

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held January 4, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: None.

Also Present: City Manager Allard; City Attorney Huff; City Services Director Baragar; Community Service Coordinator Yukon; Public Safety Director Gallagher; Recreation Director Rhodes; Recreation Supervisor Bunn; EGR School Superintendent James Morse; EGR Middle School Principal Jim Ogilvie; and Controller-Clerk-Treasurer Chase.

93-187. The minutes of the regular meeting held December 21, 1992 were received.

93-187. Swain-Edison. That disbursement vouchers in the amount of \$1,160,048.89, payroll disbursements in the amount of \$98,582.04, and disbursements to County and Schools in the amount \$1,015,638.74, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-188. A zoning variance hearing was held to consider the request of Dr. Christian Vandenberg, 975 Plymouth SE, to allow for an elevated platform to be constructed in the southwest portion of the side yard, rather than the rear yard as required by City Code, and to allow its location to be 3 feet from the side property line, and within 60 feet from Alexander Road SE, in violation of the City Code.

Dr. Betsy Vandenberg was present and spoke in favor of the variance request.

Mr. Paul Yared, 1744 Alexander SE, was present and expressed his concerns relating to the variance request.

93-189-A. Edison-Mehney. That this Commission, acting as the Zoning Board of Appeals, approve the request of Christian Vandenberg, 975 Plymouth Road SE, to allow for an elevated platform to be constructed in the southwest portion of the side yard, rather than the rear yard as required by City Code, and to allow its location to be 5 feet from the property line, and within 60 feet from Alexander Road SE, in violation of the City Code.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-189. Consideration of a request to authorize the continuation of the Middle School athletic program through fiscal year 1993-94.

The following persons were present and spoke in favor of continuing the program:

Steve Turkal, 1147 Kenesaw SE
Shannon Carmody, 2707 Elmwood SE
Tom Adloff, 2459 Elmwood SE
James Ogilvie, EGR Middle School Principal
Charles Thompson, 2450 Richards SE
Judy Schneider, 2900 Woodcliff Circle SE
Laura Horton, 290 Rosewood SE
Dana Caverly, 2561 Berwyck SE
Gwen Wallin, 2538 Beechwood SE
Cynthia Bischoff, 2465 Indian Trail SE
Doug VanderJack, EGR Middle School Teacher
Lisa Etter, 564 Laurel SE
Ann Waddell, 2737 Bonnell SE
James Morse, EGR Schools Superintendent
Bill Rhodes, EGR Recreation Director

93-190-A. Edison-Mehney. That the request to authorize the continuation of the Middle School athletic program

through fiscal year 1993-94, to be equally funded by the City and East Grand Rapids Public School District, subject to fiscal appropriations to be made in connection with the FY 93-94 budget, be approved.

Yeas: Edison, Mehney, Walton, Williamson and Deems - 5.

Nays: Frakie and Swain - 2.

93-190. Consideration of a request to approve a change order to the Superior Environmental Corporation, in the amount of \$3,500, for additional work needed in conjunction with the removal of an underground fuel storage tank removal project beside the Public Safety building.

93-191-A. Frakie-Williamson. That a change order to the Superior Environmental Corporation in the amount of \$3,500, for additional work needed in conjunction with the removal of an underground fuel storage tank beside the Public Safety building, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-191. Consideration of a request to adopt a resolution indicating approval of amendments to the Articles of Incorporation and Bylaws of the Grand Valley Metropolitan Council.

93-192-A. Frakie-Walton. That a resolution indicating approval of amendments to the Articles of Incorporation and Bylaws of the Grand Valley Metropolitan Council be adopted, as follows:

RESOLUTION TO APPROVE AMENDMENTS IN
THE ARTICLES OF INCORPORATION AND IN THE BYLAWS
OF GRAND VALLEY METROPOLITAN COUNCIL

WHEREAS, the members of Grand Valley Metropolitan Council ("Metro Council") have by majority vote approved the attached amendments in the Articles of Incorporation and in the Bylaws of Grand Valley Metropolitan Council; and

WHEREAS, such amendments have now been submitted for approval by the legislative bodies of the local governmental units that belong to the Metro Council; and

WHEREAS, the City Commission of the City of East Grand Rapids has considered the proposed amendments in the Articles of Incorporation and the Bylaws of Metro Council.

IT IS, THEREFORE, RESOLVED:

1. The attached amendments in the Articles of Incorporation of Grand Valley Metropolitan Council are hereby approved.

2. The attached amendments in Section II of the Bylaws of Grand Valley Metropolitan Council are hereby approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-192. Notice of the Michigan Municipal League annual legislative conference scheduled for February 17, 1993 was given to the City Commission.

93-193. The minutes of the Traffic Commission meeting held December 18, 1992 were received.

93-194. The City Commission gave Public Safety Director Gallagher a fond farewell on his trip to the FBI Academy in Washington, D.C. [The Commission spontaneously broke out in a rendition of "Happy Trails to You" in his honor.]

Jeff Heenan, Robinson Road SE, expressed his support for the Middle School youth program. He also inquired as to the City's procedure on disposing of Christmas trees. Mayor Deems advised that the City has a curbside recycling program for the residents of East Grand Rapids.

93-195. Mayor Deems briefly explained the substance of the Grand Valley Metropolitan Council's Information Book previously distributed to the City Commission.

93-196. Williamson-Swain. To enter into executive session to discuss pending litigation with the City Attorney in accordance with Section 8(e) of the Open Meetings Act.

A roll call vote was taken.

Yeas: Edison, Frakie Mehney, Swain Walton, Williamson and Deems - 7.

Nays: -0-

93-197. The meeting was adjourned subject to the call of the Mayor until January 18, 1993.

City Clerk

UNOFFICIAL
Reference Only

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held January 18, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: None.

Also Present: City Manager Allard; Assistant City Attorney Krauss; City Services Director Baragar; Streets & Utilities Superintendent Sterkenburg; Community Service Coordinator Yukon; Building Inspector Turcotte; Acting Public Safety Director Ditmar; Recreation Director Rhodes; and Controller-Clerk-Treasurer Chase.

93-199. The minutes of the regular meeting held January 4, 1993 were received.

93-200. Edison-Swain. That disbursement vouchers in the amount of \$247,611.23, payroll disbursements in the amount of \$113,512.31, and disbursements to County and Schools in the amount \$2,294,453.97, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

Commissioner Mehney arrived.

93-201. A zoning variance hearing was held to consider the request of Mr. Bruce Galen, 1639 Wealthy Street SE, to allow the continuing existence of a bush, which is located on the southeast corner of the property, at a height in excess of 30 inches, in violation of Section 5.25 of the City Code due to its proximity to the intersection at Wealthy Street and Rosewood Avenue.

Mr. Bruce Galen was present and spoke in favor of the variance request.

Mr. Gordon Jones, 325 Rosewood SE, was also present and supported the variance. He expressed his concerns relating to safety problems in the surrounding area.

Commissioner Williamson spoke on behalf of the Traffic Commission, at the request of Traffic Commission Chair Pree Frakie, explaining the procedures and rationale used by the Traffic Commission in its decision to have the bush removed.

93-201-A. Frakie-Walton. That this Commission, acting as the Zoning Board of Appeals, approve the request of Mr. Bruce Galen, 1639 Wealthy Street SE, to allow the continuing existence of a bush, which is located on the southeast corner of the property, at a height in excess of 30 inches, in violation of Section 5.25 of the City Code due to its proximity to the intersection at Wealthy Street and Rosewood Avenue.

