chambers at City Hall. Charlotte King, recognized for outstanding performance in the National Math Challenge, led the audience in the Pledge of Allegiance.

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

Absent: Commissioner Baxter

Also Present: City Attorney Huff; City Manager Donovan; Public Safety Director Gallagher; City Services Director Feldt; Parks & Recreation Director Bunn; Finance Director VanderWall; Deputy Public Safety Director Herald; City Clerk Brower; Sgt. Buikema, PSO Olney, PSO Davis

2004-113. Mayor Bartman advised of the following communications received at City Hall:

- A. Letter from Kent County Administrator Daryl Delabbio inviting commissioners to a county information meeting on Tuesday May 4, 2004.
- B. Letter from John Sullivan of 1600 Pontiac expressing opposition to the proposed development by JadePig Ventures.
- C. Memo from City Services Director Feldt with information on the upcoming Planning Commission bus tour.
- D. Article from Take Pride! Community newspaper featuring Deputy Public Safety Director Mark Herald.

2004-114. No public comment was received.

2004-115. Commissioner Barbour gave a report on the Planning Commission meeting held April 13th where the Jade Pig Ventures redevelopment proposal was considered. He noted there was considerable excitement from residents about the mixed-use retail/office portion of the development and concern about the traffic density and height of the condominium portion of the project. More public input and discussion will take place at the next meeting on May 11, 2004.

Commissioner Lawless thanked Commissioner Barbour for providing the City Commission with such detailed information on the Planning Commission's deliberations on this issue. Commissioner Lawless congratulated Deputy Public Safety Director Herald on the feature article in the Take Pride! Community newspaper. He also reported on a recent planning session held by the Interurban Transit Partnership regarding short-term and long-term issues facing the transit system.

Mayor Bartman reported that Commissioner Baxter continues to recover from his recent surgery and is looking forward to returning to the commission meetings when he is able.

2004-116. The minutes of the rescheduled regular meeting held March 29, 2004 were received as submitted.

2004-117. Barbour-Lawless. That payroll disbursements in the amount of \$149,817.00, county and school disbursements in the amount of \$-0-, and total remaining disbursements in the amount of \$235,914.86, as reviewed by the Finance Committee be approved.

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

2004-118. Public Safety Director Gallagher and Mayor Bartman presented Public Safety Officer Brian Davis with certificates of recognition for his eight years of service as the Community/School Liaison Officer.

2004-119. Public Safety Director Gallagher presented the Meritorious Service Award to Public Safety Officer Olney for his actions in apprehending a burglary suspect.

2004-120. A zoning variance hearing was held regarding the request of Mr. & Mrs. Kenneth Welch of 1425 Sherwood to allow the construction of a two-story addition less than 1'-0" from the existing detached garage instead of the required 10'-0."

Kenneth Welch, 1425 Sherwood, was present to introduce and answer questions about the variance request. Chris Maxim and Mike Blodgett of Blodgett Construction were also present to explain the project.

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

- Tim Wolffis, 1428 Woodlawn	In Favor
- Mr. & Mrs. E.H. Johnson, 1424 Sherwood	In Favor
- Betsy & Carl Brown, 1410 Sherwood	In Favor

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

2004-120-A. Lawless-Horn. That the request of Mr. & Mrs. Kenneth Welch of 1425 Sherwood to allow the construction of a two-story addition less than 1'-0" from the existing detached garage instead of the required 10'-0" be approved.

Commissioner Lawless spoke in support of the request because of its similarity to other projects and homes in the neighborhood.

Commissioner Mulhall stated his intention to vote against the variance request based on the proximity to the existing garage and the mass of the buildings on the lot.

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

2004-121. A zoning variance hearing was held regarding the request of Mr. & Mrs. Tony Asselta of 2055 San Lu Rae to allow the construction of a storage building approximately 52'-0" from the street line instead of the required 60'-0."

Tony Asselta, 2055 San Lu Rae, was present to introduce and answer questions about the variance request.

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

2004-121-A. Shimko-Mulhall. That the request of Mr. & Mrs. Tony Asselta of 2055 San Lu Rae to allow the construction of a storage building approximately 52'-0" from the street line instead of the required 60'-0" be approved.

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

2004-122. A zoning variance hearing was held regarding the request of Rick VanderPloeg of 2314 Lake Drive to allow the construction of a detached garage with a side yard setback of approximately 2'-0" instead of the required 3'-0."

Rick VanderPloeg, 2314 Lake Drive, was present to introduce and answer questions about the variance request.

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

- Paul Reinhardt, 908 Maxwell	In Favor.
- Ray Geskus, 2318 Lake Drive	In Favor.

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

2004-122-A. Barbour-Horn. That the request of Rick VanderPloeg of 2314 Lake Drive to allow the construction of a detached garage with a side yard setback of approximately 2'-0" instead of the required 3'-0" be approved.

Commissioner Mulhall stated his opposition to this request because he felt there was sufficient room to locate the garage within the City's setback requirements without the need for a variance.

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

Nays: Mulhall – 1

2004-123. A zoning variance hearing was held regarding the request of Alan Margherio of 2638 Reeds Lake Blvd. to allow the construction of an addition to the home creating a front yard setback of 30'-0" from the center of the street instead of the require 63'-0."

Mark Shuart of Shuart Associates, contractor for the applicant, was present to introduce and answer questions about the variance request.

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

- Jim Karczewski, 2607 Frederick

Explained he was designing a home for the owners of the adjacent vacant lot and proposed an alternate configuration for the garage addition and driveway that would further reduce the front yard setback encroachment, allow improved drainage, and create a shared cul-de-sac at the end of the private road. He stated he and his clients had met with the Margherios over the weekend but had not had sufficient time to explore all possibilities. Mr. Karczewski asked the Commission to consider tabling this request until the property owners could discuss this alternative further.

- Eric Wynsma, 2637 Reeds Lake Blvd

In favor of reducing the front yard setback under either proposal.

- John Swain, 2630 Reeds Lake Blvd

Opposed to the original proposal that would obstruct his view of the lake.

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

- John Swain, 2630 Reeds Lake Blvd

Opposed.

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

2004-123-A. Barbour-Shimko. That the request of Alan Margherio of 2638 Reeds Lake Blvd. to allow the construction of an addition to the home creating a front yard setback of 30'-0" from the center of the street instead of the required 63'-0" be approved.

Commissioner Barbour expressed his concern about the proximity of the new addition to the side property line.

Commissioner Lawless stated his opinion that the proposed addition represented a substantial detriment to the neighboring property that was not entirely resolved by the alternate proposal. He favored giving the two property owners additional time to work out a mutually agreeable proposal.

2004-123-B. Lawless-Mulhall. That the request of Alan Margherio of 2638 Reeds Lake Blvd. to allow the construction of an addition to the home creating a front yard setback of 30'-0" instead of the required 63'-0" be tabled until a future meeting to allow the applicant to work with the adjoining property owner.

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

Nays: -0-

2004-124. Consider request to approve an appointment to the Traffic Commission.

2004-124-A. Shimko-Mulhall. That Leigh Rapaport be appointed to the Traffic Commission as a non-voting student representative for a one-year term.

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

2004-125. Consider request to adopt a resolution authorizing the use a computerized tax roll.

2004-125-A. Barbour-Lawless. That a resolution authorizing the use of a computerized tax roll be adopted as set forth in Exhibit "A" attached hereto.

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

2004-126. Consider request to award a contract for t-shirts for spring/summer recreation programs and events.

2004-126-A. Barbour-Shimko. That a contract be awarded to Kel Graphics of Cadillac, Michigan in the amount of \$26,681.25 for the production of t-shirts for spring and summer recreation programs and special events..

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

2004-127. Consider request to authorize the purchase of a salt spreader for the Streets & Utilities Department.

2004-127-A. Lawless-Barbour. That the purchase of a salt spreader from Truck and Trailer Specialties of Dutton, Michigan in the amount of \$6,960.00 be authorized as requested.

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

2004-128. Consider request to award a contract for the annual lane-striping program for city streets.

2004-128-A. Shimko-Barbour. That the current contract for lane striping with Michigan Pavement Markings for the spring and summer paintings be extended in the amount of \$18,000.00.

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

2004-129. Consider request to for construction of the Reeds Lake Trail.

2004-129-A. Shimko-Mulhall. That a contract be awarded to Anlaan Corporation in the amount of \$431,520.50 and contingencies of \$43,000 for a total of \$474,520.50 for the construction of Phase I of the Reeds Lake Trail pedestrian and bicycle pathway.

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

2004-130. Kent District Library Director Martha Smart and Branch Manager Dawn Lewis presented the 2003 Annual Report for the East Grand Rapids branch.

2004-131. Introduction of an ordinance amendment to Section 5.26 of Chapter 50 of Title V of the City Code pertaining to height exceptions in the zoning ordinance.

Mayor Bartman requested that this item be tabled until the Finance Committee could review the information further and provide a recommendation.

2004-131-A. Barbour-Lawless. That this ordinance amendment be tabled until the next meeting.

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

2004-132. Consider request to award a contract for road construction and other related projects.

2004-132-A. Shimko-Horn. That a contract be awarded to Wyoming Excavators in the amount of \$426,012.60 with contingencies of \$44,600.00 for a project total of \$470,612.60 for the reconstruction of several roads and water/sewer mains.

City Manager Donovan reported the bids for Lansing Street were lower than the assessment roll previously approved. This assessment roll will be amended to reflect the lower amounts before the residents are invoiced.

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

2004-133. Consider request to award a contract for watermain materials for various projects.

2004-133-A. Barbour-Lawless. That contracts be awarded to East Jordan Iron Works in the amount of \$39,612.40 and to R.VanDerLind & Son in the amount of \$9,405.60 for materials relating to upcoming watermain replacement projects.

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

2004-134. The preliminary minutes of the Traffic Commission meeting held March 1, 2004 were received.

2004-135. The preliminary minutes of the Planning Commission meeting held March 9, 2004 were received.

2004-136. The meeting adjourned at 9:43 p.m. subject to the call of the Mayor until May 3, 2004.

Karen K. Brower, City Clerk

Attachments: A – Resolution Approving use of Computerized Tax Roll

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held May 3, 2004

Mayor Bartman called the meeting to order at 7:30 p.m. in the City Commission Chambers at City Hall. The Third Grade Brownie Troop from Breton Downs Elementary led the audience in the Pledge of Allegiance and sang "God Bless America" for the City Commission.

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

Absent: Commissioner Lawless

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

2004-137. Mayor Bartman unveiled the portrait of Mayor Judy Frey that will hang in the City Commission Chambers as tribute to her four years as Mayor of East Grand Rapids. Mayor Bartman noted that Mayor Frey was the first woman Mayor of East Grand Rapids. In addition to the portrait, a stone marker will be placed in the public garden at John Collins Park recognizing Mayor Frey for her commitment to beautification projects while in office. Mayor Frey was present for the unveiling and thanked the City for the portrait and the stone marker.

2004-138. Mayor Bartman advised of the following communications received at City Hall:

- E. Several cards and emails from residents concerning the proposed expansion/renovation of the Community Center Complex.
- F. Letter from William & Kathy Muir of 2764 Pioneer Club Road regarding the proposed of the Jacobson's and Ramona properties by Jade Pig Ventures.

2004-139. No public comment was received.

2004-140. Commissioner Horn welcomed Commissioner Baxter back to the commission meetings after his recent surgery.

Commission Barbour reported that several Planning Commissioners had recently toured several sites in the Detroit area to view projects similar in size and height to the Jade Pig proposal.

Commissioner Mulhall acknowledged the many accomplishments under Mayor Frey's leadership and her role as the first female Mayor of East Grand Rapids.

City Manager Donovan noted the Planning Commission meeting scheduled for May 11th had been moved to the high school cafeteria to provide additional seating for interested residents.

Mayor Bartman welcomed back Commissioner Baxter. She also thanked the Third Grade classes from Lakeside Elementary for their booklet of thank-you letters after their recent visit to City Hall.

2004-141. The minutes of the regular meeting held April 19, 2004 were received as submitted.

2004-142. Barbour-Shimko. That payroll disbursements in the amount of \$150,932.06, county and school disbursements in the amount of \$-0-, and total remaining disbursements in the amount of \$133,018.37, as reviewed by the Finance Committee be approved.

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

Nays: -0-

2004-143. A zoning variance hearing was held regarding the request of Cathy Young of Cut Loose Backstage Salon, 644 Lovett, to allow the operation of a hair/day salon with 27 parking spaces instead of the required 36.

City Attorney Huff explained the City Commission originally approved this variance request in August 2002. Following the approval, four property owners adjoining the applicant's property filed suit to overturn the variance. Because the tape recording of the meeting was of poor quality and unable to be used for the court proceedings, the City has been asked to hold another hearing to provide a record of the discussion.

Cathy Young, owner of Cut Loose Salon, was present to introduce and answer questions about the variance request. She stated that larger events at the salon are scheduled around the events held at the dance studio in the same building to avoid parking problems. She reported the salon currently has ten stations, which would require twenty parking spaces according to the City's ordinance, but that because one customer typically visits several stations during their visit, the actual number of parking spaces used is much less than the requirement.

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

- | | |
|--|--|
| - Linda Durrell, tenant of 644 Lovett | Has noticed virtually no parking problems in the area in her 24 years of operating the dance studio. Past tenants have operated salons from this location without problems. |
| - Melissa Booth, 1063 Kenesaw | A customer of both the dance studio and the hair salon, she has never had a problem finding a parking space. |
| - Bob Shaver, Rhoades-McKee | Representing four owners who filed the lawsuit. Reviewed Section 5.33a of the zoning ordinance regarding the number of spaces required for various types of businesses and asked the City Commission to uphold the ordinance. Also noted the City Code required the building owner to apply for the variance, not the tenant/business owner. |
| - Dick Durrell, 547 Cambridge (building owner) | Stated there was sufficient parking for the businesses in this area and suggested the City's ordinance should be reviewed for possible revisions to address the actual spaces used by various businesses. |
| - Gordon Julius, 585 Abbymill Drive (Ada) | Asked for copies of the letters submitted in opposition to the variance request. Stated the salon does not create a lack of parking because appointments are scheduled around the dance studio classes. |

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

- | | |
|---|----------|
| - Rhoades McKee for James Azzar | Opposed. |
| - Rhoades McKee for J. Azzar | Opposed. |
| - Rhoades McKee for EMA Corporation | Opposed. |
| - Rhoades McKee for Extrusions Division, Inc. | Opposed. |

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

2004-143-A. Barbour-Baxter. That the request of request of Cathy Young of Cut Loose Backstage Salon, 644 Lovett, to allow the operation of a hair/day salon with 27 parking spaces instead of the required 36 be approved.

Commissioner Barbour reported the Planning Commission had also considered the original request in 2002 and had approved the site plan of the building. He noted the dance studio and salon seemed to work well together in the building, and felt this variance did not represent a substantial detriment to the adjoining properties because the property had been used as a beauty salon/day spa by other tenants in the past without problems. He further stated the conditions warranting the variance did not result from the actions of the applicant.

Commissioner Baxter stated that he brings his daughter to this studio and has not witnessed any parking issues.

City Attorney Huff addressed the questions raised by the plaintiff's attorney by stating the City had always entertained variance requests from tenants with the building owner's letter of approval for the use. He stated

the number of spaces required for the dance studio was calculated using the "office" requirement because there was not a separate requirement for dance studios, and the office use designation was more appropriate than a retail use designation.

Building Inspector Conley answered questions regarding the calculation of parking space requirements for the salon and the dance studio.

Commissioner Mulhall expressed his support for this request because of the explanation of customers visiting various stations at each visit and the fact there were now two tenants in this building as opposed to the three that had been operating in the past.

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

2004-144. A zoning variance hearing was held regarding the request of Alan Margherio of 2638 Reeds Lake Blvd. to allow the construction of an addition to the home creating a front yard setback of 28'-6" from the center of the street instead of the require 63'-0."

2004-144-A. Mulhall-Shimko. That the request of Alan Margherio of 2638 Reeds Lake Blvd. be taken from the table for consideration.

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

Building Inspector Conley outlined the revised variance application that proposed adding another two-stall garage addition to the east side of the structure without removing the existing garage on the north side. Mark Shuart of Shuart Associates, contractor for the applicant, was present to introduce and answer questions about the revised variance request.

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

- Jim Karczewski, 2607 Frederick	Thanked Mr. Shuart and the adjoining property owners for their cooperation in reworking the request to the satisfaction of all concerned.
- Mike Knox, 625 Plymouth	Supported revised request; thanked the applicant for additional work to revise.

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

- Mike & Joan Knox, 625 Plymouth	Addressing issues pertaining to neighboring property.
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No other public comment was received. Mayor Bartman closed the public hearing.

2004-144-B. Mulhall-Shimko. That the revised request of Alan Margherio of 2638 Reeds Lake Blvd. to allow the construction of an addition to the home creating a front yard setback of 28'-6" from the center of the street instead of the required 63'-0" be approved.

Commissioner Mulhall and Mayor Bartman thanked the applicant, architects and surrounding property owners for working together toward a mutually agreeable solution.

Commissioner Barbour expressed support for the variance because of the distance from the neighboring homes and the unique situation with the vacated roadway serving as a driveway.

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

- 2004-145. Introduction of an ordinance amendment to Section 5.26 of Chapter 50 of Title V of the City Code pertaining to height exceptions in the zoning ordinance.

