

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held January 7, 2002

Mayor Frey called the meeting to order at 7:31 p.m. in the City Commission Chambers at City Hall.

Present: Commissioners Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Mayor Frey

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; City Services Director Baragar; Public Safety Director Gallagher; Finance Director VanderWall; Assistant to the City Manager Branyan; City Clerk Brower

2002-193. The minutes of the regular meeting held December 17, 2001 were received with the following correction:

Commissioner Barbour asked that Item 2002-181 be amended to include the fact that the new fees for pool memberships were recommended by the Parks & Recreation Commission and that the staff had researched fees charged by other area facilities when developing the membership rates.

2002-194. Mayor Frey advised of the following communications received at City Hall:

- A. Newspaper article copied by Mayor Frey about the situation surrounding the Mayor of Georgetown, Colorado.
- B. Card from Mrs. Robert Flack thanking the Public Safety Department for their assistance to her family over the years they have lived in East Grand Rapids.

2002-195. Bob and Julie Koch of 2560 Frederick were present to ask the City Commission to address the conditions of Frederick Drive, a gravel road. Mr. Koch stated that the City's attempts to maintain the road in satisfactory condition have not been adequate and that many residents on the street would like to see the road paved. Commissioner Lawless stated that several years ago the majority of residents were opposed to paving because of the cost but agreed that it was time to again look at improving this street to an asphalt surface. Mayor Frey asked staff to begin looking at this issue and to prepare a recommendation for the City Commission.

Jim Koetje, candidate for the new 86th Michigan House of Representatives District, was present to introduce himself and to familiarize himself with issues in the East Grand Rapids area.

2002-196. Barbour-Lawless. That payroll disbursements in the amount of \$233,668.74; county and school disbursements in the amount of \$188,197.81; and total remaining disbursements in the amount of \$456,946.56, as reviewed by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2002-197. Consideration of a request approve the division of a lot located at 3188 Bonnell.

2002-197-A. Brennan-Shimko. That the request to allow a portion of 3188 Bonnell to be added to 1114 Idema be taken from the table for consideration.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

City Attorney Huff explained that the buyer of the property had produced information confirming the fact that the portion in question was deeded to Ms. Byam in May 2001, prior to the purchase of 3188 Bonnell by Mr. Jones. He also stated that Mr. Jones appeared to be satisfied with the documentation provided

when talking with City Services Director Baragar on January 4, 2002. City Attorney Huff confirmed that the City Commission's approval of the division of this lot did not take away Mr. Jones ability to pursue this issue as a civil matter if he were to be so inclined in the future.

Mary Ann Byam, 1114 Idema, was present to answer questions concerning this request.

2002-197-B. Lawless-Mulhall. That the request to allow a portion of 3188 Bonnell (Lot 7, Ainsworth Resubdivision) to be added to 1114 Idema, 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, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-198. Final Reading of an ordinance amendment to add a Chapter 28 to Title II as a Storm Water Ordinance.

City Attorney Huff reviewed several minor changes that had been incorporated into the proposed ordinance following suggestions from Commissioner Lawless. He recommended that the ordinance be adopted with the revisions.

2002-198-A. Lawless-Shimko. That an ordinance amendment adding Chapter 28 to Title II as a Stormwater Ordinance be adopted as revised and set forth in Exhibit "A" attached hereto.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-199. Consideration of a request to adopt an "Emergency Operations Plan."

City Manager Donovan outlined the need for a comprehensive document that encompassed all employees of the City with specific duties to be performed in case of any type of emergency. He thanked all of the department directors and Assistant to the City Manager Branyan for all their effort in developing the plan.

Commissioner Lawless suggested that the final plan document summary be prepared in an easy-to-read, concise format such as the School District's emergency plan.

Commissioner Shimko asked that specific plans be developed for working with other cities and townships during emergencies. Assistant to the City Manager Branyan and Chief Gallagher responded that mutual aid agreements were already in place and would be detailed in separate sections of the plan.

2002-199-A. Lawless-Brennan. That the "Emergency Operations Plan" prepared and presented by staff be adopted as recommended.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-200. Consideration of a request to approve the purchase of trench shoring equipment.

2002-200-A. Shimko-Barbour. That the purchase of trench shoring equipment from Pro-Tec Equipment of Charlotte, Michigan in the amount of \$4,747.00 be approved.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-201. Mayor Frey outlined the schedule of upcoming meetings.

Commissioner Brennan reported that the Traffic Commission had met earlier in the evening and considered a request for a cul-de-sac on Groton Road at Richards Drive. The request was denied because the traffic data collected in the area did not present any safety hazards.

Commissioner Barbour noted that the first meeting in April again falls during Spring Break and asked that the meeting be rescheduled. He also spoke about the gravel roads in East Grand Rapids and stated that the City Commission will need to consider all unimproved roads and make a determination about keeping the current standards or implementing new standards.

Commissioner Kremers reported receiving feedback from several residents about the new fees approved for pool memberships. He stated that people felt they were very high and asked staff to make an effort to educate the public on the new fees and the rationale in setting them.

Commissioner Lawless also spoke about gravel roads and agreed that there were several issues to be decided, including whether a policy should be adopted to pave all roads.

Commissioner Brennan noted that the scrolling message sign in front of the high school was now fully operational and asked staff to review the discussions and conditions placed on the sign when the variance was approved for any necessary adjustments to format or schedule.

2002-202. The regular meeting adjourned at 8:14 p.m. subject to the call of the Mayor until January 21, 2002.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment adding Chapter 28 concerning Stormwater

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held January 21, 2002

Mayor Frey called the meeting to order at 7:31 p.m. in the City Commission Chambers at City Hall.

Present: Commissioners Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Mayor Frey

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; City Services Director Baragar; Public Safety Director Gallagher; Finance Director VanderWall; Parks & Recreation Director Bunn; City Assessor Mesik; Building Inspector Conley; Community Service Coordinator Hayes; City Clerk Brower

2002-203. The minutes of the regular meeting held January 7, 2002 were received as submitted.

2002-204. Mayor Frey advised of the following communications received at City Hall:

- C. Various articles of interest from Mayor Frey.
- D. Invitation to an Open House for the Leadership Grand Rapids program.
- E. Letter from Robert Woodhouse of 3073 East Fulton thanking City staff for their professional handling of the ice boats stored at Collins Park.

2002-205. Scott Bartman, 336 Manhattan, thanked Public Safety Officers Doxtader, Kolster and Davis for their help in recovering his skateboard which was stolen while he was delivering newspapers.

Diane Lange, 2150 Lansing, requested that Lansing Street be paved to provide an adequate surface for residents of the street. She also proposed adding speed bumps at each end of the street to deter speeding after the road is paved.

Gene Williams, 2143 Lansing, also commented on the poor conditions of the gravel street and suggested that the street be paved and a cul-de-sac created to eliminate traffic cutting through to the business parking lots on Greenwood.

2002-206. Lawless-Barbour. That payroll disbursements in the amount of \$202,850.87; county and school disbursements in the amount of \$1,194,793.28; and total remaining disbursements in the amount of \$279,803.32, as reviewed by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-207. Consideration of a request to approve a contract for the lease of Wealthy Pool.

Finance Director VanderWall reported that the School Board had already approved the lease agreement and thanked everyone who had worked to update the agreement to accommodate the new renovations. She noted that the only significant change from the old agreement dealt with the handling of the athletic locker room located at the facility.

Dick Wendt, bond counsel with Dickinson Wright, was present to answer questions from the City Commission about the lease agreement and the bond sale.

2002-207-A. Lawless-Shimko. That a resolution authorizing the execution of the lease agreement for the Wealthy Pool building be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

- 2002-208. Consideration of a request to adopt a resolution authorizing the sale of bonds for the renovation of Wealthy Pool.

Finance Director VanderWall announced that the bonds would be issued in the amount of \$1,775,000 to finance the renovations at Wealthy Pool. The estimated millage necessary has decreased from .39 mills to .32 mills because of the excellent construction bids received and possibly lower interest rates. This is an 18% reduction in the cost that will be assessed to the taxpayers.

Attorney Wendt stated that the bonds would be sold at a public sale on February 6, 2002. The funds would then be available for the project on February 20, 2002. Payments will be scheduled in April and October of each year.

- 2002-208-A. Shimko-Brennan. That a resolution authorizing the sale of bonds for the renovation of Wealthy Pool be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

- 2002-209. Consideration of a request to award a contract for renovations at Wealthy Pool.

Dave Messner of URS Corporation answered questions from the City Commission and noted that demolition and reconstruction would begin as soon as possible with the school schedule and should be completed by the end of December.

- 2002-209-A. Barbour-Kremers. That a contract in the amount of \$1,246,000 plus contingencies in the amount of \$183,750 for a total project cost of \$1,429,750 be awarded to Owen Ames Kimball for the reconstruction of the Wealthy Pool facility.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

Mayor Frey asked that the agenda be taken out of order to accommodate guests.

- 2002-210. Consideration of a request to award a contract for periodic tree maintenance services.

City Services Director Baragar reviewed the bidding process and the proposals received. He noted that staff had used the bidders proposed rates and past history to analyze the full cost to the City over the term of the three-year agreement. Based on the three-year projections, Consumers Energy was the low bidder for this contract. He reported that City staff had then met with representatives of Consumers Energy to address concerns of aesthetics and procedure. He stated that Consumers Energy had sufficiently addressed staff's concerns.

Dale Thompson and Karen McCarthy of Consumers Energy were present and answered questions from the City Commission regarding the qualifications of Consumers Energy and procedures that will be followed during the contract.

- 2002-210-A. Lawless-Shimko. That a three-year agreement with Consumers Energy for the maintenance of trees within the city right-of-ways be approved per the hourly rate submitted during the bid process.

Commissioner Barbour noted that the City will save approximately \$30,000 over the term of the agreement by using Consumers Energy over the other bids received. No other public comment was received.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

- 2002-211. Introduction of an ordinance amendment to Article XIII(A) of Chapter 50 of Title V of the City Code regarding planned unit developments.

City Attorney Huff explained that the proposed ordinance amendment gives additional options for developers, including a pre-application conference, and implements a two-phase approval process.

- 2002-211-A. Mulhall-Lawless. That an ordinance amendment to Article XIII(A) of Chapter 50 of Title V of the City Code regarding planned unit developments be introduced as set forth in Exhibit "C" attached hereto and referred to the Planning Commission for review.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

- 2002-212. Introduction of an ordinance amendment to add Section 5.156 to Chapter 50 of Title V of the City Code regarding escrow fees.

City Attorney Huff noted that the proposed escrow fees would cover the expenses not normally incurred by the City such as engineering fees, traffic studies and professional planning consultants. The escrow fees will not be used to cover staff time, publication or postage for regular meetings.

- 2002-212-A. Brennan-Kremers. That an ordinance amendment to add Section 5.156 to Chapter 50 of Title V of the City Code regarding escrow fees be introduced as set forth in Exhibit "D" attached hereto and referred to the Planning Commission for review.

Commissioner Lawless expressed his support of the escrow fee system as a method of recovering expenses above and beyond those not normally incurred by the City for other projects.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

- 2002-213. Consideration of a request to approve changes to the poverty exemption guidelines.

City Assessor Mesik reported that the Board of Review had requested additional guidelines for consideration of poverty exemption applications. The proposed revisions include implementing a total number of years the exemption is available and establishing limits on personal assets for eligibility. She also outlined minor wording changes made by the Finance Committee which will be included in the final document.

Commissioner Barbour spoke in favor of the changes to the poverty exemption guidelines because it will create a consistent approach to each application.

- 2002-213-A. Barbour-Brennan. That a resolution adopting changes to the poverty exemption guidelines as approved by the Finance Committee be adopted as set forth in Exhibit "E" attached hereto.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

- 2002-214. Consideration of a request to approve an application for Community Development Block Grant funding

Commissioner Barbour asked if barrier-free improvements to Joint Facilities properties could be included in future funding requests. City staff will investigate this suggestion.

- 2002-214-A. Kremers-Mulhall. That the Mayor be authorized to sign the annual CDBG Program Agreement with Kent County as set forth in Exhibit "F" attached hereto, and that an application for funding in the amount of \$200,000 for handicap curb ramps on city sidewalks be approved as requested.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-215. Consideration of a request to approve new parks rule.

City Manager Donovan explained that the new rule prohibiting the parking of boats or other vessels on park property was implemented in response to concerns about the Collins Park property being damaged by ice boats before the construction was finished and grass planted. He noted that the rule was effective until November 1, 2002 so that it could be reviewed with public input prior to next year's winter season. The Parks & Recreation Commission has reviewed the rule and recommends adoption with the addition of the word "unattended" in the first line.

2002-215-A. Lawless-Mulhall. That an amendment to the rules and regulations governing park property be adopted as follows:

"No parking or storage of any unattended vehicle, boat, trailer, ice boat or sailboard is allowed on park property. Temporary parking while loading or unloading on the boat launch in Collins Park is permitted. This rule shall be in effect until November 1, 2002."

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-216. Consideration of a request to decide on alternate meeting date for spring break meeting of April 1, 2002.

The meeting scheduled for April 1, 2002 was rescheduled for Thursday, March 28, 2002 at 7:30 a.m. in conjunction with the normal Finance Committee meeting because of spring break.

2002-217. The preliminary minutes of the Parks & Recreation Commission meeting held December 10, 2001 were received.

2002-218. The preliminary minutes of the Traffic Commission meeting held January 7, 2002 were received.

Commissioner Lawless thanked the Traffic Commission for considering the concerns of the residents in the Richards/Groton area when addressing their request for a cul-de-sac.

2002-219. The preliminary minutes of the Library Commission meetings held December 9, 2001 and January 6, 2002 were received.

2002-220. The preliminary minutes of the Joint Facilities Committee meetings held December 13, 2001, and January 9, 2002 were received.

Commissioner Lawless noted that artificial turf was being proposed for Memorial Field and expressed his enthusiasm for the project.

Commissioner Shimko reported that the restroom/storage building at Remington Park would be started soon and thanked all of the parents, students and city staff who have worked so diligently on this project.

City Manager Donovan announced that the High School Crew Team had raised all of the necessary funds for the boathouse project and would not need to borrow funds from the City to finish the building. He also thanked all of the students and parents who participated in raising funds and designing the facility.

2002-221. The City Services Department Report for the month of November 2001 was received.

2002-222. The Public Safety Department Report for the month of November 2001 was received.

2002-223. Mayor Frey reported that she is compiling a list of all past businesses in the Gaslight Village area as a historic reference and asked for assistance on this project.

Commissioner Mulhall noted the observance of Martin Luther King Jr's birthday. He also asked if the City had a mechanism for recognizing academic, athletic and artistic achievements of school teams and individual students for outstanding accomplishments. Staff will attempt to send congratulatory letters where appropriate.

2002-224. The regular meeting adjourned at 8:52 p.m. subject to the call of the Mayor until February 4, 2002.

Karen K. Brower, City Clerk

Attachments: A – Resolution approving lease agreement for Wealthy Pool.
 B – Resolution authorizing the sale of bonds for Wealthy Pool renovations
 C – Ordinance amendment to Article XIII(A) concerning planned unit developments
 D – Ordinance amendment adding Section 5.156 establishing escrow fees
 E – Resolution amending poverty exemption guidelines
 F – Community Development Block Grant 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 February 4, 2002

Mayor Frey called the meeting to order at 7:32 p.m. in the City Commission Chambers at City Hall.

Present: Commissioners Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Mayor Frey

Absent: None

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

2002-225. The minutes of the regular meeting held January 21, 2002 were received as submitted.

2002-226. Mayor Frey advised of the following communications received at City Hall:

- F. Letter from Diane Lange, 2150 Lansing, asking that the gravel road be paved.
- G. Letter from Jacobson Stores, Inc. of Jackson informing the City of their bankruptcy proceedings and their commitment to emerging from this situation.
- H. Letter EGR Crew Team leaders announcing that they have met their fundraising goal for the construction of their storage building at Collins Park and thanking everyone involved for their support of the project.
- I. Letter from Sue Cothorn, 1517 Edgewood, asking for an explanation of the snowplowing operations during winter storms and a review of the sidewalk plowing expense.

2002-227. Bob Eleveld, 3579 Hidden Lake Lane, was present to announce his candidacy for the 86th District of the Michigan House of Representatives and to introduce himself to the City Commissioners.

2002-228. Lawless-Shimko. That payroll disbursements in the amount of \$142,543.89; county and school disbursements in the amount of \$-0-; and total remaining disbursements in the amount of \$243,218.80, as reviewed by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2002-229. Public Hearing and consideration of a request to approve a site plan and special use permit for the construction of an addition to the existing Grace Episcopal Church building at 1815 Hall Street.

Cal Jen of AMDG Architects, Jean Wodarek of Driesenga & Associates, and Tom Frey of D&D Construction were present to explain the construction being proposed for the church property and to answer questions from the City Commission. They reviewed the proposed addition to the church building, the reconfiguration of the parking lot and its driveways, and explained the changes to the outdoor lighting.

The following people were present to express their opinions on this issue:

- Ken and Amy Tolliver, 1851 Hall

Concerned about increased amount of light in their home from lights placed along east property line and about increased noise from relocated driveway. They asked that the church consider evergreen landscaping along their property line or placing the lights near their home on timers. They also asked that the driveway be moved further from their home.

- Bob Kirchgessner, 1900 El Dorado

Stated that the church did not need to add landscaping to the property line along his home as the area was well screened. He was not opposed to the lighting of the parking lot as proposed.

Louise Edison, congregation member and project manager for the expansion project, was present to answer questions and address concerns on behalf of Grace Church. She stated that the church was willing to include wiring for timers into the installation of the light poles for future use if necessary. She noted that the changes to the parking lot were being made for safety as well as traffic flow reasons and that changing to design would decrease the efficiency of the available space.

Commissioner Lawless asked if there was another possible location for the storage sheds located on the northern edge of the property or if the contents of the shed could be stored indoors. Chuck Howell, Rector of Grace Church, reported that one shed contained lawn maintenance equipment and the other was owned by the St. Ann's Guild and housed their equipment. He stated that the sheds would be kept in good condition and set back against the trees to screen them from view.

The City Commission discussed the request and several options to minimize the impact on the Tolliver property. However since the lighting is not yet installed, Commissioners were reluctant to place conditions on the approval. Several commissioners stated that support of this project was based on the lighting diagrams showing compliance with the City's policy on illumination, and on the Church's willingness to continue working with the Tollivers and other neighbors in the future if the lighting is obtrusive.

2002-229-A. Lawless-Barbour. That the site plan for renovations at Grace Episcopal Church at 1815 Hall Street be approved as amended to include pre-wiring of the two light poles closest to the property at 1851 Hall for future timers and that the amount of light not exceed three foot candles at the property line, and that a special use designation be granted for the site.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall and Frey – 6
Nays: -0-
Abstain: Shimko – 1

2002-230. Public Hearing and Final Reading of an ordinance amendment of Section 5.24 of Chapter 50 of Title V of the City Code concerning cellular antenna towers.

City Attorney Huff reviewed the minor changes made between the introduction and the final reading from suggestions made by Commissioners and the Planning Commission.

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

2002-230-A. Shimko-Barbour. That an ordinance amendment to Section 5.24 of Chapter 50 of Title V of the City Code concerning cellular antenna towers be adopted as set forth in Exhibit "A" attached hereto.

Commissioner Lawless asked if relief could be obtained from the no fall zone requirement. City Attorney Huff stated that a variance could be requested by an applicant if variance standards were met.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-231. Consideration of a request to approve a policy regarding background checks of Parks & Recreation Department volunteers.

2002-231-A. Brennan-Mulhall. That a policy instituting background checks for volunteers in the Parks & Recreation Department be approved as set forth in Exhibit "B" attached hereto.

Parks & Recreation Director Bunn noted that the policy had been reviewed and amended by the Finance Committee and the Parks & Recreation Commission. It was noted that the policy now contains an appeal process for those denied participation for any reason.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-232. Finance Director VanderWall presented the quarterly financial statements for the period ending December 31, 2001 and answered questions from the City Commission.

2002-233. Consideration of a request to create a consent agenda.

Commissioner Lawless asked that the minutes and reports of the advisory boards remain on the agenda individually for review. It was noted that budgeted purchases will still be reviewed by the Finance Committee prior to being placed on the consent agenda, and that any item can be removed and considered separately at the request of one member of the City Commission.

2002-233-A. Brennan-Mulhall. That a consent agenda for City Commission agendas to contain routine items such as minutes of prior meetings, disbursements of funds, and budgeted purchases under \$5,000.00 be adopted for a trial-period of six months.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-234. Consideration of a request to approve the water and sewer projects schedule.

Commissioner Lawless asked if the project to alleviate flooding on Sherwood Avenue could be moved forward into the upcoming fiscal year. City Services Director Baragar reported that the engineers are still working to develop a solution for this problem, but that if a solution is found the project could be moved forward.

2002-234-A. Kremers-Brennan. That staff be authorized to solicit bids for summer water and sewer construction projects for FY 2002-03 as outlined in the annual road projects report.

2002-234-B. Lawless-Brennan. Motion to amend the project list to include the Sherwood Avenue project if time and funding permits.

Vote on 2002-234-B.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

Vote on 2002-234-A, as amended.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-235. City Services Director Baragar presented a report on the weed control treatment of Reeds Lake implemented during 2001. He stated that the attempts to eliminate the milfoil have been very successful to date and that only spot treatment of Reeds Lake with the Sonar chemical is anticipated during 2002.

City Manager Donovan reported that the City would be contacting local colleges to see if a biology class would be interested in working on the purple loosestrife that is increasing around Reeds Lake.

2002-236. Mayor Frey noted that the bonds for the Wealthy Pool renovations would be sold later in the week. She also thanked Chief Gallagher for his assistance with the memorial services held over the weekend for high school athletic team manager Jimmy Gerken. Other Commissioners also stated that Jimmy was an asset to the community and would be greatly missed.

City Manager Donovan reported attending a session on strategic planning at a recent City Manager's Conference.

Commissioner Kremers asked staff to respond to the letter from Ms. Tuthill regarding the snowplowing schedule and the attempts made to get roads cleared in a timely manner. He thanked the other commissioners and staff members for participating in the recent strategic planning retreat.

2002-237. Brennan-Barbour. Motion to enter into an executive session to discuss pending litigation in accordance with Sections 8(e) of the Open Meetings Act. A roll call vote was taken

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2002-238. The regular meeting adjourned at 9:24 p.m. subject to the call of the Mayor until February 18, 2002.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section 5.24 concerning cellular antenna towers.
B – Policy for background checks of volunteers.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held February 18, 2002

Mayor Frey called the meeting to order at 7:33 p.m. in the City Commission Chambers at City Hall.

Present: Commissioners Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Mayor Frey

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Public Safety Director Gallagher; Parks & Recreation Director Bunn; Streets & Utilities Superintendent Keating; Building Inspector Conley; City Clerk Brower

2002-239. Mayor Frey advised of the following communications received at City Hall:

- J. Thank you card from the Dodgson family of 937 Ogden thanking the Public Safety Department for their quick response during a minor kitchen fire at their residence recently.
- K. Thank you card from the Toys For Tots Campaign thanking the Public Safety Department and those who donated toys for the assistance during the Christmas season campaign.

2002-240. No public comment was received.

2002-241. Penny Pestle of The Delta Strategy was present to speak about the programs and services being developed by their organization to enhance the quality of life and reduce poverty in the Grand Rapids area. She asked for participation in upcoming and events and for continued funding through the Urban Cooperation Board that the City of East Grand Rapids belongs to.