Yeas: Edison, Frakie, Mehney, Walton and Deems - 5.

Nays: Swain and Williamson - 2

93-202. Presentation of Metropolitan Development Blueprint project, the purpose of which is to coordinate growth and development among area communities. Ms. Jean Laug-Carroll, Executive Director of the Grand Valley Metropolitan Council, and Mr. John Weiss, Vice-President of the WBDC Group, conducted the presentation of the blueprint project, and answered questions from the Commission. Ms. Laug-Carroll submitted a Nominations for Blueprint Task Forces form to the City Commission.

93-203. Introduction of an ordinance to amend Section 10.66 of Chapter 103 of Title X of the Code of the City of East Grand Rapids pertaining to uniform traffic code violations.

93-203-A. Williamson-Edison. That an ordinance amending Section 10.66 of Chapter 103 of Title X of the Code of the City of East Grand Rapids pertaining to uniform traffic code violations, as set forth on Exhibit "A" attached hereto, be introduced.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-204. Consideration of a request to appoint Dr. Frederick R. Deane, 700 Plymouth SE, to fill a vacancy on the Board of Review.

93-204-A. Mehney-Swain. That this Commission approves the appointment of Dr. Frederick R. Deane, 700 Plymouth SE, to the Board of Review.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-205. Consideration of a request to adopt a resolution establishing the composition and purpose of the Recreation & Parks Commission.

93-205-A. Walton-Williamson. That a resolution establishing the composition and purpose of the Recreation & Parks Commission be adopted, as follows:

RESOLUTION

The East Grand Rapids Recreation and Parks Commission was originally established as part of a Recreation and Parks Agreement between the City of East Grand Rapids and the East Grand Rapids Board of Education;

That agreement has now expired;

The City Commission believes that the Recreation and Parks Commission provides valuable input with regard to the development and operation of recreational programs and activities provided by the City.

IT IS RESOLVED AS FOLLOWS:

1. The City of East Grand Rapids hereby creates a Recreation and Parks Commission to consist of nine members. Of these nine members, one shall be a school board member nominated by the school board. The remaining eight members shall be nominated by the mayor with the approval of the City Commission. One of these members shall be a city commissioner. The term of office shall be one year. Each term will expire on June 30. Vacancies in office shall be filled in the manner as provided above and shall be for the remainder of the unexpired term.

2. The Recreation and Parks Commission shall adopt its own rules of procedure and shall elect its own chairperson, vice chairperson and secretary.

3. The City Manager, Recreation Director and school Athletic Director shall be ex-officio members of the Recreation and Parks Commission.

4. The Recreation and Parks Commission shall be an advisory body to the City Commission. It shall develop recommendations on policies relative to the operation of the recreation and parks program, and make those recommendations to the City Commission. It shall also give the Recreation Department staff citizen input on its programs.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-206. Consideration of a request to adopt a resolution establishing ward and precinct boundaries, in accordance with state law and the 1990 census.

93-206-A. Frakie-Williamson. That a resolution establishing ward and precinct boundaries, in accordance with state law and the 1990 census, be adopted, as follows:

CITY OF EAST GRAND RAPIDS, MICHIGAN RESOLUTION TO ESTABLISH WARD AND PRECINCT BOUNDARIES

WHEREAS, Public Act 279 of 1909, as amended, provides that ward and precinct boundaries of the City of East Grand Rapids shall be of as nearly equal population as is practical and contiguous and compact,

Now therefore be it resolved that the City of East Grand Rapids shall be divided into three wards, and each ward into two precincts, said wards and precincts being designated and described as hereinafter set forth:

Boundaries of the First Ward

Commencing at the southwest corner of Section 28, Town 7 North, Range 11 West, thence north along the west line of said Section 28 to the centerline of Robinson Road, thence easterly along the centerline of Robinson Road and

Cascade Road across Sections 28 and 27 to the east line of Section 27, thence south along the east line of Sections 27 and 34, Town 7 North, Range 11 West to the intersection of a line described as commencing on the west line of lot 71 Woodcliff Park at a point 18.75 feet southerly of the northwest corner thereof and to a point on the easterly line of said Lot 71, 63.15 feet southeasterly from the northeast corner thereof, thence easterly on said described line to the easterly line of said Lot 71, thence southerly to the southeast corner of said Lot 71, thence easterly along the north line of Lot 72 said plat to the northeast corner of Lot 72 and the westerly line of Hall Street, thence southerly and westerly along said line to the east line Section 34, Town 7 North, Range 11 West, thence southerly to the southeast corner Section 34, Town 7 north, Range 11 West, thence to the northwest corner Section 2, Town 6 North, Range 11 West, thence East 300 feet along North line of Section 2, thence South perpendicular to said North line 158.94 feet, thence Southwesterly to a point 225.0 feet South and 170.0 feet East of the Northwest corner of Section 2, thence Southwesterly to a point on West line of Section 2, 350.0 feet South of Northwest corner of said Section, thence South on West line of said Section 2 also being the East line of Section 3, Town 6 North, Range 11 West, to the intersection of Lake Drive, thence westerly along the centerline of Lake Drive to the intersection of Woodcliff Drive, thence northerly along the centerline of Woodcliff Drive to the intersection of Oakwood Drive, thence westerly along the centerline of Oakwood Drive to the intersection of Lake Grove Avenue, thence northerly along the centerline of Lake Grove Avenue to the intersection of Beechwood Drive, thence westerly along the centerline of Beechwood Drive to the intersection of Beechwood Drive, Hall Street and Breton Road, thence north along the centerline of Breton Road to the intersection of Lakeside Drive, thence northerly along the centerline of Lakeside Drive to the intersection of Wealthy Street, thence northwesterly along the centerline of Wealthy Street to the intersection of Sherman Street, thence westerly along the centerline of Sherman Street to the intersection of Plymouth Road, thence southerly along the centerline of Plymouth Road to the intersection of Lake Drive, thence northwesterly along the centerline of Lake Drive to the intersection of the west line of Section 33, Town 7 North, Range 11 West, thence north along said section line to the southwest corner of Section 28, Town 7 North, Range 11 West, to the place of beginning.

Precincts of the First Ward

Precinct One of the First Ward is described as that portion of the First Ward lying north of the south line of the north 1/2 of sections 33 and 34, Town 7 North, Range 11 West.

Precinct Two of the First Ward is described as that portion of the First Ward lying south of the south line of the north 1/2 of sections 33 and 34, Town 7 North, Range 11 West.