City Attorney Huff explained the language in the amendment is meant to clarify the current ordinance by enumerating the specific exceptions to the height restrictions and does not change the intent of the original ordinance or the historical interpretation by staff.

- 2004-145-A. Baxter-Shimko. That an ordinance amendment to Section 5.26 of Chapter 50 of Title V of the City Code pertaining to height exceptions in the zoning ordinance be introduced as set forth in Exhibit "A" attached hereto and referred to the Planning Commission for their review and recommendation.

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

- 2004-146. Consider request to adopt a resolution amending the assessment roll for the Lansing Street paving project.

City Manager Donovan reported the construction bids for the paving of Lansing Street were significantly lower than originally anticipated. He requested the City Commission amend the assessment roll so the lower amounts could be placed on the tax roll.

- 2004-146-A. Shimko-Baxter. That a resolution amending the special assessment roll for the Lansing Street paving project to reflect the construction contract amount be adopted as set forth in Exhibit "B" attached hereto.

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

- 2004-147. Consider request to set dates for public hearings regarding the proposed budget and the placement of delinquent accounts on the tax roll.

- 2004-147-A. Shimko-Mulhall. That June 7, 2004 be established as the hearing date for the proposed FY 2004-05 City budget and the hearing for delinquent accounts to be placed on the summer tax roll.

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

- 2004-148. Consider request to add to the agenda a resolution amending the ballot language for the June 14, 2004 election.

City Attorney Huff asked the City Commission to amend the ballot language to add wording allowing the City the maximum flexibility when selling the bonds.

- 2004-148-A. Barbour-Baxter. Motion to add to the agenda consideration of a request to adopt a resolution amending ballot language for the June 14, 2004 bond election. A roll call vote was taken.

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

- 2004-149. Consider request to adopt a resolution amending the ballot language for the June 14, 2004 bond election.

- 2004-149-A. Barbour-Mulhall. That a resolution amending the June 14, 2004 ballot language for the Community Center renovation project be adopted as set forth in Exhibit "C" attached hereto.

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

2004-150. The meeting adjourned at 8:30 p.m. subject to the call of the Mayor until May 17, 2004.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section 5.26 pertaining to height exceptions.
B – Resolution amending assessment roll for Lansing Street paving project.
C – Resolution amending ballot language for June 14, 2004 bond election.

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

UNOFFICIAL
Reference Only

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held May 17, 2004

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, Baxter, Horn, Lawless, Mulhall, Shimko and Mayor Bartman

Absent: None

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

2004-151. Mayor Bartman advised of the following communications received at City Hall:

A. Email from Richard Russo with questions on the Community Center bond proposal.

2004-152. No public comment was received.

2004-153. Commissioner Mulhall reported speaking with a former resident who was again visiting East Grand Rapids who commented on the beauty of the neighborhoods and the tree-lined streets.

Mayor Bartman offered copies of a recent newspaper article concerning the Breton Village Mall on the southern edge of East Grand Rapids. She announced the conclusion of the Police Officers Memorial Week and commented on the ultimate sacrifice made by those in law enforcement while serving their respective communities. She also noted that EGR Public Safety Officer Bruce VanPopering died in July 1994 from injuries sustained in an accident while directing traffic following the 4th of July fireworks. Mayor Bartman thanked the City Services Department for another successful City clean-up day, and thanked all staff members for coordinating the various special events that took place on May 15th around the City.

2004-154. The minutes of the regular meeting held May 3, 2004 were received as submitted.

2004-155. Lawless-Baxter. That payroll disbursements in the amount of \$160,939.81, county and school disbursements in the amount of \$-0-, and total remaining disbursements in the amount of \$241,002.80, as reviewed by the Finance Committee be approved.

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

Nays: -0-

2004-156. Assistant Parks & Recreation Director Perry introduced Randy Young, Denise Thorne, Carey Pinkowski and Tim Hadzima from Standard Federal Bank and thanked them for their five-year sponsorship of the Reeds Lake Run. Mayor Bartman welcomed Standard Federal as the primary sponsor of the run and looked forward to many years of working together on this event.

2004-157. A zoning variance hearing was held regarding the request of Michael Kelly of 1033 Lake Grove to allow the construction of a detached garage with an average height of 13'-6" instead of the allowable 12'-0".

Michael Kelly, 1033 Lake Grove, was present to introduce and answer questions about the variance request. Tom Battle, contractor for Mr. Kelly, was also present to outline the request and answer questions.

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

2004-157-A. Shimko-Baxter. That the request of request of Michael Kelly of 1033 Lake Grove to allow the construction of a detached garage with an average height of 13'-6" instead of the allowable 12'-0" be approved.

Commissioner Lawless commented the garage would be a complement to the home and the surrounding area.

Commissioner Mulhall spoke against the request because he felt there was no unique situation and the added height was not necessary in this case. He also felt the lots in this area were too small for large garages.

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

2004-158. A zoning variance hearing was held regarding the request of Nathan VanDrunen of 1152 Pinecrest to allow the construction of a detached garage approximately 2'-0" from the side and rear lot lines instead of the required 3'-0."

Nathan VanDrunen, 1152 Pinecrest, was present to introduce and answer questions about the variance request. He requested the City Commission consider an amended request of 1'-6" from the side and rear property lines following a detailed survey he has now completed.

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

- Carl Mead, 1147 Pinecrest Supported variance request.
- Tom Battle, 1117 Pinecrest Supported variance request.

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

- Karl & Stacy Roberts, 1118 Pinecrest Supported variance request.

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

2004-158-A. Baxter-Horn. That the request of Nathan VanDrunen of 1152 Pinecrest to allow the construction of a detached garage approximately 1'-6" from the side and rear lot lines instead of the required 3'-0" but not closer than the existing structure be approved.

Commissioner Lawless spoke in favor of the original request of 2'-0" from the rear property line.

2004-158-B. Lawless-Shimko. Motion to amend 2004-158-A. to require the detached garage to be placed 2'-0" from the rear property line and to require the garage be placed no closer than the existing structure and not less than 1'-6" from the side property line.

Vote on 2004-158-B.

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

Commissioner Mulhall questioned whether the size of the garage could be reduced to 21 x 24 to meet the setback requirements and still allow for cars to maneuver around the house to reach the garage. Mr. VanDrunen stated he did not wish to reduce the size of the garage.

Vote on 2004-158-A, as amended.

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

2004-160. Consider request to adopt a resolution approving a new Class C liquor license for Big Bob's Pizza.

City Attorney Huff reviewed the City's ordinance requirements for the granting of a liquor license and reviewed the current licenses issued to other businesses. He reported the East Grand Rapids Public Schools had been notified of the application and did not object to the issuance of the license provided the Public Safety Department continued their enforcement efforts throughout the business district.

Steve Wilson, co-owner of Big Bob's Pizza, was present and explained the liquor license would allow his business to compete with others in Gaslight Village and the surrounding areas. Tricia Wilson, co-owner, gave examples of customer frustration when told they could not order alcoholic beverages and asked the City Commission to grant the license.

Commissioner Barbour questioned the length of the restaurant's lease for the building, how the service of alcohol would be integrated into the current business, and the stability and profitability of the business. Mr. Wilson stated he currently has a four-year lease with an automatic four-year extension and that the business has experienced significant growth since relocating to Gaslight Village. He also explained his plans for minor interior renovations to the facility for the storage of alcohol.

Commissioner Lawless spoke about the importance of liquor licenses as assets being given to local business owners and his preference to further review the materials submitted before making this important decision.

Commissioners Horn and Baxter also spoke about the importance of long-term commitment to the Gaslight Village area and suggested the applicants seek a longer lease on the property.

Mayor Bartman spoke in favor of the application because of the tremendous success realized by Big Bob's Pizza since moving to Gaslight Village.

Commissioner Barbour asked Mr. and Mrs. Wilson to prepare a detailed business plan showing current goals and future plans for the development of their business.

2004-160-A. Barbour-Horn. That the request of Big Bob's Pizza & Italian Café for a Class C Liquor License be tabled until the June 7th meeting to allow the applicant to prepare and submit materials.

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

2004-161. Finance Director VanderWall reviewed the financial report for the period ending March 31, 2004 and answered questions from the City Commission.

2004-162. Consider request to award a contract for the annual manhole castings adjustment program.

2004-162-A. Lawless-Shimko. That a contract be awarded to Lodestar Construction Company in the amount of \$8,600.00 for the adjustment of manhole castings throughout the City.

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

2004-163. Consider request to award a contract for preliminary design of the Gaslight Village Streetscape.

2004-163-A. Mulhall-Shimko. Motion to award a contract for preliminary study and design of the Gaslight Village Streetscape to MC Smith & Associates at a not-to-exceed cost of \$20,000.00.

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

2004-164. The preliminary minutes of the Traffic Commission meeting held April 12, 2004 were received.

2004-165. The preliminary minutes of the Planning Commission meeting held April 13, 2004 were received.

Commissioner Barbour reviewed the items discussed at the Planning Commission meeting, including the traffic and parking report, the discussions on the height of the condominium buildings, and other feedback given to the developers for the redevelopment project in Gaslight Village.

2004-166. The preliminary minutes of the Parks & Recreation Commission meeting held April 19, 2004 were received.

2004-167. The City Services Department Report for the month of March 2004 was received.

2004-168. The annual Water Quality Report for 2003 was received.

2004-169. The Public Safety Department Report for the months of January, February and March 2004 were received.

2004-170. The meeting adjourned at 9:39 p.m. subject to the call of the Mayor until June 7, 2004.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held June 7, 2004

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, Baxter, Horn, Lawless, Mulhall, Shimko and Mayor Bartman

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; City Services Director Feldt; Public Safety Director Gallagher; Parks & Recreation Director Bunn; 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 evening's agenda and to conduct the executive session prior to the regular meeting since there was time sufficient. The following motion was made at 6:53 p.m. prior to the meeting.

2004-171. Mulhall-Shimko. Motion to add to the agenda an executive session to discuss a collective bargaining agreement in accordance with Section 8(c) of the Open Meetings Act. A roll call vote was taken.

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

Nays: -0-

2004-172. Barbour-Mulhall. 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, Baxter, Horn, Lawless, Mulhall, Shimko and Bartman – 7

Nays: -0-

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

2004-173. Mayor Bartman advised of the following communications received at City Hall:

B. Letter from Steff and Jeff Condon of 2124 Boston regarding the church property on Boston Street.

C. Construction schedule for the completion of the garage at 2137 Lake Drive.

2004-174. Commissioner Baxter introduced Bill Green, Commodore of the Grand Rapids Yacht Club. Mr. Green announced the Yacht Club Board is working with the City to use parking spaces at the Yacht Club for city employees during the day to help alleviate occasional parking issues at the municipal complex. City staff and Yacht Club officials will be researching possibilities and will report back to the City Commission at a future date. City Commissioners thanked the Yacht Club for their willingness to assist the City in this way.

Kathleen Underwood, 2637 Hampshire, reported some East Grand Rapids residents had recently found a flier on their vehicles urging them to vote no on the upcoming bond proposal. She has researched the group "EGR Taxpayers Against Waste" that was indicated on the flier, but has been unable to find a legitimate address or contact person for this group. She expressed concern about the integrity of the election process if groups were not complying with State election regulations and asked the newspaper representatives to investigate this issue.

2004-175. Commissioner Barbour thanked the Yacht Club Board for working with the City on the parking issue.

Commissioners Mulhall and Baxter expressed outrage at the tactics used by the opposition group in not identifying their members or in filing the required paperwork with the proper agencies.

Commissioner Lawless thanked the Yacht Club leadership for their willingness to discuss shared parking with the city. He also thanked Kathleen Underwood for her research on the campaign issues. He added that the

community should welcome open debate on all issues like the upcoming bond vote, but that the community standard should be that those engaging in the debate identify themselves.

Commissioner Horn also thanked Ms. Underwood for bringing this matter to the Commission's attention and for her research into the matter.

Mayor Bartman reported that on June 3rd, over 100 residents attended the dedication of the "green roof", now officially named the Peter and Louise Wege Plaza after resident Peter Wege's parents. She also reported that Peter Wege had received the "Supporter of the Arts" award from the Festival organization over the weekend.

2004-176. The minutes of the regular meeting held May 17, 2004 were received as submitted.

2004-177. Barbour-Baxter. That payroll disbursements in the amount of \$165,957.31, county and school disbursements in the amount of \$-0-, and total remaining disbursements in the amount of \$336,388.15, as reviewed by the Finance Committee be approved.

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

2004-178. Consider request to adopt a resolution approving a new Class C liquor license for Big Bob's Pizza.

2004-178-A. Barbour-Shimko. That the request of Big Bob's Pizza & Italian Café for a Class C Liquor License be taken from the table for consideration.

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

City Manager Donovan reviewed the application materials and the additional information submitted by Mr. and Mrs. Wilson regarding their application.

2004-178-B. Barbour-Horn. That a resolution approving the application of Big Bob's Pizza & Italian Café for a Class C Liquor License be adopted as set forth in Exhibit "B" attached hereto.

Commissioner Barbour thanked Steve and Tricia Wilson for addressing the questions raised at the last meeting concerning their plans for the restaurant and voiced his support for the liquor license application.

Mayor Bartman expressed her support for the application and welcomed Big Bob's Pizza to East Grand Rapids as terrific new addition to the business district.

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

2004-179. A zoning variance hearing was held regarding the request of Scott & Natalie Bernecker of 2836 Lake Drive to allow the installation of a 6'-0" aluminum fence along the property line instead of the required 15'-0" setback.

Scott and Natalie Bernecker, 2836 Lake Drive, were present to introduce and answer questions about the variance request.

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

- John Schneider, 2856 Lake Drive Opposed because of sight distance concerns with cars turning in the intersection of Hall and Lake Drive.

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

- Mary Davis, 2740 Lake Drive Opposed.
- John & Pat Bergstrom, 2816 Hall No opposition.

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

2004-179-A. Lawless-Barbour. That the request of Scott & Natalie Bernecker of 2836 Lake Drive to allow the installation of a 6'-0" aluminum fence along the property line instead of the required 15'-0" setback be approved.

Commissioner Baxter sympathized with the applicants regarding the traffic volumes on Lake Drive, but spoke against the granting of the variance request because of the detriment to the aesthetics of the neighborhood.

Commissioner Lawless agreed it could be difficult to provide privacy and safety for children on a corner lot, but felt this could be achieved with a shorter fence without the "walled-in" look of the requested taller fence along the front yard. He stated the applicant could fence the rear yard without a variance from the City Commission, but he could not support a fence along the property line in the front yard. Commissioner Barbour echoed these same sentiments.

Yeas: -0-

Nays: Barbour, Baxter, Horn, Lawless, Mulhall, Shimko and Bartman – 7

2004-180. A zoning variance hearing was held regarding the request of Marcus Carvalho of 2466 Lake Drive to allow the installation of a 6'-0" fence 6'-0" from the street right-of-way instead of the required 15'-0."

Marcus and Rose Carvalho, 2466 Lake Drive, were present to introduce and answer questions about the variance request.

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

- | | |
|------------------------------------|---|
| - Catherine Frerichs, 964 Kenesaw | Opposed because of appearance of such a long stretch of fencing along the street. Felt a lower fence would keep out pedestrians without detracting from neighborhood. |
| - Evan Rossio, 2501 Lake Drive | In Favor. |
| - Freddie Macintosh, 1000 Kenesaw | Opposed because of aesthetics. |
| - Suzanne House, 2433 Santa Monica | Opposed because of unsightly appearance. |
| - Carl Reid, 519 Edgemere | Realtor for applicants. Explained measurements and spoke in support of variance. |

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

- | | |
|--|-----------|
| - Ann & Paul Rutowski, 2470 Lake Drive | In Favor. |
|--|-----------|

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

2004-180-A. Barbour-Lawless. That the request of Marcus Carvalho of 2466 Lake Drive to allow the installation of a 6'-0" fence 6'-0" from the street right-of-way instead of the required 15'-0" be approved.

Commissioner Mulhall expressed sympathy with the applicants for the privacy issues associated with corner lots, but felt a shorter fence with appropriate landscaping would solve the privacy issues while preserving the character of the surrounding neighborhood.

Commissioner Lawless congratulated the applicants for their many improvements to this property and stated his feeling the privacy issue could be solved with a shorter fence with trees along the fence line.

Commissioner Baxter also stated his opposition to such a massive length of privacy fence along the roadway.

Yeas: -0-

Nays: Barbour, Baxter, Horn, Lawless, Mulhall, Shimko and Bartman – 7

2004-181. A Public Hearing on the special assessment roll of delinquent accounts for placement on the July 1, 2004 tax roll. No public comment was received.

2004-181-A. Shimko-Baxter. That the special assessment roll of delinquent accounts totaling \$41,160.70 be certified and that these accounts be placed on the July 1, 2004 tax roll.

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

2004-182. A public hearing was held pertaining to the General Fund budget and the property tax levy for Fiscal Year 2004-2005. No public comment was received.

2004-183. Public Hearing and Final Reading of an ordinance amendment to Section 5.26 of Chapter 50 of Title V of the City Code pertaining to height exceptions in the zoning ordinance.

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

City Attorney Huff reported the Planning Commission had reviewed this ordinance amendment at their meeting on May 11, 2004 and recommended approval by the City Commission.