2002-242. Brennan-Kremers. Motion to approve the consent agenda as follows:

2002-242-A. The minutes of the regular meeting held February 4, 2002.

2002-242-B. Payroll disbursements in the amount of \$142,543.89; county and school disbursements in the amount of \$-0-; and total remaining disbursements in the amount of \$243,218.80, as reviewed by the Finance Committee.

2002-242-C. Purchase and installation of an in-car video camera from Mobile Vision, Inc. in the amount of \$4,405.00 for the Public Safety Department.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2002-243. A zoning variance hearing was held regarding the request of Mark and Eileen Chamberlin of 535 Cambridge to allow the construction of an attached garage with a side yard of 16'-0" instead of the required 24'-0."

Mark Chamberlin, 535 Cambridge, was present to introduce and answer questions about the variance request.

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

- Judy Grueber, 508 Cambridge No objection
- Stephen & Amy Rockwell, 528 Cambridge No objection

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

2002-243-A. Shimko-Brennan. That the request of Mark and Eileen Chamberlin of 535 Cambridge to allow the construction of an attached garage with a side yard of 16'-0" instead of the required 24'-0" be approved.

It was discussed that there were several similar setbacks on the adjacent homes along Lake Drive.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

- 2002-244. A zoning variance hearing was held regarding the request of Mr. and Mrs. Brian Snoeyer of 2727 Reeds Lake Boulevard to allow the construction of a two-story addition to the rear of the home creating a rear yard setback of 19'-0" instead of the required 25'-0."

Brian Snoeyer, 2727 Reeds Lake Blvd., was present to introduce and answer questions about the variance request.

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

- Rich & Chris Martin, 322 Hodenpyl No objection

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

- 2002-244-A. Kremers-Brennan. That the request of Mr. and Mrs. Brian Snoeyer of 2727 Reeds Lake Boulevard to allow the construction of a two-story addition to the rear of the home creating a rear yard setback of 19'-0" instead of the required 25'-0" be approved.

Commissioner Kremers spoke in support of this variance request and noted that this corner lot presented a unique situation that made compliance with all of the zoning requirements very difficult.

Yeas: Barbour, Brennan, Kremers, Mulhall, Shimko and Frey – 6
Nays: -0-
Abstain: Lawless – 1

- 2002-245. Consider request to approve an appointment to the Interurban Transportation Partnership Board.

- 2002-245-A. Lawless-Barbour. That Earle "Win" Irwin of 1860 Lake Drive be appointed to the Interurban Transit Partnership Board of Directors as a representative of East Grand Rapids to fill the two-year term ending December 31, 2003.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

- 2002-246. Consider request to approve the Joint Facilities Budget for FY 2002-03.

City Manager Donovan explained that the Joint Facilities Committee was preparing their annual budget and was working with two major capital projects—the completion of the restroom/storage building at Remington Park and the contribution to the installation of synthetic grass on Memorial Field. Together, these projects will take the majority of the money allocated to the Joint Facilities Committee for the remainder of FY 2001-02 and the upcoming FY 2002-03. The Committee has accomplished the remaining capital items on its project list and will be examining the master plans and all facilities to develop a new list of projects to be implemented after FY 2002-03.

The City Commissioners endorsed the completion of these two projects and asked that careful consideration be given to maintaining present facilities and to planning for the future replacement of the artificial turf surfaces when necessary.

- 2002-247. Consider request to authorize staff to seek proposals for the replacement of the street sweeper.

Streets & Utilities Superintendent Keating explained that the current Pelican Streetsweeper that was scheduled to be replaced next fiscal year has experienced several mechanical failures recently and was out of service during the majority of the fall leaf collection season. Staff is requesting permission to use

funding allocated for the replacement of a payloader to replace the street sweeper in the current year. The payloader's condition is sufficient to delay replacement until next fiscal year.

2002-247-A. Lawless-Shimko. That staff be authorized to seek bids for the purchase of a new street sweeper, and that the \$175,000 reserved for the replacement of the payloader be moved from the contingency account and designated for the street sweeper replacement instead.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-248. Consider request to approve an extension to the Citizen Task Force Facilitation contract.

Mayor Frey reported that the Citizen's Task Force had reviewed several concept drawings at its last meeting and had begun narrowing down options for the expansion of the library and recreation operations. Members of the Task Force are hoping to have a recommendation for the City Commission in March.

2002-248-A. Barbour-Mulhall. That the contract with Aquinas College Community Leadership Institute for the facilitation of the Citizen Task Force meetings be extended by \$3,000.00 for a not-to-exceed total of \$6,000.00.

The City Commission declined to set an ending date to the contract because the sessions were proceeding toward a recommendation in the very near future.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-249. Consideration of a request to approve an extension to the yard waste disposal contract.

2002-249-A. Barbour-Brennan. That the contract with Sunset Waste Services for the hauling and disposal of yard waste and street sweeping debris be extended for a two-year period ending February 1, 2004 at the following prices: \$125 per pull for 20-, 30-, or 40-yard containers, \$2.75 per yard for disposal of yard waste, and \$12.00 per ton for the disposal of street sweepings.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-250. Consider request to approve the replacement of a generator for the Streets & Utilities Department.

2002-250-A. Kremers-Brennan. That the purchase of a replacement generator from AIS Corporation of Grand Rapids in the amount of \$15,521.27 be approved.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-251. Consider request to approve the replacement of a retaining wall at the Streets & Utilities Building.

2002-251-A. Shimko-Barbour. To award a contract to Diversco Construction of Byron Center in the amount of \$13,500.00 plus contingencies of \$1,350.00 for a total of \$14,850.00 to construct a retaining wall at the Streets & Utilities site, and to approve a budget amendment of \$4,850.00 for this project.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-252. City Manager Donovan reported that bonds for the Wealthy Pool renovations had been sold on February 6th and reviewed the terms of the sale. Construction will begin as soon as possible at the school location and should be finished by the end of 2002. He noted that because of the favorable bond market

and lower than estimated construction bids, the final millage levy will be an average of .31 mills, which is 20% lower than the .39 mills approved by voters in June 2001.

2002-253. The preliminary minutes of the Parks & Recreation Commission meeting held January 14, 2002 were received.

2002-254. The preliminary minutes of the Library Commission meetings held January 27, and January 28, 2002 were received.

Commissioner Mulhall reported that the Library Commission had recently visited the new Wyoming library building and were very impressed with the use of space and the use of donations to enhance the collection and program facilities. He noted that a list of libraries and points to look for are available from EGR Branch Manager Cathy Clair if any commissioners wanted to conduct their own self-guided tours.

2002-255. The City Services Department Report for the month of December 2001 was received.

Mayor Frey noted that the Kent County Animal Control Agreement was up for renewal and asked if there were any other organizations that would be willing to bid on these services. Chief Gallagher reported that other organizations did not offer neighborhood patrol services and could not issue citations for health, safety or ordinance violations.

2002-256. The regular meeting adjourned at 8:43 p.m. subject to the call of the Mayor until March 4, 2002.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held March 4, 2002

Mayor Frey called the meeting to order at 7:32 p.m. in the City Commission Chambers at City Hall.

Present: Commissioners Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Mayor Frey

Absent: None

Also Present: Assistant City Attorney Sluggett; City Manager Donovan; Public Safety Director Gallagher; Streets & Utilities Superintendent Keating; Engineering Supervisor Kadzban; City Clerk Brower

2002-257. Mayor Frey advised of the following communications received at City Hall:

- A. Note decorated by 2-yr-old Owen thanking the Public Safety Department for caring for him during a recent medical emergency.
- B. Letter from Peter DeJonge, 707 Plymouth, asking the City to consider completing the bike trail around Reeds Lake.
- C. Memo from City Assessor Vicki Mesik summarizing the assessment results for 2002.

2002-258. No public comment was received.

2002-259. Barbour-Brennan. Motion to approve the consent agenda as follows:

2002-259-A. The minutes of the regular meeting held February 18, 2002.

2002-259-B. Payroll disbursements in the amount of \$157,444.75; county and school disbursements in the amount of \$367,888.06; and total remaining disbursements in the amount of \$251,739.72, as reviewed by the Finance Committee.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2002-260. Consider request to approve a policy on maintenance of gravel roads within the City.

City Manager Donovan summarized the history of the paving policy, the current status of the process and the Infrastructure Committee's recommendation to continue grading roads as needed and to work with resident groups individually to determine the will of the neighborhood regarding paving their streets.

Commissioners Brennan and Kremers stated that the City was willing to be flexible on issues such as resident's financing options and the extra amenities added to the road, but reiterated that the City would not compromise on the engineering standards needed for the road base, thickness of asphalt and drainage requirements. City Manager Donovan stated that the City would pay for the water/sewer lines under the road, and would pay for the construction of the road base. Residents would be responsible for the sand base, the wearing course of asphalt and any curbing and sidewalks installed.

Commissioner Lawless spoke in favor of allowing the residents to vote on most situations involving the paving of their streets but proposed that the City reserve the right to move forward with improvements in certain situations where the public welfare requires action. He also stated his concern that the maintenance operations for gravel roads used taxpayer resources that could be better spent on other projects. He favored either establishing a paving schedule to improve the remaining roads or dealing with them individually when a critical percentage of residents were unhappy with the conditions.

The following people were present and expressed their opinions concerning gravel roads and the proposed policy:

Nicholas Stover, 2214 Argentina	Asked that the unpaved portion of Orchard Avenue be left unpaved since the surface was adequate for the few people that used the road.
Ellen Fluch, 1015 Orchard.	Thanked the City for maintaining their road and asked that it not be paved.
Diane Lange, 2150 Lansing.	Questioned the method of determining special assessment amounts and whether current residents or property owners would be allowed to vote on the issue. She favored paving Lansing.
Sara Gavin, 244 Hodenpyl	Favored minimal paving for safety and convenience but against sidewalks and curbs.
Rick Holmes, 855 Bellclaire	Would like to have Frederick paved since conditions are especially bad this year.
Tolly Stiffler, 302 Lakewood	Favored minimal paving appropriate for the area.
Dan Hunsberger, 223 Pioneer Club	Concerned that paving may increase vehicle speeds. Suggested a one-lane, one-way street northbound to keep character of area and minimize speeding.
Larry Patzelt, 2601 Frederick	Frederick is in very bad condition and needs to be reconstructed and paved.
Bill Rothwell, 2546 Frederick	Wants the opportunity to decide based on a resident vote.
Don Condit, 2555 Frederick	Wants Frederick paved because other residents enjoy paved streets. Also concerned about gravel and sand washing into Reeds Lake.
Kathy Muir, 2764 Pioneer Club	Asked that Pioneer Club be divided into two sections north and south of Reeds Lake Blvd to allow residents of each block to decide.
Peter Wege, 2754 Pioneer Club	Favored paving to control the dirt and potholes. Felt it would save the city time and manpower over time.
Lucia Patzelt, 2601 Frederick	Stated that Frederick is in very poor condition and needs to be improved.
Carmel Loftis, 2151 Durant	Questioned whether City Commission would overrule resident wishes and for what reasons. Favored letting the residents decide each street individually.
Diana Barrueco, 2204 Argentina	Favored letting the residents decide.

Mayor Frey closed the public comment portion of this issue and turned the discussion to the City Commission.

The City Commission discussed the proposed policy wording and the suggestion to incorporate additional language about going forward without a majority of residents voting in favor of the project. Commissioners Shimko, Kremers and Mulhall spoke in favor of letting the residents decide, but agreed that there may be extenuating circumstances in some cases that would require discussion. City Attorney Sluggett noted that, by ordinance, the City Commission has the right to determine the necessity of special assessments, but that including the wording in the policy helps clarify the issue for both officials and residents.

2002-260-A. Brennan-Kremers. That the following policy/procedure be adopted regarding gravel roads within the City of East Grand Rapids:

1. Gravel roads will be graded once per month and after significant rainfalls.

2. Each street will be considered for improvement on an individual basis. The City Commission and staff will begin a discussion with residents of a gravel road after the City receives a request from a resident.
3. Meetings will be held with the residents to discuss the width of the road, need for sidewalks, and the type of curb, related construction costs, and financing (loan rate and length). City officials will make every effort to compromise on these issues. City officials will not deviate from the existing construction standards, such as the amount and depth of road base and asphalt.
4. After the meetings, the residents will take a vote. If a majority of residents (51%) vote in favor of improving the road, then the City Commission will proceed with the street design and special assessment hearings. If a majority of residents are against the improvement, then the City will take no further action.

2002-260-B. Lawless-Brennan. Motion to amend 2002-260-A. with the following wording for paragraph #4:

4. After the meetings, the residents will take a vote. If a majority of residents (51%) vote in favor of improving the road, then the City Commission will proceed with the street design and special assessment hearings. ~~If a majority of residents are against the improvement, then the City will take no further action.~~ The City Commission reserves the right to proceed with improvements without the 51% majority if special circumstances exist that necessitate the improvement, such as the condition of the road, the City's ability to maintain the surface, the unique characteristics of the road or neighborhood, or a health, safety or environmental concern.

Vote on 2002-260-B.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

Vote on 2002-260-A, as amended.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-261. The meeting was adjourned at 8:57 p.m. for a short break. The meeting resumed at 9:02 p.m.

2002-262. The Tree Maintenance Program update report was received.

City Manager Donovan stated that a computation error had resulted in Poortenga-Bartlett being listed as the highest bidder when in fact they were the second low bidder for the tree maintenance services bid. This error was corrected for the record in case the low bidder was unable to perform the needed services.

Brian McKenzie of Poortenga-Bartlett Tree Services was present to thank the City for correcting the error and stated that he looked forward to bidding again at the next opportunity.

2002-263. Consider request to adopt a "Covenant for Racial Justice."

Commissioner Lawless spoke in favor of the covenant and supported the City's participation in events and programs that would make a difference in the community.

2002-263-A. Mulhall-Lawless. That the "Covenant for Racial Justice" be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-264. Consider request to approve a contract for animal control services.

2002-264-A. Brennan-Shimko. That the Animal Control Services Agreement between the City and the Kent County Healthy Department for the period July 1, 2001 – June 30, 2002 be approved as set forth in Exhibit “B” attached hereto.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-265. Consider request to approve an appointment to the Traffic Commission.

2002-265-A. Shimko-Brennan. That Todd Avis of 533Gladstone be appointed to the vacant position on the Traffic Commission effective immediately.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-266. Consider request to approve the purchase of a street sweeper.

2002-266-A. Barbour-Kremers. That the purchase of a street sweeper from Bell Equipment of Grand Rapids in the amount of \$145,700.00 be approved as requested.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-267. The Mayor and City Commissioners all thanked the members of the Streets & Utilities Department for their excellent work during the weekend snow storm to keep the streets and sidewalks as clear as possible.

2002-268. The regular meeting adjourned at 9:18 p.m. subject to the call of the Mayor until March 18, 2002.

Karen K. Brower, City Clerk

Attachments: A – Covenant for Racial Justice.
B – Animal Control 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 March 18, 2002

Mayor Frey called the meeting to order at 7:31 p.m. in the City Commission Chambers at City Hall.

Present: Commissioners Barbour, Kremers, Lawless, Mulhall, Shimko and Mayor Frey

Absent: Commissioner Brennan

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

2002-269. Mayor Frey advised of the following communications received at City Hall:

- A. Thank you letter from the East Grand Rapids Public Schools for the donation in memory of Jimmy Gerken.
- B. Thank you note from the Seibold family for the donation in memory of former City Commissioner Paul Seibold.
- C. Letter from the Kent District Library announcing new phone numbers for all branch locations.
- D. E-mail from Tom Ainsworth of 1628 Andover requesting information on budgetary estimates for repairs to the municipal complex.
- E. Cover letter and drawing from URS Corporation detailing proposed improvements to the Memorial Field complex.
- F. Letters from residents of three gravel roads requesting the City to investigate the paving of their roads.

2002-270. Dave Mehney, 3049 Mary Avenue, was present to announce the plans to place synthetic grass on and around the Memorial Field surface, to construct a plaza in memory of Jimmy Gerken, and to make other improvements to the amenities surround the field. Mr. Mehney stated that he was heading a fundraising campaign to raise the estimated \$1.3 million from private donors and asked members of the City Commission and the audience to participate in the campaign. Construction is scheduled to start in April and be completed by the first football game in August.

2002-271. Kremers-Mulhall. Motion to add to the agenda a request to adopt a resolution concerning the distribution of diesel fuel taxes. A roll call vote was taken.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2002-272. Barbour-Kremers. Motion to approve the consent agenda as follows:

2002-272-A. The minutes of the regular meeting held March 4, 2002.

2002-272-B. Payroll disbursements in the amount of \$163,539.62; county and school disbursements in the amount of \$358,658.55; and total remaining disbursements in the amount of \$114,758.82, as reviewed by the Finance Committee.

2002-272-C. Award a contract to Kerkstra Portable Restroom Services in the amount of \$2,541 for portable restrooms to be used during special events.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2002-273. A zoning variance hearing was held regarding the request of Matthew and Jennifer Wey of 735 San Jose to allow the construction of an addition to the house creating a side yard setback of 6'-0" instead of the required 7'-0."

Matt Wey, 735 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:

- Carol & Rick Godfrey, 728 San Jose No objection
- Bob & Helen Bell, 763 San Jose In Favor

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

2002-273-A. Lawless-Mulhall. That the request of Matthew and Jennifer Wey of 735 San Jose to allow the construction of an addition to the house creating a side yard setback of 6'-0" instead of the required 7'-0" be approved.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2002-274. A zoning variance hearing was held regarding the request of John McDonald of 469 Greenwood to allow a finished third story.

John McDonald, 469 Greenwood, was present to introduce and answer questions about the variance request.

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

- Gary Geenen, 2165 Wealthy In Favor
- Joanie & George Snyder, 531 Greenwood In Favor

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

2002-274-A. Kremers-Mulhall. That the request of John McDonald of 469 Greenwood to allow a finished third story be approved.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2002-275. A zoning variance hearing was held regarding the request of David and Deb Hogan of 2257 Estelle to allow the construction of an attached carport creating a side yard setback of 8'-0" instead of the required 10'-0."

Randy Reed, a real estate agent representing Mr. and Mrs. Hogan, was present to introduce and answer questions about the variance request. Mr. Reed presented a petition signed by 10 residents of the adjoining area supporting the variance request.

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

- Bill & Margarit Tomshack, 2310 Estelle Opposed

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

2002-275-A. Lawless-Shimko. That the request of David and Deb Hogan of 2257 Estelle to allow the construction of an attached carport, open on three sides, creating a side yard setback of 8'-0" instead of the required 7'-0" be approved.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2002-276. Consider request approve the division of lots located at 2628 and 2634 Reeds Lake Boulevard.

City Attorney Huff reviewed the present configuration of the two lots and the placement of the two homes on those lots. He explained that Mr. Wynsma, the applicant, has agreed to demolish the smaller home on

the northern lot in order to create three buildable lots that comply with the City's zoning requirements, and has also agreed to enter into an agreement outlining the responsibilities and expectations set forth by the City.

Eric Wynsma was present to answer questions from the City Commission.

Miller Siegel, 2626 Reeds Lake Blvd, was present with questions on where the lots would be divided. Commissioner Lawless and City Attorney Huff provided answers to his questions.

2002-276-A. Kremers-Mulhall. That the request to divide the lots located at 2628 and 2634 Reeds Lake Blvd into three buildable lots be approved as set forth in the agreement attached hereto as Exhibit "A", 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 six months of approval.

Commissioner Lawless disclosed that Mr. Wynsma was a client of his law firm but that he did not work directly with Mr. Wynsma. He stated that he would be voting on this issue.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2002-277. Consider request approve the division of lots located at 2255 and 2265 Wilshire.

City Attorney Huff reviewed the present configuration of the two lots and the proposed split into three buildable lots that comply with the City's zoning requirements. He explained that Mr. Kirchgessner, the applicant, has also agreed to enter into an agreement outlining the responsibilities and expectations set forth by the City.

Bob Kirchgessner, 1900 El Dorado, was present to explain the proposed demolition and reconstruction on these lots and to answer questions from the City Commission and audience members.

The following people were present to express their opinions concerning this request:

- Terry Powers, 2217 Wilshire	Questioned the type of homes that will be built.
- Deb Coronas (?), 2331 Wilshire	Questioned when the projects would start and finish.
- Ray Alder, 2325 Oakwood	Questioned the size of the new lots in relation to the surrounding lots.
- Brian Murray, 2310 Wilshire	Concerned about overcrowding the neighborhood.
- Stacy Trierweiler, 2233 Wilshire	Expressed support for the project based on Mr. Kirchgessner's explanations.

2002-277-A. Mulhall-Barbour. That the request to divide the lots located at 2255 and 2265 Wilshire into three buildable lots be approved as set forth in the agreement attached hereto as Exhibit "B", 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 six months of approval.

Commissioner Kremers reported that he and Commissioner Lawless had received a written note from Marilyn Lundquist of 2222 Wilshire expressing her support for this project after meeting with Mr. Kirchgessner.

Commissioner Lawless expressed his support for this project based on the compliance with the City's zoning regulations and thanked Mr. Kirchgessner for communicating his plans with the City staff and the residents of the area.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

- 2002-278. Public Hearing and Final Reading of an ordinance amendment to Article XIII(A) of Chapter 50 of Title V of the City Code regarding planned unit developments.

City Attorney Huff reported that the Planning Commission reviewed this ordinance amendment at their meetings in February and March. The Planning Commission held a public hearing and made several modifications to the proposed amendment following input from residents and their own discussions. He recommended approval of the ordinance amendment as revised.

Mayor Frey opened a public hearing on this ordinance amendment. No public comment was received. Mayor Frey closed the public hearing.

- 2002-278-A. Barbour-Kremers. That the version of the ordinance amendment to Article XIII(A) of Chapter 50 of Title V of the City Code recommended by the Planning Commission regarding planned unit developments be adopted as set forth in Exhibit "C" attached hereto.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

- 2002-279. Public Hearing and Final Reading of an ordinance amendment to add Section 5.156 to Chapter 50 of Title V of the City Code establishing escrow fees.

Mayor Frey opened a public hearing on this ordinance amendment. No public comment was received. Mayor Frey closed the public hearing.

- 2002-279-A. Lawless-Shimko. That an ordinance amendment to add Section 5.156 to Chapter 50 of Title V of the City Code establishing escrow fees be adopted as set forth in Exhibit "D" attached hereto.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

- 2002-280. Consider request to adopt a resolution setting fees for various permits and applications.

- 2002-280-A. Kremers-Shimko. That a resolution setting fees for various permits and applications be adopted as set forth in Exhibit "E" attached hereto.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

- 2002-281. Consider request to approve an updated Joint Facilities Agreement.

- 2002-281-A. Shimko-Kremers. That a new Joint Facilities Agreement be approved as set forth in Exhibit "F" attached hereto.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

- 2002-282. Consider request to adopt a resolution approving a change to the Grand Valley Metro Council Articles of Incorporation.

- 2002-282-A. Lawless-Kremers. That a resolution approving Amendment No. 30 to the Grand Valley Metro Council Articles of Incorporation adding Cascade Township be adopted as set forth in Exhibit "G" attached hereto.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

- 2002-283. Consider request to approve a budget amendment for Community Pool expenses.

2002-283-A. Kremers-Mulhall. That a budget amendment in the amount of \$12,220 for operational expenses for the Community Pool between May 1, 2002 and June 30, 2002 be approved as requested.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2002-284. Consider request to approve funding for Phase II Storm Water Permit applications and implementation plans.