Boundaries of the Second Ward

Commencing at the north quarter corner of Section 4, Town 6 North, Range 11 West, thence east along the centerline of Hall Street to the intersection of Lenox Road being the place of beginning; thence easterly along the centerline of Hall Street to the intersection of Hall Street, Breton Road and Beechwood Drive, thence easterly along the centerline of Beechwood Drive to the intersection of Lake Grove Avenue, thence southerly along the centerline of Lake Grove Avenue to the intersection of Oakwood Drive, thence easterly along the centerline of Oakwood Drive to the intersection of Woodcliff Drive, thence southerly along the centerline of Woodcliff Drive to the intersection of Lake Drive, thence easterly along the centerline of Lake Drive to the intersection west section line of Section 2, Town 6 North, Range 11 West, thence Southerly on West line of said Section 2 also being the East line of Section 3, Town 6 North, Range 11 West, to the east quarter corner of said Section 3, thence west to the center of said Section 3, thence south along the east line of the north 1/2 southwest 1/4 of said Section 3 to the southeast corner of said north 1/2 southwest 1/4, thence west along the south line of the north 1/2 southwest 1/4 of Section 3 and the north 1/2 southeast 1/4 Section 4 to the Southwest corner of said north 1/2 southeast 1/4 of Section 4, thence north to the northwest corner of the south 1/2 northwest 1/4 southeast 1/4 of said Section 4, thence east to the northeast corner of the south 1/2 west 1/2 northwest 1/4 southeast 1/4, thence north to the northwest corner of the northeast 1/4 northwest 1/4 southeast 1/4 of said Section 4, thence east to the southwest corner of the east 3/4 east 1/2 southwest 1/4 northeast fractional 1/4 of said Section 4, thence north to the northwest corner of the said east 3/4 east 1/2 southwest 1/4 northeast fractional 1/4, thence west to the intersection of Lenox Road, thence northeasterly along the centerline of Lenox Road to the point of beginning.

Precincts of the Second Ward

Precinct One of the Second Ward is that portion of the Second Ward lying easterly of a line described as beginning at the intersection of Hall Street, Breton Road and Beechwood Drive, thence southerly along the centerline of Breton Road to the intersection of Maplewood Drive, thence easterly along the centerline of Maplewood Drive to the intersection of Lake Grove Avenue, thence southerly along the centerline of Lake Grove Avenue and York Drive to the intersection of Berwyck Road, thence westerly along the centerline of Berwyck Road to the intersection of Breton Road, thence southerly along the centerline of Breton Road to the intersection of the south line of the north 1/2 southwest 1/4 of Section 3, Town 6 North, Range 11 West.

Precinct Two of the Second Ward is that portion of the Second Ward lying westerly of a line described as

beginning at the intersection of Hall Street, Breton Road, and Beechwood Drive thence southerly along the centerline of Breton Road to the intersection of Maplewood Drive, thence easterly along the centerline of Maplewood Drive to the intersection of Lake Grove Avenue, thence southerly along the centerline of Lake Grove Avenue and York Drive to the intersection of Berwyck Road, thence westerly along the centerline of Berwyck Road to the intersection of Breton Road, thence southerly along the centerline of Breton Road to the intersection of the south line of the north 1/2 southwest 1/4 of Section 3, Town 6 North, Range 11 West.

Boundaries of the Third Ward

Commencing at the southwest corner of Section 33, Town 7 North Range 11 West, thence north along the west line of said Section 33 to the centerline of Lake Drive, thence southeasterly along the centerline of Lake Drive to the intersection of Plymouth Road, thence northerly along the centerline of Plymouth Road to the intersection of Sherman Street, thence easterly along the centerline of Sherman Street to the intersection of Wealthy Street, thence southeasterly along the centerline of Wealthy Street to the intersection of Lakeside Drive, thence southerly along the centerline of Lakeside Drive to the intersection of Breton Road, thence southerly along the centerline of Breton Road to the intersection of Hall Street, thence westerly along the centerline of Hall Street to the intersection of Lenox Road, thence southwesterly along the centerline of Lenox Road to the intersection of Elmwood Drive, thence westerly along the centerline of Elmwood Drive and that vacated portion of Elmwood Drive to the intersection of the west line of the northeast 1/4 Section 4, Town 6 North, Range 11 West, thence northerly along said line to the intersection of Hall Street, thence westerly along the centerline of Hall Street to the southwest corner of Section 33, Town 7 North, Range 11 West being the place of beginning.

Precincts of the Third Ward

Precinct One of the Third Ward is that portion of the Third Ward lying southerly of Lake Drive and westerly of San Jose Drive, more particularly described as beginning at the intersection of the west line of Section 33 Town 7 North, Range 11 West and the centerline of Lake Drive, thence southeasterly along the centerline of Lake Drive to the intersection of San Jose Drive, thence southerly along the centerline of San Jose Drive to the intersection of Hall Street, thence westerly along the centerline of Hall Street to the southwest corner of Section 33, Town 7 North, Range 11 West, thence northerly along the west line of said Section 33 to the centerline of Lake Drive, being the place of beginning.

Precinct Two of the Third Ward is that portion of the Third Ward described as beginning at the intersection of the west line of Section 33, Town 7 North, Range 11 West and the centerline of Lake Drive, thence southeasterly along the centerline of Lake Drive to the intersection of Plymouth Road being the true place of beginning, thence northerly along the centerline of Plymouth Road to the intersection of Sherman Street, thence easterly along the centerline of Sherman Street to the intersection of Wealthy Street, thence southeasterly along Wealthy Street to the intersection of Lakeside Drive, thence southerly along the centerline of Lakeside Drive to the intersection of Breton Road, thence southerly along the centerline of Breton Road to the intersection of Hall Street, thence westerly along the centerline of Hall Street to the intersection of Lenox Road, thence southerly along the centerline of Lenox Road to the intersection of Elmwood Drive, thence westerly along the centerline of Elmwood Drive and that vacated portion of Elmwood Drive to the intersection of the west line of the northeast 1/4 Section 4, Town 6 North, Range 11 West, thence northerly along said line to the intersection of Hall Street, thence easterly along the centerline of Hall Street to the intersection of San Jose Drive, thence northerly along the centerline of San Jose Drive to the intersection of Lake Drive, thence northwesterly along the centerline of Lake Drive to the intersection of Plymouth Road, being the place of beginning.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-207. The minutes of the Recreation Commission meeting held December 14, 1992 were received.

93-208. The Building Inspection Report for the month of December, 1992 was received.

93-209. The Public Safety Report for the month of December, 1992 was received.

93-210. Commissioner Walton expressed his desire to have the City plow the sidewalk on Arundel Road. He also gave a Planning Commission report on the status of the Texaco cleanup project for the property located on Wealthy Street.

Mayor Deems advised the Commission that the appeal time for assessments is running through February 23, 1993, and that the Board of Review schedule runs from March 8 through March 19, 1993. He advised that any questions should be directed to the Assessor's office.

93-211. Williamson-Edison. To enter into executive session to discuss pending litigation with the City Attorney, to discuss a periodic employee evaluation, and to discuss material exempt from disclosure by the Freedom of

Information Act, Sections (a), (i) and (m) thereof, in accordance with Sections 8(e), 8(a) and 8(h), respectively, of the Open Meetings Act.

A roll call vote was taken.

Yeas: Edison, Frakie Mehney, Swain Walton, Williamson and Deems - 7.

Nays: -0-

93-212. The meeting was adjourned subject to the call of the Mayor until February 1, 1993.

City Clerk

UNOFFICIAL
Reference Only

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held February 1, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson
and Mayor Deems.

Absent: None.

Also Present: City Manager Allard; City Attorney Huff; City Services Director Baragar; Streets & Utilities Superintendent Sterkenburg; Community Service Coordinator Yukon; Acting Public Safety Director Ditmar; Recreation Director Rhodes; and Controller-Clerk-Treasurer Chase.

93-213. The minutes of the regular meeting held January 18, 1993 were received.

93-214. Frakie-Edison. That disbursement vouchers in the amount of \$209,902.99, payroll disbursements in the amount of \$121,488.97, and disbursements to County and Schools in the amount \$1,299,212.26, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6.
Nays: -0-

Commissioner Mehney arrived.