2004-183-A. Mulhall-Barbour. That an ordinance amendment to Section 5.26 of Chapter 50 of Title V of the City Code pertaining to height exceptions in the zoning ordinance be adopted as set forth in Exhibit "A" attached hereto.

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

2004-184. The schedule of meeting dates for FY 2004-05 was received as information.

2004-185. Barbour-Shimko. Motion to add to the agenda a request to approve a collective bargaining agreement with the Police Officers Labor Council. A roll call vote was taken.

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

2004-186. Consider request to approve a contract with the PSO Unit of the Police Officers Labor Council.

City Manager Donovan outlined the major points of the new agreement between the PSO Union and the City of East Grand Rapids.

2004-186-A. Mulhall-Horn. That a collective bargaining agreement with the PSO Unit of the Police Officers Labor Council effective July 1, 2003 through June 30, 2006 be approved as outlined.

Commissioner Lawless congratulated the city and union representatives for the successful negotiations and thanked both parties for working so well together to create a mutually beneficial working agreement.

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

2004-187. The meeting adjourned at 8:37 p.m. subject to the call of the Mayor until June 21, 2004.

Karen K. Brower, City Clerk

Attachments: A – Resolution approving a Class C liquor license for Big Bob's Pizza & Italian Cafe.
B – Ordinance amendment to Section 5.26 of Title V pertaining to height exceptions

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Special Meeting Held June 7, 2004

The meeting was called to order by Mayor Bartman at 8:38 p.m. in the City Commission Chambers at City Hall.

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

Absent: None

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

2004-188. Consider request to adopt a resolution adopting the FY 2004-05 budget and setting a millage rate for FY 2004-05.

2004-188-A. Barbour-Baxter. That a resolution adopting the FY 2004-05 as amended during the budget worksession and setting millage rate for FY 2004-05 be adopted as set forth in Exhibit "A" attached hereto

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

Nays: -0-

2004-189. Consider request to adopt a resolution establishing water/sewer rates for FY 2004-05.

2004-189-A. Shimko-Baxter. That a resolution setting water/sewer rates for the upcoming fiscal year be adopted as set forth in Exhibit "B" attached hereto

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

Nays: -0-

2004-190. The special meeting was adjourned at 8:39 p.m.

Karen K. Brower, City Clerk

Attachments: A - Resolution adopting FY 2004-05 budget.
B – Resolution establishing water/sewer rates for FY 2004-05.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held June 21, 2004

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, Baxter, Lawless, Mulhall, Shimko and Mayor Bartman

Absent: Commissioner Horn

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

2004-191. Mayor Bartman advised of the following communications received at City Hall:

- A. Letter from Thomas and JJ Scott of 539 Greenwood concerning several aspects of the proposed Jade Pig development at the Jacobson's/Ramona Medical site.
- B. Email from Richard Russo regarding city operations and employee job duties.

2004-192. No public comment was received.

2004-193. Commissioner Mulhall thanked the citizens of East Grand Rapids for the great 46% turnout in the election on June 14th and congratulated fellow commissioners and staff on the successful millage campaign.

Commissioner Lawless thanked all citizens who voted in the recent election and congratulated the community on supporting the bond proposal.

Mayor Bartman reported on the ribbon cutting ceremony at the new Rapid Central Station bus terminal of the Interurban Transit Partnership on June 14th.

2004-194. The minutes of the regular and special meetings held June 7, 2004 were received as submitted.

2004-195. Barbour-Lawless. That payroll disbursements in the amount of \$150,343.37, county and school disbursements in the amount of \$-0-, and total remaining disbursements in the amount of \$203,885.52, as reviewed by the Finance Committee be approved.

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

Nays: -0-

2004-196. A zoning variance hearing was held regarding the request of Linda Page of 2841 Oakwood to allow the construction of a detached garage with an average height of 15'-6" instead of the allowable 12'-0."

Linda Page, 2841 Oakwood, were present to introduce and answer questions about the variance request.

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

- Bruce & Kim Nicola, 2832 Oakwood No objections.
- Dean & Kathy Agee, 2804 Oakwood Support.

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

2004-196-A. Shimko-Baxter. That the request of Linda Page of 2841 Oakwood to allow the construction of a detached garage with an average height of 15'-0" instead of the allowable 12'-0" be approved.

Commissioner Mulhall noted that the design of the garage matched the architecture of the home and therefore the additional height was appropriate in this case.

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

2004-197. Dawn Lewis, Pamela VanderPloeg and Shirley Bruursema of the Kent District Library presented information concerning the millage proposal scheduled for August 3, 2004 and answered questions from the City Commission.

2004-198. Consider request to approve appointments to advisory boards.

2004-198-A. Shimko-Mulhall. That Jeff Dills of 2034 Hall Street be reappointed to the Planning Commission for a three-year term beginning July 1, 2004.

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

2004-199. Consider request to adopt a resolution authorizing the sale of bonds for the Community Center renovations.

2004-199-A. Baxter-Shimko. That a resolution authorizing the sale of bonds for renovations to the Community Center be adopted as set forth in Exhibit "A" attached hereto.

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

2004-200. Consider request to adopt a resolution terminating the cable and telecommunications consent agreements with Everest Communications.

2004-200-A. Lawless-Baxter. That a resolution revoking the cable and telecommunications consent agreements previously approved with Everest Communications be adopted as set forth in Exhibit "B" attached hereto.

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

2004-201. Consider request to award a contract for the development of the new consumer directed health plan for City employees.

2004-201-A. Barbour-Shimko. That a contract be awarded to Kushner Consulting in an amount not-to-exceed \$21,500 for the development of a consumer directed health plan for city employees.

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

2004-202. Consider request to approve an extension of the engineering fees contract for the Reeds Lake Trail.

2004-202-A. Shimko-Barbour. That an extension of the contract with Moore & Bruggink in the amount of \$8,500 for costs involved in the design of the Reeds Lake Trail be approved.

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

2004-203. Consider request to approve an extension of the traffic and parking impact study for the Gaslight Village redevelopment project.

2004-203-A. Barbour-Shimko. That a contract extension in the amount of \$7,100.00 to the contract with URS Corporation for additional traffic engineering services relating to the Jade Pig Gaslight Village Redevelopment Proposal be approved.

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

2004-204. Consider request to approve the purchase of a copier for the upper level of City Hall.

2004-204-A. Barbour-Lawless. That the purchase of a new copier from Albin Business Services in the amount of \$8,957.00 be approved as requested.

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

2004-205. Consider request to approve a budget amendment for the Health Care Fund.

2004-205-A. Lawless-Shimko. That a budget amendment be approved in the amount of \$135,000 for the Health Care Fund with transfers of the following amounts to the Health Care Fund: \$67,700 from the General Fund, \$15,800 from the Major Street Fund, \$15,900 from the Local Street Fund, \$23,200 from the Water/Sewer Fund, and \$12,400 from the MERF Fund.

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

2004-206. Consider request to approve a budget amendment for expenses relating to the Community Center proposals

2004-206-A. Lawless-Shimko. That a budget amendment be approved in the amount of \$30,000 from the Municipal Complex Reserve Fund Balance to the General Fund for expenses relating to the Library/Municipal Complex project.

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

2004-207. The preliminary minutes of the Library Commission meetings held February 23, 2004 and March 22, 2004 were received.

2004-208. The preliminary minutes of the Planning Commission meeting held May 11, 2004 were received.

Commissioner Barbour provided a detailed report on several aspects of the Planning Commission's discussions about the Jade Pig development and answered questions from the City Commissioners on the project and the timeline for presentation to the City Commission.

2004-209. The preliminary minutes of the Joint Facilities Committee meeting held May 26, 2004 were received.

2004-210. The Public Safety Department Report for the month of April 2004 was received.

2004-211. Lawless-Mulhall. Motion to add to the agenda an executive session to discuss a collective bargaining agreement in accordance with Section 8(c) of the Open Meetings Act, and to add a request to approve a collective bargaining agreement. A roll call vote was taken.

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

2004-212. Lawless-Barbour. 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, Baxter, Lawless, Mulhall, Shimko and Bartman – 6

Nays: -0-

2004-213. The meeting adjourned at 8:45 p.m. to conduct the executive session. The meeting resumed at 9:17 p.m.

2004-214. Consider request to approve a collective bargaining agreement with AFSCME Local 1645, the Streets & Utilities employee union.

2004-214-A. Barbour-Shimko. That a collective bargaining agreement with AFSCME Local 1645 effective July 1, 2004 through June 30, 2007 be approved.

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

Nays: -0-

2004-215. The meeting adjourned at 9:19 p.m. subject to the call of the Mayor until July 6, 2004.

Karen K. Brower, City Clerk

Attachments: A – Resolution authorizing the sale of bonds for the Community Center renovations.
B – Resolution terminating the Everest Communications Cable Consent Agreement

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held July 6, 2004

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, Baxter, Horn, Lawless, Mulhall and Mayor Bartman

Absent: Commissioner Shimko

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

2004-216. Mayor Bartman advised of the following communications received at City Hall:

C. Letter from Jim Pitch of the Burn Survivor Group thanking the Public Safety Department for their assistance with a recent event.

2004-217. Mayor Bartman noted the 10-year anniversary of the traffic accident that claimed the life of Public Safety Officer Bruce VanPopering. A moment of silence was observed in memory of Officer VanPopering and in appreciation of the dedication of all public safety personnel.

2004-218. Steven Balkema of Boy Scout Troop 271 was present to observe the City Commission's meeting.

2004-219. Commissioners Barbour and Mulhall commended the Parks & Recreation Department staff for their organization of the 4th of July activities.

Parks & Recreation Director Bunn noted that several course records were broken in the recent Standard Federal Bank Reeds Lake Run and thanked the bank for their sponsorship and support in hosting the event.

Commissioner Lawless reported the Interurban Transit Partnership was in the process of completing a mass transit corridor study to determine which routes were in need of additional means of public transportation.

Mayor Bartman recognized the members of the Parks & Recreation Department for their outstanding work on three recent special events: the Reeds Lake Art Fair, the Standard Federal Bank Reeds Lake Run, and the 4th of July Celebration. She also expressed her sympathy to Assistant Parks & Recreation Director Perry on the recent death of her mother.

Mayor Bartman announced there would be a Public Forum on the Gaslight Redevelopment proposal on Thursday, July 8, 2004 at the Performing Arts Center to allow residents another opportunity to express their viewpoints about this proposal.

City Manager Donovan reported the bonds for the renovation of the Community Center would be sold on July 8, 2004.

2004-213. Baxter-Lawless. Motion to add to the agenda a request to adopt a resolution of support for the Kent District Library millage and a request to introduce an ordinance amendment repealing Section 5.185 of the City Code. A roll call vote was taken.

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

Nays: -0-

2004-220. The minutes of the regular meeting held June 21, 2004 were received as submitted.

2004-221. Lawless-Baxter. That payroll disbursements in the amount of \$166,892.34, county and school disbursements in the amount of \$-0-, and total remaining disbursements in the amount of \$353,559.23, as reviewed by the Finance Committee be approved.

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

2004-222. Mayor Bartman officially recognized the members of the Community Center Concept team and the Citizens for the EGR Community Center Committee for their dedication and commitment to the renovation and expansion proposals for the Community Center Complex. Special appreciation was extended to Steve Edison and to Kathleen Underwood for their leadership roles in the Concept Team and the Campaign Committee. Personalized hardhats and proclamations were given to everyone for their hard work. Steve Edison presented Mayor Bartman with a safety vest labeled "Project Manager" to thank her for the many hours of time and the extraordinary effort made to this project.

2004-223. Mayor Bartman announced the variance request of Scott & Natalie Bernecker of 2836 Lake Drive had been withdrawn by the applicants pending possible further changes to the request.

2004-224. Consider request to approve the division of a lot located at 500 Rosewood.

Dom Federico of 541 Cambridge was present to explain the request and answer questions concerning this issue.

2004-224-A. Baxter-Mulhall. That the division of the lot located at 500 Rosewood to deed a section of land approximately 3'-0" x 112'-4" from this lot to 541 Cambridge 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, Baxter, Horn, Lawless, Mulhall and Bartman – 6
Nays: -0-

2004-225. Consider request to elect a president for FY 2004-05.

2004-225-A. Lawless-Baxter. That Commissioner Shimko be elected President of the East Grand Rapids City Commission to assume leadership duties in the absence of the Mayor for FY 2004-05.

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

2004-226. Consider request to adopt changes to the fee schedule for City Departments.

2004-226-A. Barbour- Baxter. That the fee schedule recommended by the Finance Committee be adopted with changes made effective July 1, 2004.

City Attorney Huff will prepare ordinance amendments for those fees which are established by the City Code.

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

2004-227. Consider request to award a contract for improvements to the boat launch at Collins Park.

Commissioner Lawless asked staff to investigate the possibilities of placing the skid pier in the center of the ramp with space for one trailer on either side of the pier and to return to the City Commission prior to construction if additional funding was required to facilitate this.

2004-227-A. Lawless-Mulhall. That a contract in the amount of \$9,600.00 be awarded to Quantum Construction for the relocation of the skid pier and the widening of the boat launch ramp at Collins Park.

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

2004-228. Consider request to approve appointments to advisory boards for FY 2004-05.

Mayor Bartman asked that reappointments to the Traffic Commission also be approved.

2004-228-A. Barbour-Baxter. Motion to approve the following appointments to advisory boards for effective July 1, 2004:

Planning Commission	Connie O'Toole, 836 Plymouth	Three-year term ending 6/30/07
Parks & Recreation Comm.	Judith Baxter, 3060 Hall Dirk Buth, 1900 San Lu Rae Joe Camp, 2022 Coronado Terry McCarthy, 961 San Jose Joanie Snyder, 2627 Beechwood Barney Turner, 2330 Argentina Todd Wolffis, 2630 Hampshire Randall Versen, 1146 San Jose	One-year terms ending 6/30/05
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 Craig Wilson, 920 Cambridge	One-year terms ending 6/30/05
Board of Review	Patsy Dodgson, 1045 Conlon Sam Helmrick, 984 Gladstone Paul Howland, 2809 Woodcliff Circle Carl Reid, 519 Edgemere	One-year terms ending 6/30/05
Traffic Commission	Janyce Huff, 2310 Anderson Bob Saltsman, 2905 Reeds Lake Blvd Todd Avis, 532 Gladstone Camille Donnelly, 854 Lakeside James Sears, 2220 Burchard Andrew Leopold, 1016 Santa Cruz	One-year terms ending 6/30/05

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

2004-229. Consider request to adopt a resolution supporting the Kent District Library's Operating Millage request scheduled for August 3, 2004.

2004-229-A. Baxter-Mulhall. That a resolution supporting the August 3, 2004 millage request of the Kent District Library be adopted as set forth in Exhibit "A" attached hereto.

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

2004-230. Consider request to introduce an ordinance amendment to repeal Section 5.185 of Chapter 50 of Title V of the City Code regarding zoning ordinance protest petitions.

2004-230-A. Lawless-Barbour. That an ordinance amendment repealing Section 5.185 of Chapter 50 of Title V of the City Code regarding zoning ordinance protest petitions be introduced as set forth in Exhibit "B" attached hereto and sent to the Planning Commission for their review and recommendation.

Commissioner Lawless noted that this section of the ordinance was preempted by State law and should be repealed. He also stated the State law is clearer with regard to the property owners which could have standing to protest zoning decisions. He asked that the final version of the ordinance amendment refer to the State law.

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

2004-231. The meeting adjourned at 8:14 p.m. subject to the call of the Mayor until July 19, 2004.

Karen K. Brower, City Clerk

Attachments: A – Resolution supporting the Kent District Library millage request.
B – Ordinance amendment to Section 5.185 regarding zoning protest petitions

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 19, 2004

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 and Mayor Bartman

Absent: Commissioner Baxter

Also Present: City Attorney Huff; Assistant City Attorney Wood; Finance Director VanderWall; City Services Director Feldt; Public Safety Director Gallagher; Building Inspector Conley; City Clerk Brower

2004-232. No public comment was received.

2004-233. Commissioner Shimko noted that Deputy Chief Mark Herald had been featured in several advertisements for Calvin College and commended him for working with the college on these ads.

2004-234. The minutes of the regular meeting held July 6, 2004 were received as submitted.

2004-235. Lawless-Barbour. That payroll disbursements in the amount of \$334,155.83, county and school disbursements in the amount of \$2,875.49, and total remaining disbursements in the amount of \$277,582.26, as reviewed by the Finance Committee be approved.

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

Nays: -0-

2004-236. John Green and Gary Milligan of the Kent County Wildlife Park campaign presented information regarding the August 3rd ballot proposal and answered questions from the City Commission.

2004-237. A zoning variance hearing was held regarding the request of Scott Brundage of 835 Plymouth to allow the construction of an addition to the home creating a rear yard setback of 16'-0" instead of the required 25'-0."

Mike Bouwman, contractor for the applicants, was present to introduce and answer questions about the variance request.

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

- Mark Murray, 801 Plymouth	No objection.
- John Green, 1734 Pontiac	In Favor.
- Petition signed by 21 residents	No objection.

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

2004-237-A. Shimko-Horn. That the request of to allow the construction of an addition to the home creating a rear yard setback of 16'-0" instead of the required 25'-0" be approved.