2002-284-A. Shimko-Barbour. That a contract in the amount of \$6,733.00 be awarded to Fishbeck, Thompson, Carr & Huber to work with City staff to develop Phase II Storm Water Permit applications and implementation plans, and that a budget amendment in the amount of \$1,733.00 be approved for this project.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2002-285. Consider request to approve expenses for the design of a streetscape for Lakeside Drive.

City Manager Donovan explained that Lakeside Drive was scheduled to be resurfaced this summer between Greenwood and Wealthy and that this would be the opportune time to look at improving the aesthetics of the area along the newly renovated park. The architects will review the sidewalks and lighting in the area for possible changes.

Commissioner Lawless spoke in favor of developing a streetscape to compliment the area surrounding Collins Park.

2002-285-A. Shimko-Kremers. That the following be approved: a contract with M.C. Smith & Associates in the amount of \$11,560 for the development of a streetscape plan for Lakeside Drive; a contract with Summit Surveying in the amount of \$3,360 for a survey of Lakeside Drive; and a budget amendment in the amount of \$14,920 from the General Fund ending balance to cover these expenditures.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2002-286. Consider request to adopt a resolution concerning the distribution of diesel fuel tax revenues

City Manager Donovan explained that the Michigan Legislature was considering a proposal to increase the tax on diesel fuel in Michigan and to distribute those revenues based on a new funding allocation not related to normal revenue distribution. Michigan municipalities are asked to communicate with their legislators urging them to distribute the funding fairly according to the established Act 51 formula.

2002-286-A. Lawless-Shimko. That a resolution urging the Michigan Legislature to reconsider the distribution of diesel tax revenue increases in relation to Public Act 51 be adopted as set forth in Exhibit "H" attached hereto.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2002-287. The preliminary minutes of the Parks & Recreation Commission meeting held February 11, 2002 were received.

2002-288. The preliminary minutes of the Planning Commission meeting held February 12, 2002 were received.

2002-289. The preliminary minutes of the Traffic Commission meeting held March 4, 2002 were received.

- 2002-290. The preliminary minutes of the Library Commission meetings held February 10 and February 25, 2002 were received.
- 2002-291. The preliminary minutes of the Joint Facilities Committee meeting held February 22, 2002 were received.
- 2002-292. The City Services Department Report for the month of January 2002 was received.
- 2002-293. Commissioner Barbour questioned whether Wilshire Drive will be resurfaced in the next several years. City Services Director Baragar stated that it is on the schedule.

Commissioner Lawless reported that the Board of Review had convened last week to review assessment appeals and consider poverty exemption applications. He noted that the Board had a full schedule and was able to meet with more than 53 residents to discuss their assessments.

- 2002-294. The regular meeting adjourned at 8:57 p.m. subject to the call of the Mayor until March 28, 2002.

Karen K. Brower, City Clerk

- Attachments:
- A – Land Division Agreement with Eric Wynsma for lots on Reeds Lake Boulevard
 - B – Land Division Agreement with Robert Kirchgessner for lots on Wilshire Drive
 - C – Ordinance amendment to Article 13(A) of Chapter 50 concerning planned unit developments
 - D – Ordinance amendment to section 5.156 of Chapter 50 concerning escrow fees
 - E – Resolution setting application fees for various permits
 - F – Joint Facilities Agreement
 - G – Resolution adopting changes to GVMC Articles of Incorporation
 - H – Resolution addressing diesel fuel tax revenues.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Rescheduled Regular Meeting Held March 28, 2002

Mayor Frey called the meeting to order at 8:15 a.m. in the City Commission Chambers at City Hall.

Present: Commissioners Barbour, Kremers, Lawless, Mulhall and Mayor Frey

Absent: Commissioners Brennan and Shimko

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

2002-295. No public comment was received.

2002-296. Barbour-Lawless. Motion to approve the consent agenda as follows:

2002-296-A. The minutes of the regular meeting held March 18, 2002.

2002-296-B. Payroll disbursements in the amount of \$158,508.53; county and school disbursements in the amount of \$17,685.02; and total remaining disbursements in the amount of \$171,030.31, as reviewed by the Finance Committee.

Yeas: Barbour, Kremers, Lawless, Mulhall and Frey – 5

Nays: -0-

2002-297. Consider request to adopt a resolution setting a hearing date to vacate a portion of Frederick Drive.

2002-297-A. Kremers-Barbour. That a resolution setting a hearing date of Monday, May 6th for a hearing on the request to vacate a portion of Frederick Drive be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Barbour, Kremers, Lawless, Mulhall and Frey – 5

Nays: -0-

2002-298. Consider request to approve the purchase of a pressure washer for the Streets & Utilities Department.

2002-298-A. Lawless-Barbour. That the purchase of a pressure washer from West Michigan Power Cleaning systems in the amount of \$3,495.00 with a budget amendment of \$495.00 from the MERF fund be approved as requested.

Yeas: Barbour, Kremers, Lawless, Mulhall and Frey – 5

Nays: -0-

2002-299. Consider request to approve change orders for Collins Park.

2002-299-A. Barbour-Mulhall. That Change Order #2 for the contract with CD Barnes Associates totaling \$33,040 for the Collins Park renovation project be approved.

Yeas: Barbour, Kremers, Lawless, Mulhall and Frey – 5

Nays: -0-

2002-300. The regular meeting adjourned at 8:20 a.m. subject to the call of the Mayor until April 15, 2002.

Karen K. Brower, City Clerk

Attachments: A – Resolution setting hearing date for request to vacate a portion of 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

Regular Meeting Held April 15, 2002

Mayor Frey called the meeting to order at 7:30 p.m. in the City Commission Chambers at City Hall.

Present: Commissioners Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Mayor Frey

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Parks & Recreation Director Bunn; City Services Director Baragar; Finance Director VanderWall; Public Safety Director Gallagher; Building Inspector Conley; Assistant to the City Manager Branyan; School Liaison Officer Davis; City Clerk Brower

2002-301. Mayor Frey advised of the following communications received at City Hall:

- A. Letter of commendation from the University of Toledo congratulating Aquatic Supervisor Todd Welscott on his outstanding test scores on the National Swimming Pool Foundation's Certified Pool Operator Course.

2002-302. Wayne Creelman, 1620 Sage Court in Grand Rapids Township, was present to update the City Commission on the status of his campaign for the new legislative district created in the Michigan House of Representatives.

Bruce Courtade, 1531 Lake Grove, was present to announce his candidacy for judge of the Kent County Circuit Court.

2002-303. Barbour-Shimko. Motion to approve the consent agenda as follows:

2002-303-A. The minutes of the rescheduled regular meeting held March 28, 2002.

2002-303-B. Payroll disbursements in the amount of \$147,265.57; county and school disbursements in the amount of \$-0-; and total remaining disbursements in the amount of \$368,000.88, as reviewed by the Finance Committee.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2002-304. Chief Gallagher presented the Public Safety Department Annual Report for 2001. He reviewed the operations of the entire department and outlined the decreases in crime rates in several major categories. Chief Gallagher thanked all the members of the department for their vigilance in protecting the citizens, and thanked the residents for assisting the Public Safety Department by keeping their homes and cars locked and by reporting suspicious activity.

The City Commission congratulated Chief Gallagher and all the members of the Public Safety Department for the accomplishments noted in the annual report and for their daily work.

2002-305. A zoning variance hearing was held regarding the request of Ronald and Janice McGee of 2207 Estelle to allow the construction of a detached garage approximately 1'-0" from the side and rear lot line instead of the required 3'-0."

Ron McGee, 2207 Estelle, was present to introduce and answer questions about the variance request.

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

- Charles Christenson, 2208 Elmwood

Concerned about the retaining wall dividing the two properties and about water drainage from the McGee's property.

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

- Charles & Mary Christenson, 2208 Elmwood Opposed to variance.

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

2002-305-A. Lawless-Brennan. That the request of Ronald and Janice McGee of 2207 Estelle to allow the construction of a detached garage approximately 1'-0" from the side and rear lot line instead of the required 3'-0" be approved.

Commissioner Mulhall asked about the increase in water drainage and whether the garage posed a threat to the retaining wall. Building Inspector Conley stated that building codes required gutters to be installed on the garage that would direct the water away from neighboring properties, and City Attorney Huff noted that any damage to the retaining wall that occurred during construction would have to be repaired by the applicants prior to the final inspection.

Commissioner Lawless spoke in favor of the variance by stating that the City Commission tries to make a reasonable effort to allow homeowners to have a two-car garage. He also asked Mr. and Mrs. McGee to make sure that the surrounding properties were not adversely affected by this project.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-306. A zoning variance hearing was held regarding the request of Calvin College of 3201 Burton to allow the construction of a press box structure at the baseball fields along Lake Drive.

Frank Gorman, architect for Calvin College, was present to introduce and answer questions about the variance request.

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

2002-306-A. Shimko-Barbour. That the request of Calvin College of 3201 Burton to allow the construction of a press box structure at the baseball fields along Lake Drive be approved.

Yeas: Barbour, Brennan, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-
Abstain: Kremers – 1

2002-307. Introduction of an ordinance amendment to Sections 9.51 and 9.54 of Chapter 93 of Title IX regarding domestic assault violations.

City Attorney Huff reviewed the proposed amendment and stated that this change will bring the City into conformity with a recently amended State law.

2002-307-A. Kremers-Brennan. That an ordinance amendment to Sections 9.51 and 9.54 of Chapter 93 of Title IX regarding domestic assault violations be introduced as set forth in Exhibit "A" attached hereto.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-308. Adoption of amendments to Section 3.5 of Chapter 31 of Title III regarding rules for public parks.

Parks & Recreation Director Bunn and City Attorney Huff explained the comprehensive review of all the regulations and reviewed the specific changes in each section. Parks & Recreation Director Bunn recommended adding a seasonal permitting process to Section 3.30 for the crew club coaching boats.

Commissioner Lawless suggested adding the Gilmore Park, Waterfront Park and Hodenpyl Woods to the definitions of public park properties and asked if Memorial Field would be available for public use when not scheduled for games and practices. Parks & Recreation Director Bunn stated that this provision was part of the early discussions about the field and that he would confirm this detail with the School District.

Tom Getz, 655 Plymouth, was present to speak on behalf of the High School Crew Team. He stated that the coaching boats will be kept at the Grand Rapids Yacht Club for the majority of the season but would need to be moored at the Collins Park dock during period of time when the Yacht Club docks were not available. He stated that the Crew Team had no plans to increase the number of coaching boats and were happy to comply with the proposed seasonal permitting process.

Commissioner Brennan questioned whether the City should allow weddings in the parks when other private parties are not allowed. The City Commission agreed to revisit this issue in the future if weddings became too frequent or disrupted the citizen's enjoyment of the park.

2002-308-A. Lawless-Barbour. That amendments to Section 3.5 of Chapter 31 of Title III regarding rules for public parks be adopted as proposed with the addition of the Gilmore Park, Waterfront Park and Hodenpyl Woods as park properties and with the addition of the permitting process for crew team coaching boats in Section 3.30 as set forth in Exhibit "B" attached hereto.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-309. Consider request to award a contract for t-shirts for recreation programs.

2002-309-A. Barbour-Shimko. That a contract be awarded to All Star Graphics of Shelbyville in the amount of \$26,652.97 for t-shirts for recreation program participants.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-310. Consider request to award a contract for 4th of July fireworks.

2002-310-A. Barbour-Lawless. That a contract be awarded to Pyrotechnico of New Castle, Pennsylvania, in the amount of \$15,000 for the annual fireworks show at the 4th of July Celebration.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-311. Consider request to award a contract for the upgrade of pedestrian crossing signals.

2002-311-A. Brennan-Barbour. That a contract be awarded to Stain Electric Co of Walker in the amount of \$10,080.00 for the upgrade of the pedestrian crossing signals at Lake Drive and Hall Street.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-312. Consider request to approve policies and procedures for traffic calming requests.

Assistant to the City Manager Branyan reviewed the Traffic Commission's proposed guidelines and procedures for handling resident's request for traffic calming measures and answered questions from the City Commission. City Commissioners shared concerns about Items #7 and #9 on the guidelines regarding the percentage and method of resident financial contributions to the project, and regarding the project evaluation process after construction. The City Commission asked that the Traffic Commission review these items and clarify the method of assessment and/or payment, the percentage of payment by the residents on major vs. local streets, and the project evaluation measures.

2002-312-A. Mulhall-Shimko. That the adoption of policies and procedures for traffic calming requests be tabled pending a review by the Traffic Commission as outlined above.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-313. The preliminary minutes of the Parks & Recreation Commission meeting held March 11, 2002 were received.

2002-314. The preliminary minutes of the Planning Commission meeting held March 12, 2002 were received.

2002-315. The preliminary minutes of the Traffic Commission meeting held March 4, 2002 were received.

2002-316. The preliminary minutes of the Library Commission meeting held March 25, 2002 were received.

2002-317. The EGR Library Branch quarterly report for March 2002 was received.

2002-318. The City Services Department Report for the month of February 2002 was received.

2002-319. Mayor Frey reported that the Parks & Recreation Commission and the Library Commission would be reviewing the recommendations of the Citizen Task Force at their respective meetings on April 22nd, and that the matter would be brought to the City Commission at its May 6th meeting.

2002-320. Lawless-Shimko. Motion to enter into an executive session to consider a periodic personnel evaluation in accordance with Section 8(a) of the Open Meetings Act. A roll call vote was taken.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-321. The regular meeting adjourned at 9:15 p.m. subject to the call of the Mayor until May 6, 2002.

Karen K. Brower, City Clerk

Attachments: A – Ordinance Amendment to Sections 9.51 and 9.54 regarding domestic assault violations.
B – Amendment to Section 3.5 regarding rules for public parks.

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 6, 2002

Mayor Frey called the meeting to order at 7:32 p.m. in the City Commission Chambers at City Hall.

Present: Commissioners Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Mayor Frey

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Parks & Recreation Director Bunn; City Services Director Baragar; Finance Director VanderWall; Public Safety Director Gallagher; Building Inspector Conley; Assistant to the City Manager Branyan; Streets & Utilities Superintendent Keating; Engineering Supervisor Kadzban; City Clerk Brower

2002-322. Mayor Frey advised of the following communications received at City Hall:

A. Several letters from a 5th grade class at Wealthy Elementary relating to Gaslight Village, sidewalks and pedestrian safety. Mayor Frey has responded to these letters.

2002-323. Bob Buchanan, 3293 Buckhaven Drive SE, was present to announce his candidacy for Kent County Circuit Court.

Dean Agee, 2804 Oakwood, was present to announce his candidacy for the Kent County Board of Commissioners.

Ross Leisman, 2363 Honey Creek in Ada, was present to announce his candidacy for the Michigan House of Representatives.

2002-324. Peter Varga, George Heartwell, Win Irwin and Tim Orlebeke from the Interurban Transit Partnership were present to give an update on the current programs and services being offered by "The Rapid" and to answer questions from the City Commission.

2002-325. Barbour-Brennan. Motion to approve the consent agenda as follows:

2002-325-A. The minutes of the regular meeting held April 15, 2002.

2002-325-B. Payroll disbursements in the amount of \$139,692.49; county and school disbursements in the amount of \$1,195.61; and total remaining disbursements in the amount of \$312,606.65, as reviewed by the Finance Committee.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2002-326. Public hearing on the request to vacate a portion of Frederick Drive east of Bellclaire Avenue.

Mayor Frey opened a public hearing on this request. The following people were present to express their opinions concerning this request:

Pete Rigas, attorney for Mr. Cares, was present to answer questions on behalf of one of the applicants.

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

2002-326-A. Lawless-Shimko. That a resolution approving the vacation of a portion of Frederick Drive and retaining an easement for utilities be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

- 2002-327. A zoning variance hearing was held regarding the request of Jonathan VanHekken of 535 Manhattan to allow the extension of a prior variance to construct an addition to the home creating a front yard setback of 57'-0" instead of the required 63'-0."

Building Inspector Conley explained that this variance was originally granted in April of 2001 but the VanHekkens were unable to begin construction within the one-year time period. They have now completed their plans and are ready to begin this project.

Jonathan VanHekken, 535 Manhattan, was present to introduce and answer questions about the variance request.

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

- 2002-328. Kremers-Mulhall. That the request of Jonathan VanHekken of 535 Manhattan to allow the extension of a prior variance to construct an addition to the home creating a front yard setback of 57'-0" instead of the required 63'-0" be approved.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

- 2002-329. Presentation by the Citizen's Task Force. George Heartwell, Michael Fee, Jim Weiss, and Kathleen Underwood reviewed the recommendation of the Task Force to expand the library and city administrative functions on the present site, to demolish the empty portion of the water reservoir to create a park, and to move the Parks & Recreation Department off-site. The Task Force members stated that a location for the Parks & Recreation Department was not part of the recommendation, although the rough cost estimate included an amount for the construction of a building once a site is found. The Task Force estimated the costs, without land acquisition, to be approximately \$8 million. The proposal asked that \$2.5 million be raised in private funds before the remaining \$5.5 million be placed before the voters with a millage increase of less than 1 mill. The Task Force members spoke at length about the discussions of the Task Force, the advantages of the proposal, and the details that remained to be worked out.

The City Commissioners thanked all of the members of the Task Force for their dedication to this extended project and for presenting their findings. Several commissioners also asked questions about the proposal and spoke about the need to determine a location for the Parks & Recreation Department before voting on the plan.

The following people were present to comment on the proposal:

- Dave Mehney, 3049 Mary

Questioned whether Gilmore/Waterfront Park property could be explored for Recreation location. Felt that if no land were available, all operations should remain on current site. Liked proposed senior center idea.

- Tom Troy, 942 Bellclaire

Asked how Parks & Recreation Commission and Library Commission voted on the proposal. Library Branch Manager Cathy Clair and Parks & Recreation Director Bunn reported that both boards had reviewed the proposal and would be discussing again the future.

- Shawn Gotch, 2053 Wilshire

Spoke on behalf of the Library Commission that they agree to the general idea but have many questions to be resolved.

Commissioner Lawless asked that future discussions about the proposal include whether the empty water reservoir should be demolished or used for another community purpose, and a dialogue with residents about the land available for location of the Parks & Recreation Department.

Mayor Frey closed the discussion by stating that there were many questions to be answered and details to be worked out in addition to decisions on fundraising and timelines. She asked the members of the Task Force to remain committed to giving input to the City Commission as they begin deciding on this plan over the next several weeks.

Commissioner Lawless departed.

2002-330. Consider request to set dates for public hearings regarding the proposed budget and the placement of delinquent accounts on the tax roll.

2002-330-A. Barbour-Shimko. That June 3, 2002 be set as the public hearing date for the proposed budget and placement of delinquent accounts on the tax roll, and the date to hold a special meeting to adopt the budget.

Yeas: Barbour, Brennan, Kremers, Mulhall, Shimko and Frey – 6
Nays: -0-

2002-331. Mayor Frey announced that the agenda item pertaining to the agreement with the East Grand Rapids Aquatic Club had been withdrawn from the agenda pending the research of additional information. This item will be on the next agenda.

2002-332. Consider request to approve a change order for the construction contract at Wealthy Pool.

2002-332-A. Barbour-Brennan. That a change order in the amount of \$54,285.00 for the contract with Owen Ames Kimball for changes to the construction contract at Wealthy Pool be approved.

Yeas: Barbour, Brennan, Kremers, Mulhall, Shimko and Frey – 6
Nays: -0-

2002-333. Consider request to award a contract for audio equipment at Wealthy Pool.

2002-333-A. Shimko-Kremers. That a contract in the amount of \$12,927.00 be awarded to Central Interconnect, Inc. for the purchase and installation of audio equipment at Wealthy Pool.

Yeas: Barbour, Brennan, Kremers, Mulhall, Shimko and Frey – 6
Nays: -0-

2002-334. Final Reading of an ordinance amendment to Sections 9.51 and 9.54 of Chapter 93 of Title IX regarding domestic assault violations.

City Attorney Huff reviewed the proposed amendment and stated that this change will bring the City into conformity with a recently amended State law.

2002-334-A. Kremers-Shimko. That an ordinance amendment to Sections 9.51 and 9.54 of Chapter 93 of Title IX regarding domestic assault violations be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Barbour, Brennan, Kremers, Mulhall, Shimko and Frey – 6
Nays: -0-

2002-335. Consider request to allow staff to seek bids for the purchase of a packer truck for the Streets & Utilities Department.

2002-335-A. Brennan-Shimko. That staff be authorized to seek bids for the replacement of a packer truck for the Streets & Utilities Department.

Yeas: Barbour, Brennan, Kremers, Mulhall, Shimko and Frey – 6
Nays: -0-

2002-336. Consider request to award a contract for summer road construction projects.

City Manager Donovan reviewed the costs for the proposed projects and reported that staff was recommending that the Beechwood storm sewer project be delayed while the engineers worked on alternatives for this item. A change order will be brought to the City Commission if the project cost can be reduced.

2002-336-A. Barbour-Shimko. That a contract be awarded to Lodestar Construction of Grand Rapids in the amount of \$506,388.50 with contingencies of \$61,886.45 for a total price of \$568,274.95 for road construction and water/sewer projects on Sherman, Lakeside, Hall, York, Boston, Oxford and Greenwood.

Yeas: Barbour, Brennan, Kremers, Mulhall, Shimko and Frey – 6
Nays: -0-

2002-337. Consider request to approve a change order for the summer road construction contract.

2002-337-A. Mulhall-Brennan. That a change order for the contract with Lodestar Construction in the amount of \$10,000.00 be approved for the addition of manhole casting adjustments.

Yeas: Barbour, Brennan, Kremers, Mulhall, Shimko and Frey – 6
Nays: -0-

2002-338. Consider request to approve the purchase of materials for watermain projects.

2002-338-A. Shimko-Kremers. That the purchase of watermain materials for summer projects be approved from the following vendors: East Jordan Iron Works in the amount of \$13,511.00 for Parts B and E; Underground Pipe & Valve in the amount of \$21,060.20 for parts A and C, and Etna Supply in the amount of \$866.20 for Part D.

Yeas: Barbour, Brennan, Kremers, Mulhall, Shimko and Frey – 6
Nays: -0-

2002-339. Consider request to award a contract for lane striping on city streets.

2002-339-A. Brennan-Kremers. That a contract be awarded to Michigan Pavement Marks of Wyoming in the amount of \$16,251.80 for the painting of lane markings and crosswalks on city streets.

Yeas: Barbour, Brennan, Kremers, Mulhall, Shimko and Frey – 6
Nays: -0-

2002-340. Finance Director VanderWall presented the quarterly financial report for the period ending March 31, 2002 and answered questions from the City Commission.

2002-341. The preliminary minutes of the Library Commission meeting held April 22, 2002 were received.

2002-342. Mayor Frey distributed a survey from the National League of Cities and asked for everyone's input on the survey. She noted that the Community Pool Open House was held on Sunday, May 5th for residents of the community to see the completed facility. She also invited everyone to the dedication of John Collins Park on Wednesday, May 29th at 6:00 pm.

Commissioner Mulhall complimented the Parks & Recreation Department on the open house held on Sunday at the Community Pool. He noted that 392 people attended the open house.

Commissioner Barbour questioned the procedure for reviewing and discussing the proposal of the Citizen's Task Force. After discussion, the City Commission agreed that all discussions should be held as

a committee-of-the-whole, and not in subcommittees. Mayor Frey will present a plan and schedule for the process.

Commissioner Brennan announced that the East Grand Rapids High School's "We The People" group had placed in the top 10 in a national competition this week.