93-215. Consideration of a request to adopt a resolution authorizing Consumers Power Company to make changes in the streetlighting service as provided in the Standard Streetlighting Contract with the City, and to install two additional streetlights on Englewood Drive SE, west of Oxford.

93-215-A. Williamson-Edison. That a resolution authorizing Consumers Power Company to install two additional streetlights on Englewood Drive SE, west of Oxford, be adopted as follows:

RESOLUTION

RESOLVED, that it is hereby deemed advisable to authorize Consumers Power Company to make changes in the streetlighting service as provided in the Standard Streetlighting Contract between the Company and the City of East Grand Rapids, dated April 20, 1977, in accordance with the Authorization for Change in Standard Streetlighting Contract dated as of February 1, 1993, heretofore submitted to and considered by this Commission; and

RESOLVED, Further, That the Mayor and City Clerk be and are authorized to execute such authorization for change on behalf of the City.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

93-216. Presentation of City Services Department Annual Report.

93-217. Consideration of a request to authorize the City Services Department to file a grant application with the Michigan Department of Natural Resources for the purpose of acquiring funds to subsidize the City's existing tree planting program.

93-217-A. Swain-Mehney. That this Commission authorizes the City Services Department to file a grant application with the Michigan Department of Natural Resources for the purpose of acquiring funds to subsidize the City's existing tree planting program.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

93-218. Consideration of a request to award a contract to WFM Sports, the low bidder, in the amount of \$4,116.39, for recreation T-shirts for the spring baseball, softball and soccer programs.

93-218-A. Frakie-Edison. That the request to award a contract to WFM Sports, the low bidder, in the amount of \$4,116.39, for recreation T-shirts for the spring baseball, softball and soccer programs, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-219. Consideration of a request to approve health care administration and insurance contracts with Administration Systems Research Corporation (ASR), State Mutual Life Insurance Company, and North American Life and Casualty pertaining to the City's employee health care plan.

93-219-A. Edison-Frakie. That health care administration and insurance contracts with Administration Systems Research Corporation (ASR), State Mutual Life Insurance Company, and North American Life and Casualty, pertaining to the City's employee health care plan, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton and Deems - 6.

Nays: Williamson - 1.

93-220. The minutes of the Recreation Commission meeting held January 11, 1993 were received.

93-221. The minutes of the Planning Commission meeting held January 12, 1993 were received.

93-222. The minutes of the Traffic Commission meeting of January 15, 1993 were received.

93-223. Mayor Deems reminded the City Commissioners that the Michigan Municipal League Annual Legislative Conference will be held February 17, 1993. He advised that anyone interested in attending should contact Joelle Kruse.

93-224. Williamson-Edison. To enter into executive session to discuss a periodic employee evaluation, and to discuss strategy regarding collective bargaining agreement negotiations, in accordance with Sections 8(a) and 8(c), respectively, of the Open Meetings Act.

A roll call vote was taken.

Yeas: Edison, Frakie Mehney, Swain Walton, Williamson and Deems - 7.

Nays: -0-

93-225. The meeting was adjourned subject to the call of the Mayor until February 15, 1993.

City Clerk

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held February 15, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson
and Mayor Deems.

Absent: None.

Also Present: City Manager Allard; City Attorney Huff; City Services Director Baragar; Community Service
Coordinator Yukon; Acting Public Safety Director Ditmar; and Controller-Clerk-Treasurer Chase.

93-226. Edison-Swain. Motion to enter into executive session to discuss a legal opinion with the City Attorney, in
accordance with Section 8(h) of the Open Meetings Act.

A roll call vote was taken.

Yeas: Edison, Frakie, Swain, Williamson and Deems - 5.

Nays: -0-

Commissioners Mehney and Walton arrived.

93-227. The meeting was reconvened by Mayor Deems.

93-228. The minutes of the regular meeting held February 1, 1993 were received.

93-229. Swain-Edison. That disbursement vouchers in the amount of \$195,624.20, payroll disbursements in the
amount of \$109,431.67, and disbursements to County and Schools in the amount \$283,895.64, as approved by the
Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective
amounts.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-230. Consideration of a request to adopt a resolution authorizing legal action against the City of Grand Rapids
in dispute of issues surrounding the wholesale sanitary sewer rates charged to the City of East Grand Rapids.

93-229-A. Walton-Frakie. That a resolution authorizing legal action against the City of Grand Rapids in dispute of
issues surrounding the wholesale sanitary sewer rates charged to the City of East Grand Rapids, be adopted as
follows:

RESOLUTION

WHEREAS, by a letter dated November 18, 1992, the City of Grand Rapids submitted to East Grand Rapids a
preliminary report containing the annual review of water and sewer rates proposed for 1993; and

WHEREAS, East Grand Rapids and other Customer Communities have examined the annual review and the rate-
making methodology used therein; and

WHEREAS, the annual review and the proposed 1993 sewer rates established thereunder include the cost of
constructing local and trunk storm sewers and other related improvements ("Project") as a cost of the integrated
system to be shared and paid proportionately by users in all Customer Communities in the system; and

WHEREAS, the inclusion of this Project as a cost of the integrated system is not permitted under the Water and
Sewer Service Agreement between the City of Grand Rapids and East Grand Rapids, as amended ("Agreement"), and
the rate-making methodology prescribed therein; and

WHEREAS, East Grand Rapids objected to the proposed 1993 sewer rates by a Resolution dated December 7,
1992; and

WHEREAS, on December 22, 1992, the Grand Rapids City Commission adopted the 1993 sewer rates (effective

January 1, 1993) as proposed in the annual review and rejected the objections of East Grand Rapids and the other Customer Communities; and

WHEREAS, the increase in sewer rates to users within East Grand Rapids by the City of Grand Rapids' improper inclusion of the Project as a cost of the integrated system amounts to more than \$3.9 million over the next 24 years; and

NOW, THEREFORE, BE IT RESOLVED, that East Grand Rapids hereby authorizes its attorneys to pursue all appropriate legal and equitable remedies against the City of Grand Rapids in this matter.

BE IT FURTHER RESOLVED, that East Grand Rapids shall share proportionately in the total costs incurred by East Grand Rapids and the other Customer Communities in such legal proceedings (including attorney fees, engineering fees, expert witnesses, and other costs), the proportionate share of East Grand Rapids amounting to 11 percent of the total costs.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-231. Presentation of financial reports for the period ended December 31, 1992.

93-232. The minutes of the Library Commission meeting held January 26, 1993 were received.

93-233. The Building Inspection Report for the month of January, 1993 was received.

93-234. The Public Safety Report for the month of January, 1993 was received.

93-235. Commissioner Mehney inquired as to the status of a response letter to Peter Kobs, 2727 Reeds Lake Boulevard, who requested information pertaining to a special assessment refund due him from the City. Mayor Deems advised that he has responded to Mr. Kobs' letter.

Commissioner Edison advised that the Recreation Commission is developing a questionnaire to be sent out to children and parents involved in the Middle School basketball program. This questionnaire will address the concept of A and B teams for the program. Commissioner Walton requested that he be provided a copy of a blank questionnaire.

93-236. Williamson-Edison. To enter into executive session to discuss a periodic employee evaluation, and to discuss material exempt from disclosure by the Freedom of Information Act, Sections (a), (i) and (m) thereof, in accordance with Sections 8(a) and 8(h), respectively, of the Open Meetings Act.