Commissioner Lawless expressed his support for the variance request because of the exceptionally large lot and the placement of the home on the lot.

Commissioner Mulhall also supported the variance because he favored returning the back yard to a natural state and placing the driveway in the front yard.

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

Nays: -0-

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

- | | |
|---|----------|
| - Jim & Claire Zevalkink, 2900 Pioneer Club | Opposed. |
| - Mary & Steve Schwarts, 2863 Pioneer Club | Opposed. |
| - Vincent & Nancy Turcotte, 2860 Pioneer Club | Opposed. |

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

2004-240-A. Barbour-Lawless. That the request of Mr. and Mrs. Steven Tazelaar of 2864 Pioneer Club to allow the construction of an addition to the home creating a front yard setback of 40'-0" instead of the required 63'-0" and a side yard setback of 4'-0" instead of the 5'-0" required be approved.

Commissioner Barbour expressed his concern about the size of the structure and the proximity to the street and neighboring properties. Commissioners Lawless and Mulhall also stated their feelings that this addition would be detrimental to the surrounding properties.

Yeas: -0-

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

2004-241. Warren Creamer of Robert W. Baird was present to report on the sale of bonds for the renovation and expansion of the Community Center complex. He commended the City staff and City officials for maintaining the AA+ bond rating and the number of bids received for the sale.

Mayor Bartman thanked Finance Director VanderWall and City Manager Donovan for their work on the bond sale and their attention to detail during the yearly budgeting process.

2004-242. The preliminary minutes of the Planning Commission meetings held June 8, 2004 and June 29, 2004 were received.

2004-243. The Public Safety Department Report for the month of May 2004 was received.

2004-244. The meeting adjourned at 8:27 p.m. subject to the call of the Mayor until August 2, 2004.

Karen K. Brower, City Clerk

- 2004-251. A zoning variance hearing was held regarding the request of Michael DeSmyter of 1042 San Jose to allow the construction of a covered front porch creating a front yard setback of 29'-0" instead of the required 30'-0."

Michael DeSmyter, 1042 San Jose, was present to introduce and answer questions about the variance request.

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

- | | |
|---|---------------|
| - Scott & Elisabeth Loos, 1043 San Jose | No objection. |
| - Dale & Linda Grogan, 1022 San Jose | In Favor. |

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

- 2004-251-A. Horn-Baxter. That the request of Michael DeSmyter of 1042 San Jose to allow the construction of a covered front porch creating a front yard setback of 29'-0" instead of the required 30'-0" be approved.

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

- 2004-252. A zoning variance hearing was held regarding the request of George Lessens of 836 Pinecrest to allow the construction of an 8'-0" privacy fence instead of the allowable 6'-0."

George Lessens, 836 Pinecrest, was present to introduce and answer questions about the variance request. He noted that a similar fence had been approved on Pinecrest within the last year.

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

- | | |
|--------------------------------|--|
| - Scott Kautzman, 2113 Wealthy | Questioned whether other 8' fences had been allowed. |
|--------------------------------|--|

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

- 2004-252-A. Baxter-Horn. That the request of George Lessens of 836 Pinecrest to allow the construction of an 8'-0" privacy fence instead of the allowable 6'-0" be approved with the condition that the top 24" of the fence be constructed of a lattice/weave material.

Commissioner Mulahl expressed his opposition to privacy fences taller than allowed by ordinance.

Commissioner Baxter spoke in support of the request because neighborhood children used the vacant lot behind the applicant as a playground.

Mayor Bartman also supported the request due to the uniqueness of the situation involving the adjacent lot being vacant.

Yeas: Baxter, Horn, Shimko and Bartman – 4
Nays: Mulhall – 1

- 2004-253. Presentation of Gaslight Redevelopment Planned Unit Development proposal and report of the Planning Commission.

Scott Wierda of Jade Pig Ventures addressed the City Commission and thanked them for the opportunity to present this planned unit development proposal. He reviewed the recommendation given by the Planning Commission, the traffic and utility studies, and the anticipated benefits of the development on the business district and surrounding neighborhoods.

Eric Rowland, architect for Jade Pig Ventures, gave a presentation showing elevations, artist renderings and other projects similar in design. He emphasized the central plaza on Wealthy Street that would be a focal point of the development and a community gathering place. Although the Wealthy frontage would be primarily two large buildings, the facades will be constructed to resemble several small shops matching other portions of Gaslight Village. Mr. Rowland reviewed the plans for the condominium buildings, including the sloped roofs, varying front setbacks, and stepped-back upper floors that will be used to make the project visually appealing. He also presented animation showing the nine-story building as seen by a vehicle driving down Lakeside Drive.

William Graham, Planning Commission Chairman, gave a summary of the items reviewed by the Planning Commission during their discussions on this projects, which are contained in the "Findings of Fact" document given to the City Commission. He reported public comment had been very favorable of the mixed-use of office and retail along Wealthy Street; however, many residents are concerned about the height of the proposed condominium buildings.

Mayor Bartman thanked the members of the Planning Commission for their work on this important project and the members of the community who had taken the time to speak or write to the City about this issue. She requested that a subcommittee be formed to review the proposal over the next several weeks and make a report to the full Commission in early September. She suggested scheduling a special public hearing following the subcommittee's report just to receive input on this issue.

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

- Meg Sorenson, 630 Cambridge Referred to the Master Plan sections addressing the residential character of the city. She noted that variance requests were considered that consisted of 1' and 2' increments, and requested the City Commission go to this amount of detail in looking at this request.
- Scott Kautzman, 2113 Wealthy Asked the City Commission to adhere to the wishes of the majority of their constituents.
- Thor Sorenson, 630 Cambridge Asked the City to place information from the opposition groups on their website.

2004-254. Consider request to appoint a subcommittee to review the Gaslight Redevelopment Planned Unit Development proposal.

2004-254-A. Shimko-Baxter. That a subcommittee of Commissioners Lawless and Horn and Mayor Bartman be appointed to review the Gaslight Redevelopment P.U.D. and make a report to the City Commission.

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

2004-255. Introduction of an ordinance amendment to Section 7.32 of Chapter 72 of Title VII of the City Code pertaining to license fees.

2004-255-A. Baxter-Mulhall. That an ordinance amendment to Section 7.32 of Chapter 72 of Title VII of the City Code pertaining to license fees be introduced as set forth in Exhibit "A" attached hereto.

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

2004-256. Introduction of an ordinance amendment to Section 7.52 of Chapter 74 of Title VII of the City Code pertaining to application fees for liquor licenses.

2004-256-A. Baxter-Horn. That an ordinance amendment to Section 7.52 of Chapter 74 of Title VII of the City Code pertaining to application fees for liquor licenses be introduced as set forth in Exhibit "B" attached hereto.

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

Nays: -0-

2004-257. The meeting adjourned at 8:40 p.m. subject to the call of the Mayor until August 16, 2004.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section 7.32 regarding licensing fees
B – Ordinance amendment to Section 7.52 regarding liquor license application fees

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held August 16, 2004

Mayor Bartman called the meeting to order at 7:30 p.m. in the City Commission Chambers at City Hall. Cub Scout Pack 3300 from Lakeside Elementary led the audience in the Pledge of Allegiance. Troop members in attendance were Troy Gotch, Keagan Mead, Taylor Mead, Isaac Petiet, Jack Petiet, Carl Powsner, Paul Ross, Kenton Rossi, Michael Turnbull, Ryan Turnbull, and Troop Leaders Shawn Gotch, Ethan Powsner, Al Rossi and Karl Mead.

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

Absent: Commissioner Barbour

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

2004-258. Mayor Bartman advised of the following communications received at City Hall:

- C. Email from Terri Murphy of the Michigan Municipal League requesting donations for the MML's annual silent auction.
- D. Emails from Penny Bennett and David Bennett of 662 Manhattan opposing the plans to widen the boat launch at Collins Park.

2004-259. Jim Sukenik, 2946 Pioneer Club, spoke against plans to widen the end of the boat ramp to allow launching two boats simultaneously because he felt there were already too many boats using Reeds Lake.

Scott Kautzmann, 2113 Wealthy, delivered three letters from residents regarding the Gaslight Redevelopment proposal and the ordinance amendment to Section 5.185 regarding protest petitions.

2004-260. Mayor Bartman welcomed Studs Up, a new soccer/lacrosse store to Gaslight Village and wished them well in their new business venture.

2004-261. The minutes of the regular meeting held August 2, 2004 were received as submitted.

2004-262. Lawless-Baxter. That payroll disbursements in the amount of \$165,917.70, county and school disbursements in the amount of \$3,302,293.40, and total remaining disbursements in the amount of \$646,880.51, as reviewed by the Finance Committee be approved.

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

Nays: -0-

2004-263. Consider request to appoint a representative to the annual Michigan Municipal League Conference.

2004-263-A. Shimko-Baxter. That City Manager Brian Donovan be appointed as the official representative to the Michigan Municipal League conference in September 2004.

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

Nays: -0-

2004-264. Final Reading of an ordinance amendment to Section 7.32 of Chapter 72 of Title VII of the City Code pertaining to license fees.

2004-264-A. Shimko-Baxter. That an ordinance amendment to Section 7.32 of Chapter 72 of Title VII of the City Code pertaining to license fees be adopted as set forth in Exhibit "A" attached hereto.

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

2004-265. Final Reading of an ordinance amendment to Section 7.52 of Chapter 74 of Title VII of the City Code pertaining to application fees for liquor licenses.

2004-265-A. Lawless-Horn. That an ordinance amendment to Section 7.52 of Chapter 74 of Title VII of the City Code pertaining to application fees for liquor licenses be adopted as set forth in Exhibit “B” attached hereto.

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

2004-266. Public Hearing and Final Reading of an ordinance amendment to Section 5.185 of Chapter 50 of Title V of the City Code pertaining to zoning protest petitions.

City Attorney Huff reviewed the provisions of this section and its conflict with MCLA 125.584(5). He noted that the City Commission had introduced this ordinance amendment on July 6th totally repealing the City’s ordinance and deferring to the provisions of State law. The Planning Commission reviewed the ordinance on August 10, 2004, and recommended repealing the majority of the City’s ordinance with the exception of the $\frac{3}{4}$ super majority commission vote required when protest petitions are filed.

The following people were present to express their opinions concerning this ordinance amendment:

- Art Spaulding, Rhoads McKee Representing owners of Lakewood Hills Apartments who support the recommendation of the Planning Commission to keep the $\frac{3}{4}$ super majority vote provisions. He noted that protest petitions had already been filed with the City Clerk.
- Penny Bennett, 662 Manhattan Supported the $\frac{3}{4}$ majority requirement. She stated that if three-fourths of the City Commission could not support a project, the project should not happen.
- Scott Kautzmann, 2113 Wealthy Questioned whether the City had to chose the 2/3 or 3/4 majority or if the State law defaulted to one or the other.
- Meg Sorensen, 630 Cambridge Questioned the role of the appointed Planning Commissioners versus the elected City Commissioners in these ordinance amendments.
- Jorgen Sorensen, 630 Cambridge Spoke against amending the ordinance when there was a pending development proposal that this section would apply to.
- Jim Sukenik, 2946 Pioneer Club Disappointed by one-sided support given to the developer by the City Commission regarding the development proposal and the amount of taxpayer funding spent dealing with this issue. Stated the ordinance had existed for decades with the $\frac{3}{4}$ majority, and asked that this be upheld to insure the integrity of the City Commission’s ultimate decision.
- Don Markham, 606 Lovett Supported the repeal of ambiguous language, but favored retaining the $\frac{3}{4}$ majority provision of the City code.

The following communications were received at City Hall concerning this proposed amendment:

- Hunter Meriwether, 526 Lovett Opposed to reducing the majority requirement to 2/3.
- Valerie Kautzmann, 2113 Wealthy Supported the $\frac{3}{4}$ majority requirement in the current code.
- Pete Keener, 550 Greenwood Supported the $\frac{3}{4}$ majority requirement.
- Sara Saenz, 2094 Wealthy Supported the $\frac{3}{4}$ majority requirement.

- Janette Kутten, 2094 Wealthy Supported the $\frac{3}{4}$ majority requirement.
- Harry Kутten, 2094 Wealthy Supported the $\frac{3}{4}$ majority requirement.

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

2004-266-A. Mulhall-Baxter. That an ordinance amendment to Section 5.185 of Chapter 50 of Title V of the City Code pertaining to zoning protest petitions be adopted as recommended by the Planning Commission with the super majority requirement of $\frac{3}{4}$ of the City Commission.

Commissioner Baxter spoke in favor of the $\frac{3}{4}$ majority requirement because he felt relaxing the standard to $\frac{2}{3}$ would be changing the ordinance to facilitate the proposed development project.

Commissioner Lawless and Mayor Bartman supported the reduction from $\frac{3}{4}$ to $\frac{2}{3}$ majority because it would mirror the other super majority provisions contained in the City Code while still requiring a larger majority than other votes. Mayor Bartman also noted a $\frac{3}{4}$ majority requirement may limit the referendum power of a majority of city residents.

Commissioner Horn also supported the change to the $\frac{2}{3}$ majority because member absences or illnesses would make it impossible to conduct business at certain times if three-quarters of the commission were required to agree on these issues. Commissioner Shimko was also comfortable with the $\frac{2}{3}$ majority requirement.

Yeas: Baxter and Mulhall – 2
Nays: Horn, Lawless, Shimko and Bartman – 4

2004-266-B. Lawless-Shimko. That an ordinance amendment to Section 5.185 of Chapter 50 of Title V of the City Code pertaining to zoning protest petitions be adopted as originally introduced by the City Commission repealing the entire ordinance and deferring to State law—including the $\frac{2}{3}$ super majority contained in State law—as set forth in Exhibit “C” attached hereto.

Yeas: Horn, Lawless, Shimko and Bartman – 4
Nays: Baxter and Mulhall – 2

2004-267. Consider request to approve a collective bargaining agreement with the POLC Command Union.

2004-267-A. Lawless-Mulhall. That a collective bargaining agreement with the Police Officers Labor Council – Command Unit be approved as outlined by the City Manager.

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

Commissioner Lawless expressed appreciation to the members of both negotiating teams involved in the drafting of this new agreement.

2004-268. Consider request to approve an agreement with Consumers Power regarding utility lines for the Gaslight Village streetscape project.

2004-268-A. Shimko-Horn. That an agreement with Consumers Power in the amount of \$403,017.00 for the relocation of overhead utility lines in Gaslight Village, with a down payment of \$40,302.00 for preliminary engineering work, be approved as requested.

City Manager Donovan noted that the engineering and design work associated with this contract would be used at the point the streetscape work was commenced, so that if construction were delayed a number of years, the design would still be relevant at whatever time they were needed.

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

2004-269. Consider request to approve the purchase of equipment for grounds maintenance operations.

2004-269-A. Shimko-Baxter. That the purchase of grounds maintenance equipment in the amount of \$20,332.10 from Weingartz Golf & Turf be approved as requested.

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

Nays: -0-

2004-270. The preliminary minutes of the Traffic Commission meeting held July 6, 2004 were received. No action was taken on the Traffic Commission's motion to remove a "no parking" sign on Laurel.

2004-271. The preliminary minutes of the Parks & Recreation Commission meeting held June 14, 2004.

Commissioner Shimko requested that City staff clean the gravel from the bike path near the City Services building, and asked if some type of public education could be started regarding bicyclists and opening of car doors.

2004-272. The preliminary minutes of the Planning Commission meeting held July 13, 2004 were received.

2004-273. The Public Safety Department Report for the month of June 2004 was received.

2004-274. The City Services Department Reports for the months of April 2004 and May 2004 were received.

2004-275. Lawless-Horn. Motion to enter into an executive session to discuss a personnel evaluation in accordance with Section 8(a) of the Open Meetings Act. A roll call vote was taken.

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

Nays: -0-

2004-276. Mayor Bartman allowed additional public comment at the close of the meeting:

- Jorgen Sorensen, 630 Cambridge

Asked the City Commission to delay the effective date of he amended Section 5.185 to avoid the appearance of changing the rules to suit the redevelopment project.

- Gordon Jones, 325 Rosewood

Suggested the City provide more notice about upcoming public hearings on the Gaslight Redevelopment proposal. Also asked the subcommittee working on this issue to arrange an accurate demonstration of the 100' height proposal and to require proof from the developer of the extent to which the condominiums will be subsidizing the retail sections of the development, as purported by the developer.

2004-277. The meeting adjourned at 8:33 p.m. subject to the call of the Mayor until September 7, 2004.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section 7.32 regarding licensing fees
B – Ordinance amendment to Section 7.52 regarding liquor license application fees
C – Ordinance amendment to Section 5.185 regarding zoning protest petitions

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held September 7, 2004

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, Baxter, Horn, Lawless, Mulhall, Shimko and Mayor Bartman

Absent: None

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

2004-278. Mayor Bartman advised of the following communications received at City Hall:

- A. Request from Kent County Board of Commissioners for volunteers to serve on various County committees and boards. Anyone interested can call the City Manager's office for an application.
- B. A schedule of public meetings on the Interurban Transit Partnership's public transit study project.

2004-279. No public comment was received.

2004-280. Commissioner Mulhall thanked City Manager Donovan and Finance Director VanderWall for their leadership in fiscal matters relating to the City. He noted that several cities in the area were cutting services and personnel because of the decrease in state and property tax revenues, and expressed appreciation to the East Grand Rapids staff members responsible for careful budgeting and financial controls which have avoided this situation here.