Commissioner Kremers congratulated Girl Scout Troop 716 on being the recipient of the Olave Award, the highest international award given to a girl scout troop for a community service project. The eight-member troop from East Grand Rapids placed stickers on storm drains throughout the city over a two-year period educating people about the hazards of dumping chemicals and other materials into the storm water system. The City Commission will recognize the troop at its next meeting. Commissioner Kremers also thanked Mayor Frey and City Manager Donovan for their support of troop during their project.

2002-343. The regular meeting adjourned at 9:55 p.m. subject to the call of the Mayor until May 20, 2002.

Karen K. Brower, City Clerk

Attachments: A – Resolution approving the vacation of a portion of Frederick Drive.
B – Ordinance Amendment to Sections 9.51 and 9.54 regarding domestic assault violations.

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 20, 2002

Mayor Frey called the meeting to order at 7:32 p.m. in the City Commission Chambers at City Hall.

Present: Commissioners Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Mayor Frey

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Parks & Recreation Director Bunn; Finance Director VanderWall; Public Safety Director Gallagher; Building Inspector Conley; Assistant to the City Manager Branyan; Engineering Supervisor Kadzban; City Clerk Brower

2002-344. Lawless-Mulhall. Motion to add to the agenda a discussion of the gravel road resident voting policy. A roll call vote was taken.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-345. Roger Laninga, Kent County Drain Commissioner, was present to review the procedure for petitioning for public control of a privately-owned water level control device. He noted that his office had received several complaints about high water levels on Fisk Lake due to the wier located at Aquinas College, the downstream outlet for Reeds Lake and Fisk Lake. Mr. Laninga reported that two public bodies could petition the Kent County Drain Commission to incorporate the Fisk Lake outlet into the Coldbrook Drain district which could then be controlled by the Drain Board with public input. Mayor Frey asked that the Infrastructure Committee investigate this situation.

2002-346. Barbour-Kremers. Motion to approve the consent agenda as follows:

2002-346-A. The minutes of the regular meeting held May 6, 2002.

2002-346-B. Payroll disbursements in the amount of \$161,002.28; county and school disbursements in the amount of \$-0-; and total remaining disbursements in the amount of \$245,521.68, as reviewed by the Finance Committee.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2002-347. Discussion of gravel road resident voting policy.

Mayor Frey reported that City staff has asked for clarification on whether a majority of total eligible residents in the assessment district must be obtained, or whether a simple majority of those votes actually received will meet the requirement set by the City Commission in the gravel road improvement policy adopted on March 4, 2002. The policy required that 51% of residents vote in favor of the improvement after meeting with staff to review the estimates and specifications. The City Commission discussed the policy and the implications of both approaches. City Attorney Huff noted that this decision was not mandated by State law or City ordinance, and that the City Commission could set the policy at will.

2002-347-A. Brennan-Mulhall. That the gravel road policy adopted March 4, 2002 be amended to include the provision that the 51% majority is to be obtained from only the actual affirmative or negative votes cast by households within the proposed special assessment district, not from the total number of households in the special assessment district, in order to proceed with the improvement.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

The City Commission asked that the ballots be sent registered mail to ensure that all affected residents were given the opportunity to vote on their project.

Commissioner Brennan departed.

2002-348. Dan Small of Artemis Environmental Services was present to review the Reeds Lake sampling and monitoring report and to answer questions from the City Commission. He noted that the water quality of Reeds Lake is within normal ranges for its size and setting. He noted elevated levels of chloride and an increase in the thickness and spread of the purple loosestrife plant.

Assistant to the City Manager Branyan reported that students at the East Grand Rapids Middle School are raising the beetles that feed on the loosestrife and that Calvin College students will undertake a monitoring program over the next year to determine any benefit from the release of the beetles.

Commissioner Lawless asked staff to investigate any further steps that can be taken to improve the recreational quality of Reeds Lake. He suggested hiring a consultant or partnering with State agencies to develop a plan to address the concerns noted in the report.

2002-349. A zoning variance hearing was held regarding the request of the East Grand Rapids School District to allow the placement of a ground sign nearer the street than the building at the new Memorial Field plaza, and to allow the length of the sign to be 26'-0" instead of the permitted 8'-0."

Building Inspector Conley introduced the variance request and answered questions from the City Commission.

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

2002-349-A. Lawless-Shimko. That the request of the East Grand Rapids School District to allow the placement of a ground sign nearer the street than the building at the new Memorial Field plaza, and to allow the length of the sign to be 26'-0" instead of the permitted 8'-0" be approved.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6

Nays: -0-

2002-350. Consider request to approve the purchase of streetlights for the Lakeside Drive Streetscape Project.

2002-350-A. Barbour-Shimko. That purchase of streetlights and accessories from Michigan Lighting Systems in the amount of \$75,614.00 for the Lakeside Drive streetscape project be approved.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6

Nays: -0-

2002-351. The City Commission reviewed the list of delinquent accounts for placement on the summer tax roll. A public hearing and final decision will be made at the June 3, 2002 City Commission meeting.

2002-352. The preliminary minutes of the Parks & Recreation Commission meeting held April 22, 2002 were received.

2002-353. The preliminary minutes of the Joint Facilities Committee meeting held May 2, 2002 were received.

2002-354. The City Services Department Report for the months of March 2002 and April 2002 were received.

2002-355. The 2001 Consumer Confidence Water Quality Report was received. The report will be distributed to residents in the June 2002 water bills.

2002-356. Mayor Frey thanked the students and faculty at Breton Downs Elementary for the plaque given to the City at their recent courtyard and garden dedication ceremony. The students thanked the City for their contribution to the project and complimented Grounds Maintenance Supervisor DeLooff for his assistance on the project and the regular maintenance.

Commissioner Lawless congratulated Mayor Frey on her husband's receipt of the Peter C. Cook Excellence in Business Award from Davenport University.

City Manager Donovan announced that the dedication of the new Collins Park would be held on Wednesday, May 29th at 6:00 pm. Tours and refreshments are planned and the public is invited.

Commissioner Shimko congratulated the Varsity Lacrosse Team on their winning season and wished them good luck in the upcoming tournaments.

2002-357. The regular meeting adjourned at 8:35 p.m. subject to the call of the Mayor until June 3, 2002.

Karen K. Brower, City Clerk

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

- 2002-365. A public hearing was held pertaining to the General Fund budget and the property tax levy for Fiscal Year 2002-2003. No public comment was made.
- 2002-366. Cathy Clair, East Grand Rapids Library Branch Manager, presented the 2001 annual report for the East Grand Rapids branch.
- 2002-367. The schedule of meeting dates for FY 2002-03 was received for information.
- 2002-368. Consider request to approve an agreement with the East Grand Rapids Aquatic Club.
- 2002-368-A. Barbour-Shimko. That the agreement between the City of East Grand Rapids and the East Grand Rapids Aquatic Club for be approved as set forth in Exhibit "A" attached hereto.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

- 2002-369. The Public Safety Department Reports for the months of January, February, March and April 2002 were received.
- 2002-370. Mayor Frey commended Parks & Recreation Director Bunn and his department for organizing the dedication ceremonies at John Collins Park on May 29th. She also thanked Commissioner Mulhall for his complimentary article in the Cadence recently. She noted that she would be attending the GVMC's seminar on cities and towns on June 13th.

Commissioner Mulhall announced that the Library Commission would be holding a special meeting in July in order to keep abreast of the developments in the library and municipal complex expansion matter.

City Manager Donovan reported that Breton Road would be closed June 5-7 from Hall Street to Breton Village to adjust manholes.

Commissioner Lawless commended Commissioner Brennan's daughter, Emily, for being recognized as one of the top ten graduating seniors this year. He also reported that he and his family took their boat to Reeds Lake over the weekend and were very pleased to note the number of fishing boats and people enjoying the lake and the newly reopened park.

City Attorney Huff introduced Jessica Wood as a new member of Law Weathers & Richardson who was attending the meeting.

- 2002-371. The regular meeting adjourned at 9:30 p.m. subject to the call of the Mayor until June 17, 2002.

Karen K. Brower, City Clerk

Attachments: A – Agreement with EGR Aquatic Club (WAVES).

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 3, 2002

The meeting was called to order by Mayor Frey at 9:31 p.m. in the City Commission Chambers at City Hall.

Present: Commissioners Mulhall, Barbour, Brennan, Kremers, Lawless, Shimko and Mayor Frey

Absent:

Also Present: City Attorney Huff; City Manager Donovan; City Services Director Baragar; Finance Director VanderWall; Parks & Recreation Director Bunn; Public Safety Director Gallagher; Assistant to the City Manager Branyan; City Clerk Brower

2002-372. Consideration of a request to adopt a resolution adopting the FY 2002-03 budget and setting a millage rate for FY 2002-03.

2002-372-A. Brennan-Barbour. That a resolution adopting the FY 2002-03 as amended during the budget worksession, and setting the millage rate at the maximum allowable millage rate under the Headlee amendment for FY 2002-03, be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2002-373. Consideration of a request to adopt a resolution establishing water/sewer rates for FY 2002-03.

2002-373-A. Lawless-Shimko. That a resolution setting water/sewer rates for the upcoming fiscal year be adopted as set forth in Exhibit "B" attached hereto

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2002-374. The special meeting was adjourned at 9:33 p.m.

Karen K. Brower, City Clerk

Attachments: A - Resolution adopting FY 2001-02 budget.
B – Resolution establishing water/sewer rates for FY 2001-02.

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 4, 2002

Mayor Frey called the meeting to order at 5:05 p.m. in the lower level of City Hall.

Present: Commissioners Barbour, Brennan, Lawless, Mulhall, Shimko and Mayor Frey

Absent: Commissioner Kremers

Also Present: City Attorney Huff; City Manager Donovan; Parks & Recreation Director Bunn; City Services Director Baragar; City Clerk Brower; EGR School Superintendent Morse

2002-375. Mayor Frey opened the meeting by suggesting a brainstorming session for possible locations for an off-site recreation department. She asked that everyone focus on City- or School-owned land for the time being, and stated that other sites would be discussed later. City Manager Donovan reviewed all of the city-owned and school-owned sites and answered questions.

The following sites were identified as possibilities:

- | | |
|-------------------------------|---|
| 1. San Lu Rae Triangle | 8. Middle School East Side |
| 2. Manhattan Recreation Area | 9. Wealthy Elementary Athletic Field |
| 3. Griffith's Park | 10. Wealthy Elementary Maintenance Building |
| 4. Remington Park | 11. Woodcliff Administration Site |
| 5. Gilmore Property | 12. Mary Street Triangle |
| 6. Beechwood Property | 13. High School Tennis Courts |
| 7. Middle School Soccer Field | 14. City Hall Employee Parking Lot |

The above sites were placed on separate sheets of paper and posted on the walls around the room. City Commissioners, Staff members, and Dr. Morse then walked around and wrote some of the main difficulties with each site on the sheets. Mayor Frey led the discussion on each site and the challenges for those locations. Each person was then given three slips of paper to use in picking three sites for further discussions. The top selections were:

1. Wealthy Elementary Maintenance Building (4 votes)
2. Wealthy Elementary Athletic Field (4 votes)
3. Manhattan Recreation Area (4 votes)
4. Gilmore Property (3 votes)
5. San Lu Rae Triangle (2 votes but added because of size)

Each site was then reviewed in-depth with advantages, disadvantages and discussion:

Wealthy Elementary Athletic Field:

Advantages

- Available time with artificial turf elsewhere
- Close to central location

Disadvantages

- Used by schools and athletics
 - Parking/access
 - Used for play area during recess
 - Too busy
 - Schools already lack open play areas
 - Loss of field space
-

Gilmore Property:

Advantages

- More centrally located

Disadvantages

- Deed restrictions by DNR (would have to get approval and replace with like land.)
- Old landfill/Soils
- Soggy/Wetlands
- Last publicly-owned lakefront property – needs to stay park/natural

Wealthy Elementary Maintenance Building:

Advantages

- Could replace lost parking by using tennis courts

Disadvantages

- Only storage space in school district
- Very little parking
- Bus route through lot
- Boilers located there
- 100% used by schools
- Residential area
- Overall congestion
- Pool will create more cars trying to park

Manhattan Recreation Area:

Advantages

- City-owned

Disadvantages

- Deed restrictions by DNR (would have to get approval and replace with like land.)
- Too remote
- Odd way to solve parking issue
- Rec. Dept. loses profile in community
- Conversion application with DNR
- Residential area

San Lu Rae Triangle:

Advantages

- Large enough parcel
- Close to central location

Disadvantages

- Loss of residential green space
- Bad location with residential area
- Night lighting would disturb residents
- Too residential

Remington Park:

(added for discussion purposes)

Advantages

- Heirs have supported athletics
- Close to central location

Disadvantages

- Deed restrictions
- Heirs will probably oppose buildings
- Wetlands/soils
- Very costly!
- Bad mix with City Services

2002-376. Members of the City Commission were then asked to vote on which sites to ask staff to research for future discussions. Commissioners Barbour, Mulhall and Mayor Frey voted to ask for more information on the Gilmore Property. Commissioners Mulhall, Shimko and Mayor Frey voted to research the Manhattan Recreation Area.

2002-377. Mayor Frey asked for comments from the public:

John Baguley of 2625 Albert questioned the status of the pledge made to the library expansion campaign last year. City Clerk Brower will follow up with Mr. Baguley.

2002-378. Commissioner Mulhall questioned whether there would be a discussion about leaving the recreation department on-site at the present complex. Mayor Frey responded that this would take place at a future meeting.

Commissioner Shimko also requested that the Commission discuss the possibility of leaving all operations at the municipal complex on Lakeside Drive and also the possibility of purchasing land better suited than those listed above.

2002-379. The special meeting adjourned at 6:40 p.m. subject to the call of the Mayor until June 17, 2002.

Karen K. Brower, City Clerk

2002-387. Consider request to approve appointments to advisory commissions.

2002-387-A. Kremers-Mulhall. That the FY 2002-03 commission appointments as recommended by Mayor Frey be approved.

Commissioner Kremers thanked all of the members who have served on the advisory commissions for the last year for their commitment to East Grand Rapids through their participation.

Yeas: Kremers, Lawless, Mulhall and Frey – 4
Nays: -0-

2002-388. Consider request to award a contract for publication of agendas and minutes.

2002-388-A. Lawless-Kremers. That a three-year contract be awarded to the Grand Rapids Press for publication of minutes and agendas at a cost of \$2.88 per column inch for FY 2002-03, \$2.96 per inch for FY 2003-04, and \$3.04 per inch for FY 2004-05.

Yeas: Kremers, Lawless, Mulhall and Frey – 4
Nays: -0-

2002-389. Consider request to approve policies and procedures for traffic calming requests.

Assistant to the City Manager Branyan reviewed the changes made to the policies by the Traffic Commission following suggestions made by the City Commission. The special assessment procedure was modified to give the City the opportunity to assist with funding. The voting procedure was clarified to mirror the other balloting procedures used by the City, and the language regarding detrimental effects was deleted.

Commissioner Lawless suggested that this issue be tabled until all members of the City Commission could be present for the discussion. He suggested minor changes and voiced several concerns about issues not addressed by the policy, such as whether the city would be asked for partial or full funding of traffic calming measures and the need for guidelines for setting priorities and funding limits when approached by more than one group of residents. He commended everyone involved in developing the procedure to this point; however he felt more detail was needed in some areas to avoid difficulties in the future.

Commissioner Kremers spoke in favor of moving ahead with the policy and considering revisions when necessary. He stated that the requests should be considered on a case-by-case basis and not a blanket policy. He also felt that there would not be a deluge of requests that would have to be prioritized.

2002-389-A. Lawless-Mulhall. That the policies and procedures recommended by the Traffic Commission for evaluating resident requests for traffic calming measures be tabled until all members of the City Commission can be present for discussion.

Commissioner Kremers thanked all staff members and Traffic Commissioners who have worked to develop the policies and procedures for presentation to the City Commission.

Yeas: Lawless, Mulhall and Frey – 3
Nays: Kremers – 1

2002-390. A zoning variance hearing was held regarding the request of Theodore Vecchio of 920 Princeton to allow the construction of an addition to the attached garage creating a side yard setback of 9'-0" instead of the required 10'-0" and an overall side yard setback of approximately 16'-0" instead of the required 24'-0."

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

- John Kotwick, 964 Princeton

In Favor

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-8. Consider request to adopt a resolution amending group numbers for defined contribution pension plans.

2003-8-A. Brennan-Kremers. That a resolution amending the group numbers for the Public Safety Lieutenants & Sergeants defined contribution pension plan for the Municipal Employees Retirement Corporation be adopted as set forth in Exhibit “E” attached hereto.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-9. Consider request to approve policies and procedures for traffic calming requests.

Assistant to the City Manager Branyan outlined the proposed traffic calming guidelines recommended by the Traffic Commission and answered questions from the City Commission.

2003-9-A. Lawless-Brennan. That Paragraph #7 of the “Traffic Calming Guidelines for Resident Initiated Projects” be amended to include the words “who vote yes or no” in the 51% requirement in the first line.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

Commissioner Barbour questioned the deletion of the wording in Paragraph #7 requiring residents to be willing to pay 100% of the project cost before presentation to the City Commission. Discussion followed on the merits of spelling out details in the guidelines and the amount and reasons for the city to fund projects based on the benefit to some or all citizens. Commissioner Lawless suggested adding language to allow the city the option of partially funding projects under certain circumstances that warranted intervention.

Commissioner Kremers spoke in favor of taking each request on a case-by-case basis and not setting rules that would automatically exclude any project from being brought forward. He preferred the opportunity to look at all requests and funding options without extensive guidelines that would limit resident initiative.

Mayor Frey then allowed those in attendance to voice their opinions concerning this matter:

§ Pete Keener of 550 Greenwood was present to request help in slowing traffic and improving safety on Greenwood Avenue. He stated that the residents of the area have developed an idea for an island at the curve in the street to slow traffic and have approached the City about constructing the island during the current construction project. He stated that residents were willing to fund improvements made now during construction but not be willing if the costs increase from waiting until after the road project is finished.

§ Nancy Cochran, 557 Greenwood was present to explain the number of children on the street and the dangers from the truck traffic going to Gaslight Village businesses. She noted that vehicles often take the curve too fast and present dangers to landscaping, parked cars and pedestrians.

§ Joel Lathrop, 569 Greenwood, stated his feelings that the street may be too narrow to allow parking on one side of the street that often disrupts traffic flow.

The City Commission then discussed the ability of the guidelines to treat unusual circumstances and the preference that each request be considered individually with the guidelines as a starting point. Several commissioners thanked the Traffic Commissioners and staff members who have worked on this policy for nearly a year to distill all the ideas and solutions down to a practical document.

2003-9-B. Lawless-Mulhall. That Paragraph #7 of the "Traffic Calming Guidelines for Resident Initiated Projects" be amended to include the words "in extraordinary situations" following the word "however" in the third line, substituting "benefit city-wide" for "city-wide benefit" in the fourth line, to add the word "partial" after "providing" in the fifth line, and to add the words "on local streets" following "for the project" in the fifth line.

Yeas: Barbour, Brennan, Lawless, Mulhall, Shimko and Frey – 6
Nays: Kremers – 1

2003-9-C. Mulhall-Brennan. That Paragraph #7 of the "Traffic Calming Guidelines for Resident Initiated Projects" be amended to add the words "and will generally assess 100% of the project costs" after "hearings" in the third line.

Yeas: Barbour, Brennan, Lawless, Mulhall, Shimko and Frey – 6
Nays: Kremers – 1

2003-9-D. Brennan-Mulhall. That the "Traffic Calming Guidelines for Resident Initiated Projects" be adopted as amended above with Paragraph #7 now reading:

7. **City Commission Endorsement.** If a majority of property owners who vote yes or no (51%) are in favor of the project, then the project will be presented to the City Commission for their action. The City Commission will proceed with special assessment hearings and will generally assess 100% of the project costs. However, in extraordinary situations, if the City Commission determines the project has substantial benefit city-wide, the City Commission may consider providing partial funding for the project on local streets. If a majority of property owners are against the project, then the City will take no further action.

2003-9-E. Lawless-Brennan. To amend 2002-9-D to include the words "who vote" to Paragraph #7 of the Guidelines after the word "owners" in the last sentence.

Vote on 2002-9-E.

Yeas: Barbour, Brennan, Lawless, Mulhall, Shimko and Frey – 6
Nays: Kremers – 1

Vote on 2002-9-D, as amended:

Yeas: Barbour, Brennan, Lawless, Mulhall, Shimko and Frey – 6
Nays: Kremers – 1

2003-10. Consider request to adopt a resolution accepting state funding and to award a contract for the reconstruction of Hall Street.

2003-10-A. Shimko-Brennan. That a resolution accepting state funding for the reconstruction of Hall Street be adopted as set forth in Exhibit "F" attached hereto, that a contract be awarded to Diversco Construction in the amount of \$1,376,247.82 plus contingencies of \$54,389.00 for a total of \$1,430,636.82 for this project, and that the staff's recommendation to delay the Kingswood project be accepted.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-11. Consider request to award a contract for watermain materials related to the Hall Street project.

2003-11-A. Lawless-Brennan. That contracts be awarded to East Jordan Iron Works in the amount of \$69,977.65, to R. VanderLind & Son in the amount of \$4,121.00, and to Etna Supply in the amount of \$8,681.20 for watermain materials relating to the Hall Street reconstruction project.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-12. Consider request to award a contract for sidewalk replacement.

2003-12-A.Lawless-Barbour. That a contract be awarded to Great Lakes Utility and Concrete Construction of Caledonia in the amount of \$80,550 plus project contingencies of \$5,000.00 for a total of \$85,550.00 for replacement of sidewalks in accordance with the sidewalk replacement program inventory, and that \$5,000.00 be designated for use by city crews for unscheduled repairs.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-13. Consider request to award a contract for the Lakeside streetscape project.

City Manager Donovan reviewed the project elements and noted that the project was \$46,000 over estimates because of the difficulty in running electrical wiring. He recommended that the City Commission transfer the \$35,000 savings from the sidewalk program and an additional \$12,000 from the undesignated fund balance to finance this project.

2003-13-A.Shimko-Brennan. That a contract be awarded to Lodestar Construction of Grand Rapids in the amount of \$185,300 for the Lakeside Drive streetscape project, and that related of fund transfers of \$35,000 from the Local Street Fund Sidewalk Account and \$12,000 from the General Fund Ending Balance be approved to complete this project.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-14. Consider request to approve a budget amendment for the Breton Road project.

Finance Director VanderWall explained that this budget amendment was recommended by the City's auditors to comply with new asset valuation requirements outlined in GASB 34.

2003-14-A.Kremers-Shimko. That a budget amendment in the amount of \$725,000 for FY 2001-02 in Intergovernmental Revenues and \$725,000 in Major Street Fund to reflect the payment of funds by the Michigan Department of Transportation for this project in accordance with new accounting requirements be approved.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-15. Mayor Frey thanked Commissioner Lawless for the well-written Cadence article on Reeds Lake. She also commended all of the City's department heads for keeping day-to-day operations functioning while dealing with many special events and construction projects. Mayor Frey also invited all commissioners and their families to participate in the 4th of July parade this week.

Commissioner Lawless again stated his interest in the fishing aspects of Reeds Lake and asked staff to continue investigating ways to enhance the recreational fishing opportunities.

Commissioner Mulhall asked what ages were required to wear bicycle helmets. City Attorney Huff responded that children under the age of 18 were required by City ordinance to wear helmets while riding bicycles.