A roll call vote was taken.

Yeas: Edison, Frakie Mehney, Swain Walton, Williamson and Deems - 7.

Nays: -0-

93-237. The meeting was adjourned subject to the call of the Mayor until March 1, 1993.

City Clerk

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held March 1, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Swain, Walton, Williamson and Mayor Deems.

Absent: Com. Mehney.

Also Present: City Manager Allard; City Attorney Huff; City Services Director Baragar; Streets & Utilities Superintendent Sterkenburg; Community Service Coordinator Yukon; Recreation Director Rhodes; Acting Public Safety Director Ditmar; and Controller-Clerk-Treasurer Chase.

93-238. The minutes of the regular meeting held February 15, 1993 were received.

93-239. Edison-Frakie. That disbursement vouchers in the amount of \$95,590.66, payroll disbursements in the amount of \$104,158.20, and disbursements to County and Schools in the amount \$1,089,496.04, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Walton, Williamson and Deems - 5.

Nays: -0-

Commissioner Swain arrived.

93-240. A zoning variance hearing was held to consider the request of Kimberly Hinds, 3045 Hall Street SE, to allow construction of an 11-foot by 15-foot three-season, one-story addition to the rear of the home, located 3 feet from the existing detached garage rather than the required minimum of 10 feet.

Kimberly Hinds was present and spoke in favor of the zoning variance. She also presented a letter from Matt and Maggie Malarney, 3039 Hall Street SE, expressing their support for the variance.

93-240-A. Walton-Frakie. That the zoning variance request of Kimberly Hinds, 3045 Hall Street SE, to allow construction of an 11-foot by 15-foot three-season, one-story addition to the rear of her home, located 3 feet from the existing detached garage rather than the required minimum of 10 feet, be approved.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

93-241. Consideration of a request to adopt resolutions authorizing a refund to residents pertaining to the assessment rolls for the Hodenpyl Drive and Pioneer Club Road Special Assessment Districts.

The following residents were present and expressed their questions and concerns regarding the revised rolls.

Geoffrey Hughes, 260 Hodenpyl Drive SE
Otto Wieringa, 2915 Pioneer Club Road SE

The City Commission requested that the City Attorney prepare a draft ordinance amendment calling for the recalculation of assessment annual payment amounts to collect equal annual installments for the remaining life of the roll. The Commission also requested that City staff send notices to the affected residents advising them of the amount of refund adjustment.

93-241-A. Williamson-Edison. That resolutions authorizing a refund to residents pertaining to the assessment rolls for the Hodenpyl Drive and Pioneer Club Road Special Assessment Districts be adopted, as follows:

RESOLUTION

WHEREAS, the City Commission on July 20, 1992 adopted a special assessment roll for the construction of improvements on Hodenpyl Drive; and

WHEREAS, said improvements have now been completed; and

WHEREAS, the cost of the improvements was less than the estimated amount contained in the approved assessment roll.

NOW, THEREFORE, BE IT RESOLVED that the City of East Grand Rapids apply the excess amount charged to the unpaid installments of said special assessment pro rata against each lot or parcel of land and, if no amount is outstanding, the excess amount shall be paid to the current property owner. The pro rata amount for each lot or parcel is as detailed in the attachment to this resolution (designated as attachment "A" to these minutes).

RESOLUTION

WHEREAS, the City Commission on May 4, 1992 adopted a special assessment roll for the construction of improvements on Pioneer Club Road; and

WHEREAS, said improvements have now been completed; and

WHEREAS, the cost of the improvements was less than the estimated amount contained in the approved assessment roll.

NOW, THEREFORE, BE IT RESOLVED that the City of East Grand Rapids apply the excess amount charged to the unpaid installments of said special assessment pro rata against each lot or parcel of land and, if no amount is outstanding, the excess amount shall be paid to the current property owner. The pro rata amount for each lot or parcel is as detailed in the attachment to this resolution (designated as attachment "B" to these minutes).

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

93-242. Presentation by Lu Ann Nicolai, Community Development Analyst for Kent County. Ms. Nicolai made a brief presentation of the housing rehabilitation programs available to East Grand Rapids residents through Kent County.

93-243. Consideration of a request to approve the Cable Consent Agreement between the City of East Grand Rapids and UACC Midwest, Inc., d/b/a TCI Cablevision of West Michigan, Inc.

92-243-A. Williamson-Edison. That a Cable Consent Agreement between the City of East Grand Rapids and UACC Midwest, Inc., d/b/a TCI Cablevision of West Michigan, Inc., be approved.

Yeas: Edison, Swain, Williamson and Deems - 4.

Nays: Frakie and Walton - 2.

93-244. Commissioner Edison expressed his appreciation for the Mayor's memo regarding withdrawal of consideration for the 1993 spring construction from the March 1, 1993 agenda.

Commissioner Williamson inquired as to whether the grass cutting bids opened on March 1, 1993 were authorized in advance by the City Commission. City Services Director Baragar explained that these were replacement bids to place the terminated portion of the lawn service contract, previously with Larry's Lawn Service, with a new contractor.

93-245. Edison-Walton. To add the City Manager's resignation letter and Separation and Consulting Agreement to the agenda for discussion and action.

A roll call vote was taken.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

93-246. Williamson-Edison. Motion to approve the terms of the resignation letter and Separation and Consulting Agreement.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

93-247. There was further discussion regarding the methods to be used in the search process for a new City Manager. It was determined that the Personnel Committee should handle the preliminary stages of advertising for the position. The City Commission as a whole may participate in the screening and interviewing process.

93-248. The meeting was adjourned subject to the call of the Mayor until March 15, 1993.

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held March 15, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: None.

Also Present: City Manager Allard; City Attorney Huff; City Services Director Baragar; Streets & Utilities Superintendent Sterkenburg; Community Service Coordinator Yukon; Engineering Supervisor Kadzban; Recreation Director Rhodes; and Acting Public Safety Director Ditmar.

93-249. The minutes of the regular meeting held March 1, 1993 were received.

93-250. Frakie-Edison. That disbursement vouchers in the amount of 137,132.14, payroll disbursements in the amount of \$120,734.86, and disbursements to County and Schools in the amount \$975,538.99, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Swain, Williamson and Deems - 5

Nays: -0-

Commissioner Walton arrived.

93-251. A zoning variance hearing was held to consider the request of David and Wendy Wohns, 650 Cambridge SE, to construct a two-stall attached garage in the rear of their residence to be located 3 feet, 5 inches from the north property line, rather than the minimum of 10 feet as required in the zoning ordinance.

Dr. David Wohns was present and spoke in favor of the zoning variance.

93-251-A. Williamson-Swain. That the zoning variance request of David and Wendy Wohns, 650 Cambridge SE, to construct a two-stall attached garage in the rear of their residence to be located 3 feet, 5 inches from the north property line, rather than the minimum of 10 feet as required in the zoning ordinance be approved.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6

Nays: -0-

Commissioner Mehney arrived.

93-252. Consideration of request to adopt a resolution in support of a Class C liquor license application on behalf of Rose's Management Company in conjunction with the Rose's Cafe proposed restaurant at 550 Lakeside Drive SE.