Commissioner Lawless complimented those involved in the construction of the first phase of the Reeds Lake Trail. He also congratulated EGR resident Dr. Frederick "Rob" Deane on being named the "2004 Michigan Senior Citizen of the Year for Leadership" by the Michigan Office of Services to the Aging. Commissioner Lawless also asked City Attorney Huff to review the city ordinances regarding the grade of lots as related to the city's height ordinance.

Mayor Bartman read a thank you note from resident Michael Sytsma thanking the Public Safety Department for their assistance following car trouble. She also announced that Kip VanderHyde had stepped down as President of the East Grand Rapids Enhancement Fund and thanked him for his three years of services leading the fledgling foundation as it organized.

2004-281. The minutes of the regular meeting held August 16, 2004 were received as submitted.

2004-282. Barbour-Baxter. That payroll disbursements in the amount of \$329,920.79, county and school disbursements in the amount of \$5,161,195.42, and total remaining disbursements in the amount of \$443,052.26, as reviewed by the Finance Committee be approved.

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

Nays: -0-

2004-283. A zoning variance hearing was held regarding the request of Mr. & Mrs. Gregry Marshall of 3007 Woodcliff to allow the construction of a covered front/side porch creating a front yard setback of 52'-0" from the center of the street instead of the required 63'-0", and creating a side yard setback of 6'-0" instead of the required 10'-0."

2004-283-A. Barbour-Shimko. That the request of Mr. & Mrs. Gregry Marshall of 3007 Woodcliff to allow the construction of a covered front/side porch be taken from the table for discussion.

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

Nays: -0-

Greg Marshall, 3007 Woodcliff, was present to introduce and answer questions about the variance request. He noted the request had been revised to increase the side yard setback from the original request.

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

- P.K. & Darrell Mason, 3001 Woodcliff Circle In Favor
- Mr. & Mrs. Ferris, 3019 Woodcliff Circle In Favor
- Brad & Amy Lentz, 3004 Woodcliff Circle In Favor

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

2004-283-B. Shimko-Horn. That the request of Mr. & Mrs. Gregry Marshall of 3007 Woodcliff to allow the construction of a covered front/side porch creating a front yard setback of 52'-0" from the center of the street instead of the required 63'-0", and creating a side yard setback of 6'-0" instead of the required 10'-0" be approved.

Commissioner Lawless thanked the applicants for revising their request according to the concerns voiced by the City Commission earlier. He expressed his intent to vote for the revised request based on the shape of the lots in the area and the positioning of the home.

Commissioner Mulhall and Mayor Bartman also thanked the applicants for revising the proposal and expressed their support.

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

2004-284. A zoning variance hearing was held regarding the request of Robert & Jodi Blanchard of 750 San Jose to allow the construction of an attached garage 3'-0" from the side lot line instead of the required 7'-0" and creating a combined side yard setback of 12'-0" instead of the required 18'-0."

Bob Blanchard, 750 San Jose, was present to introduce and answer questions about the variance request.

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

- Robert Bell, 963 San Jose In Favor

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

2004-284-A. Horn-Shimko. That the request of Robert & Jodi Blanchard of 750 San Jose to allow the construction of an attached garage 3'-0" from the side lot line instead of the required 7'-0" and creating a combined side yard setback of 12'-0" instead of the required 18'-0" be approved.

Commissioners asked staff to retrieve information on a variance granted to the property at 746 San Jose within the last few years. The City Commission reviewed the materials for the project on the adjacent parcel where a garage addition was approved at 3'-0" from the property line. Commissioners Barbour, Mulhall, and Lawless expressed concern about the size of the proposed two-story addition at the front of 750 San Jose in such close proximity to the neighboring property.

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

2004-285. A zoning variance hearing was held regarding the request of Marcia Hammerslag of 2073 Coronado to allow the construction of an addition to the rear of the house approximately 6'-0" from the detached garage instead of the required 10'-0."

Mrs. Hammerslag's son was present to introduce and answer questions about the variance request.

2004-288. Consider request to approve an appointment to the Planning Commission.

Mayor Bartman asked that the City Commission also consider appointing Kathleen Underwood, former president of the Friends of the Library, as a member of the Library Commission to fill a vacancy created by a very recent resignation.

2004-288-A. Mulhall-Shimko. That Marnie Masterson of 2138 Heather be appointed to the Planning Commission for the remainder of the term ending June 30, 2005, and Kathleen Underwood of 2637 Hampshire be appointed to the Library Commission for the remainder of a one-year term ending June 30, 2005.

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

2004-289. Introduction of an ordinance amendment to Section 5.31 of Chapter 50 of Title V of the City Code pertaining to hours of operation in the business district.

2004-289-A. Baxter-Shimko. That an ordinance amendment to Section 5.31 of Chapter 50 of Title V of the City Code pertaining to hours of operation in the business district be introduced as set forth in Exhibit "A" attached hereto and referred to the Planning Commission for a review and recommendation.

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

2004-290. Introduction of an ordinance amendment to add Chapter 63 to Title VI of the City Code pertaining to residential blight.

2004-290-A. Baxter-Horn. That an ordinance amendment to add Chapter 63 to Title VI of the City Code pertaining to residential blight be introduced as set forth in Exhibit "B" attached hereto.

Mayor Bartman suggested clarifying the wording of this amendment to specify exceptions to this ordinance. City Attorney Huff will provide revisions at the final reading.

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

2004-291. Introduction of an ordinance amendment to add Section 2.13 to Chapter 21 of Title II of the City Code pertaining to yard waste regulations.

2004-291-A. Baxter-Horn. That an ordinance amendment to add Section 2.13 to Chapter 21 of Title II of the City Code pertaining to yard waste regulations be introduced as set forth in Exhibit "C" attached hereto.

Commissioner Lawless asked for additional information on the projected cost of removing yard waste debris prior to the adoption of this ordinance.

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

2004-292. Consider request to approve the purchase of computers and related equipment for various departments.

2004-292-A. Lawless-Shimko. That the purchase of computers and related equipment and software in the amount of \$14,329.64 be approved as follows: Ocean, Inc. in the amount of \$2,732.00; CDW-G, Inc. in the amount of \$1,028.64; and Remex Corp in the amount of \$10,569.00.

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

2004-293. Consider request to award a contract for improvements to Frederick Drive.

2004-293-A. Shimko-Horn. That a contract be awarded to Lyonnais, Inc. in the amount of \$144,965.83 plus contingencies of \$15,000 for a total price of \$159,965.83 for the reconstruction and paving of Frederick Drive.

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

2004-294. Mayor Bartman announced the Comprehensive Master Plan issue and the architectural services contract had been withdrawn from the agenda pending further review by the Finance Committee.

2004-295. The meeting adjourned at 10:51 p.m. subject to the call of the Mayor until September 20, 2004.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section 5.31 regarding hours of operation in the business district.
B – Ordinance amendment to Section Chapter 63 regarding residential blight.
C – Ordinance amendment to Section 2.13 regarding yard waste 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 20, 2004

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 and Mayor Bartman

Absent: None

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

2004-296. Mayor Bartman advised of the following communications received at City Hall:

C. Mayor Bartman announced the resignation of Third Ward City Commissioner John Baxter effective September 10, 2004 due to health reasons.

2004-297. No public comment was received.

2004-298. Commissioner Mulhall thanked Commissioner Baxter for his service to the citizens of East Grand Rapids and stated he would be missed.

Commissioner Lawless asked for a report on the weed control efforts in Reeds Lake. Building Inspector Conley stated that spot treatments had been performed during 2004 and would be continued during 2005 in problem areas. She reported that a full lake herbicide treatment was planned for 2006.

Commissioner Lawless also noted the absence of large infestations of purple loosestrife along the south-eastern portions of Reeds Lake and asked staff to continue control efforts and to involve other environmental service groups whenever possible.

Mayor Bartman extended sympathies to the family of John J. Collins, mayor of East Grand Rapids from 1963 to 1973, who passed away last week. She announced two upcoming public meetings: a public hearing on the Gaslight Redevelopment PUD on Tuesday, September 21st at 6:30 pm at the High School; and an open house regarding the proposed streetscape through the business district on Wednesday, September 22nd from 6:00 pm to 8:00 pm. Mayor Bartman also reported she had attended a meeting of area mayor's regarding possible further cuts to the state revenue sharing formula.

2004-299. The minutes of the regular meeting held September 7, 2004 were received as submitted with the following notation:

Commissioner Lawless expressed concern that the wording of Paragraph 2004-283-B. was not clear enough to portray his intention to allow the applicant to request a variance in the future. City Attorney Huff stated the wording of the motion as written would not preclude the applicants from requesting a change to the front yard determination for zoning purposes in a future variance request.

2004-300. Lawless-Barbour. That payroll disbursements in the amount of \$154,130.00, county and school disbursements in the amount of \$92,272.89, and total remaining disbursements in the amount of \$294,696.22, as reviewed by the Finance Committee be approved.

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

Nays: -0-

2004-301. A zoning variance hearing was held regarding the request of Marcus & Rose Carvalho of 2466 Lake Drive to allow the construction of a covered front porch creating a front yard setback of 54'-0" from the center of the street instead of the required 58'-0."

Rose Carvalho, 2466 Lake Drive, was present to introduce and answer questions about the variance request.

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

- Catherine Frerichs, 964 Kenesaw In Favor.

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

2004-301-A. Shimko-Barbour. That the request of Marcus & Rose Carvalho of 2466 Lake Drive to allow the construction of a covered front porch creating a front yard setback of 54'-0" from the center of the street instead of the required 58'-0" be approved.

Commissioner Mulhall expressed his support for the variance due to the open sides of the proposed porch.

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

Nays: -0-

2004-302. A zoning variance hearing was held regarding the request of George Cares of 2633 Frederick to allow the construction of an entrance gate with pillars within 15'-0" of the front lot line.

Louis Cares, on of Mr. and Mrs. Cares, was present to introduce and answer questions about the variance request.

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

2004-302-A. Shimko-Lawless. That the request of George Cares of 2633 Frederick to allow the construction of an entrance gate with pillars within 15'-0" of the front lot line be approved with the following conditions: the placement of the gates as shown on the sketch submitted with space for one car to pull off the road in front of the gate; the columns will be no taller than 4'-0" and the gate no taller than 5'-0"; the gate will be constructed with a see-through pattern and will open in towards the home.

Commissioner Mulhall supported the request because of the unique road frontage situation and the secluded location of the home.

Commissioner Lawless expressed his support in light of the fact that vehicles were driving into the applicant's property and using it to turn around because there was no cul-de-sac at the end of this street.

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

Nays: -0-

2004-303. A zoning variance hearing was held regarding the request of John McDonald, owner of 469 Greenwood, to allow the use of a portion of the lower level for a hair salon.

John MacDonald, owner of the property, was present to introduce and answer questions about the variance request.

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

2004-303-A. Barbour-Mulhall. That the request of John McDonald, owner of 469 Greenwood, to allow the use of a portion of the lower level for a hair salon be approved.

City Attorney Huff answered questions from the City Commission by noting that land use variances stay with the land and do not expire when the property is sold and do not require a renewal unless there is a lapse in the

permitted use. He also advised the City Commission that one of the conditions of granting a land use variance was a finding that the property could not be reasonably used as currently zoned.

City Manager Donovan stated that it was unusual to grant multiple land use variances for a single property and suggested the City Commission consider rezoning the property instead.

Mayor Bartman felt this was a creative way to assist business owners during a difficult time in the commercial district and did not favor rezoning the property. She also noted this would be an invisible change to most members of the community and would not change the outward appearance of the property.

2004-303-B. Horn-Barbour. Motion to amend 2004-300-A. to include the following restrictions on the land use variance: the operator of the salon must be the property owner and reside in the upper floors of the building; and no additional employees are permitted other than the owner/operator.

Commissioner Lawless stated that although he felt permitting the salon would be a benefit to the antique shop, he did not feel the standards of the City Code for granting the variance were met in this instance.

Commissioner Mulhall noted that this property was already being used as a commercial entity as opposed to the conversion of a single-family home to a commercial use.

Commissioner Shimko expressed concern about further complication of the parking in this busy traffic area.

Vote on 2004-300-B.

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

Nays: -0-

Commissioner Barbour requested additional information on land use variances and suggested the City Commission may want to postpone a decision on this request until this could be compiled. City Attorney Huff agreed that more information may be helpful and stated he could prepare materials for the City Commission to review.

2004-303-C. Barbour-Lawless. Motion to table this issue until the City Attorney can prepare materials regarding land use variances.

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

Nays: -0-

2004-304. Final Reading of an ordinance amendment to add Chapter 63 to Title VI of the City Code pertaining to residential blight.

2004-304-A. Barbour-Shimko. That an ordinance amendment to add Chapter 63 to Title VI of the City Code pertaining to residential blight be adopted as set forth in Exhibit "A" attached hereto.

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

Nays: -0-

2004-305. Final Reading of an ordinance amendment to add Section 2.13 to Chapter 21 of Title II of the City Code pertaining to yard waste regulations.

2004-305-A. Shimko-Horn. That an ordinance amendment to add Section 2.13 to Chapter 21 of Title II of the City Code pertaining to yard waste regulations be adopted as set forth in Exhibit "B" attached hereto.

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

Nays: -0-

2004-306. Consider request to adopt a resolution amending the final assessment roll for paving Frederick Drive.

2004-306-A. Mulhall-Lawless. That a resolution amending the assessment roll for the special assessment district to pave Frederick Drive be adopted as set forth in Exhibit "C" attached hereto, and that the interest rate for unpaid assessments be set at 5.5%.

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

2004-307. Consider request to appoint a subcommittee to provide recommendations for filling the vacant position on the City Commission.

2004-307-A. Mulhall-Horn. That a subcommittee comprised of Commissioners Barbour, Lawless and Shimko be appointed to research and provide recommendations for filling the vacant Third Ward City Commissioner seat.

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

2004-308. Consider request to award a contract to perform surveying for the Streetscape project and the Community Center project.

2004-308-A. Barbour-Shimko. That a contract be awarded to Moore & Bruggink for topographical surveys for the Gaslight Village Streetscape project and the Community Center renovation project in the amount of \$17,500.00.

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

2004-309. Mayor Bartman announced the Mutual Aid Agreement had been withdrawn from the agenda until a future meeting.

2004-310. The preliminary minutes of the Parks & Recreation Commission meeting held August 9, 2004 were received.

2004-311. The preliminary minutes of the Planning Commission meeting held August 10, 2004 were received.

Commissioner Barbour reported the Planning Commission had approved the site plan for the proposed Amberly Gardens housing development, which will be introduced to the City Commission in October.

2004-312. The Public Safety Department Report for the month of July 2004 was received.

2004-313. The City Services Department Report for the months of June 2004 and July 2004 were received.

2004-314. The meeting adjourned at 8:37 p.m. subject to the call of the Mayor until October 4, 2004.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section Chapter 63 regarding residential blight.
B – Ordinance amendment to Section 2.13 regarding yard waste regulations.
C – Resolution amending the special assessment roll for Frederick Drive.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Special Meeting Held September 21, 2004

Mayor Bartman called the meeting to order at 6:55 p.m. in the Performing Arts Center at the East Grand Rapids High School. She thanked everyone for their patience as staff moved all equipment over to the Performing Arts Center to facilitate the meeting.