City Manager Donovan reported that the City's Historical Room had received an \$8,000 grant from the Urban Cooperation Board. The funds will be used for material acquisition and special displays to acquaint the public with the history of East Grand Rapids.

Commissioner Barbour questioned the status of the resident request to pave Frederick Drive. City Manager Donovan answered that updated assessments had been provided to the residents and ballots would be mailed July 8th to allow property owners the opportunity to vote for or against the project.

Commissioner Kremers also thanked all department directors for their dedication to resident services, and especially thanked PSO Brian Davis for his help with a recent situation. He also congratulated Chief Gallagher on conducting the interviews and selecting the new deputy chief of the Public Safety Department.

2003-16. The regular meeting adjourned at 9:17 p.m. subject to the call of the Mayor until July 15, 2002.

Karen K. Brower, City Clerk

Attachments: A – Resolution Determining Necessity for paving a portion of Pioneer Club.
 B – Resolution Setting Hearing on Assessment Roll for paving a portion of Pioneer Club.
 C – Resolution Consenting to a Merger Involving AT&T Comcast
 D – Acceptance Agreement for AT&T Comcast Merger
 E – Resolution for Changing MERS Benefits
 F – Resolution Accepting State Funding for Hall Street project.

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

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

- | | |
|---------------------------------|---|
| - Nancy Carnazes, 270 Lakeside | Opposed. Concerned about drainage issues and environmental impact. |
| - Phil Carnazes, 270 | Opposed. Concerned about environment. |
| - Lon Barr, 2150 Lakeside | Opposed. |
| - Pia Isadore, 225 Lakeside | Opposed. Concerned about loss of green space and size of home. |
| - Peter Wege, 2754 Pioneer Club | Suggested establishing a review committee to look at environmental and community impact of such requests. |
| - Mary Barr, 2150 Lakeside | Concerned about quality of fill and contractors hired to install and grade the fill. |
| - Bob Tol, 339 Kingswood | In Favor. |

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

- | | |
|-------------------------------|---------------|
| - Phyllis Donor, 309 Lakeside | No objection. |
| - John Rubie, 2112 Robinson | Opposed. |

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

City Attorney Huff noted that the City regulated building and zoning issues and that the Kent County Drain Commission and the Michigan Department of Environmental Quality regulated drainage and wetlands issues.

2003-21-A. Barbour-Brennan. That the request of John Tol, owner of 280 Lakeside, to allow the construction of a new home with a walkout level creating a third story be approved.

The City Commission discussed the variance request and the need to balance property owner's rights with the concerns of residents to the changes in their neighborhoods. Although all were understanding of the changes to the wooded nature of the neighborhood, most commissioners spoke about the fact that the walkout level was the only aspect of the proposed home that required the variance, not the size or the location. Commissioners were satisfied that the applicant has researched all applicable regulations and is working to preserve the sloping and drainage of the land. The need for the variance was caused by the topography of the parcel.

Yeas: Barbour, Brennan, Kremers, Lawless and Shimko— 5
Nays: Mulhall – 1

2003-22. A zoning variance hearing was held regarding the request of Monica Coale of 2232 Estelle to allow the construction of additions to the home with 18" overhangs creating a side yard setback of 4'-6" instead of the required 5'-0."

No public comment was received. President Lawless closed the public hearing.

2003-22-A. Kremers-Shimko. That the request of Monica Coale of 2232 Estelle to allow the construction of additions to the home with 18" overhangs creating a side yard setback of 4'-6" instead of the required 5'-0" be approved.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall and Shimko— 6
Nays: -0-

2003-23. Consider request to approve the division of a lot located at 3159 Lake Drive.

President Lawless opened a public hearing on this request. No public comment was received. President Lawless closed the public hearing.

2003-23-A.Brennan-Shimko. That the request to allow the parcel of land located at 3159 Lake Drive to be split creating a second buildable lot, 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, Brennan, Kremers, Lawless, Mulhall and Shimko– 6
Nays: -0-

2003-24. Consider request to approve the division of a lot located at 2325 Hall Street.

President Lawless opened a public hearing on this request. No public comment was received. President Lawless closed the public hearing.

2003-24-A.Barbour-Kremers. That the request to allow a 20'-0" x 62.33' from 2325 Hall Street (Lot 18 Albert Realtor's Breton Road Addition) to be added to 2332 Burchard, 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, Brennan, Kremers, Lawless, Mulhall and Shimko– 6
Nays: -0-

2003-25. Consider request to adopt resolutions confirming the assessment roll for a special assessment district to pave a portion of Pioneer Club Road.

President Lawless opened the public hearing on the assessment roll for this proposed improvement. No other public comment was received. President Lawless closed the public hearing.

City Manager Donovan explained that bids would be sought for this project and brought back to the City Commission to award the contract. The assessment roll may be amended at that time if the costs change from the estimates.

2003-25-A.Kremers-Brennan. That a resolution confirming the assessment roll for the Pioneer Club improvements be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall and Shimko– 6
Nays: -0-

2003-26. Consider request to appoint an officer delegate to the Municipal Employees Retirement System annual meeting.

2003-26-A.Brennan-Shimko. That Fred Bunn be appointed as the Officer Delegate and Laura VanderWall as the Alternate Officer Delegate to the annual meeting of the Municipal Employees' Retirement System.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall and Shimko– 6
Nays: -0-

2003-27. Consider request to adopt a resolution approving an intergovernmental agreement regarding the REGIS program.

2003-27-A.Shimko-Kremers. That a resolution approving an intergovernmental agreement regarding the REGIS program be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall and Shimko– 6
Nays: -0-

2003-28. Consider request to adopt a resolution approving an enhanced access policy for REGIS records.

2003-28-A.Barbour-Kremers. That a resolution approving an approving an enhanced access policy for REGIS records be adopted as set forth in Exhibit "C" attached hereto.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall and Shimko– 6
Nays: -0-

2003-29. Consider request to approve an appointment to the Library Commission.

2003-29-A.Shimko-Kremers. That Joel Schultze of 933 Pinecrest be appointed to the Library Commission to fill a vacant term ending June 30, 2003 as recommended by Mayor Frey.

President Lawless thanked former commissioner and chairman Shawn Gotch for his five years of service to the Library Commission.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall and Shimko– 6
Nays: -0-

2003-30. Consider request to approve funding for the replacement of the sanitary sewer line on Beechwood Drive.

City Manager Donovan reviewed the proposed replacement of the sanitary sewer line and the improvements to the storm water system on Beechwood Drive west of Lake Drive. Because the bids received were higher than budgeted, staff worked to reduce the costs and determine additional financing options. The costs were reduced; however a budget amendment of \$130,000 is still needed to fund this project. After exploring the primary options of reducing the ending balance of the Water/Sewer Fund or a loan from the General Fund, the Finance Committee recommends that the City Commission wait to determine the additional funding source until staff can seek definitive bids and prepare year-end financial statements for both funds.

2003-30-A.Barbour-Brennan. That staff be authorized to seek bids for the proposed improvements as outlined with the final determination on funding to be determined when preliminary year-end financial statements and final bid prices are available.

Cindy Bartman, 336 Manhattan, spoke about the need to complete this project while protecting the financial health of both the Water/Sewer Fund and the General Fund. She noted that the City Commission had been instrumental in bringing the Water/Sewer Fund from large deficits in the early 1990's to being able to provide adequate funding for capital improvements by the mid-1990's. She distributed a proposal for funding the Beechwood project and urged the City Commission to carefully consider all options and future impacts when making a decision on this issue.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall and Shimko– 6
Nays: -0-

2003-31. Consider request to approve the purchase of a replacement packer truck for the Streets & Utilities Department.

2003-31-A.Barbor-Mulhall. That the purchase of a truck chassis from Freightliner of Kalamazoo in the amount of \$49,279.95 and the refuse packer body from Bell Equipment of Grand Rapids in the amount of \$32,000 for a total cost of \$81,279.95 be approved.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall and Shimko– 6
Nays: -0-

2003-32. Consider request to approve a change order for Wealthy Pool renovations.

2003-32-A. Brennan-Shimko. That Change Order #2 in the amount of \$11,720.00 for the contract with Owen Ames Kimball for the renovation of Wealthy Pool be approved.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall and Shimko– 6
Nays: -0-

2003-33. Consider request to award a contract for custodial services for City buildings.

City Services Director Baragar outlined the ongoing problems with the current contractor who is the low bidder for the upcoming contract and requested that the City Commission award the contract to the next low bidder, Pinnacle Cleaning Services.

2003-33-A. Mulhall-Shimko. That a two-year contract in the amount of \$93,600.00 (\$3,900.00 monthly) be awarded to Pinnacle Cleaning Services of Rockford to perform cleaning for various municipal facilities, and that a related budget amendment of \$6,300.00 for FY 2002-03 for this contract be approved.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall and Shimko– 6
Nays: -0-

2003-34. The City Services Department Report for the month of May 2002 was received.

2003-35. President Lawless reported visiting a skate park in Harbor Springs, Michigan, recently and spoke about the type of facility and staffing he observed. He suggested that this facility be researched when looking at the skate park issue in East Grand Rapids in the future.

City Manager Donovan announced that information on the proposed locations for the Parks & Recreation Department would be ready within the next several weeks. Commissioners selected August 19, 2002 for a worksession prior to the City Commission meeting to review the issue.

2003-36. The regular meeting adjourned at 9:14 p.m. subject to the call of the Mayor until August 5, 2002.

Karen K. Brower, City Clerk

Attachments: A – Resolution Approving Assessment Roll for paving a portion of Pioneer Club.
B – Resolution approving REGIS agreement
C – Resolution approving REGIS records access policy

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held August 5, 2002

Mayor Frey called the meeting to order at 7:31 p.m. in the City Commission Chambers at City Hall.

Present: Commissioners Brennan, Kremers, Lawless, Mulhall, Shimko and Mayor Frey

Absent: Commissioner Barbour

Also Present: Assistant City Attorney Sluggett; Public Safety Director Gallagher; Public Safety Deputy Director Herald; Engineering Supervisor Kadzban; Building Inspector Conley; Assistant to the City Manager Branyan; City Clerk Brower

2003-37. Geoff Hughes, 260 Hodenpyl, was present to urge the City Commission to purchase the Jacobson's building when it is offered by the bankruptcy court.

2003-38. Kremers-Shimko. Motion to approve the consent agenda as follows:

2003-38-A. The minutes of the regular meeting held July 15, 2002.

2003-38-B. Payroll disbursements in the amount of \$177,120.85; county and school disbursements in the amount of \$-0-; and total remaining disbursements in the amount of \$1,130,313.33, as reviewed by the Finance Committee.

Yeas: Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 6

Nays: -0-

2003-39. A zoning variance hearing was held regarding the request of Mike and Jane Zawacki of 841 Ross Court to allow the construction of an addition to the home creating a rear yard setback of 18'-0" instead of the required 25'-0."

Jane Zawacki, 841 Ross Court, was present to introduce and answer questions about the variance request.

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

- George & Sherri Lessens, 836 Pinecrest Questions and comments on the request.

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

2003-39-A. Shimko-Brennan. That the request of Mike and Jane Zawacki of 841 Ross Court to allow the construction of an addition to the home creating a rear yard setback of 18'-0" instead of the required 25'-0" be approved.

Yeas: Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 6

Nays: -0-

2003-40. A zoning variance hearing was held regarding the request of Mr. and Mrs. Scott Borden of 1445 Breton to allow the construction of a two-story addition creating a side yard setback of 4'-0" instead of the required 7'-0."

Scott Borden, 1445 Breton, was present to introduce and answer questions about the variance request.

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

- Petition signed by 46 residents In Favor

Assistant City Attorney Sluggett noted that there were several separate issues before the Commission. First, because of the unique road frontage situation, the City Commission was being asked to review the determination by the Building Inspector regarding the location of the front yard of this property and affirm or reverse that decision. He stated that if the Commission voted to affirm the Building Inspector's determination, then the Commission could consider the variance request for the front yard setback. The variance request for a third story for the home was independent of and separate from the determinations involving the front yard.

Building Inspector Conley reviewed the City Code's definition of a front yard and her determination that the south lot line along the vacated road should be used to determine the front yard. She also reviewed the applicant's proposed construction and answered questions on the current structure's placement.

Jim Karczewski, architect for Mr. & Mrs. Cares, was present to answer questions about the variance request.

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

- Virgil & May Johanningsmeier, 917 Princeton Reported that his home's sewer line runs across this property and that he has discussed relocating the line for the proposed construction with the owner's of the property.
- Alyce Greeson, 858 Bellclaire Opposed the location of the proposed garage because she would no longer be able to see the lake once the garage was built.
- Jim Karczewski, architect Explained placement of garage and home on the lot to accommodate the slope of the land and keep the garage detached in order to have front entrance to home. He noted that the west side of the lot, which is now overgrown, would be cleared to increase the view on that side of the new home.
- Dave Anderson, 907 Bellclaire Opposed location of garage because of the loss to the Greeson home.

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

- Don & Sue Condit, 2555 Frederick Opposed.

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

2003-42-A.Kremers-Brennan. To affirm the decision of the Building Inspector that the south property line be used to determine the front yard of the property located at 2633 Frederick Drive.

Yeas: Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2003-42-B.Lawless-Brennan. That the request of Mr. and Mrs. George Cares, owners of 2633 Frederick, to allow the construction of a single family residence with a front yard setback of 30'-0" from the edge of the street instead of the required 53'-0" be approved.

The City Commission discussed the front yard setback request and the desire to balance the rights of the property owner with the impact that variance would have on others in the neighborhood. Several commissioners expressed their wish to see the applicant work with the neighboring property owner to lessen the impact that the placement of the garage would have on the neighbor's view.

Yeas: -0-
Nays: Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 6

Mayor Frey opened a public hearing on the request to allow a third story for the new residence. No public comment was received. Mayor Frey closed the public hearing.

2003-42-C.Kremers-Shimko. That the request of Mr. and Mrs. George Cares, owners of 2633 Frederick, to allow the construction of a single family residence with a walkout level creating a third story be approved.

Yeas: Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 6

Nays: -0-

2003-43. A zoning variance hearing was held regarding the request of Martin Green, owner of 535 Lovett, to allow a business office use in a residential neighborhood.

Assistant City Attorney Sluggett outlined the requirements for granting a use variance and stated that variances run with the land and cannot be limited in terms of duration or restricted to a particular owner as requested by the applicant. He stated that rezoning the property was also an option; however once a parcel is rezoned, the type of business cannot be restricted as is the case with a use variance.

Marty Green, 2463 Oakwood, was present to answer questions about the variance request. He stated that he purchased the property to be used as a small business office and as extra living space for his children.

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

- | | |
|--------------------------------|---|
| - Diane Lange, 2150 Lansing | Appreciated home improvements done but concerned about impact on neighborhood and about handicap accessibility. |
| - Dave Price, 607 Lovett | Questioned whether the house could be used as a business by applicant but not future owners. |
| - Linda Hayes, 530 Lovett | Opposed having business located there permanently because of impact on residential area. |
| - Jan Kuttan, 2094 Wealthy | Concerned about neighborhood. |
| - Rhett Williamson, 538 Lovett | Concerned about neighborhood. |
| - Dale Hayes, 530 Lovett | Opposed because of traffic increase. |

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

- | | |
|---|-----------|
| - Mr. & Mrs. John Anjar, 519 Greenwood | Opposed |
| - Pete & Sue Keener, 550 Greenwood | Opposed |
| - Margit Sarne, 647 Lovett #1 | Opposed |
| - Joanie & George Snyder, 531 Greenwood | Concerned |
| - Kristi & Scott Tollas, 545 Lovett | Opposed |
| - Mrs. Harry Kuttan, 2094 Wealthy | Opposed |

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

2003-43-A.Lawless-Brennan. That the request of Martin Green, owner of 535 Lovett, to allow a business occupancy in a residential neighborhood be denied.

Commissioner Kremers read sections of the 1999 Comprehensive Master Plan which restricts expansion of the business district to Bagley Street and noted that Lovett Avenue is not mentioned in the plan as a location for business expansion.

Commissioner Lawless and Mayor Frey expressed their opposition to granting the variance because of the long-term negative effects on the residential quality of the neighborhood and failure to meet the standards for a use variance because the property could still be reasonably used as a residence.

Yeas: Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2003-44. Consider request to award a contract for paving a portion of Pioneer Club.

2003-44-A.Kremers-Shimko. That a contract in the amount of \$133,035.00 plus contingencies of \$19,936.20 for a total of \$152,971.20 be awarded to Lodestar Construction of Grand Rapids for road and utility improvements to Pioneer Club Road between Reeds Lake Blvd and the vacated Oakwood right-of-way.

Yeas: Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2003-45. Consider request to adopt a resolution amending the assessment roll for the special assessment district relating to the Pioneer Club Road project.

City Manager Donovan recommended that project contingencies of 4% be included in the assessment roll, and that the interest rate for assessments not paid within 30 days be set at 5.75%, which is one percent above the current prime interest rate of 4.75%.

2003-45-A.Brennan-Kremers. That a resolution amending the assessment roll for the Pioneer Club improvements to include actual bid amounts plus 4% contingencies be adopted as set forth in Exhibit “A” attached hereto, and that the interest rate be established at 5.75%.

Yeas: Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2003-46. City Manager Donovan presented the results of the resident voting on the proposal to pave Frederick Drive. The City Commission took no further action on this issue since the majority of property owners who voted were against paving the street.

2003-47. Consider request to appoint a representative to the annual Michigan Municipal League Conference.

2003-47-A.Kremers-Shimko. That Mayor Frey be designated as the official representative of the City of East Grand Rapids to the Michigan Municipal League annual business meeting.

Yeas: Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2003-48. Consider request to award a contract for labor attorney services.

2003-48-A.Shimko-Kremers. That a three-year contract be awarded to Miller, Johnson, Snell & Cummiskey for labor-related legal services at a rate of \$150 per hour for FY 2002-03 through FY 2004-05.

Yeas: Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2003-49. Consider request to award a contract for sanitary and storm sewer improvements on Beechwood Drive.

2003-49-A.Brennan-Mulhall. To approve the following: a change order in the amount of \$346,181.00 (\$312,181.00 plus contingencies of \$34,000.00) amending the contract with Lodestar Construction of Grand Rapids for the sanitary and storm water improvements on Beechwood Drive, and a contract with Insituform of Lemont Illinois in the amount of \$51,332.00 to reline the 12” storm sewer in Beechwood.

Yeas: Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

- 2003-50. City Manager Donovan reviewed the situation concerning state shared revenues for the upcoming fiscal year and presented a list of options for budget cuts if funding is reduced as proposed. He reported that efforts were underway to educate legislators on the effects of the revenue sharing cuts by holding a forum on Monday, August 12th at the EGR Middle School, and by attending the opening legislative session on Tuesday, August 13th.
- 2003-51. Mayor Frey thanked Commissioner Lawless for running the meeting of July 15th and noted that the new Memorial Field would be dedicated on August 29th prior to the first football game of the season.
- Commissioner Mulhall reminded everyone of the primary election on August 6th. He also reported that a few days after the last City Commission meeting where bike helmets were discussed, a 12-year-old boy was saved from serious injury in a collision with a moving vehicle by wearing his bicycle helmet.
- Chief Gallagher reported that National Night Out festivities would again be held throughout the city on August 6th and urged everyone to get out and meet their neighbors during the day and evening.
- City Manager Donovan reported that the bankruptcy court is handling the sale of the Jacobson's building and that there is at least one developer that has submitted a bid to purchase the property. The City will have the opportunity for input on any potential use of the project when a proposal is made by the buyer.
- Commissioner Kremers noted that the Streets & Utilities Department's new streetsweeper is now in service and doing a great job. He also thanked the City Services Department for removing the left-turn sign that is no longer needed at the Middle School entrance.
- 2003-52. The regular meeting adjourned at 9:45 p.m. subject to the call of the Mayor until August 19, 2002.

Karen K. Brower, City Clerk

Attachments: A – Resolution Amending Assessment Roll for paving a portion of Pioneer Club.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held August 19, 2002

Mayor Frey called the meeting to order at 7:32 p.m. in the City Commission Chambers at City Hall.

Present: Commissioners Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Mayor Frey

Absent: None

Also Present: City Attorney Huff; Public Safety Director Gallagher; Parks & Recreation Director Bunn; City Services Director Baragar; Finance Director VanderWall; Building Inspector Conley; City Clerk Brower

2003-53. Mayor Frey advised of the following communications received at City Hall:

A. Email from Jack Runnels of 518 Lakeside Drive thanking the Streets & Utilities Department for their prompt response after a water pipe burst at his home.

2003-54. Jim Koetje, State Representative, was present to update the City Commission on several issues facing the legislature and to ask for support in the November election.

Judy Baxter, candidate for the Circuit Court, was present to thank the citizens of East Grand Rapids for their votes in the primary election and to ask for support in the November election.

2003-55. Brennan-Kremers. Motion to approve the consent agenda as follows:

2003-55-A. The minutes of the regular meeting held August 5, 2002.

2003-55-B. Payroll disbursements in the amount of \$162,184.90; county and school disbursements in the amount of \$1,494,451.28; and total remaining disbursements in the amount of \$494,510.70, as reviewed by the Finance Committee.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2003-56. A zoning variance hearing was held regarding the request of Mr. and Mrs. George Cares, owners of 2633 Frederick, to allow the construction of a single family residence with a front yard setback of 46'-0" from the front lot line instead of the required 53'-0."

Building Inspector Conley explained that the applicants had reconfigured the proposed garage to minimize the encroachment into the front yard setback and were now requesting a variance of 46'-0" instead of the 30'-0" previously requested.

Jim Karczewski, architect for Mr. & Mrs. Cares, was present to explain the request and to answer questions.

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

- Rick Holmes, 855 Bellclaire Questioned the front yard determination.

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

2003-56-A. Lawless-Shimko. That the request of Mr. and Mrs. George Cares, owners of 2633 Frederick to allow the construction of a single family residence with a front yard setback of 46'-0" from the front lot line instead of the required 53'-0" be approved.

Commissioners Barbour, Brennan and Kremers spoke in favor of the new variance request and thanked the applicant for their efforts to accommodate the surrounding properties when designing the new home.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-57. Zoning variance request of Mr. and Mrs. Robert Kowalewski of 2652 Maplewood to allow the construction of an addition to the rear and side of the home creating a side yard setback of 1'-0."

2003-57-A. Lawless-Brennan. That the request Mr. and Mrs. Robert Kowalewski of 2652 Maplewood be taken from the table for consideration.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

Building Inspector Conley explained that changes made by the applicants plans for the proposed addition the home had now reduced the depth and height of the garage, but that the side yard setback remained at 1'-0" instead of the required 7'-0."

Rob & Julie Kowalewski of 2652 Maplewood were present to speak in favor of the request and distributed drawings of the proposed addition.

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

Commissioner Lawless stated his intention to vote against this request because the new proposal was not substantially different than the original plan and noted that approving the request would set a precedent for other requests of this type. Commissioners Brennan and Mulhall agreed that height and size of the garage and the setback of 1'-0" would have a detrimental effect on the neighboring properties.

Commissioner Barbour and Mayor Frey expressed their support for the request based on the configuration on the lot and the neighbor's support of the project.

2003-57-B. Barbour-Kremers. That the request of Mr. and Mrs. Robert Kowalewski of 2652 Maplewood to allow the construction of an addition to the rear and side of the home creating a side yard setback of 1'-0" be approved.

Yeas: Barbour, Kremers, Shimko and Frey – 4
Nays: Lawless, Brennan, Mulhall – 3

2003-58. 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.