93-252-A. Edison-Williamson. That a resolution in support of a Class C liquor license application on behalf of Rose's Management Company in conjunction with the Rose's Cafe proposed restaurant at 550 Lakeside Drive SE, as set forth on Exhibit "A" attached hereto, be adopted.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

93-253. Recommendation to approve the purchase of a computer from Gateway Computers in the amount of \$1,695, and a CD-ROM changer from the Michigan Library Consortium in the amount of \$1,710, for use in the East Grand Rapids branch library.

93-253-A. Frakie-Edison. That the purchase of a computer from Gateway Computers in the amount of \$1,695, and a CD-ROM changer from the Michigan Library Consortium in the amount of \$1,710, for use in the East Grand Rapids branch library, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

93-254. Consideration of a request to ratify an emergency engine replacement for City Services Truck No. 35, and to approve payment to Valley Truck Parts in the amount of \$4,100 for the purchase of one rebuilt CAT 3208 engine.

92-254-A. Edison-Williamson. That the City Commission ratify an emergency engine replacement for City Services Truck No. 35, and approve payment to Valley Truck Parts in the amount of \$4,100 for the purchase of one rebuilt CAT 3208 engine.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7
Nays: -0-

93-255. Consideration of a request to approve purchase orders to Good GMC, in the amount of \$21,580, for one mid-range cab and chassis, and to Truck & Trailer Specialists for one utility box, in the amount of \$5,389, as a replacement vehicle for City Services Truck No. 15.

93-255-A. Edison-Swain. That purchase orders to Good GMC, in the amount of \$21,580, for one mid-range cab and chassis, and to Truck & Trailer Specialists for one utility box, in the amount of \$5,389, as a replacement vehicle for City Services Truck No. 15, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7
Nays: -0-

93-256. Consideration of a request to approve the Annual CDBG Program Agreement with the County of Kent, and to authorize City staff to file a Community Development Block Grant Application for the purpose of acquiring funds to subsidize the City's 1993 spring road construction program, and to offset FY 94 capital drain expenditures.

93-256-A. Edison-Frakie. That the Commission approve the Annual CDBG Program Agreement with the County of Kent, and to authorize City staff to file a Community Development Block Grant Application for the purpose of acquiring funds to subsidize the City's 1993 spring road construction program and to offset FY 94 capital drain expenditures.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7
Nays: -0-

93-257. Consideration of a request to approve the engineering consulting services of OMM, in an amount up to \$5,600, to study, model and recommend solutions to correct water distribution problems in the Kingswood/Arlington area.

93-257-A. Williamson-Edison. That the engineering consulting services of OMM, in an amount up to \$5,600, to study, model and recommend solutions to correct wwater distribution problems in the Kingswood/Arlington area, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7
Nays: -0-

93-258. Consideration of a request to authorize wellness evaluations for Public Safety Department personnel to be administered through the Occupational Health Services organization affiliated with the Blodgett Memorial Medical Center.

93-258-A. Edison-Walton. To approve wellness evaluations for Public Safety Department personnel to be administered through the Occupational Health Services organization affiliated with the Blodgett Memorial Medical Center.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7
Nays: -0-

93-259. Consideration of a request to approve a hiring process for selection of a City Manager, and to appoint a committee to manage the preliminary advertising and screening of prospective candidates.

92-259-A. Frakie-Walton. That this Commission approve the hiring process for selection of a new City Manager and appoint the Personnel Committee to undertake the preliminary advertising and screening of prospective candidates.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7
Nays: -0-

92-260. Consideration of a request to retain Dr. Lawrence Dugan to conduct personnel management consultation to the departments of Controller-Clerk-Treasurer and City Services, to authorize an expenditure of up to \$5,000 for these

services, and to authorize a budget amendment transferring \$5,000 from the General Fund Undesignated Fund Balance to these two departments.

92-260-A. Williamson-Walton. That Dr. Lawrence Dugan be retained to conduct personnel management consultation to the departments of Controller-Clerk-Treasurer and City Services, that an expenditure of up to \$5,000 be authorized as payment for these services, and that \$5,000 be transferred from the General Fund Undesignated Fund Balance to these two departments.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6

Nays: Frakie - 1

92-261. The minutes of the Planning Commission meeting held February 9, 1993 were received.

92-262. The Building Inspection Report for the month of February, 1993 was received.

92-263. The Public Safety Report for the month of February, 1993 was received.

92-264. Mayor Deems advised of a letter received at City Hall from a resident expressing thanks to the City Manager for his prompt attention in handling a snow removal problem at the resident's home.

92-265. The meeting was adjourned subject to the call of the Mayor until April 5, 1993.

City Clerk

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held April 5, 1993

The meeting was called to order by Commissioner Williamson.

Present: Coms. Edison, Frakie, Swain, Walton and Williamson.

Absent: Mayor Deems and Com. Mehney.

Also Present: Assistant City Attorney Bloom; City Services Director Baragar; Community Service Coordinator Yukon; Recreation Director Rhodes; Recreation Supervisor Bunn; Public Safety Chief Gallagher and Controller-Clerk-Treasurer Chase.

93-266. The minutes of the regular meeting held March 15, 1993, were received after an amendment to add descriptive verbiage to the resolution in Exhibit A.

93-267. Frakie-Walton. That disbursements to the County and Schools in the amount of \$35,196.54, payroll disbursements in the amount of \$154,781.16 and total remaining disbursements in the amount of \$198,361.36, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Swain, Walton and Williamson - 5

Nays: -0-

93-268. A zoning variance hearing was held to consider the request of Diane Lange, 2150 Lansing Street, SE, to construct a one-stall, unenclosed attached carport on the west property line, rather than the minimum setback of 5 feet as required in the zoning ordinance and also to construct a storage shed in the rear of her property 4 feet, 6 inches from the house, rather than the minimum 10 feet, and 1 foot, 8 inches from the east property line, rather than the minimum 3 feet as required in the zoning ordinance.

Also presented by the applicant were two alternatives, which would also require a zoning variance. One alternative was to place a detached garage in the rear yard, which would require the removal of two large oak trees. The second alternative would be to remove two large oak trees, excavate grade and build a detached garage in the same location as the existing shed 4 feet, 5 inches from the house and 1 foot, 7 inches from the east property line.

Ms. Diane Lange was present and spoke in favor of the zoning variance.

Ms. Barbara Bennett, 2145 Lansing Street SE, strongly opposed the construction of the carport which would abut the west property line.

93-268-A. Frakie-Walton. That the zoning variance request of Diane Lange, 2150 Lansing Street SE, to construct a one-stall, unenclosed attached carport on the west property line (rather than at the minimum of 5 feet as required in the zoning ordinance) be denied.

Yeas: Frakie, Walton and Williamson - 3

Nays: Edison and Swain - 2

93-268-B. As a majority of the entire commission (4 votes) is apparently needed to adopt this motion pursuant to Section 5.163, and since it was unclear whether the other two alternatives were part of the application (since they were not noticed out as such), it was recommended by Assistant City Attorney Bloom to adjourn the decision on the requested variances and to include all three alternatives in a new notice and schedule consideration for the next City Commission meeting. It was also recommended that the requested zoning variance for the shed be adjourned since all three alternatives were not on the first hearing notice. Commissioner Williamson recommended that the City not charge Diane Lange for an additional notice.

93-269. A hearing was held at the request of the Grand Rapids Symphony Volunteer Association to use the Blodgett Estate, 250 Plymouth Road SE, for fund raising activities.

Mr. Gary Johnson, 7330 Arble Drive, Rockford, Michigan was present as a representative for the Grand Rapids Symphony Volunteer Association and spoke in favor of the event, stating that volunteers would enforce traffic recommendations made by the Public Safety Department.