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

Absent: None

Also Present: City Manager Donovan; City Clerk Brower

- 2004-315. Mayor Bartman reviewed the history of the Gaslight Redevelopment PUD throughout the last several months. She gave a summary report from the City Commission subcommittee which had reviewed the work and recommendations of the Planning Commission as well as the concerns voiced by citizens during the entire process.
- 2004-316. Eric Rowland of Rowland Design, architect for Jade Pig Ventures, presented elevations, site plans and renderings of the multi-use development proposed for the Ramona Medical Building and the former Jacobson's sites as modified following the meetings with the subcommittee. He reviewed each building individually, giving the number of floors, the heights and examples of materials and architectural styles that are proposed. He noted the addition of a roof-top garden on one building, and the intention to pursue the L.E.E.D. certification for environmentally-friendly designs on the majority of the development.
- 2004-317. Scott Wierda of Jade Pig Ventures thanked everyone for their interest in this project and committed to continue working with the City and residents on this project. He read a letter from East Grand Rapids resident Mike Corby of Integrated Architecture stating he had reviewed the computer-generated perspectives prepared by Jade Pig and found them to be accurate in terms of the height of the buildings as viewed from a distance.
- 2004-318. Mayor Bartman opened the public hearing. The following people were present to speak on this issue:
- | | |
|--------------------------------|--|
| Penny Bennett, 662 Manhattan | Spoke on behalf of the group SaveEastGR, citing opposition to the height of the towers but agreement with mixed use and higher density. Unhappy with process used by City Commission. |
| Jim Sukenik, 2946 Pioneer Club | Protested the preferential treatment received by Jade Pig and the too-formal process limiting the citizens chance to speak on this issue to three minutes. Opposed the ordinance change to reduce the super-majority requirement and the appointment of a subcommittee to work privately with the developer. Spoke against the height of the proposed buildings and the current state of the site. |
| Lori Mann, 671 Manhattan | Felt proposal was not in harmony with the community due to the multiple high-rise buildings. |
| Mary-Ann Perry, 2339 Oakwood | Questioned the need for such tall buildings; concerned about the added stress on utilities, congestion and the environmental impact. Felt EGR didn't need additional tax base. |
| Sam Cummings, 250 Plymouth | Supported the project for the benefits to the schools and the walkable feeling of the community. Thanked Jade Pig for listening to the residents and adjusting the project to accommodate them. |
| Marty Green, 2463 Oakwood | In favor of the project for the revitalization of the entire area. |
| Carey Thomas, 202 Hodenpyl | Very concerned about the volume and speed of traffic that could be generated by the proposed development. |

Angela Markham, 606 Lovett	Felt the residents were the ones making concessions, not Jade Pig; stated she had encountered overwhelming opposition in her talks with residents.
Brian Barkwell, 1051 Pinecrest	Excited about the project; preferred the well-designed six-story buildings to a three-story strip mall/office building.
Joanne Nicola, 2721 Darby	In favor of the proposal and very comfortable with the height.
Pat Cwayna, 2700 Hampshire	Had concerns originally but looked forward to working with the developer to improve the business district and surrounding area.
Chris Martin, 322 Hodenpyl	Very supportive of the current proposal.
John Stecco, 529 Rosewood	Supported the project at the current height.
Jon Clifford, 610 Lovett	Originally opposed, but felt the current height and layout offered many benefits to the area, including adequate greenspace and gardens.
Ruth Smith, 555 Lakeside	Upset that Jade Pig cut down the trees in front of Jacobson's for no reason when they purchased the property.
Scott Kautzmann, 2113 Wealthy	Reviewed past PUD proposal on the Gilmore property from 1986 and the public opposition before it was approved by the Planning Commission and City Commission.
Joe Walker, 2706 Hall	Expressed support for project because infill of urban areas slows urban sprawl. Felt it provided many benefits to the area.
David Miller, 600 Plymouth	Felt project would be good for the community, reduce sprawl and increase the tax base.
Frank Abissi, 2135 Lake Drive	Disappointed that only four retail spaces were planned for the development; towers would be seen by those enjoying the lake.
Valerie Kautzmann, 2133 Wealthy	Did not feel the density of the condominiums was necessary to sustain the retail portion. Advocated for restoration of the site with grading/seeding; stated 200+ new residents would not save Gaslight Village and demolition of Jacobson's building was a detriment to the tax base.
Rick Chapla, 2056 Wilshire	Felt the city's infrastructure could sustain even more than this development which represented efficient use of land, traffic patterns and utilities. Stated land use plan objectives were consistent with this type of project.
Don Markham, 606 Lovett	Opposed a 6-7 story building in EGR. Felt City Commission should apply the same difficult standards to Jade Pig as other residents have to meet with variances. Quoted current density ordinance and the recent traffic study as reasons to deny the proposal.
Steve Afendoulis, 3142 Manhattan	Very satisfied in dealings with Jade Pig for leasing office space at Ramona. Stated Gaslight Village needed assistance now – not 20 years from now. Spoke against personal attacks on commissioners and urged leaders to put the needs of entire community first by approving this project.
Otis Jackoboice, 915 San Jose	Supported the project because of mixed use proposal and benefits to the community.
Meg Sorensen, 630 Cambridge	Stated EGR residents didn't want to be part of a large city, to have high-rise buildings here, and would prefer to drive to 28 th Street for retail. Stated this proposal will be overturned by voters.
Craig Tiggelman, Lovett	Supported the proposal and thanked the City Commission and Jade Pig for their work on this issue.

Joel Peterson, 2126 San Lu Rae	In favor of the development for increase to the tax base and benefit to the area.
Beth Milanowski, 2640 Hall	Originally opposed but now strongly supports. Wants a thriving downtown area.
Judy Scales, 2226 Lake Drive	Concerned about height and traffic surrounding the development. Asked everyone to stay positive and to stop the personal attacks.
P.K. Mason, 3001 Woodcliff	Expressed complete support of project. Thanked City Commissioners and subcommittee for continuing to move this project forward.
Bill Swets, 757 Plymouth	Felt Jade Pig proposal was a tremendous mid-rise plan for the area with greenspace and gardens. Excellent way to keep empty-nesters in EGR rather than moving away.
Barb Hohman, 955 Plymouth	Stated this development would be a wonderful addition to the community and an excellent option for those who wanted to remain in EGR without large homes and related maintenance.
Bob Mann, 671 Manhattan	Impressed with the new height but still concerned with traffic impact. Asked for further modifications to address remaining concerns.
Jack Wiese, 2311 Wealthy	Against the proposal; building in southeast corner is too tall and too long – will block out his view of the sky.
Susan Rea, 625 Cambridge	Very supportive of the project.
Steve Wilson, 661 Croswell	Supported the project because it was well designed and offered many benefits.
Gail Nowak, 2831 Woodcliff Circle	Stated the project would be wonderful and was needed change.
Thor Sorensen, 679 Manhattan	Objected to floors 4-7 on all buildings as they would still be twice as tall as allowed by ordinance. Suggested adding one floor of condos to the top of all two-story retail buildings and keeping everything at three floors.
Karl Mead, 1147 Pinecrest	Agreed that Gaslight needed help but felt this project did not match the character of the area or the provisions of the master plan. Also opposed because of strain on firefighting resources and the closed-door process used to arrive at this compromise.
Bill Lee, 1036 Santa Cruz	Fully supported the proposal as good for the area.
Anne Marie Bell, 2353 Wilshire	Supported the project but urged the City Commission to continue working on the traffic issues to avoid problems and keep residents safe.
Tom Pohlman, Santa Cruz	Fully supported project as example of new urbanism that is happening across the county.
Dave Mehney, 3049 Mary	Reviewed all the changes to the area in the past 50 years and the needed change at this time. Spoke against personal attacks on City Commissioners and supported the subcommittee structure used. Supported the project at seven stories.
Bill Deaver, 559 Lakeside	Concerned about traffic and congestion. Stated supporters did not live in the general area and that City Commission should avoid setting a precedent and starting a referendum by approving.
Bob Shapton, 553 Greenwood	Thanked City Commission for current traffic calming efforts on Greenwood but worried that development would worsen problems.
Kelly Stecco, 529 Rosewood	Thanked Jade Pig and City for working on compromise plan. Supported the current proposal and urged approval.

Kim Hughes, 910 Pinecrest	Stated merchants were originally concerned about ramifications of the development but now supported the current plan. Urged opposition group to work toward compromise to allow this to go forward.
Dick DeBoer, Lake Drive	Supported the concept of mixed use but opposed to the height.
Williamina Thurkettle, 713 Lovett	Stated children are not safe with current traffic and it will get worse after the development is built. Asked for further study.
John Timmer, 2311 Wealthy	Opposed because building #3 (southeast corner) was too long and too tall. Felt Rowland Design was not truthful with its representations of the height because 80' did not include the roof structure.
Jerry Weddell, 1424 Edgewood	Felt compromise was great and change was needed in the area.
Jerry Hickey, 640 Cambridge	Would like to see height even lower but approved of overall project. Did not wish to support court battles to fight future developments with city funds with this precedent set.
Tom Erickson, 607 Laurel	Stated traffic on side streets would definitely increase and should be monitored to avoid problems. Supported the overall development.
Cathy Young, 2522 Boston	Supported the project but concerned about height and other issues.
Rob Sears, 958 Pinecrest	Opposed to anything over 35' but liked idea of project. Asked Commission to obey Master Plan.
Lee Parnham, 902 Floral	Applauded those involved in the current seven-story plan. Felt project was well-designed and would be better than ugly 30' office building.
Jean McDonald, 662 Lovett	Felt the buildings looked institutional; still concerned about traffic and setting precedents for future development.

2004-319. No other public comment was offered. Mayor Bartman noted the receipt of approximately 40 letters and emails since the revised proposal was presented and then closed the public hearing portion of the meeting.

Mayor Bartman explained the City Commission will continue discussing this proposal at its upcoming meetings in October. If approved by the City Commission, Jade Pig Ventures will then proceed to a site plan review before the Planning Commission with final approval at the City Commission following. She thanked everyone for attending the meeting and expressing their opinions on this issue.

2004-320. The meeting adjourned at 9:20 p.m. subject to the call of the Mayor until October 4, 2004.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held October 4, 2004

Mayor Bartman called the meeting to order at 7:31 p.m. in the Little Auditorium at the East Grand Rapids High School.

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

Absent: None

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

2004-321. Mayor Bartman advised of the following communications received at City Hall:

- D. Card from the family of former Mayor John J. Collins thanking the City for the floral arrangement sent to the funeral recently.
- E. Email from Rick Geenen, owner of the D&W Shopping Center, with suggestions to implement angled parking in conjunction with the planned streetscape improvements.
- F. Email from Toby Dolinka of 1720 Conlon suggesting the City install a 3-way stop at the Lakeside/Wealthy intersection rather than realign the roadway.

2004-322. Scott Kautzmann, 2113 Wealthy, questioned the mention of a fifty-year plan for Gaslight Village during meetings earlier in the year. Mayor Bartman responded there is no formal plan for the village and that the mention of a plan was purely figurative.

2004-323. Mayor Bartman thanked the students at Breton Elementary for inviting her to their Book Fair on Sunday evening, and looked forward to the 2nd graders visit on Tuesday. She reported giving an interview with WGVU for a television program about East Grand Rapids.

2004-324. The minutes of the regular meeting held September 7, 2004 were received as submitted.

2004-325. Lawless-Shimko. That payroll disbursements in the amount of \$159,795.39, county and school disbursements in the amount of \$51,079.02, and total remaining disbursements in the amount of \$186,343.36, as reviewed by the Finance Committee be approved.

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

Nays: -0-

2004-326. A zoning variance hearing was held regarding the request of John McDonald, owner of 469 Greenwood, to allow the use of a portion of the lower level for a hair salon.

2004-326-A. Lawless-Barbour. Motion to remove from the table motion 2004-300-A (as amended) for discussion.

2004-300-A. Barbour-Mulhall. That the request of John McDonald, owner of 469 Greenwood, to allow the use of a portion of the lower level for a single-chair salon be approved with the following conditions in addition to those stated in Mr. McDonald's application:

1. The operator of the salon must be the property owner and reside in the upper floors of the building; and,
2. No additional employees are permitted other than the owner/operator.

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

Nays: -0-

Assistant City Attorney Wood reviewed the standards set forth in the City Code for the granting of land use variances and answered questions from the City Commission.

Commissioner Lawless stated his support for the land use variance to allow the operation of a one-chair salon in conjunction with the existing antique shop.

Commissioner Barbour noted that although the operation of a one-chair salon as proposed would not appear to be a detriment to the neighborhood, the situation did not meet the standards contained in the City Code.

Commissioner Mulhall also supported the variance provided there were no outward changes to the exterior of the building or its other operations.

2004-326-B. Lawless-Barbour. Motion to amend 2004-300-A. to delete the word "additional" prior to "employees" in condition #2, and to add a third condition requiring the salon to operate in conjunction with the current antique shop operation.

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

Vote on 2004-300-A as amended by 2004-323-B:

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

2004-327. A zoning variance hearing was held regarding the request of Richard Siersma and Diane Lange of 546 Greenwood to allow the front yard to be changed to the north side of the house with a front yard setback of 57'-0" from the center of the street instead of the required 58'-0."

City Attorney Huff reviewed the request to allow the reorientation of the front yard to face north along Greenwood, and to allow the creation of a non-conforming structure with an encroachment into the front yard setback in the northwest corner of the property that would be created by the naming of a new front yard.

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

- | | |
|---------------------------------|--|
| - Hunter Meriwether, 526 Lovett | Supported the request. |
| - Scott Kautzmann, 2113 Wealthy | Supported the request. |
| - Erick Starck, Rhoades McKee | Explained the circumstances surrounding the request. |
| - David Graff, 345 Gladstone | Explained the intent to construct a small home on the vacant lot to complement the existing homes in the neighborhood. |
| - Alexander Grant, 2142 Barnard | Opposed because of proximity of new structure to his home. |

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

- | | |
|----------------------------------|---------------|
| - Richard Siersma, 546 Greenwood | Explanations. |
| - Connie O'Toole, 836 Plymouth | Explanations. |

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

2004-327-A. Mulhall-Barbour. That the request of Richard Siersma and Diane Lange of 546 Greenwood to allow the front yard to be changed to the north side of the house with a front yard setback of 57'-0" from the center of the street instead of the required 58'-0" be approved.

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

2004-328. Consider request to approve the division of a lot located at 546 Greenwood.

City Attorney Huff reviewed the standards contained in the City Code for granting a lot split and answered questions from the City Commission. He suggested the City Commission condition the approval on the removal of the garage and any portion of the existing structure that would not meet the new side yard setback requirements.

Eric Starck of Rhoades McKee requested the requirement for demolition of the garage/breezeway be extended until May 1, 2005 because the applicants were not intending to begin construction immediately.

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

- Petitions signed by 43 surrounding properties No objection to the lot split.

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

2004-328-A. Mulhall-Horn. That the request of Richard Siersma and Diane Lange to divide the lot located at 546 Greenwood be approved, with the condition that the split complies with the surveys presented, the relevant deed or land contract be recorded with the Kent County Registrar of Deeds within 90 days of approval, and the garage and any portions of the structure which do not meet side yard setback requirements will be demolished by May 1, 2005.

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

Nays: -0-

2004-329. Site Plan Review for the Gardens at Amberly site condominium development.

City Attorney Huff gave an overview of the proposed site condominium development containing 17 single-family homes at the former St. Nicholas Church property. He noted the developer had presented detailed landscaping and drainage plans and that all lots within the development were in compliance with the current zoning code requirements for this district. He reported the Planning Commission had approved the site plan for this development with the exception of a proposed entry sign/garden that may be submitted for a variance request at a later date.

Michael Sytsma of Aslan-Boston, LLC, stated his continued willingness to work with the city and the neighboring property owners to achieve a project acceptable to all. Howard Hanson, a representative for Aslan-Boston reviewed the proposed landscaping plan, including the types and locations of trees used to buffer the development from surrounding homes.

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

- Bob Larsen, 2121 Boston

Supported on behalf of the majority of residents in the Boston-Oxford-Laurel-Englewood neighborhood association who had reviewed the plan at meetings held by the developer. He noted there were some drainage concerns that had been worked out, and questioned the side yard setbacks of houses along Boston.

- Joe Szivan, 1609 Oxford

Questioned whether the entrance garden/sign was part of the request. Mr. Sytsma responded the developer would be making a separate variance request for the signage at a future meeting.

2004-329-A. Lawless-Shimko. That the Site Plan for the Gardens at Amberly Site Condominium project as presented by Aslan-Boston, LLC be approved with the following conditions:

1. The preparation of Bylaws, Articles of Incorporation documents and Master Deed acceptable to the City Attorney;
2. Compliance with the current fence and signage ordinance contained in the City Code;
3. Compliance with all other findings and conditions recommended by the Planning Commission's Findings of Fact document.

Commissioner Horn suggested to the developer that the west entrance be utilized during construction and the asphalt left in place as long as possible to minimize mud and dust for the neighbors.

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

- 2004-330. Introduction of an ordinance amendment to Section 5.190 of Title X of the City Code to rezone properties located at 2255 Wealthy (the Jacobson's property) and 515 Lakeside (the Ramona Medical Building) to a planned unit development at the request of Jade Pig Ventures.

City Attorney Huff outlined the draft PUD ordinance which incorporates the findings of the Planning Commission, suggestions from City Commissioners and City staff, citizen concerns, and discussions with the developer. He asked that City Commissioners forward further comments and suggestions to him prior to the final reading of this amendment.

The following people were present to express their thoughts on this issue:

- Kelly Mracna, 1637 Pontiac
Questioned whether thought had been given to the types of businesses which would occupy the development. Also felt the buildings were not attractive and did not fit East Grand Rapids.
- Valerie Nelson, 559 Lakeside
Stated development was inappropriate for East Grand Rapids and the majority of residents did not want a large retail downtown.
- Hunter Meriwether, 546 Lovett
Inquired about the status of the protest petitions filed with the City. Mr. Huff responded the petitions had been determined valid and the super majority would be required to approve the development.
- Dan DeVol, 1045 Conlon
Asked if a referendum was required because of the protest petitions. Mayor Bartman stated the current petitions pertained only to the final vote by the City Commission.
- Bob Vis, 515 Gladstone
Asked the City Commission to put a stop to the project.

Mayor Bartman noted the receipt of 23 letters and emails since September 7th and then closed the public hearing portion of the meeting.

- 2004-330-A. Barbour-Horn. Introduction of an ordinance amendment to Section 5.190 of Title X of the City Code to rezone properties located at 2255 Wealthy (the Jacobson's property) and 515 Lakeside (the Ramona Medical Building) to a planned unit development at the request of Jade Pig Ventures be adopted as set forth in Exhibit "A" attached hereto.

Commissioner Barbour reiterated his commitment to communicating with the public regarding this project and the deliberations of the City Commission in relation to all the concerns voiced by residents. He asked City Attorney Huff to continue working on language addressing future high-density projects in the City.

Commissioner Lawless encouraged residents to familiarize themselves with all aspects of the proposed development through newspaper articles, the city's website, and materials on file at the city offices.