Cathy Young was present to introduce and answer questions about the variance request. She stated that although the plans showed twelve stations, only 6-8 people would be working at any given time.

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

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|-------------------------------------|--|
| - Bill Atkinson, 6865 Knofke Drive | Expressed support for the salon and the business reputation of the owner. |
| - Dick Durrell, owner of 644 Lovett | In favor of variance. |
| - Bob Shaner of Rhoades McKee | Represented four neighboring clients who objected to the parking variance because of already overloaded parking areas. |
| - Linda Durrell, 547 Cambridge | Owner of adjacent business, expressed support for variance. |
| - Carol Brown, 2712 Darby | In Favor. |

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

- | | |
|-------------------------------------|--|
| - A.J. Birkbeck, 2093 Robinson Road | Stated opposition on behalf of Ben and Gretchen Birkbeck that the fill and grading already done on this property had created drainage problems for their lakefront land. Also concerned about condition of gravel road and access gates. |
| - Larry Manning, 928 Princeton | Opposed because of drainage issues. Asked for an environmental impact study prior to approval. |
| - Shirley Manning, 928 Princeton | Opposed because of loss of wildlife habitat. |
| - Carol Brown, 2712 Darby | Concerned about drainage if new lot is filled in. |

Nick Nicola, 2721 Darby, was present to answer questions about the variance request. He stated that he had been working with the Michigan Department of Environmental Quality to comply with their regulations for lakefront improvements. Mr. Nicola also noted that he does not have any immediate plans to build a home on this lot, but may entertain selling the lot or building on it at some point in the future.

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

The City Commission discussed the request and reviewed the four conditions required by the City Code for granting a lot split. Several commissioners expressed concern about lakefront development on small lots and the impact on the environment and surrounding properties. There was also concern about the police and fire protection to any future residence because of the unimproved gravel road and locked gates. Commissioner Lawless spoke about his concerns for this property but noted that conditions could be placed on the division at this time that would address those concerns.

2003-64-A.Lawless-Barbour. That the request to allow a portion of Lot 5 to be separated to create a conforming parcel while the remaining portion of Lot 5 and Lots 4, 6 and 7 continue as a conforming parcel containing the existing home at 2721 Darby be granted, provided 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 with the following conditions included in the recorded split:

1. It is uncertain whether City of East Grand Rapids emergency and firefighting vehicles or independent emergency vehicles will be able to access this parcel at all times, particularly during inclement weather, because of the grade and curvature of Reeds Lake Boulevard, the condition of the roadway, and inability to remove snow and ice. In addition, it may be difficult for any vehicle to access the parcel during certain times of the year due to the above reasons. The owner or any other person constructing a residence or structure upon this property is encouraged to install a fire suppression system.”
2. The City has no intention to improve the roadway or increase services to the roadway servicing this parcel;
3. Any future development on this lot must be connected up to city water and sewer services by whatever means necessary;
4. No further encroachment on Reeds Lake will result from any development of this property;
5. The cost of any utilities extended to the property, including water and sewer, will be the responsibility of the property owner; and
6. The cost of any road improvements to the road servicing the property will be the responsibility of the property owner.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2003-65. Introduction of an ordinance amendment to Chapter 101 of Title X regarding the Michigan Vehicle Code.

2003-65-A.Kremers-Lawless. That an ordinance amendment to Chapter 101 of Title X regarding the Michigan Vehicle Code be introduced as set forth in Exhibit "A" attached hereto.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-66. Consider request to approve a change order for the Wealthy Pool remodeling contract.

2003-66-A.Shimko-Brennan. That Change Order #3 in the amount of \$10,207.00 for the contract with Owen Ames Kimball for the renovation of Wealthy Pool be approved.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-67. Consider request to approve a budget amendment for consulting engineering fees.

2003-67-A.Shimko-Mulhall. That a fund transfer in the amount of \$11,400.00 from the FY 2001-02 General Fund undesignated fund balance to the engineering consultation account be approved as requested.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-68. Consider request to approve a change order for the Lakeside streetscape project.

Commissioner Barbour reported that the Finance Committee had reviewed the invoices for this project and recommended approval of current bills only and that future bills be reviewed individually before payment since there was a not-to-exceed amount approved for this project. The current bills exceed the budget by \$19,530, requiring an amendment of \$9,530.00.

2003-68-A.Barbour-Shimko. That a fund transfer in the amount of \$9,530.00 from the General Fund undesignated fund balance to the Major Street Fund Lakeside streetscape account be approved as requested.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-69. City Manager Donovan reported that the Interurban Transit Partnership would be replacing many of the transit system signs within the city over the next several months and answered questions from the City Commission.

2003-70. The revised minutes of the Library Commission meeting held May 28, 2002 were received.

2003-71. The preliminary minutes of the Library Commission meeting held July 16, 2002 were received.

2003-72. The preliminary minutes of the Parks & Recreation Commission meeting held July 8, 2002 were received.

2003-73. The preliminary minutes of the Planning Commission meeting held July 30, 2002 were received.

2003-74. The Public Safety Department Report for the months of May 2002 and June 2002 were received.

2003-75. Mayor Frey thanked Building Inspector Conley for all her work on the variance requests at this meeting.

Commissioner Barbour commended Chief Gallagher and all of the Public Safety Department personnel for the incredible crime statistics so far this year.

City Manager Donovan expressed his appreciation to State Representative Doug Hart and State Senator Ken Sikkema for their leadership role in restoring State-shared revenues to local governments at a recent legislative session.

2003-76. Kremers-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, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2003-77. The regular meeting adjourned at 10:24 p.m. subject to the call of the Mayor until September 3, 2002.

Karen K. Brower, City Clerk

Attachments: A – Ordinance Amendment to Chapter 101 regarding the Michigan Vehicle Code.

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

the applicant place sufficient landscaping between the fencing and the sidewalk to soften the impact of the fence on surrounding properties and passing traffic.

Commissioner Barbour expressed his opposition to the request because of the length and height of the fence and his dislike of walled-in yards along sidewalks. He also noted that the applicant had other fencing options that would not require a variance.

Yeas: Kremers, Lawless, Mulhall, Shimko and Frey – 5

Nays: Barbour – 1

2003-82-B. Kremers-Lawless. That the request of Mr. & Mrs. Paul Janes of 2647 Lake Drive to allow the construction of a storage building conforming to City Code regulations in the front yard approximately 30'-0" from the street instead of the required 60'-0" be approved with the condition that the shed be relocated to a conforming location if the fence along the south and west property lines as approved above (2003-82-A.) is ever removed.

Yeas: Kremers, Lawless, Mulhall, Shimko and Frey – 5

Nays: Barbour – 1

2003-83. A zoning variance hearing was held regarding the request of Charles & Kristin Ferro of 746 San Jose to allow the construction of an attached garage creating a side yard setback of 3'-0" instead of the required 7'-0" and a total combined side yard setback of 9'-6" instead of the required 18'-0."

Mark Shuart, architect for Mr. and Mrs. Ferro, was present to introduce and answer questions about the variance request.

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

2003-83-A. Barbour-Lawless. That the request of Charles & Kristin Ferro of 746 San Jose to allow the construction of an attached garage creating a side yard setback of 3'-0" instead of the required 7'-0" and a total combined side yard setback of 9'-6" instead of the required 18'-0" be approved.

Commissioner Lawless thanked the applicants for revising their plans to minimize the impact on surrounding properties.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6

Nays: -0-

2003-84. Final Reading of an ordinance amendment to Chapter 101 of Title X regarding the Michigan Vehicle Code.

2003-84-A. Mulhall-Barbour. That an ordinance amendment to Chapter 101 of Title X regarding the Michigan Vehicle Code be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6

Nays: -0-

2003-85. Introduction and Adoption of an ordinance amendment to add Sections 5.306 and 5.307 to Chapter 53 of Title V regarding building permits in the flood plain.

2003-85-A. Shimko-Barbour. That an emergency ordinance amendment to add Sections 5.306 and 5.307 to Chapter 53 of Title V establishing a 120-day moratorium on issuing building permits in the flood plain be adopted as set forth in Exhibit "B" attached hereto with an effective date of September 3, 2002.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6

Nays: -0-

2003-86. Consider request to approve payment of architectural fees for Lakeside Drive streetscape project.

2003-86-A. Lawless-Kremers. That a change order in the amount of \$1,563.75 for the contract with MC Smith Associates for consulting fees related to the Lakeside Drive streetscape project and a related budget amendment be approved as requested.

Commissioners Barbour and Mulhall expressed their dissatisfaction on having to consider budget amendments for architectural services that were approved in a not-to-exceed contract and asked for detailed justifications for any future bills presented to the City Commission.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2003-87. Mayor Frey reported Memorial Field and Gerken Plaza had been completed and dedicated on August 29th and thanked everyone involved in the joint city/school project. She also thanked the City Services Department and its contractors for pushing to get the road construction completed on the street in front of the field prior to the dedication ceremonies. Mayor Frey also reported that the Traffic Commission had tabled an issue regarding parking on Lakeside Drive until more information could be gathered.

Commissioner Lawless congratulated Ben Branyan on his new position with the City of Stratford, Connecticut, and thanked him for his work on the traffic calming programs and other projects. He outlined the November bond proposal that would guarantee low-interest loans to municipalities for infrastructure improvements. He also asked whether residents on Fisk Lake had been informed about the water level situation. City Manager Donovan reported this would be done soon.

Commissioner Kremers thanked Ben Branyan for his work on the traffic calming issue and other City projects. He then asked staff to replace a tree that was destroyed in an accident at Breton and Oakwood. He also reported receiving a letter from resident Bette Tabor suggesting the City to better inform residents about the yard waste collection schedule and asked City staff to use water bills or newsletter to do this.

Commissioner Barbour noted that the Reeds Lake Triathlon had been scheduled on Rosh Hashanah, a Jewish holy day, and asked the Parks & Recreation Department to be sensitive to allowing citizens adequate access to places of worship during the road closings around the Triathlon course.

City Manager Donovan reported that the Grand Valley Metro Council will be hosting a dinner for elected officials on October 22nd with more details available soon. He also thanked City Services Director Baragar and his staff for working so diligently to meet event deadlines for finishing road construction projects on Lakeside Drive and Hall Street.

Commissioner Mulhall expressed his frustration with the deteriorating condition of the library building in spite of all the recent improvements elsewhere in the City and urged the City Commission to continue working toward a renovation of this building.

Commissioner Shimko wished Ben Branyan well in his new job and thanked him for his service to East Grand Rapids. He also expressed his satisfaction with the results of several joint City/School projects over the last few years to upgrade community spaces, especially playgrounds and neighborhood park areas.

2003-88. Mulhall-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, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2003-89. The regular meeting adjourned at 8:36 p.m. subject to the call of the Mayor until September 16, 2002.

Attachments: A – Ordinance Amendment to Chapter 101 regarding the Michigan Vehicle Code.
 B – Ordinance Amendment to Chapter 53 regarding building permits in the flood plain.

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 16, 2002

Mayor Frey called the meeting to order at 7:32 p.m. in the City Commission Chambers at City Hall.

Present: Commissioners Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Mayor Frey

Absent: None

Also Present: City Attorney Huff; Public Safety Director Gallagher; Parks & Recreation Director Bunn; City Services Director Baragar; Finance Director VanderWall; Building Inspector Conley; City Clerk Brower.

2003-90. Mayor Frey advised of the following communications received at City Hall:

- A. News Brief from Grand Rapids Business Journal on the purchase of several properties by JadePig Development.
- B. Correspondence regarding the use of 255 Plymouth by the Coptic Center.
- C. Update from Faith In Motion requesting citizen participation in alternative transportation the week of September 30 through October 4.

2003-91. Carla Hoffman, 1326 Wealthy, was present to review the Faith In Motion activities and ask for a resolution of support from the East Grand Rapids City Commission. Mayor Frey will issue a proclamation for this event.

2003-92. Barbour-Shimko. Motion to approve the consent agenda as follows:

2003-92-A. The minutes of the regular meeting held September 3, 2002.

2003-92-B. Payroll disbursements in the amount of \$163,254.38; county and school disbursements in the amount of \$2,974,291.73; and total remaining disbursements in the amount of \$359,286.05, as reviewed by the Finance Committee.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2003-93. A zoning variance hearing was held regarding the request of Peter Holt of 1766 Warwick to allow the construction of a two-story garage addition located 1'-0" from the side lot line instead of the required 5'-0" and combined side yard setbacks of 10.4' instead of the minimum 18'-0" required.

Peter Holt, 1766 Warwick, was present to introduce and answer questions about the variance request.

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

- Tom Thorne, 1762 Warwick In Favor

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

- James and Kendra Edwards, 2053 Englewood In Favor

- Scott McAllister, 1770 Warwick In Favor

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

2003-93-A. Lawless-Brennan. That the request of Peter Holt of 1766 Warwick to allow the construction of a two-story garage addition located 1'-0" from the side lot line instead of the required 5'-0" and combined side

yard setbacks of 10.4' instead of the minimum 18'-0" required be approved with the condition that the existing shed be removed.

Commissioner Lawless expressed his support for this variance because of the lack of other expansion options for this very small home and the distance from the structure on the neighboring property.

Victor Pitch, contractor for Mr. Holt, was present to explain that 14 feet was the minimum width for a one-car garage which necessitated the addition to be placed 1'-6" from the side lot line.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

- 2003-94. A zoning variance hearing was held regarding the request of Dennis Theisen of 2137 Lake Drive to allow the construction of a detached garage approximately 1'-6" from side lot line instead of the required 3'-0" and to allow the total area occupied on the lot to be approximately 46% instead of the permitted 35%.

Dennis Theisen, 2137 Lake Drive, was present to introduce and answer questions about the variance request.

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

- 2003-94-A. Lawless-Barbour. That the request of Dennis Theisen of 2137 Lake Drive to allow the construction of a detached garage approximately 1'-6" from side lot line instead of the required 3'-0" and to allow the total area occupied on the lot to be approximately 46% instead of the permitted 35% be approved.

Commissioners Mulhall and Shimko expressed their concern about the large footprint of the garage and the size of the building in relation to other outbuildings in the area. Commissioner Lawless also expressed concern about the size of the garage but deferred that Mr. Theisen's proposal should be put to a vote, as requested, and it was his choice if he wanted to sacrifice so much of his rear yard.

Yeas: Barbour, Lawless and Frey – 3
Nays: Brennan, Kremers, Mulhall and Shimko – 4

- 2003-95. A zoning variance hearing was held regarding the request of Steven and Pamela Caul of 1145 Cambridge to allow the installation of a 6'-0" high wood privacy fence abutting the street right-of-way instead of the required 15'-0".

Building Inspector Conley reviewed the request and stated that there were no concerns with sight distance from surrounding driveways.

Steve and Pam Caul, 1145 Cambridge, were present to introduce and answer questions about the variance request.

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

- Karen Mouw, 1753 Hall In Favor

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

- Gordy and Karen Mouw, 1753 Hall No objection.

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

- 2003-95-A. Brennan-Shimko. That the request of Steven and Pamela Caul of 1145 Cambridge to allow the installation of a 6'-0" high wood privacy fence abutting the street right-of-way instead of the required 15'-0" be approved.

Commissioner Mulhall expressed concern about the aesthetics of the long length of fence along the sidewalk.

2003-95-B. Mulhall-_____. Motion to amend 2003-95-A. to require the fence to be installed 8'-0" behind the sidewalk on Hall Street and to require that landscaping be placed in front of the fence.

Motion failed due to lack of a second.

Commissioner Barbour spoke against this variance request because of the availability of other alternatives with type or placement of fencing that did not require a variance that would not prevent the use of the back yard by the applicant. He also stated that if misinformation was given by City staff on the ordinance requirements, the City may be willing to assist with the costs of relocating the portion of the fence in violation.

Commissioner Lawless stated his opposition to the request because of the aesthetics of stockade fencing along a public street and other options available for the applicant.

Yeas: Brennan and Kremers – 2

Nays: Barbour, Lawless, Mulhall, Shimko and Frey – 5

2003-96. A zoning variance hearing was held regarding the request of Larry VanderPlaats of 1145 Eastwood to extend the variance permitting the construction of an addition to the rear of the detached garage 1'-0" from the side lot line instead of the required 3'-0".

Larry VanderPlaats, 1145 Eastwood, was present to introduce and answer questions about the variance request.

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

2003-96-A. Lawless-Shimko. That the request of Larry VanderPlaats of 1145 Eastwood to extend the variance permitting the construction of an addition to the rear of the detached garage 1'-0" from the side lot line instead of the required 3'-0" be approved.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2003-97. Consider request to approve a budget amendment for Silver Creek drainage district maintenance fees.

City Manager Donovan explained that East Grand Rapids was responsible for 18.8% of the maintenance costs for the Silver Creek drainage district detention areas, consisting mostly of legal fees and property maintenance expenses. These fees were previously taken out of bond funding, but will be placed in the budget for future years.

2003-97-A. Barbour-Brennan. That a budget amendment in the amount of \$7,658.54 from the Water/Sewer Fund undesignated fund balance be approved for the payment of maintenance fees for the Silver Creek Drain project.

Yeas: Barbour, Brennan, Kremers, Mulhall, Shimko and Frey – 6

Nays: -0-

Abstain: Lawless – 1

2003-98. Consider request to ratify the emergency repair of Fire Truck #153.

2003-98-A. Barbour-Kremers. That emergency repairs to Fire Truck #153 in the amount of \$10,678.00 be ratified as requested with a corresponding budget amendment to the MERF Fund.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2003-99. Consider request to approve a budget amendment for Community Pool operational expenses.

2003-99-A. Brennan-Barbour. That a budget amendment in the amount of \$8,910.04 for FY 2001-02 to cover operational expenses for the Community Pool be approved.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2003-100. Consider request to award a contract for repair of the roof system for the salt storage building

2003-100-A. Barbour-Shimko. That a contract in the amount of \$64,643.89 plus contingencies of \$6,500.00 for a total cost of \$71,143.89 be awarded to Brass Dog Construction LLC for the replacement of the roof structure at the salt storage building at Streets & Utilities.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2003-101. The preliminary minutes of the Traffic Commission meeting held September 3, 2002 were received.

Commissioner Lawless asked Commissioner Brennan to pass along his request that the Traffic Commission consider not restricting boat trailer parking when reviewing the Lakeside Drive parking issue because there is no other location for people towing boat trailers to park.

2003-102. The preliminary minutes of the Parks & Recreation Commission meeting held August 12, 2002 were received.

2003-103. The preliminary minutes of the Planning Commission meeting held August 13, 2002 were received.

2003-104. The City Services Department Report for the months of June 2002 and July 2002 were received.

2003-105. Mayor Frey noted that staff is working on solutions to the many complaints has received about shrubs and trees overhanging the sidewalks and creating visibility problems and will be presenting information at an upcoming meeting. She also reported that Pioneer Club Road had been paved between the “cut-off” and the Oakwood right-of-way and looked very good. She advised that the sale of the Jacobson’s building would be announced sometime that week. She also reminded everyone of the Grand Valley Metro Council dinner on October 22nd and asked responses be given to staff. Mayor Frey also requested that the “Report of Mayor and City Commissioners” be moved to the beginning of the agenda for future meetings.

Commissioner Shimko asked staff to continue working to educate residents on rules for yard debris pickup to reduce the number of brush piles sitting on the outlawn for several days before the scheduled collection date. He also requested that the bus shelter at Plymouth and Wealthy be reported to ITP as needing to be maintained as there were several overgrown shrubs obstructing the shelter and surrounding directional signs.

Commissioner Brennan thanked the Public Safety Department for their attendance at a recent neighborhood block party.

City Manager Donovan invited the City Commissioners to join the Planning Commission and staff in touring the Blodgett estate at 250 Plymouth on Wednesday, September 18, 2002 at 4:00 p.m. in preparation for upcoming planned unit development hearings.

Commissioner Barbour reported that staff members and the City Attorney’s office have been corresponding with an organization known as the Coptic Center over the use of the property at 255 Plymouth as a church facility. The Coptic Center has asserted that because they are a church, City zoning laws do not govern them. The City’s position is that even if they are a church, they are subject to the

zoning ordinance requiring a special use permit, and if they are not a recognized church, they would not be allowed to use the property in this manner. He urged staff to continue to pursue this process and to keep the Commission informed.

Commissioner Kremers noted that home football games are a great community event and thanked everyone involved in the planning and implementation of these games.

2003-106. Barbour-Brennan. 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, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2003-107. The meeting adjourned at 8:56 p.m. to hold the executive session. The meeting resumed at 9:17 p.m.

2003-108. Consider request to authorize City Attorney to resolve dispute with DC Byers.

2003-108-A. Barbour-Lawless. That the City Attorney be authorized to take any action necessary to resolve the dispute with DC Byers over the sealant on the reservoir deck behind City Hall.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2003-109. The regular meeting adjourned at 9:18 p.m. subject to the call of the Mayor until October 7, 2002.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held October 7, 2002

Mayor Frey called the meeting to order at 7:30 p.m. in the City Commission Chambers at City Hall.

Present: Commissioners Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Mayor Frey

Absent: None

Also Present: City Attorney Huff; City Services Director Baragar; Finance Director VanderWall; Deputy Public Safety Director Herald; City Clerk Brower

2003-110. Mayor Frey advised of the following communications received at City Hall:

- A. An memo from State Representative Doug Hart inviting the public to a forum on Thursday, October 10 from 7-9 pm to discuss the ballot initiatives on the November 5th ballot.

2003-111. Dan Zemaitis, candidate for Kent County Judge, was present to introduce himself to the City Commission and review his qualifications for the position.

2003-112. Mayor Frey complimented Commissioner Mulhall for his informative article in a recent edition of the Cadence and thanked City Attorney Huff for his outline of the planned unit development process. She reminded the Commissioners that the next worksession on the Recreation Department would be held on October 14, 2002 at 6:30 pm. She asked that a discussion of the November 5th ballot issues be placed on the next agenda. She also reported that EGR native Chris VanAllsburg was interested in appearing at a future fundraising event to benefit the library expansion.

Commissioner Mulhall complimented the staff and architectural firm for the new streetlights along John Collins Park. He reviewed the parking situation discussed by the Traffic Commission and urged the citizens of East Grand Rapids to take advantage of the sidewalks by walking to their destination rather than driving.

Commissioner Lawless reported that the Metropolitan Hospital site just outside East Grand Rapids had been designated as a tax-free renaissance zone and is being proposed for a 210-unit condominium development in 2005-06. He asked everyone to keep abreast of this situation for any possible assistance or response needed from the City of East Grand Rapids to make this new opportunity a benefit to the entire area.

Commissioner Kremers complimented the members of the Public Safety Department for their prompt response and professional assistance following a recent automobile accident he was involved in.

2003-113. Mary Dersch, curator of the East Grand Rapids History Room located at the Library, was present to inform the City Commission of a recent donation to the History Room. She reported that Peter Wege of East Grand Rapids had purchased and donated the side placard from the steamship "Major A.B. Watson" that sailed on Reeds Lake from 1891 to 1921. Bill Poisson, a member of the family that operated the steamships, was present to assist in the history of the ship. Everyone thanked Mr. Wege for his generous donation.

2003-114. Barbour-Brennan. Motion to approve the consent agenda as follows:

2003-114-A. The minutes of the regular meeting held September 16, 2002.

2003-114-B. Payroll disbursements in the amount of \$160,695.08; county and school disbursements in the amount of \$207,210.94; and total remaining disbursements in the amount of \$1,278,478.86, as reviewed by the Finance Committee.

2003-118. Consider request to approve the second amendment to the Water and Sewer Service Agreement with the City of Grand Rapids.