Ms. Alice Robey, 255 Plymouth SE, spoke in favor of the event.

Acting Chairperson Williamson asked Assistant City Attorney Bloom to explain the legal aspects of the Symphony's application. Bloom noted that the request did not involve a variance, but rather an ordinance interpretation by the City Commission sitting as the Zoning Board of Appeals. Within the A-1 zoning district, only "residential uses" are permitted pursuant to the zoning ordinance. The sole issue before the Commission is whether the proposed Symphony event constitutes a permissible residential use for purposes of the zoning ordinance. As pointed out in the City Attorney's two letters to the Commission, if it is not a residential use, the event cannot be permitted on the Brookby property. If the Commission determines that it is a permitted residential use, it can proceed as of right and the Commission probably cannot attach conditions to its interpretation.

93-269-A. Frakie-Swain. That the proposed event be approved as a one-time only event since it meets the current standard of residential use within the zoning ordinance, and that the City staff and the City Attorney hereafter draft an ordinance to more clearly define that standard and to provide for an approval mechanism for special events.

Yeas: Edison, Frakie, Swain and Walton - 4
Nays: Williamson - 1

While not a part of the motion, the Commissioners strongly urged the Symphony to work closely with City staff and the Public Safety Department to alleviate any parking and traffic problems for the event, since if there is a problem, the City will probably bill the Symphony for extra overtime costs.

93-270. Consideration of a request to award a one-year Grounds Maintenance Contract, in the amount of \$15,445, for Section A-3 and also three elementary school ball fields located throughout the City, to Natural Lawns, Inc., the low bidder.

93-270-A. Edison-Walton. To award the one-year Grounds Maintenance Contract to Natural Lawns, Inc., the low bidder, and include the requirement of a performance bond, if legally appropriate.

Yeas: Edison, Frakie, Swain, Walton and Williamson - 5
Nays: -0-

93-271. Consideration of a request to approve a budget amendment to replenish water meter inventory.

93-271-A. Frakie-Edison. That a \$6,000 Water and Sewer Fund budget transfer from Capital Expenditures to the operating supplies account in the meters activity, for water meter replacement, be approved.

Yeas: Edison, Frakie, Swain, Walton and Williamson - 5
Nays: -0-

93-272. Consideration of a request to award the purchase order for medals for the 15th annual Reeds Lake Run to Alien Enterprizes, Inc., the low bidder, for \$4,106.50.

93-272-A. Edison-Frakie. To approve a bid award to Alien Enterprizes, Inc., the low bidder, for the 15th annual Reeds Lake Run medals, in the amount of \$4,106.50.

Yeas: Edison, Frakie, Swain, Walton and Williamson - 5
Nays: -0-

93-273. The minutes of the Planning Commission meeting held March 9, 1993 were received.

93-274. The minutes of the Traffic Commission meeting held March 19, 1993 were received.

93-275. Bill Rhodes distributed the Middle School sports survey report and budget for Reeds Lake Run.

93-276. The meeting was adjourned subject to the call of the Mayor until April 19, 1993.

City Clerk

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held April 19, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton and Williamson and Mayor Deems.

Absent: None.

Also Present: City Attorney Huff; Engineering Supervisor Kadzban; Community Service Coordinator Yukon; Assistant Recreation Director Kline; Public Safety Chief Gallagher; and Controller-Clerk-Treasurer Chase.

93-277. The minutes of the regular meeting held April 5, 1993, were received with the following amendment to the vote on motion 93-269-A.

Yeas: Edison, Frakie, Swain and Walton - 4

Nays: Williamson - 1

93-278. Mayor Deems advised of the following communications received, as follows:

- (a) March 29, 1993 letter from Hilary F. Snell, 1065 Plymouth SE, thanking the Public Safety Department for its quick arrival when responding to a triggered alarm system at his residence.
- (b) Memo regarding PSO Naumcheff's arrest of a subject who has provided valuable assistance to the Kent County Sheriff's Department.
- (c) March 19, 1993 letter from Cathy Robbins, 1064 Lakeside SE, expressing her appreciation to PSO Lark and PSO Naumcheff for their delicate handling of an emergency situation at her residence.

93-279. Edison-Swain. That disbursements to the County and Schools in the amount of \$3,259.00, payroll disbursements in the amount of \$205,940.85, and total remaining disbursements in the amount of \$100,657.45, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

93-280. A zoning variance hearing was held to consider the request of Diane Lange, 2150 Lansing Street SE, to approve her proposal or one of the alternatives, as follows:

Proposal 1: To construct a one-stall, unenclosed attached carport on the west side of the residence. The proposed carport will abut the west property line, rather than be located at the required minimum setback of 7 feet. The applicant also requests relief to construct a storage shed in the rear of her property to be located 4 feet from the house, rather than the required 10 feet, and 1'8" from the east property line, rather than the required 3 feet.

Alternative 1: To construct a two-stall detached garage in the rear of the residence 1 foot from the west property line, rather than the required 3-foot minimum, and 6 feet from the house, rather than the required 10-foot minimum. The existing storage shed will remain in its present location.

Alternative 2: To construct a two-stall (24' x 24') detached garage in the rear of the home 1.7 feet from the east property line, rather than the required 3-foot minimum, and 4.5 feet from the house, rather than the required 10-foot minimum. The storage shed will be deleted in this alternative.

Diane Lange was present and spoke in favor of the zoning variance. Ms. Trudy Nicely of Greenridge Realty also was present and stated her belief that the proposed construction would be an improvement to the neighborhood.

The following residents expressed their opposition to the zoning variance:

Barbara Barnett, 2146 Lansing Street SE (present)

Michael Harris, 2151 Lansing Street SE

(present)

Thomson Dawson, 527 Greenwood SE

(present)

Edward and Alice, Klinkner, 2143 Lansing SE (letter)

93-280-A. Williamson-_____. Motion to grant a variance to construct a two-stall detached garage in the rear of

the residence to be located 6 feet from the house, rather than the required 10 feet, and not to include any other setback variances.

Motion failed due to lack of a second.

93-280-B. Walton-Swain. Motion to grant a variance for construction as set forth in Alternative 1 above.

Yeas: Swain and Walton - 2

Nays: Edison, Frakie, Mehney, Williamson and Deems - 5

93-280-C. Edison-Mehney. Motion to grant a variance for construction as set forth in Proposal 1 above.

Yeas: Edison, Mehney and Swain - 3.

Nays: Frakie, Walton, Williamson and Deems - 4

93-280-D. Williamson-Mehney. Motion to grant a variance to construct a two-stall detached garage in the rear of the residence to be located no closer than 6 feet from the house, rather than the required 10 feet, not granting any other setback variances.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6

Nays: Walton - 1

93-281. Final reading of an ordinance amending Section 10.66 of Chapter 103 of Title X of the Code of the City of East Grand Rapids pertaining to traffic code violations.

93-281-A. Frakie-Williamson. That an ordinance amending Section 10.66 of Chapter 103 of Title X of the Code of the City of East Grand Rapids pertaining to traffic code violations be adopted, as set forth on Exhibit A attached hereto.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

93-282. Consideration of a request to award a contract to Jon's Portable Toilet Service, the low bidder, in the amount of \$6,085, for portable toilets to be installed at City and School locations.