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

2004-331. Consider request to authorize the Public Safety Department to fill personnel vacancy.

2004-331-A. Barbour-Shimko. That a budget amendment in the amount of \$70,000 from the General Fund Undesignate Balance to the Public Safety Salary Account to fill an existing vacancy in the Public Safety Department be approved as requested.

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

2004-332. Consider request to approve a contract for architectural services for work on the Community Center renovations.

2004-332-A. Shimko-Horn. That a contract with Cox Medendorp Olson Architects in the amount of \$646,400.00 for architectural services regarding the library and community center expansion project be approved.

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

2004-333. Consider request to approve a Mutual Aid Agreement with Kent County.

2004-333-A. Lawless-Mulhall. That a resolution approving and authorizing the execution of the Kent County Mutual Police Assistance Agreement be adopted as set forth in Exhibit "B" attached hereto.

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

2004-334. The preliminary minutes of the Traffic Commission meeting held September 7, 2004 were received as submitted. No action was taken on the motions of the Traffic Commission regarding the proposed improvements to the Lakeside/Lakeside/Greenwood and the Wealthy/Lakeside intersections.

2004-335. The preliminary minutes of the Planning Commission meeting held September 14, 2004 were received.

2004-336. The meeting adjourned at 9:11 p.m. subject to the call of the Mayor until October 18, 2004.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section 5.190 regarding the Jade Pig Ventures P.U.D. proposal.
B – Kent County Mutual Police Assistance Agreement

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 18, 2004

Mayor Bartman called the meeting to order at 7:30 p.m. in the Little Auditorium at the East Grand Rapids High School.

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

Absent: None

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

2004-337. No public comment was received.

2004-338. Commissioner Barbour congratulated the Boys Golf Team and the Girls Tennis Team for their second place finishes in their respective State tournaments over the weekend.

Commissioner Lawless commended the owners of the EGR Firehouse Grill for their efforts to establish an independent restaurant association here in the Grand Rapids area.

Mayor Bartman reported attending a TOPS soccer tournament at Mehney Field recently that allowed special needs children to compete in their favorite sport. She also reported speaking recently at a Calvin College Career Day and to the 2nd Grade classes at Breton Elementary. She invited everyone to attend the dedication of the Reeds Lake Trail on Wednesday, October 20th at 1:30 pm, and reported that trick-or-treating would be held on Sunday, October 31st from 6-8 pm.

2004-339. A zoning variance hearing was held regarding the request of Bruce & Mary Hakim of 2530 Berwyck to allow the construction of an addition to the rear of the home creating a rear yard setback of 23'-0" instead of the required 25'-0."

Bruce Hakim, 2530 Berwyck, was present to introduce and answer questions about the variance request.

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

2004-339-A. Lawless-Shimko. That the request of Bruce & Mary Hakim of 2530 Berwyck to allow the construction of an addition to the rear of the home creating a rear yard setback of 23'-0" instead of the required 25'-0" be approved.

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

Nays: -0-

2004-340. Final Reading of an ordinance amendment to Section 5.190 of Title X of the City Code to rezone properties located at 2255 Wealthy (the Jacobson's property) and 515 Lakeside (the Ramona Medical Building) to a planned unit development at the request of Jade Pig Ventures.

Mayor Bartman thanked all the community members who have written, called and emailed with their thoughts about this proposed development over the last ten months. She addressed the alternate plan developed by a group of residents and advertised in the Cadence by stating the plan represented one of many ways to develop this property but has not been reviewed, submitted or requested by the property owner, Jade Pig Ventures. She noted the City Code required the property owner to submit plans to the City for consideration.

2004-340-A. Barbour-Horn. That an ordinance amendment to Section 5.190 of Title X of the City Code to rezone properties located at 2255 Wealthy (the Jacobson's property) and 515 Lakeside (the Ramona Medical Building)

to a planned unit development at the request of Jade Pig Ventures be adopted as set forth in Exhibit "A" attached hereto.

Commissioner Barbour spoke of his efforts to balance the feelings of residents in all areas of the City, as well as the needs of the City, School District, business owners and future residents who will be affected by this project. He stated his intention of voting in favor of the project.

Commissioner Lawless reviewed his reasons for supporting the rezoning of these parcels, including the guidance provided by the Master Plan, the confluence of circumstances in the area, and the opportunities for a high-quality development utilizing views of Reeds Lake offered by a respected developer. (A copy of the full text is available at the City Clerk's office).

Commissioner Shimko thanked Chairman Bill Graham and the members of the Planning Commission, as well as the residents who attended meetings and presented their input, for their dedication to the community and its future.

Commissioner Mulhall spoke against the rezoning of the property, citing the conflict between new housing options and the changes to the surrounding area and homes. He felt the height of the buildings was still too tall and wished to lower the height of the buildings or consider alternative options presented by residents.

Commissioner Horn gave his support to the project and noted that Jade Pig Ventures has not requested any of the tax abatements that are common with projects of this size, allowing all the tax revenue generated by the project to go to the city and schools.

Commissioner Barbour addressed many of the concerns voiced by those opposed to the project, including the capacity of the city's current firefighting equipment relating to the height of the buildings and the need for views of the lake to the profitability of the project for the developer. He gave examples of the design elements, site layouts, downtown configurations and other factors the Planning Commissioners considered when working on this project. He reviewed the "Findings of Fact" contained in the proposed ordinance establishing that the standards of Section 5.135 of the City Code had been met as well as the objectives of Section 5.137, the available capacity of the utilities in the area, the creation of alternative housing, appropriate density, green space, pedestrian access, parking and setbacks, and the allowance for a drive-through bank.

Mayor Bartman noted the same pivotal decisions had been faced by leaders over 50 years ago with the closing of Ramona Park and the approval of the current medical buildings, condominiums, apartments and retail uses. She referenced the intense public debate that has preceded many of the changes made to community facilities over the last several years and the resulting high-quality development. She stated that in exchange for allowing seven story buildings, East Grand Rapids would receive a high-quality, mixed-use development utilizing retail buildings at the street level with the potential for revitalization of the business district and surrounding areas.

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

Nays: Mulhall – 1

City Attorney Huff reported that protest petitions had been filed according to MCL 125.584 requiring a 2/3 majority vote of the City Commission to allow the passage of this ordinance amendment. With six current members of the City Commission, the four affirmative votes met the super majority requirement.

The following people were present to express their thoughts on this issue:

- | | |
|------------------------------|--|
| - Joanne Nicola, 2721 Darby | Thanked the City Commission for approving the project. |
| - Rob Deane, 700 Plymouth | Questioned the next steps in the approval process and the possibility of a referendum. |
| - Angela Markham, 606 Lovett | Stated the intention of the opposition group to force a referendum on this issue. |

- Scott Kautzmann, 2113 Wealthy
Thanked Commissioner Mulhall for his dissenting vote; stated continued opposition to the height and the density of the project.
- Judy Frey, 2011 San Lu Rae
Supported the City Commission's decision to approve the project.
- Don Markham, 606 Lovett
Disputed the findings of the commission regarding the requirements for a PUD designation. Stated the residents had proved there are other options for this property.
- Dan DeVol, 1045 Conlon
Supported the project and thanked the Commission for their attention to detail over the last several months.
- Jim Sukenik, 2946 Pioneer Club
Spoke against the process used that did not provide community involvement and the limitation on speakers at public meetings. Also upset regarding the portrayal of the opponents in recent media articles.
- Bob Osipoff, 511 Plymouth
Felt the height was the aspect opposed by a silent majority of residents and that this had been ignored by the City Commission. Urged more community workshops to resolve.
- Fred Braseth, 551 Cambridge
Asked for continued work to ensure the buildings were as attractive at the street level as they would appear from a distance. Liked the greenspace provided in the plan.
- Nancy Packer Karnazes, 270 Lakeside
Felt the height, traffic, safety and commuters would detract from the value and enjoyment of other residents. Stated people were not yet comfortable with this project and needed information and assurances.
- Jorgen Sorensen, 630 Cambridge
Likened the development to the high rises in Paris and asked if the commissioners would like to have this next to their homes.
- John Stecco, 529 Rosewood
Thanked City Commission for approving the project. Asked the citizen group to disclose the names of those involved in creating the alternative plan for this property.
- Matt Yadlowsky, 2235 Hall
Stated it would serve no purpose for the citizens involved in the alternate plan to reveal their names and asked the commission to consider the alternate plan.
- Ralph Garlick, 2743 Reeds Lake Blvd
Urged those involved in the Save East GR plan to stand up for their proposal instead of remaining anonymous. Supported the Jade Pig proposal.
- Tom Molesta, 310 Lakeside
Stated his lack of faith in the City Commission to ensure the rules and regulations are followed and his opposition to the Jade Pig project.

Mayor Bartman noted the receipt of 41 letters and emails since October 4th and then closed the public hearing portion of the meeting.

2004-341. Report of subcommittee researching vacancy for the Third Ward City Commission position.

Commissioner Barbour reported the subcommittee had reviewed the options for filling the vacant position and recommended the City Commission consider Barney Turner, the runner-up candidate for filling the position in 2002. The subcommittee contacted Mr. Turner ascertained his willingness to serve in this capacity.

Mayor Bartman asked the City Commission to consider this recommendation and make a decision at the next meeting.

2004-342. Lawless-Barbour. Motion to approve the consent agenda as follows:

- 2004-342-A. Minutes of the regular meeting held October 4, 2004.
- 2004-342-B. Payroll disbursements in the amount of \$154,008.42, county and school disbursements in the amount of \$-0-, and total remaining disbursements in the amount of \$326,653.47, as reviewed by the Finance Committee be approved.
- 2004-342-C. A contract in the amount of \$7,499.25 with Tepper Nursery of Walker for the annual tree planting program.
- 2004-342-D. Purchase of portable radios for the Public Safety Department from Tele-Rad, Inc. of Grand Rapids in the amount of \$9,840.00.
- 2004-342-E. Contract for property and liability insurance with St. Paul Insurance Company at a not-to-exceed premium of \$155,000.

Commissioner Lawless reported a specific renewal quote had not been received , but the current carrier has committed to keep the premium at the same amount as the prior year.

- 2004-342-F. Preliminary minutes of the Parks & Recreation Commission meeting held September 13, 2004.
- 2004-342-G. Public Safety Department Report for the month of August 2004.

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

- 2004-343. The meeting adjourned at 9:08 p.m. subject to the call of the Mayor until November 1, 2004.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section 5.190 regarding the Jade Pig Ventures P.U.D. 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

Regular Meeting Held November 1, 2004

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 and Mayor Bartman

Absent: None

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

- 2004-344. Mayor Bartman advised of the following communications received at City Hall:
- A. Letter from Nancy Hollowell, 1048 Plymouth, expressing dissatisfaction with the City's tree care program.
 - B. Email from Jill Dean of 668 Manhattan Road opposing the renovation of the boat ramp at Collins Park.
 - C. Email from Eric Hughes, 2722 Richards, supporting a referendum of the Gaslight Redevelopment PUD.
 - D. Email from William Poisson, 2718 Richards, backing the development.
 - E. Email from Lloyd & Lois Moseley, 1753 Breton, opposing Jade Pig's development plans.
 - F. Email from Hanna & Richard Goodstein, 2000 Coronado, supporting the condominium development.
 - G. Email from Andy Corbeill, 2031 Wealthy, warning Mayor Bartman to expect a recall effort.
 - H. Email from Jon Ippel, 1632 Seminole, supporting the City Commission's decision.
 - I. Email from Susan Rea, 625 Cambridge, concerned about the petitions being circulated.
 - J. Burt Bach, 1539 Woodcliff, opposed to the redevelopment project and urging restoration of the site.
- 2004-345. Judy Frey, 2011 San Lu Rae, spoke in support of Barney Turner for the vacant Third Ward City Commission seat and the process used to select him as the appointee.
- 2004-346. Commissioner Mulhall encouraged everyone to vote on November 2nd.
- Commissioner Lawless thanked all city staff members and election workers for the dedication and the many hours spent preparing for and administering fair elections in the City.
- Mayor Bartman reported that 17% of registered EGR voters had already voted absentee for the Presidential election. She thanked the 2nd grade classes at Lakeside Elementary for coming to City Hall for a visit on Friday, October 29th. She invited everyone to attend the dedication ceremony of the Doris "Chris" VanAllsburg memorial in Gaslight Village at 4:00 pm on November 2nd. She noted the School Foundation dinner would honor former City Commissioner Dave Mehney later that evening. She also reported the dedication of Phase I of the Reeds Lake Trail took place on Wednesday, October 20th and fundraising for Phase II was now underway.
- Mayor Bartman then addressed questions raised regarding the impending referendum efforts. She stated the City Attorney had reviewed State law and determined the City could not place a zoning question on the ballot to let voters decide between two options, such as whether the JadePig development should be four stories or seven stories. If a referendum is successful in overturning the City Commission's decision, the developer would have to reapply with a different plan and start the process over from the beginning.
- 2004-347. A zoning variance hearing was held regarding the request of Robert & Jodi Blanchard of 750 San Jose to allow the construction of an attached garage 7'-6" from the side lot line creating a combined side yard setback of 14'-6" instead of the required 18'-0."

Bob & Jodi Blanchard, 750 San Jose, were present to introduce and answer questions about the variance request.

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

Commissioner Shimko also supported the request as a favorable addition to the neighborhood. Mayor Bartman voiced support of the request as a means of creating a welcoming entry to the new development that would not be accomplished by allowing individual homeowners to create their own privacy fences.

Yeas: Horn, Shimko and Bartman – 3
Nays: Barbour, Lawless and Mulhall – 3

2004-349. Consider request to approve revised legal descriptions for the lot splits on Wilshire approved in 2002.

Building Inspector Conley reported the legal descriptions recorded with the Kent County Registrar of Deeds did not match those approved by the City Commission in 2002. She noted that all three lots as recorded were still in compliance with all applicable zoning requirements.

Bob Kirchgessner, 1900 El Dorado, apologized for the confusion and explained the legal descriptions were simplified after City Commission approval and this resulted in the variations. He stated the changes were not intentional and not meant to subvert the approval given by the City.

2004-349-A. Mulhall-Lawless. That revised legal descriptions for the lots known as 2251, 2259 and 2265 Wilshire be approved as submitted to the Kent County Registrar's office.

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

2004-350. Consider request to adopt a resolution supporting the Great Transit Grand Tomorrows Study by the Interurban Transit Partnership.

Lisa Ives and Peter Varga of The Rapid were present to review information from the Great Transit Grand Tomorrows Study and to answer questions from the City Commission.

Commissioner Lawless reported The Rapid was the recipient of the recent "Outstanding Achievement" award from the American Public Transit Association and spoke to the opportunities for our community to be connected to one of two identified transit corridors.

Commissioner Barbour requested the resolution of support be considered at the next meeting to allow time to study the materials presented and gather input from residents about the recommendations for enhanced bus/trolley service contained in the study. The other commissioners agreed with this suggestion.

2004-351. Introduction of an ordinance amendment to add Section 5.34 to Chapter 50 of Title V of the City Code pertaining to requirements for final grade on new homes and additions.

City Attorney Huff reviewed the provisions of the proposed ordinance to require a topographical survey prior to obtaining a building permit and after construction if a change in grade of more than 12" was requested.

Commissioner Lawless reported the Finance Committee had discussed this issue and recommends revising the square footage level of additions to 750 square feet on the ground floor of an addition rather than 500 square feet.

Commissioner Barbour spoke in support of the ordinance amendment as a proactive approach to dealing with issues surrounding the redevelopment of parcels in East Grand Rapids.

2004-351-A. Barbour-Shimko. That an ordinance amendment to add Section 5.34 to Chapter 50 of Title V of the City Code pertaining to requirements for final grade on new homes and additions be introduced as set forth in Exhibit "A" attached hereto and sent to the Planning Commission for review and recommendation.

2004-351-B. Lawless-Mulhall. Motion to amend 2004-348-A. to change the square footage minimum to 750 square feet on the ground floor of an existing structure.

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

Vote on 2004-248-A. as amended.

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

2004-352. Consider request to establish an August primary election in conjunction with election consolidation legislation.

2004-352-A. Barbour-Shimko. That the City's September primary be moved to August to coincide with the new election consolidation schedule taking effect January 1, 2005.

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

2004-353. Consider request to approve an appointment to the vacant Third Ward City Commission seat.

2004-353-A. Barbour-Shimko. That Brian "Barney" Turner of 2330 Argentina be appointed as Third Ward City Commissioner to fill the vacant seat until the next regular city election on November 8, 2005.

Members of the City Commission thanked Mr. Turner for his past and present service to the City on the Parks & Recreation Commission and the library expansion project and welcomed him to the City Commission.

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

2004-354. Shimko-Horn. Motion to approve the consent agenda as follows:

2004-354-A. Minutes of the regular meeting held October 18, 2004.

City Attorney Huff reported that Exhibit "E" of the ordinance amendment attached to the minutes had been revised to show the number of condominium units allowed in the development. This number had been shown on early drafts of the document but had somehow been left off the final version.

2004-354-B. Payroll disbursements in the amount of \$166,969.48, county and school disbursements in the amount of \$102,326.39, and total remaining disbursements in the amount of \$172,456.73, as reviewed by the Finance Committee be approved.

2004-354-C. Quarterly financial report for the year ending June 30, 2004.