City Manager Donovan reviewed the request and answered questions from the City Commission.

2003-118-A. Barbour-Mulhall. That the second amendment to the Water and Sewer Service Agreement with the City of Grand Rapids be approved as set forth in Exhibit "B" attached hereto.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-119. Mayor Frey announced that the insurance coverage contracts and the animal control agreement had been withdrawn from the agenda pending the compilation of further information.

2003-120. Consider request to approve the purchase of portable radios for the Public Safety Department.

2003-120-A. Lawless-Kremers. That the purchase of six portable radios with accessories from Tele-Rad, Inc. in the amount of \$5,647.00 and a related fund transfer of \$2,647.00 from the Drug Seizure Fund to the Capital Fund account for this purchase be approved.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-121. Continuation of zoning variance request of Michael Zago, owner of 2622 Oakwood.

Mr. Zago and Ms. Winters returned to the meeting stating a compromise had been reached to position the garage addition 16'-0" from her home. Mr. Wilco estimated that the setback would be not less than 5'-6" ; however because the survey had not been done, an accurate setback from the lot line could not be determined. The City Commission asked that a survey be finished before a final vote was taken on this issue.

2003-121-A. Brennan-Mulhall. That the request of Michael Zago, owner of 2622 Oakwood, to allow the construction of an addition to the existing garage creating a side yard setback of 3'-0" instead of the required 7'-0" be tabled until a survey can be done of the property dimensions.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-122. The regular meeting adjourned at 8:50 p.m. subject to the call of the Mayor until October 21, 2002.

Karen K. Brower, City Clerk

Attachments: A – Ordinance Amendment to Chapter Title VII pertaining to telecommunications providers.
B – Second amendment to the Water and Sewer Service 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 October 21, 2002

Mayor Frey called the meeting to order at 7:33 p.m. in the City Commission Chambers at City Hall.

Present: Commissioners Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Mayor Frey

Absent: None

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

2003-123. Geoff Hughes, 260 Hodenpyl, suggested that the City take steps to use eminent domain to acquire the Jacobon's building at 2255 Wealthy from the bankruptcy court.

2003-124. Mayor Frey reported that the City's new aerial fire truck had been used in its first fire to assist the Grand Rapids Fire Department at the Wolverine Litho building on Fulton Street earlier in the day.

Commissioner Lawless congratulated the girls tennis team for their third consecutive state championship. Mayor Frey reported that the School District was now giving a congratulatory card from the City to all students receiving athletic or academic awards.

Commissioner Mulhall questioned the status of the request from Jeff Stowe on San Lu Rae for safety improvements to the Lake Drive/Bagley/San Lu Rae intersection. City Manager Donovan replied that the issue had been referred to the Traffic Commission for consideration.

2003-125. Brennan-Shimko. Motion to approve the consent agenda as follows:

2003-125-A. The minutes of the regular meeting held October 7, 2002.

2003-125-B. Payroll disbursements in the amount of \$175,850.01; county and school disbursements in the amount of \$74,718.83; and total remaining disbursements in the amount of \$872,050.87, as reviewed by the Finance Committee.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2003-126. A zoning variance hearing was held regarding the request of Dennis Theisen of 2137 Lake Drive to allow the construction of an attached garage bringing the total area occupied on the lot to approximately 40% instead of the permitted 35%.

Dennis Theisen, 2137 Lake Drive, was present to introduce and answer questions about the variance request.

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

2003-126-A. Kremers-Brennan. That the request of Dennis Theisen of 2137 Lake Drive to allow the construction of an attached garage bringing the total area occupied on the lot to approximately 40% instead of the permitted 35% be approved.

Commissioner Mulhall stated his opposition to this variance request because of the small lot size.

Commissioner Lawless thanked Mr. Theisen for revising his original proposal to address concerns about the size and impact on surrounding properties. He also noted that one of the factors in his support of the variance request was the slope of the roof over the new addition as shown in the cardboard model that will lessen the effect on the neighboring homes.

Yeas: Barbour, Brennan, Kremers, Lawless, Shimko and Frey – 6
Nays: Mulhall – 1

2003-127. A zoning variance hearing was held regarding the request of Suzanne and Phil Stenger of 2945 Woodcliff Circle to allow the construction of a second story creating a side yard setback of 7'-6" instead of the required 10'-0."

Gina Paul, architect for Mr. and Mrs. Stenger, was present to introduce and answer questions about the variance request.

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

- Douglas Singer, 2875 Woodcliff Circle	Opposed
- Tom & Dawn Reed, 2946 Woodcliff Circle	In Favor
- Keith & Cindy VanScoyk, 2960 Woodcliff Circle	In Favor
- Douglas Singer, 2875 Woodcliff Circle (revised)	No objection
- Sidney & Malca Muskin, 1051 Wren	In Favor

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

2003-127-A. Lawless-Shimko. That the request of Suzanne and Phil Stenger of 2945 Woodcliff Circle to allow the construction of a second story creating a side yard setback of 7'-6" instead of the required 10'-0" be approved.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-128. A zoning variance hearing was held regarding the request of Michael Zago, owner of 2622 Oakwood, to allow the construction of an addition to the existing garage creating a side yard setback of 5'-8" instead of the required 7'-0".

2003-128-A. Barbour-Kremers. That the request of Michael Zago, owner of 2622 Oakwood, to allow the construction of an addition to the existing garage be removed from the table for consideration.

Michael Zago, 2622 Oakwood, was present to introduce and answer questions about the variance request. He noted that a survey of the property had been completed and the request had been revised to ask for a side yard setback of 5'-8" instead of the 3'-0" originally requested.

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

2003-128-B. Lawless-Brennan. That the request of Michael Zago, owner of 2622 Oakwood, to allow the construction of an addition to the existing garage creating a side yard setback of 5'-8" instead of the required 7'-0" be approved.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-129. Consider request to approve the division of a lot located at 2657 Oakwood.

Building Inspector Conley reviewed the request and noted that the newly created parcel would conform to all zoning district requirements, and noted that there was a utility easement on part of the property that could not be built upon.

Michael Filion, 3045 Woodcliff Circle, was present to answer questions as the purchaser of the new lot.

City Commissioners questioned whether a home could be built in the small area remaining outside the utility easement. City Attorney Huff stated that the City Code did not contain a minimum size requirement for new construction but that the building envelope was probably of sufficient size.

2003-129-A. Brennan-Shimko. That the request to the approve division of the lot located at 2657 Oakwood into two separate conforming parcels, creating a second buildable lot on Lot 240, 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, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-130. Introduction of an ordinance amendment to Section 5.190 of Title X of the City Code to rezone portions of the property located at 250 Plymouth from A-1 single family to a planned unit development allowing multiple condominium units on a single parcel.

City Attorney Huff outlined the proposal to convert four existing single-family dwellings on the Brookby property from rental units to condominium units under private ownership. The Planning Commission is expected to provide a recommendation at the City Commission's final reading and public hearing on this issue on November 4, 2002.

Sam Cummings, 250 Plymouth, answered questions from the City Commission concerning the planned unit development proposal.

Commissioner Lawless asked the Planning Commission to discuss for possible inclusion the issue of multiple boat docks being installed and several boats belonging to condominium owners being moored on Fisk Lake.

2003-130-A. Kremers-Barbour. That an ordinance amendment to Section 5.190 of Title X of the City Code to rezone portions of the property located at 250 Plymouth from A-1 single family to a planned unit development allowing multiple condominium units on a single parcel be introduced as set forth in Exhibit "A" attached hereto, and that a hearing date of November 4, 2002 be set as the final reading of this ordinance.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-131. Final Reading of an ordinance amendment to add Chapter 79C and modify Chapter 79B of Title VII of the City Code pertaining to telecommunications providers.

City Attorney Huff reviewed the provisions of the new Public Act 48 that will now be regulating telecommunications provider's use of the public right-of-way. He noted that changes have been made to the original version introduced at the last meeting to incorporate certain sections of Chapter 79B which will still pertain to this issue.

2003-131-A. Brennan-Barbour. That an ordinance amendment to add Chapter 79C and modify Chapter 79B of Title VII of the City Code pertaining to telecommunications providers be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-132. Consider request to review the application by EGR Firehouse Grill Restaurant for an SDM package liquor license.

Karie Koster, owner of the restaurant, stated that the restaurant was applying for the license in order to honor customer requests for specific bottles of wine to take home, to facilitate off-premise catering of social events, and for other special events.

2003-132-A. Brennan-Kremers. That the request of EGR Firehouse Grill for an SDM package liquor license be approved as requested.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-133. Consider request to review determination of church status for Coptic Center.

City Attorney Huff stated that Mr. David Nevin has appealed the decision of the Building Inspector concluding that the residence located at 255 Plymouth was not a church facility for purposes of the zoning ordinance. He noted that if a church use is determined, then Mr. Nevin must apply for a special use permit as provided for in the ordinance.

Reverend David Nevin, 2305 Buchanan (Wyoming), stated that the residence at 255 Plymouth was being proposed as a fellowship center for area leaders of the Coptic faith. He stated that he has filed articles of incorporation for ecclesiastical corporations with the State of Michigan and received an identification number after the filing. He reviewed the rooms of the home and the proposed uses for the facility. He stated that his interest in this particular home stemmed from the religious symbolism in the architecture. He asked that the City Commission grant him permission to operate the facility and apply for a special use permit.

Richard Holmes, 1750 Robinson, stated his opposition to the designation of this address as a church because of the residential character of the neighborhood. He noted there is not adequate parking at this site and that the inattention given to the properties lawns and gardens are having a negative impact on the neighborhood.

Jean Siegel, 1700 Robinson, stated her opposition to additional traffic congestion and parking problems in a residential neighborhood.

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

- | | |
|---------------------------------------|--|
| - David Kerstein, 303 Plymouth | Supported the City's position that this was an inappropriate use of a residential property. |
| - William & Susan Jones, 251 Plymouth | Objected to the property being used as a church because of the residential character of the street, inadequate parking at the site, and the lack of an owner on the premises for extended periods. |

No other public comment was received.

City Attorney Huff and Commissioner Lawless reiterated that the City Commission would be determining whether this proposed use was considered a church for purposes of the zoning ordinance and not to make decisions regarding the fellowship itself. City Attorney Huff noted that if the use was found to be a church, Mr. Nevin would then have to apply for a Special Use Permit which would be determined based on standards outlined in the zoning ordinance.

City Commissioners then questioned Mr. Nevin on the frequency and types of gatherings held at the facility, the physical attributes and markings of the outside of the building, the furniture, music, recognition of a Sabbath and the availability of other structures for use by the groups proposed to meet at

255 Plymouth. Mr. Nevin responded to the questions stating that the gatherings would be of leaders outside the established churches in the area and, outside of quarterly worship services, would mostly consist of meditation gatherings and educational meetings. He stated that he personally owned the building, which would not be open to those who do not share the convictions of the Coptic faith and would be marked with a small plaque, but not with a cross, steeple or lighted sign. He did not anticipate the placement of permanent pews or chairs or any consistent use of music during gatherings. He also preferred to use one of the home's fireplaces in place of an altar or pulpit. He agreed that Saturday and/or Sunday were considered holy days. Mr. Nevin stated that the group is currently meeting in hotels or private homes.

Commissioner Barbour addressed the threatening references in one of the letters sent to city staff by Mr. Nevin and advised Mr. Nevin that he was expected to treat city officials with respect in all verbal and written communication. Mr. Nevin stated that he felt staff members had been very hostile to him and that his responses were justified by the Old Testament.

City Attorney Huff suggested that City Commissioners give their preliminary thoughts on the question of using the home as a church in order to allow for findings of fact to be prepared and then table the issue until the next meeting.

Commissioner Lawless stated that in spite of Mr. Nevin's obvious commitment to his faith and church officials in the area, the building had been constructed and used as a traditional single-family residence and did not contain an altar, steeple, pews, signs or other symbols typically associated with religious facilities. He further noted that the absence of regular weekly services, a formally recognized Sabbath or invitations to the public were also not typical of churches. He felt that there was no hardship to use this facility exclusively, as the group was currently utilizing other meeting places. Commissioners Kremers, Barbour and Shimko concurred with these statements.

Mayor Frey commended Mr. Nevin on his efforts to establish dialogue among the leaders of his faith, but felt this purpose was primarily educational and not religious.

Commissioner Brennan stated that the lack of space set aside for public worship was a definitive factor in finding that this proposed use was not a church.

2003-133-A. Lawless-Brennan. Motion to table the review of the Building Inspector's determination regarding the Coptic Center's use of 255 Plymouth and to ask the City Attorney to prepare a resolution containing the facts listed above for the next meeting.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-134. The City Commission discussed the proposal by JadePig Ventures to relocate the EGR Library Branch into the former Jacobson's Building at 2255 Wealthy and the various factors that would be used in making a decision on this issue. Some Commissioners spoke of the desire to continue researching other options and the need to request input from the advisory groups within the City while others preferred to wait until JadePig was able to make a presentation before deciding on a course of action. Everyone agreed the overall process and timeline should be outlined for the City Commission's use when a formal proposal was made.

Commissioner Lawless advocated for assembling independent experts to assist the City in evaluating aspects of the proposal and for asking the input of the advisory boards that oversee these areas. He felt that the City's ordinance outlined a procedure for dealing with planned unit development applications and that this should be followed to ensure that all details are included. He also supported keeping all renovation options on the table for discussion.

Commissioner Shimko noted retail had always been the focus in Gaslight Village and that this was a totally new concept that would require considerable study and discussion. He was concerned about the

mix of retail and professional offices and about parking issues. He felt that timelines were not as important as complete research and making the best decision for the community as a whole.

Commissioner Lawless asked that Mayor Frey work with the City Manager and City Attorney to develop a recommendation and timeline for the process to be reviewed by the City Commission.

Geoff Huges, 260 Hodenpyl, asked that the City assert it's right to eminent domain to acquire the Jacobson's property for City use. He also asked that the public be invited to all meetings on this issue.

2003-135. Consider request to determine funding for the Beechwood Drive project.

City Manager Donovan reviewed the project that was recently completed on Beechwood Drive and the options for funding this project.

2003-135-A. Kremers-Shimko. That a budget amendment loan in the amount of \$110,000 from the General Fund Undesignated Fund Balance to the Water/Sewer Fund be approved with repayment of \$55,000 budgeted for FY 2003-04 and FY 2004-05.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

Commissioner Brennan left the meeting briefly.

2003-136. Consider request to award contracts for property and liability insurance coverages.

2003-136-A. Barbour-Lawless. That a contract in the amount of \$161,516 be awarded to Arthur J. Gallagher Insurance for property and liability insurance coverages with a related budget amendment of \$51,000 from the Undesignated Fund Balance for this expense.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

Commissioner Brennan returned.

2003-137. Consider request to award a contract for the annual tree planting program.

2003-137-A. Kremers-Shimko. That a contract be awarded to Tepper Nursery Company of Walker in the amount of \$12,492.70 for the annual Tree Planting Program.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-138. Discussion of November 5, 2002 ballot initiatives.

City Manager Donovan presented the City Commission with information on the four ballot proposals to be decided by Michigan voters on November 5, 2002.

2003-138-A. Lawless-Mulhall. Motion to support the passage of Proposal 2 which will authorize the State of Michigan to issue bonds for sewage treatment projects and storm water projects and urge the residents of East Grand Rapids to vote yes on this proposal on November 5, 2002.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-139. The preliminary minutes of the Library Commission meeting held September 23, 2002 were received.

2003-140. The KDL East Grand Rapids Branch Quarterly Report – September 2002 was received.

- 2003-141. The preliminary minutes of the Traffic Commission meeting held October 7, 2002 were received.
- 2003-142. The preliminary minutes of the Planning Commission meeting held September 10, 2002 and October 8, 2002 were received.
- 2003-143. The preliminary minutes of the Joint Facilities Committee meetings held October 2, 2002 and October 8, 2002 were received.
- 2003-144. The City Services Department Report for the month of August 2002 was received.
- 2003-145. The Public Safety Department Report for the months of July 2002 and August 2002 were received.
- 2003-146. Brennan-Barbour. 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, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-
- 2003-147. The regular meeting adjourned at 10:09 p.m. subject to the call of the Mayor until November 4, 2002.

Karen K. Brower, City Clerk

- Attachments: A – Ordinance Amendment to Section 5.190 of Title V regarding the Brookby planned unit development.
B – Ordinance Amendment to Chapter Title VII pertaining to telecommunications providers.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held November 4, 2002

Mayor Frey called the meeting to order at 7:30 p.m. in the City Commission Chambers at City Hall.

Present: Commissioners Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Mayor Frey

Absent: None

Also Present: City Attorney Huff; City Services Director Baragar; Finance Director VanderWall; Deputy Public Safety Director Herald; Engineering Supervisor Kadzban; Building Inspector Conley; City Clerk Brower; Equipment Operator Stults; Equipment Operator Kroes

2003-148. Mayor Frey advised of the following communications received at City Hall:

- A. Lists of award recipients from the East Grand Rapids School District.
- B. Thank you card from the High School staff for the floral arrangement sent to the grand opening of the Performing Arts Center.
- C. Note from Stephen Kremers thanking the Public Safety Department for their quick response and professional assistance following a recent traffic accident.
- D. Letter from David Bloss of 1150 Breton thanking the Public Safety Department for their aid following a recent medical emergency at his home.
- E. Letter from the Grand Rapids Fire Department commending the members of the Public Safety Department for responding and assisting at a recent commercial building fire on Fulton Street.
- F. Letter from the Building Officials Conference of Michigan announcing the election of Building Inspector Sharon Conley as the association's 2002 President.
- G. Thank you cards from Brian Donovan to employees Charlene Veenstra, Laura VanderWall, Bill Baragar and Doug Kadzban expressing appreciation for their hard work on the GASB 34 compliance during the annual audit.
- H. Email from Libby Southworth supporting the proposal to move the library to the Jacobson's building.

2003-149. No public comment was received.

2003-150. Mayor Frey reported that the opening of the Performing Arts Center took place on October 26, 2002 and was a great community event. She also reported that the 8th grader involved in the car/pedestrian accident was not seriously injured and is recuperating at home. She invited City Commissioners to consider attending the Community Action Council meeting on November 12th. She noted that the Traffic Commission had voted at their last meeting to recommend to the City Commission that the size of their group be expanded to seven members. This ordinance amendment will come before the City Commission by the end of December. Mayor Frey also urged everyone to review the portions of the Comprehensive Master Plan that address the downtown area since this section will be used within the next few months. She also congratulated Building Inspector Sharon Conley on her recent election as President of the Building Officials Conference of Michigan association.

Commissioner Mulhall suggested the City and Schools work together to create an education program for students and parents on pedestrian safety in light of the recent car/pedestrian accidents.

Commissioner Brennan announced she would be resigning her position as Third Ward City Commissioner effective December 1, 2002 because of her new position as Assistant Vice President with Fifth Third Bank that would not allow her to hold public office. She felt East Grand Rapids residents were fortunate to have a professional staff and dedicated officials working on their behalf and thanked everyone for making her three years on the City Commission a great experience. Mayor Frey reported that letters would be sent to all residents in Ward 3 asking for applications to fill the one year remaining in Commissioner Brennan's term.

2003-151. Streets & Utilities Superintendent Keating introduced Jeff Stults and Marty Kroes, employees of the Streets & Utilities Department, and announced that they had won the annual Snow Plow Roadeo Competition for the Midwest Region. The two employees were awarded a plaque, possession of the traveling trophy for one year, and the opportunity to compete in the National Finals in Colorado in September 2003. Mayor Frey presented Mr. Stults and Mr. Kroes with EAST sweatshirts as an additional reward for their efforts.

2003-152. Brennan-Shimko. Motion to approve the consent agenda as follows:

2003-152-A. The minutes of the regular meeting held October 21, 2002.

2003-152-B. Payroll disbursements in the amount of \$148,100.85; county and school disbursements in the amount of \$-0-; and total remaining disbursements in the amount of \$261,910.19, as reviewed by the Finance Committee.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2003-153. Consider request to grant a variance to EGR Firehouse Grill, 2150 Wealthy, regarding hours of operation.

Karie Koster of the EGR Firehouse Grill restaurant was present to request permission to allow the serving of food and alcohol until 12:15 a.m. on Wednesday, January 1, 2003 with all guests off the premises by 1:00 a.m. for New Year's Celebrations.

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

- Terry Nicholas, 2098 Robinson In Favor

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

- Jeannie Boehne, 706 Croswell In Favor

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

2003-153-A. Lawless-Barbour. That the request of Karie Koster of the EGR Firehouse Grill to allow the serving of alcohol until 12:15 a.m. on Wednesday, January 1, 2003 with all guests off the premises by 1:00 a.m. for New Year's Celebrations be approved.

City Manager Donovan suggested the City Commission consider changing the ordinance to allow all businesses to remain open later on New Year's Eve. This issue will be discussed by the City Commission at a later date.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2003-154. Public Hearing and Final Reading of an ordinance amendment to Section 5.190 of Title X of the City Code to rezone portions of the property located at 250 Plymouth from A-1 single family to a planned unit development allowing multiple condominium units on a single parcel.

City Attorney Huff reported the Planning Commission had reviewed the proposed ordinance and recommended approval. He also reviewed a suggested change in Section M regarding the lake use provisions which provide that no specific access rights are granted by the PUD. He also reviewed a summary that had been added to the end of the ordinance for publication purposes.

Sam Cummings, 250 Plymouth, presented the plans for the condominium association incorporating the four existing residential units and answered questions from the City Commission concerning the proposal.

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

- Terry Nicholas, 2098 Robinson

Questioned the long-term plan for the lakefront area. Mr. Cummings explained that the exterior of the buildings and the landscaping would not change.

The following communications were received at City Hall concerning this ordinance amendment:

- David Kerstein, 303 Plymouth

In Favor

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

2003-154-A. Lawless-Brennan. That an ordinance amendment to Section 5.190 of Title X of the City Code to rezone portions of the property located at 250 Plymouth from A-1 single family to a planned unit development allowing multiple condominium units on a single parcel be adopted as set forth in Exhibit "A" attached hereto, including the changes to Section M as suggested by the City Attorney Huff and including the publication summary as noted above.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

2003-155. Doug Plamondon and Eric VanDop of Hoffman Steensma & Plamondon were present to review the FY 2001-02 audited financial statements and answer questions from the City Commission. Mr. VanDop noted that the City has attained compliance with new GASB 34 regulations a year earlier than required and thanked Finance Director VanderWall and several other staff members for their work on this time-consuming project.

Finance Director VanderWall reviewed the GASB 34 provisions which require the City to inventory every asset, including water and sewer mains, street surfaces, traffic lights, fixtures and all other equipment and to use these inventory figures in their audited financial statements each year.

2003-156. Consider request to adopt a resolution regarding the Coptic Center's use of the residence at 255 Plymouth.

City Attorney Huff reviewed the public hearing held at the meeting of October 21, 2002 and the findings of fact that were prepared following the motion to table the issue at that meeting.

2003-156-A. Brennan-Kremers. That the request to review the determination of the Building Inspector be taken from the table for consideration.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7

Nays: -0-

Reverend David Neven, 2305 Buchanan (Wyoming), introduced members of the Coptic Chapel's Board of Directors that were present to speak to the City Commission.

Maryesah Karelou, an ordained minister of the Coptic Church, spoke in favor of the church use for this property and offered several clarifications to the information presented at the last meeting. She stated that the church group would have weekly services, an altar and music during its worship, and would invite the public to participate in their activities. She did not anticipate any parking problems or increase in neighborhood traffic.