2004-354-D. Purchase of road salt from Compass Minerals Group of the North American Salt Company in the amount of \$30.88 per ton.

2004-354-E. Change order #3 in the amount of \$6,830.00 for the contract with Anlaan Corporation for the Reeds Lake Trail project for additional landscaping, drainage, boardwalk and concrete adjustments.

2004-354-F. Additional insurance premiums in the amount of \$4,184.00 to St. Paul Insurance Company for first responder's coverage.

2004-354-G. Contract with J. Sherman Associates in the amount of \$3,255.00 for furniture layout assistance in the temporary offices, and \$9,800.00 for furniture layout, interior design, bid specifications and document preparation for the completed Library & Community Center project.

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

2004-355. The meeting adjourned at 9:29 p.m. subject to the call of the Mayor until November 15, 2004.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section 5.34 regarding the grading of land.

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

UNOFFICIAL
Reference Only

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held November 15, 2004

Mayor Bartman called the meeting to order at 7:32 p.m. in the City Commission Chambers at City Hall. Steven Cornelius, 205 Brighton and Boy Scout from Troop 253, 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; City Services Director Feldt; Public Safety Director Gallagher; Finance Director VanderWall; Parks & Recreation Director Bunn; Building Inspector Conley; City Clerk Brower

- 2004-356. Mayor Bartman advised of the following communications received at City Hall:
- A. Letter from Frank Spies, 2122 Tenway, regarding voters having to wait outside in the rain at Breton School on Election Day.
 - B. Email from Bruce Johnson expressing concern about the striping of lanes at the Plymouth/Wealthy intersection.
 - C. Email from Sandra Hopwood of 2341 Elmwood expressing satisfaction at the outcome of Proposal 2 in East Grand Rapids.
 - D. Postcard from a resident supporting the JadePig redevelopment plans and asking for many trees and flowers in Gaslight Village once the development is complete.

2004-357. No public comment was received.

2004-358. Commissioner Mulhall questioned the tax revenue figures used by JadePig Ventures in a recent insert into the Cadence Newspapers and whether the City should be checking these numbers. Mayor Bartman stated that Jade Pig had provided some type of information early in their application about anticipated revenue and suggested that anyone with questions contact Jade Pig representatives if they had questions. Commissioner Barbour also remembered reviewing tax revenue projections at various Planning Commission meetings but did not remember specific figures. Commissioner Lawless noted that information was being published by those for and against the redevelopment project, but that it was not the City's responsibility to substantiate information from either side.

Commissioner Shimko reported that Grounds Maintenance Supervisor Patrick Skunda would be leaving East Grand Rapids for a new job in Florida and wished him well in his new position.

Mayor Bartman extended sympathies to the family and friends of Steve Mercer, a long-time employee of the Public Safety Department who died last week. She also thanked Rick Chapla's class at Aquinas College for their hospitality during her recent visit to their session. She welcomed Pure Fashion and Kabloom Flowers to the Gaslight Village business district. Mayor Bartman also complimented Public Safety Officer Troy Brown for his role in an upcoming motion picture and noted there was a very nice article on this in Friday's Grand Rapids Press.

2004-359. City Clerk Brower administered the oath of office to 3rd Ward City Commissioner Barney Turner.

2004-360. Consider request to adopt a resolution supporting the Great Transit Grand Tomorrows Study by the Interurban Transit Partnership (ITP).

Mayor Bartman reviewed the resolution of support requested by the ITP and noted the City was asked to support the study and its recommendations of further study on several options for mass transit—not necessarily agree to all the options without study and public input.

2004-360-A. Shimko-Horn. That a resolution supporting the preliminary recommendations of the Great transit Grand Tomorrows Study be adopted as set forth in Exhibit "B" attached hereto.

Win Irwin, EGR Representative to the ITP Board of Directors, outlined the study's overall intention of improving transit over the next 30-50 years. He noted there were many years of work ahead, but that this study provided a starting point and overall guidelines.

Commissioner Lawless spoke in support of the resolution and offered to reword any portions that commissioners were not comfortable with so that the vote of support could be unanimous. He spoke of the benefits of enhanced transportation systems to provide relief of traffic congestion and greater mobility for youth and seniors.

Commissioner Barbour expressed his support for the concept of improved transportation and his concern about committing the City to support options that have not been studied thoroughly or put to public comment. He felt there was a tremendous amount of research and dialogue yet to occur on the various options and that depending on the outcome and the public feedback received, the City may or may not be able to fully support some of the recommendations. He only supported a very narrow reading of the resolution, one that in no way obligates or commits the City to any specific mode or corridor at this point.

Mayor Bartman noted East Grand Rapids residents have been very supportive of the transportation system in the past and hoped the study options and future recommendations would be a benefit to all of the metropolitan area.

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

2004-361. Eric VanDop of Hoffman Steensma & Plamondon reviewed the FY 2003-04 audited financial statements and answered questions from the City Commission.

Mayor Bartman thanked the auditing staff and the members of City staff who worked on the financial statements for their careful attention to detail.

Commissioner Barbour thanked City Manager Donovan and Finance Director VanderWall for their leadership and fiscal responsibility regarding the City's finances.

City Manager Donovan thanked the department directors and all staff members for carefully reviewing all expenses during the last budget year in light of the reductions in State revenue and other challenges.

2004-362. 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 hours of operation in the business district.

The following public comment was received:

- Karie Koster of EGR Firehouse Grill

Supported the new hours and asked the City Commission to consider adding Valentine's Day or other holidays to the extended hours ordinance at some time in the future.

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

2004-362-A. Shimko-Barbour. That an ordinance amendment to Section 5.31 of Chapter 50 of Title V of the City Code pertaining to hours of operation in the business district be adopted as set forth in Exhibit "A" attached hereto.

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

2004-363. Shimko-Horn. Motion to approve the consent agenda as follows:

2004-363-A. Minutes of the regular meeting held November 1, 2004.

2004-363-B. Payroll disbursements in the amount of \$164,020.64, county and school disbursements in the amount of \$56,601.82, and total remaining disbursements in the amount of \$392,769.25, as reviewed by the Finance Committee be approved.

2004-363-C. Resolution allowing for reimbursement of expenses from transportation bond funding for the Gaslight Village Streetscape project (attached as Exhibit "C").

Commissioner Lawless asked that the City Commission be given a list of specific expenses being reimbursed for approval at the end of the project.

2004-363-D. Committee assignments for City Commission members.

Mayor Bartman noted there was still an opportunity for another commissioner to serve on the Enhancement Fund Board and asked anyone interested to contact her.

2004-363-E. Contract with MC Smith Associates in the not-to-exceed amount of \$177,800 for design work, bid documents and construction inspection associated with the Gaslight Village Streetscape project.

2004-363-F. Purchase of two replacement patrol vehicles for the Public Safety Department from Tony Betten Ford of Grand Rapids in the amount of \$39,838.60.

2004-363-G. Preliminary minutes of the Library Commission meeting held September 13, 2004.

2004-363-H. City Services Department Report for the months of August 2004 and September 2004.

Commissioner Lawless asked the City Services Department for a report and recommendations on the purple loosestrife issue.

2004-363-I. Public Safety Department Report for the month of September 2004.

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

Mayor Bartman thanked Miles Bennett of 1551 Alexander for attending the meeting as part of his merit badge requirements. City Manager Donovan welcomed Kimberly Langely of Grand Valley State University who is working on a project on local government.

2004-364. The meeting adjourned at 8:27 p.m. subject to the call of the Mayor until December 6, 2004.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section 5.31 pertaining to hours of operation in the business district.
B – Resolution supporting Great Transit Grand Tomorrows Study recommendations
C – Resolution for reimbursement of Gaslight Village Streetscape expenses

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held December 6, 2004

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; Assistant City Attorney Wood; City Services Director Feldt; Finance Director VanderWall; Parks & Recreation Director Bunn; Building Inspector Conley; City Clerk Brower

2004-365. Mayor Bartman advised there were no communications received at City Hall:

2004-366. Diane Lange, 2150 Lansing, spoke in opposition to the proposed ordinance amendment regarding the final lot grade of new homes and additions because of the increased costs passed on to property owners. Mayor Bartman reported this issue was being reviewed by the Planning Commission at its next meeting.

2004-367. Commissioner Barbour reported the paving project on Frederick Drive is now complete and the residents are very pleased with the outcome.

Commissioner Mulhall thanked Juanita Westaby of the Grand Rapids Press for the nice article on the city's policies and procedures as reviewed by a local graduate student and complimented the City Manager for his management of complex city issues.

Mayor Bartman thanked the business owners of Gaslight Village for the wonderful tree-lighting ceremony held the day after Thanksgiving. She also reflected on the many projects accomplished by the City Commission and city staff in the last year, including paving two gravel streets, the two new housing developments approved, the proposed streetscape project, and the pending improvements to the municipal complex.

2004-368. City Manager Donovan reviewed the progress report for the construction relating to the variance granted to Dennis Thiesen of 2137 Lake Drive.

Terry O'Rourke, representative for Mr. and Mrs. Thiesen went over a revised construction schedule and asked for an additional six-months to complete the project.

Dennis Thiesen, 2137 Lake Drive, reviewed his current progress on the project and answered questions from the City Commission.

Frank Abissi, 2135 Lake Drive, spoke of the disruption to his family with the constant construction site next door and asked the City Commission to intervene and finish the project.

Commissioner Barbour stated his willingness to allow a 60-75 day extension to complete the project and encouraged the applicant to complete this project as soon as possible.

Commissioner Horn spoke in favor of giving the permit to a licensed contractor with a proven ability to finish the work in the timeline specified.

Commissioner Lawless recommended a shorter timeframe to complete the project be given to Mr. Thiesen.

2004-368-A. Lawless-Shimko. That the variance to allow an addition to the home at 2137 Lake Drive be extended until February 21, 2005 with the conditions that 1) all landscaping and outdoor construction work, with the exception of driveway repairs and exterior painting, be completed by February 21, 2005, and 2) the homeowner post a \$2,000 cash bond with the City for the variance to be extended that will either be refunded on the successful completion of the exterior portion of the project or be used toward the City's cost of enforcing the variance if the conditions are not met by February 21, 2005. Additionally, at its February 21, 2005 meeting, the commission will set a schedule for further completion of this project and determine if the bond should be retained, increased or refunded.

Commissioner Mulhall spoke in favor of imposing an earlier deadline of December 31, 2004 for the outdoor work and for setting a date for final completion of all items. Commissioner Barbour favored setting the final completion deadlines at the meeting on February 21st.

Mayor Bartman expressed her disappointment that this project was not completed and asked Mr. Thiesen to hire reputable contractors to finish the work and minimize the disruption to neighboring properties.

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

2004-369. Mayor Bartman reported that sufficient signatures had been collected to force a referendum on the Gaslight Redevelopment PUD ordinance amendment that was adopted by the City Commission on October 18, 2004. The City Commission now has two options: to overturn the ordinance amendment or to place the issue before voters at the next election.

2004-369-A. Mulhall-Turner. That a resolution setting a special election date for February 22, 2005 be adopted as set forth in Exhibit "A" attached hereto.

Commissioner Lawless reiterated his support for the project as proposed and encouraged residents to consider the redevelopment and tax generation opportunities and to make sure to vote on February 22, 2005..

Commissioner Shimko asked City staff to place the absentee voting information on the City's website to allow those out of town during the school's winter break to vote absentee.

Mayor Bartman spoke in support of the redevelopment plan submitted by Jade Pig Ventures. She stated the height of the condominium projects appears to be the largest item of opposition at this point and repeated her commitment to dialogue with residents regarding this issue.

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

2004-370. Barbour-Shimko. Motion to approve the consent agenda as follows:

2004-370-A. Minutes of the regular meeting held November 15, 2004.

2004-370-B. Payroll disbursements in the amount of \$170,103.14, county and school disbursements in the amount of \$52,913.63, and total remaining disbursements in the amount of \$482,796.03, as reviewed by the Finance Committee be approved.

2004-370-C. Contracts for health care coverage with American National as the Stop Loss Carrier, Physician's Care as the PPO provider and ASR Corporation as administrations and to fund \$1,000 in a Health Reimbursement Account for each employee and retiree, and to renew life insurance and long-term disability coverage with National Insurance Services.

2004-370-D. Appointment of Amy Coretti of 1436 Laurel to the Parks & Recreation Commission to fill the remainder of the term ending June 30, 2005.

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

2004-371. Barbour-Shimko. Motion to enter into an executive session to discuss the acquisition of real estate and pending litigation in accordance with Sections 8(d) 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-

2004-372. The meeting adjourned at 8:18 p.m. subject to the call of the Mayor until December 6, 2004.

Karen K. Brower, City Clerk

Attachments: A – Resolution setting a special election for February 22, 2005.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held December 20, 2004

Mayor Bartman called the meeting to order at 7:28 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; Assistant City Attorney Wood; Public Safety Director Gallagher; Parks & Recreation Director Bunn; City Clerk Brower

2004-373. Mayor Bartman advised of the following communications received at City Hall:

- A. Email from Nolan Erickson regarding the traffic at the boat launch at Collins Park.
- B. Letter from Diane Lange, 2150 Lansing, opposing an ordinance regulating the final grade on new homes.
- C. Letter from State Representative James Koetje thanking Commissioners for working with him during his time as an elected official.
- D. Letter from James Keane regarding the proposed redevelopment project in Gaslight Village.
- E. Correspondence from Frank Abissi of 2135 Lake Drive concerning letters written to the Board of Education.

2004-374. Diane Lange, 2150 Lansing, spoke about the Planning Commission's decision to not recommend approval of the ordinance amendment for final grade on new homes and asked the City Commission to not adopt this ordinance.

2004-375. Commissioner Turner welcomed Amy Coretti as the newest member of the Parks & Recreation Commission.

Commissioner Mulhall wished everyone a very happy holiday season and commended the employees of the various city departments for their efforts to raise funds for worthy causes over the last month.

Commissioner Lawless welcomed the Snapdragon children's store to Gaslight Village.

Mayor Bartman also praised City employees for raising money for the Equestrian Center for Therapeutic Riding, the Veteran's Home, survivors of officers killed in the line of duty, and for needy families in the area..

2004-376. City Clerk Brower administered the oath of office to Public Safety Officers Beth Weiss and Jon Karnes.

2004-377. Introduction 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.

2004-377-A. Lawless-Shimko. 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 introduced as set forth in Exhibit "A" attached hereto.

City Attorney Huff reviewed the provisions of State law regarding this issue and answered questions from the City Commission. City Manager Donovan outlined the procedures staff would use in educating the public and writing letters of warning prior to citations being issued.

Commissioner Barbour expressed concern for those residents who had been using incinerators for many years and asked the City Commission to take input from the public prior to the final adoption. He asked the newspapers to publish requests for feedback in their forthcoming stories and suggested the final reading be scheduled for January 17th to allow residents to comment on this issue.

Commissioner Lawless spoke in favor of the new regulations because they are consistent with other aspects of City ordinances regulating burning and because burning trash is inconsistent with community standards.

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

2004-378. Consider request to approve ballot language for the February 22, 2005 election.

2004-378-A. Lawless-Shimko. That ballot language for the February 22, 2005 election be established as follows:

Shall the East Grand Rapids Ordinance adopted on October 18, 2004, establishing the Jade Pig Ventures Planned Unit Development at 2255 Wealthy Street SE and 515 Lakeside Drive SE in the City of East Grand Rapids be approved?

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

2004-379. Turner-Shimko. Motion to approve the consent agenda as follows:

2004-379-A. Minutes of the regular meeting held December 6, 2004.

2004-379-B. Payroll disbursements in the amount of \$161,106.28, county and school disbursements in the amount of \$304,265.73, and total remaining disbursements in the amount of \$337,249.53, as reviewed by the Finance Committee be approved.

2004-379-C. Reappointment of Commissioner Lawless as the East Grand Rapids representative to the Interurban Transit Partnership Board of Directors for a two-year term ending December 31, 2006.

Mayor Bartman thanked Commissioner Lawless for representing East Grand Rapids on issues concerning public transit in the metropolitan area.

2004-379-D. A contract with Lyonnais, Inc. to perform drainage work at Manhattan Park in the amount of \$4,100.00 with a corresponding budget amendment from the General Fund Undesignated balance to the City Services Operating Account.

2004-379-E. A contract for the 2005 Middle School Ski Club transportation with Dean Trailways of Michigan in the amount of \$519 per bus per trip with no show-up fee if individual trips are cancelled.

2004-379-F. Report on the formation of the Urban Metro Mayors and Managers group.

2004-379-G. Preliminary minutes of the Library Commission meetings held October 25, 2004 and November 22, 2004

2004-379-H. Preliminary minutes of the Planning Commission meeting held October 12, 2004.

2004-379-I. Preliminary minutes of the Parks & Recreation Commission meeting held November 8, 2004.

2004-379-J. Public Safety Department Report for the month of October 2004.

Mayor Bartman noted the Public Safety Department would celebrate 20 years as an integrated police and fire department in January of 2005 and suggested the event be recognized at an upcoming commission meeting.

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

2004-380. The meeting adjourned at 7:55 p.m. subject to the call of the Mayor until January 3, 2005.

Attachments: A – Ordinance amendment to Sections 2.1, 2.4, 2.5 and 2.7 pertaining to private incinerators.

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

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Reference Only