Carol Niffenegger, Coptic Chapel board member, stated that other members of the Coptic faith were in total support of the new church and asked for the City Commission's favorable decision on this issue.

City Attorney Huff noted several differences between the information presented at the last meeting and board member statements at this meeting. He stated that the findings of fact were prepared following the public hearing and discussion on October 21, 2002. He suggested that the City Commission act on the resolution as presented with the understanding that the Coptic Chapel could reapply to the Zoning Administrator if they had significantly different information to submit.

Commissioner Lawless thanked the Board members for their clarifications of the issues, but stated that he supported the Building Inspectors determination regarding the use of this property according to the zoning ordinance.

2003-156-B. Lawless-Brennan. That a resolution upholding the determination of the City's Zoning Administrator be adopted as set forth in Exhibit "B" attached hereto.

Commissioner Kremers reiterated that the City's decision was based on a review of the zoning ordinance provisions for this district and not on the beliefs or traditions of the Coptic Chapel.

Yeas: Barbour, Brennan, Kremers, Lawless, Mulhall, Shimko and Frey – 7
Nays: -0-

2003-157. Discussion of tentative outline and process for any formal proposal for the Jacobson's/Ramona sites.

Thomas Troy, 942 Bellclaire, asked if the City Commission had formally applied to the granting agencies regarding the Task Force's proposal to move the recreation operations to one of the city-owned properties at Manhattan Park or Waterfront Park. City Manager Donovan reported City staff had investigated the possibilities and discussed the issue with State and Federal agencies, but that no formal application had been authorized by the City Commission pending a decision on the proposal.

Commissioner Brennan departed.

The City Commission discussed the proposed outline for the anticipated planned unit development application and the proposal to move the library operations to the former Jacobson's site. Commissioners Barbour, Kremers and Shimko stated their preference to wait until the application/proposal was received before hiring consultants or authorizing studies on either issue. Commissioner Lawless advocated for seeking out available professional experts and independent consultants and having them ready to begin when needed. He felt that this proposal would shape the Gaslight Village area for the next 50 years and should be thoroughly researched. Mayor Frey and Commissioner Mulhall spoke about continuing the discussions on the relocation of the recreation operations and the future of the municipal complex on Lakeside Drive if any of the other proposals were implemented.

The following community members offered their opinions on this issue:

- | | |
|--------------------------------------|---|
| - Terry Nicholas, 2098 Robinson | Suggested accelerating the process to take advantage of the opportunity and applying for federal and state grants to assist with the project. |
| - Kathleen Underwood, 2637 Hampshire | Felt the City should have its own ideas and consultants ready when proposal was made. |

Commissioner Barbour reported that he had received very favorable comments from residents and urged the City Commission to move ahead with Jade Pig's proposal.

Commissioner Mulhall reported that the Library Commission has requested: to be a part of the process from the very beginning; to have a definition of their role in this process, and access to all of the information as soon as it becomes available.

Mayor Frey suggested holding another worksession to discuss possibilities for the municipal office site, but the majority of commissioners preferred to wait until JadePig presented its proposal for the library.

2003-158. The regular meeting adjourned at 9:35 p.m. subject to the call of the Mayor until November 18, 2002.

Attachments: A – Ordinance Amendment to Section 5.190 of Title V regarding the Brookby planned unit development.
 B – Resolution Regarding the Coptic Center’s Use of 255 Plymouth

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held November 18, 2002

Mayor Frey called the meeting to order at 7:35 p.m. in the Cafeteria at the East Grand Rapids High School.

Present: Commissioners Barbour, Kremers, Lawless, Mulhall, Shimko and Mayor Frey

Absent: Commissioner Brennan

Also Present: City Attorney Huff; City Services Director Baragar; Parks & Recreation Director Bunn; Public Safety Director Gallagher; Finance Director VanderWall; Streets & Utilities Superintendent Keating; Building Inspector Conley; City Clerk Brower

2003-159. Mayor Frey advised of the following communications received at City Hall:

- A. Letter from William and Susan Jones of 251 Plymouth regarding the City Commission's decision regarding the Coptic Center's proposed use of the residence at 255 Plymouth.
- B. List of students honored at the recent School Board meeting.

2003-160. No public comment was received.

2003-161. Mayor Frey congratulated Parks & Recreation Director Fred Bunn and his staff for their work in completing all of the renovations at Wealthy Pool over the last several months. The ribbon cutting is scheduled for Thursday, January 9, 2003 at 6:00 pm with an open house and free swim period on Saturday, January 11, 2003. She also congratulated the EGR Varsity Football team on their continuing playoff season and wished them good luck in their next game. She noted that Hall Street had been completed and thanked the City Services Department for all their work on this project.

Commissioner Mulhall noted that 67% of East Grand Rapids voters had turned out to vote in the November 5th election and thanked everyone for exercising their right to vote.

Commissioner Lawless reported that 19 residents of the Third Ward had submitted applications to fill the City Commission vacancy left by the resignation of Susan Brennan.

2003-162. Chief Gallagher and School Liaison Officer Davis presented awards to citizen crossing guards who had attained five and ten years of services with the City of East Grand Rapids. Receiving awards were:

_____.

2003-163. Kremers-Shimko. Motion to approve the consent agenda as follows:

2003-163-A. The minutes of the regular meeting held November 4, 2002.

2003-163-B. Payroll disbursements in the amount of \$151,287.07; county and school disbursements in the amount of \$218,388.14; and total remaining disbursements in the amount of \$251,966.80, as reviewed by the Finance Committee.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6

Nays: -0-

2003-164. A zoning variance hearing was held regarding the request of Louis Cares of 530 Lakeside Drive to allow the installation of a 4'-0" aluminum fence approximately 3'-6" behind the sidewalk.

Louis Cares, 530 Lakeside, was present to introduce and answer questions about the variance request.

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

- Greg Gilmore, 550 Lakeside

In Favor

City Attorney Huff discussed the need to adopt this resolution in order to comply with the requirements of the new telecommunications ordinance.

2003-167-A. Kremers-Shimko. That a resolution outlining staff responsibilities for telecommunications matters be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2003-168. Consider request to approve the replacement of Public Safety vehicle.

2003-168-A. Shimko-Barbour. That the purchase of a new administrative vehicle for the Public Safety Department from Vollman Ford of Portland, Michigan in the amount of \$20,858.00 be approved as requested.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

Commissioner Shimko noted that all of the City's other Crown Victorias had been repaired to fix the defect that caused the fire that destroyed the original car.

2003-169. Consider request to approve the purchase of road salt.

2003-169-A. Kremers-Barbour. That the purchase of road salt for winter operations from the North American Salt Company of Overland Park, Kansas at a price of \$28.53 per ton be approved.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2003-170. Consider request to approve the purchase of a replacement generator for the Streets & Utilities Department.

2003-171. Shimko-Barbour. That the purchase of a new generator from AIS Corporation in the amount of \$15,629.00 for use by the Streets & Utilities Department be approved.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2003-172. Consider request to approve materials for a water tower security system.

2003-173. Barbour-Kremers. That funding in the amount of \$6,775.00 for the purchase of materials for a security system at the City's water tower be approved with a correlating budget amendment of \$775.00 for this project be approved.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2003-174. Consider request to approve architectural fees for the Lakeside Drive streetscape project.

2003-174-A. Barbour-Shimko. That the final payment of \$1,490.00 to MC Smith Associates for architectural fees relating to the Lakeside Drive streetscape be approved with a corresponding budget amendment for this expense.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

- 2003-175. Mayor Frey reported that nineteen residents of the Third Ward have applied for the vacancy on the City Commission resulting from Commissioner Brennan's resignation. She will work with the other commissioners to begin reviewing the applications.
- 2003-176. The preliminary minutes of the Parks & Recreation Commission meeting held October 12, 2002 were received.
- 2003-177. The preliminary minutes of the Traffic Commission meeting held November 4, 2002 were received.
- 2003-178. Brian DeVries and Scott Weirda of JadePig Ventures were present to review preliminary designs for their proposal to relocate the East Grand Rapids Library to the former Jacobson's building at 2255 Wealthy Street. Eric Rowland, Robert Frist and Christopher McComas from Rowland Design, Inc. presented preliminary renderings and drawings for the design of the proposed library space and explained the various elements of the library plan.

Mayor Frey asked members of the public who were present to give their thoughts on the plan. The following people expressed their opinions concerning this proposal:

- Dick VanderVeen, 621 Lakeside, questioned the square footage in the proposed library.
- Armand Robinson, 2736 Robinson, supported the proposal.
- Sam Cummings, 250 Plymouth, supported the proposal.
- Terry Nicholas, 2098 Robinson, urged the City Commission to find a way to make this proposal work.
- Diane Kisler, 1062 Keneberry, asked the City Commission to voice their opinions.
- Gina Paul, 721 Cambridge, questioned the structural support for the weight of the books and suggested adding natural lighting to the lower level.
- Bill Powell, Powell Moving & Storage, asked about the cost of moving from one location to another.
- Joel Schultze, 933 Pinecrest, asked Jade Pig what types of retail were being sought as tenants.
- Thomas Troy, 942 Bellclaire, questioned the total cost of the project.
- Ann Davis, 2740 Lake Drive, supported the proposal.
- Mary Dersch, 956 Lakeside, questioned whether library staff had been consulted before designing the proposal and asked what would happen to the existing library building.
- Mary Christensen, 1151 Conlon, supported purchasing—not leasing—the space.
- Ruth Smith, 555 Lakeside, questioned whether there were plans to redevelop the land on the lake for private use.
- Geoff Hughes, 260 Hodenpyl, asked if the private funds pledged for the original proposal would be available for this plan.
- Jeff Minore, 1103 Lakeside, asked if the library officials had seen the plans.
- Amy Moore-Luettke, 2445 Beechwood, supported the proposal but urged the City Commission to also plan for the renovation of the municipal office complex.
- Carl Brown, 1410 Sherwood, inquired how the square footage of the proposed library compared to other libraries in the area.
- Dan Novak, 1711 Oxford, asked about the timeline for the project.
- Pamela VanderPloeg, Kent District Library, asked that the library staff and officials be involved in the planning of the library space.
- Dennis Kellermeier, 2926 Lake Drive, supported the proposal.
- Steve Edison, 2855 Elmwood, urged the City Commission to use this process to address several areas of concern with the Gaslight Village area.

Commissioner Lawless thanked Jade Pig and Rowland Design for their exciting presentation and expressed the need to consider the library proposal in conjunction with the planned unit development being proposed for the Ramona Medical Building adjacent to this site.

Commissioners Kremers and Shimko also noted that the other proposals for the area would need to be discussed when dealing with the library proposal.

Commissioner Barbour stated his support for the preliminary design work presented and his willingness to begin looking at possible uses for the Lakeside Drive complex. He also noted that Jade Pig would be presenting financing options at the next presentation.

Commissioner Mulhall asked that future meetings also include alternate possibilities for the library and/or city hall and recreation functions, including remaining at the Lakeside Drive site, as discussed in the past.

Mayor Frey noted that a petition with approximately 100 signatures supporting the concept of moving the library to the Jacobson's building had been submitted.

2003-179. The regular meeting adjourned at 9:20 p.m. subject to the call of the Mayor until December 2, 2002.

Karen K. Brower, City Clerk

Attachments: A – Resolution outlining responsibilities for telecommunications permits.

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

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held December 2, 2002

Mayor Frey called the meeting to order at 7:31 p.m. in the City Commission Chambers at City Hall.

Present: Commissioners Barbour, Kremers, Lawless, Mulhall, Shimko and Mayor Frey

Absent: None

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

2003-179. Mayor Frey advised of the following communications received at City Hall:

- A. Letter from the Governmental Accounting Standards Board complimenting the City of East Grand Rapids for implementing the GASB 34 regulations a full year earlier than required and commending Finance Director Laura VanderWall, Deputy Treasurer Charlene Veenstra, City Services Director Bill Baragar, and Engineer Doug Kadzban for their efforts in putting the regulations into place.
- B. Email from Sara D' Archangel of 1115 Kenesaw supporting the relocation of the library to the Jacobson's building.
- C. Letter from Dennis Macquire of 2755 Elmwood supporting Jade Pig's proposal to relocate the library.
- D. Letter from Patrick McCarthy of 2721 Albert supporting Jade Pig's proposal to relocate the library to the old Jacobson's building.

2003-180. No public comment was received.

2003-181. Mayor Frey thanked Commissioner Barbour for his article in the Cadence on November 27th and congratulated Building Inspector Conley on the article in the Grand Rapids Press on November 28th regarding her presidency of the Building Officials Conference of Michigan organization. Mayor Frey also reported that the tree lighting ceremony had been held on November 29th. She also congratulated the EGR High School Varsity Football team on their State Championship won over the weekend at the Silverdome.

City Manager Donovan updated the City Commission on the pick-up schedule for fallen leaves with the holiday weekend and the early snow. He also congratulated the High School marching band and the cheerleading squad for their performances and support of the football team over the playoff season.

Commissioner Mulhall congratulated the football team on their victory and noted that Commissioner Shimko and City Attorney Huff were the proud parents of members of the winning football team.

Commissioner Barbour congratulated all members of the football team and thanked them for bringing the East Grand Rapids community so many enjoyable events during the fall. He also noted that the championship was a fitting tribute to Team Manager Jimmy Gerken who passed away earlier in the year.

Commissioner Kremers congratulated the football team, coaches and all members of the support organizations that make up the school's football program. He also thanked Chief Gallagher and the staff at the Public Safety Department for hosting a scouting group on a recent outing and giving them tours of the building.

2003-182. Shimko-Barbour. Motion to approve the consent agenda as follows:

2003-182-A. The minutes of the regular meeting held November 18, 2002 with the following amendment proposed by Commissioner Barbour:

2003-177. (page 3, paragraph2) to read: "Commissioner Barbour stated his support for the preliminary design work presented and his willingness to begin looking at possible uses

for the Lakeside Drive complex. He also ~~noted~~ hoped that Jade Pig would be presenting financing options soon after ~~at~~ the next presentation.”

2003-182-B. Payroll disbursements in the amount of \$158,129.42; county and school disbursements in the amount of \$-0-; and total remaining disbursements in the amount of \$2352,740.78, as reviewed by the Finance Committee.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2003-183. Consider request to approve process and criteria to fill vacant Third Ward City Commission seat.

Commissioner Lawless reviewed the proposed timeline and criteria for selecting interview candidates.

City Attorney Huff noted that the provisions of the Open Meetings Act allowed the preliminary interviews to be done by a subcommittee, but that final interviews and deliberations would have to be done in an open session which was tentatively scheduled for December 16th.

Commissioner Mulhall voiced his concern that asking a candidate to commit to two full terms during a preliminary interview was not realistic.

Commissioner Barbour thanked Mayor Frey and Commissioners Lawless and Shimko for developing the timeline and criteria for this process.

2003-183-A. Barbour-Kremers. That the process, criteria and interview recommendations for filling the City Commission vacancy be approved.

Commissioner Mulhall requested that candidates Shawn Gotch and Robert Vis be added to the list of those being interviewed. Everyone consented to add these names to the interview list.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

Commissioner Lawless expressed appreciation to all of the candidates who applied and urged these residents to become involved in other areas of city government if they were not chosen for the City Commission opening.

2003-184. Consider request to approve the purchase of a copy/fax machine for the Streets & Utilities building.

2003-184-A. Shimko-Lawless. That the purchase of a new copy/fax machine from Danka of Grand Rapids in the amount of \$4,982.00 be approved.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2003-185. Consider request to approve expenses for surveying of proposed Reeds Lake Trail.

2003-185-A. Kremers-Mulhall. That the expenditure of \$3,200.00 to Moore & Bruggink, Inc. to survey the Hall Street area of the proposed trail extension be approved.

City Manager Donovan noted that a formal agreement between the City of East Grand Rapids and Grand Rapids Township would be drawn up to detail the cost and maintenance responsibilities of each party.

Commissioner Lawless thanked the staff members who worked on the grant application and noted that this project was a very appropriate use of state grant funds because of the broad community appeal of the pedestrian trail.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2003-186. Consider request to approve funding for Mehney Field restroom facility construction.

City Manager Donovan reviewed the restroom construction project and the budget amendment needed because the FY 2002-03 joint facilities budget was already committed and this expenditure would reduce the amount of capital available for joint facilities projects during FY 2003-04.

Commissioner Barbour expressed concern that the fundraising project for the Remington Field restrooms had not yet been completed and had been covered by a \$40,000 loan from the City and Schools to finish the construction. He asked City Manager Donovan to communicate with the parents and/or booster groups involved in the Remington Field project that the fundraising needed to be completed to avoid taking the money out of the joint facilities budget which would then reduce the funds available for other projects.

2003-186-A. Barbour-Lawless. That a fund transfer of \$10,000 from the General Fund Ending Balance to the Joint Facilities account and an amendment to the FY 2003-04 Joint Facilities budget be approved for the Mehney Field Restroom project with the understanding that the FY 2003-04 Joint Facilities budget will also be reduced by any outstanding balance owed to the City for the completion of the Remington Field restroom project at the end of the fiscal year.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2003-187. Consider request to award a contract for renewal of flexible benefit plan components.

2003-187-A. Barbour-Shimko. That renewal contracts for components of the employee flexible benefit plan be approved as follows: ASR Corporation as administrators, HCC Benefits for stop-loss coverage, Physicians Care as the PPO provider, National Insurance Services for life insurance and long-term disability coverage, and to increase the lifetime maximum to \$2,000,000 for the health insurance coverage.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

2003-188. Consider request to authorize staff to solicit proposals for consultants for use in reviewing library relocation proposal.

City Manager Donovan suggested that architects, legal counsel and planning consultants be approached for proposals outlining fees to assist the City with the proposal to relocate the library and any renovation of the municipal complex site.

2003-188-A. Lawless-Barbour. That the City Manager be authorized to request proposals for architectural, legal and urban planning services relating to the library relocation proposal and subsequent renovation of the municipal office complex with the intention to retain the chosen planning consultant to assist in evaluation of the planned unit development proposal for the Jacobson's and/or Ramona Medical Center properties.

The City Commission discussed the current architects and legal counsel being used by the City and supported using these same firms again if satisfactory proposals were received. Several commissioners favored soliciting proposals from the city's current urban planning consultant as well as others recommended by other governments to ensure the best possible range of experience.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-

The City Commission then discussed scheduling a worksession to address the current proposal to relocate the library as well as other viable options and/or plans to renovate the municipal office complex if the library is moved and timelines for evaluating the proposal and communications with the residents.

Everyone agreed there were many issues to be discussed and that a clear process needed to be developed for working with this issue.

Commissioner Lawless suggested discussing the Jade Pig proposal, the renovation of the administrative/recreation operations on the municipal complex site, and the relocation of the administrative/recreation operations to Jacobson's or another site as separate options to ensure all ideas were considered. Commissioner Mulhall noted that leaving all operations on one site was also an option never formally dismissed that should be discussed. Mayor Frey suggested inviting the chairperson and one other representative of the Planning Commission, Parks & Recreation Commission and Library Commissions to participate in the meeting with other interested advisory board members in attendance adding comments at specified times.

Connie Christensen, KDL Board representative, asked the library staff members be involved in the discussion because of their familiarity and expertise on the subject.

Joel Schultze, Library Commissioner, thanked the City Commission for involving the Library Commission in their meetings and discussions and for continuing to discuss other options in addition to the JadePig proposal.

2003-189. Consider request to change the meeting time for the City Commission meeting on December 16, 2002.

2003-190. Lawless-Mulhall. That the regular City Commission meeting on December 16, 2002 be rescheduled from 7:30 p.m. to 6:00 p.m.

Yeas: Barbour, Kremers, Mulhall, Shimko and Frey – 5

Nays: -0-

Commissioner Lawless left the meeting briefly.

2003-191. The preliminary minutes of the Library Commission meeting held October 28, 2002 were received.

2003-192. The Public Safety Department Report for the months of September and October 2002 were received.

Commissioner Lawless returned.

2003-193. The regular meeting adjourned at 9:01 p.m. subject to the call of the Mayor until December 16, 2002.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held December 16, 2002

Mayor Frey called the meeting to order at 6:02 p.m. in the City Commission Chambers at City Hall.

Present: Commissioners Barbour, Kremers, Lawless, Mulhall, Shimko and Mayor Frey

Absent: None

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

2003-194. No public comment was received.

2003-195. Mayor Frey congratulated the girl's basketball team on their Runner-Up finish in the State Championship game recently. She reported that each of the city's departments had hosted Christmas lunches to raise funds for local charities. She also asked for input on any committee reassignments that would take place when a new commissioner is appointed.

Commissioner Lawless distributed an article on Vail, Colorado's program to sell manhole covers as souvenirs and as a source of revenue.

Commissioner Kremers noted that traffic along Breton Road seems to move well at all times of the day and the traffic calming devices were working as intended.

2003-196. Kremers-Shimko. Motion to approve the consent agenda as follows:

2003-196-A. The minutes of the regular meeting held December 2, 2002.

2003-196-B. Payroll disbursements in the amount of \$154,529.40; county and school disbursements in the amount of \$31,046.85; and total remaining disbursements in the amount of \$503,788.15, as reviewed by the Finance Committee.

Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6

Nays: -0-

2003-197. Mayor Frey presented Kent District Library Board Representative Connie Christenson with an engraved pen to thank her for her four years as the East Grand Rapids voice on the Kent District Library Board. All of the City Commissioners thanked Connie for her dedication to the library system and the residents of East Grand Rapids.

2003-198. Paul Opsommer, Mayor of DeWitt, Michigan, presented a proclamation honoring the East Grand Rapids Football Team after making a wager with Mayor Frey on the outcome of the State Championship game in November. Mayor Frey then presented Mr. Opsommer with a key chain and proclamation thanking him for making the trip to East Grand Rapids.

2003-199. Sarah Campbell, Barbara Stoops and Rick Chapla were present to thank the City of East Grand Rapids for their support of the Interurban Transit Partnership services. Mr. Chapla presented a wall plaque in appreciation on behalf of the Faith In Motion organization.

2003-200. A zoning variance hearing was held regarding the request of Mr. and Mrs. Jeff Hoppman of 2514 Hall to allow the construction of an addition to the front of the house, increasing the existing non-conformity of the structure by adding an additional 15'-0" to the front of the home and additional height for the second floor.

Darcy Hoppman, 2514 Hall, was present to introduce and answer questions about the variance request.

- 2003-205-A. Barbour-Kremers. That a contract for bus transportation for the Ski Club 2002-03 season be awarded to Great Lakes Motor Coach Inc. in the amount of \$650 per unit and a show-up charge of \$250 per bus.
- Yeas: Barbour, Kremers, Lawless, Shimko and Frey – 5
Nays: Mulhall – 1
- 2003-206. Consider request to approve a change order for Wealthy Pool remodeling contract.
- 2003-207. Barbour-Shimko. That Change Order #4 in the amount of \$18,638.00 for the contract with Owen Ames Kimball for the renovation of Wealthy Pool be approved.
- Yeas: Barbour, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-
- 2003-208. The preliminary minutes of the Parks & Recreation Commission meeting held November 12, 2002.
- 2003-209. The City Services Department Reports for the months of September and October 2002 were received.
- 2003-210. Barbour-Kremers. 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, Kremers, Lawless, Mulhall, Shimko and Frey – 6
Nays: -0-
- 2003-211. The regular meeting adjourned at 8:05 p.m. subject to the call of the Mayor until January 6, 2003.

Karen K. Brower, City Clerk