93-282-A. Edison-Mehney. That the request to award a contract to Jon's Portable Toilet Service, the low bidder, in the amount of \$6,085, for portable toilets to be installed at City and School locations, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

93-283. Introduction of an ordinance amendment to Section 1.310 of Chapter 7 of Title I of the Code of the City of East Grand Rapids pertaining to special assessments.

93-283-A. Frakie-Williamson. That an ordinance amending Section 1.310 of Chapter 7 of Title I of the Code of the City of East Grand Rapids pertaining to special assessments be introduced, as follows:

AN ORDINANCE TO AMEND SECTION 1.310
OF CHAPTER 7 OF TITLE I
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Subsection (3) of Section 1.310 of Chapter 7 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

(3) Should the assessments levied plus the amount charged to the city at large prove to be more than five percent (5%) larger than necessary to defray the cost of the improvement, then the commission shall, by resolution, order the excess to be applied pro rata to the amount charged to the city at large and to the unpaid installments of said special assessment against each lot or parcel of land. Any amount of such excess shall be applied equally to all outstanding installments. Any amount of such excess which cannot be applied as aforesaid shall be refunded to the current property owner of said lot or parcel of land.

Section 2. This ordinance shall be effective April ____, 1993.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the

Charter of the City of East Grand Rapids.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

93-284. Discussion was held by the City Commission to consider developing basic guidelines regarding City staff correspondence to area legislators.

93-284-A. Frakie-Walton. To adopt the following guidelines:

Unless the Commission has taken action on a position, any communication from the staff should reflect the fact that it is written from their position, individually. Further, on matters where they are sending a communication, they should use their judgment and, where appropriate, inform the Commission of their intent to send the communication so the Commission can offer its advice or direction on the issue.

93-284-B. Edison-Williamson. To table this matter for further consideration.

Yeas: Edison, Mehney, Swain, Williamson and Deems - 5

Nays: Frakie and Walton - 2

93-285. The Building Inspection Report for the month of March, 1993 was received.

93-286. The Public Safety Report for the month of March, 1993 was received.

93-287. Stanley Hudson, 2920 Pioneer Club Road SE, was present and stated his discontent with the construction project on Pioneer Club Road. He advised that a 4-foot stone wall on his property had been torn down and had not been replaced, to date. Engineering Supervisor Kadzban stated that it was the City's policy to restore property to its equal or better condition. Mr. Kadzban assured Mr. Hudson that he would look into the matter immediately.

Patricia Hickey, 239 Pioneer Club Road SE, was also present and requested that the City subordinate the City's tax lien on her property to her mortgage in order for her to refinance her home. The City Commission advised Ms. Hickey that there was no way the City could do so without setting a precedent which could be detrimental to the City.

93-288. Commissioner Mehney welcomed Public Safety Director Gallagher back to the City following his attendance at the FBI Academy.

Commissioner Edison advised that on May 10, 1993, at 6:00 p.m., at City Hall, the Recreation Commission is holding a forum to discuss the Middle School Youth Program. He invited the City Commission members to attend.

93-289. The meeting was adjourned subject to the call of the Mayor until May 3, 1993.

City Clerk

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held May 3, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton and Williamson and Mayor Deems.

Absent: None.

Also Present: City Manager Allard; City Attorney Huff; City Services Director Baragar; Engineering Supervisor Kadzban; Community Service Coordinator Yukon; Recreation Director Rhodes; Public Safety Chief Gallagher; and Controller-Clerk-Treasurer Chase.

93-290. The minutes of the regular meeting held April 19, 1993 were received.

93-291. Mayor Deems advised of the following communications received, as follows:

- (a) Letter from Sarah Mankoff, 3131 Southshire SE, advising the Mayor of the Peace Pole ceremony taking place at Lakeside School.
- (b) Two letters from residents commending Public Safety Officers Gadbois and Naumcheff for their professional assistance.

93-292. Swain-Edison. That payroll disbursements in the amount of \$104,063.04 and total remaining disbursements in the amount of \$307,981.60, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

93-293. A zoning variance hearing was held to consider the request of John and Rennae Jacobitz, 927 Floral SE, to allow the construction of a two-stall, detached garage in the rear yard, to be 15 feet in height, rather than the 12-foot maximum as set forth in the City Code.

No public comment was made on the variance request.

93-293-A. Williamson-Edison. That the zoning variance request of John and Rennae Jacobitz, 927 Floral SE, to allow the construction of a two-stall, detached garage in the rear yard, to be 15 feet in height, rather than the 12-foot maximum as set forth in the City Code, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-294. Michael Sebastian, 1910 El Dorado SE, gave an informational presentation pertaining to a group of citizens interested in constructing an ice rink at Manhattan Recreation Area in East Grand Rapids. Mr. Sebastian explained the ice rink concept and provided the following details:

- Ice rink to be donated to the City by a citizen group made up of East Grand Rapids and Forest Hills residents.
- Ice rink to be a multi-purpose, year-round facility, used jointly by East Grand Rapids and Forest Hills, for hockey, soccer, rollerblade, etc.
- All proceeds above the operating costs of the rink will be allocated to the East Grand Rapids Recreation Department, and the East Grand Rapids and Forest Hills Team Boosters, in equal shares.
- The cost of construction and landscaping will be paid for by the citizen group.
- The size of the rink is 130 feet x 240 feet, with a height of approximately 20 feet.
- The rink's capacity will be approximately 650-800 persons.
- Approximately 275 parking spaces are being considered, which includes 175 new parking spaces and 100 spaces already existing at the Manhattan Recreation Area.

The rink will be operated and maintained by the East Grand Rapids Recreation Department.

The hours of operation will be from approximately 8:00 a.m. to approximately 11:00 p.m.

The following residents were present and stated their questions and concerns pertaining to location, property values and allocation of proceeds, as follows:

Marilyn Hunting, 3120 Manhattan Lane SE -	opposed
Sandra Quick, 619 Manhattan Lane SE -	opposed
William Azkoul, 3055 Manhattan Lane SE -	opposed
Steven Affendoulis, 340 Arlington SE	
Geoff Hughes, 260 Hodenpyl Road SE	
Jon Bachelder, 1040 Plymouth SE -	in favor
Thomas Schriefer, 600 Manhattan Lane SE	
Dave Whitehouse, 1627 Oxford -	in favor
Larry Pinckney, 1417 Pinecrest SE -	in favor
David Hunting, 3120 Manhattan Lane SE -	opposed
Daniel Ophoff, 3000 Hall SE	
Thomas Bander, 616 Manhattan SE -	opposed
Casey Bartman, 2817 Reeds Lake Boulevard SE	
Michael Hoffman, 2946 Pioneer Club Road SE -	opposed
Joann Arbraham, 305 Arlington SE -	opposed

Commissioner Edison stated his desire that a full analysis be performed relating to traffic flow, maintenance, safety costs and insurance liability.

The residents were advised that a public hearing would take place before the City Commission reached any decision on this proposal.

93-295. Public Safety Director Gallagher presented information to the City Commission relating to his course at the FBI Academy. He told of three concepts which he felt warranted further consideration by the City Commission, as follows:

- (1) Consideration of "community policing" - assigning a specific officer to a specific neighborhood to nurture a close officer/resident relationship;
- (2) Metropolitanization with the surrounding area police/fire departments.
- (3) Preparation standards for use in preparing the City's fiscal year budgets.

93-296. Final reading of an ordinance amending Section 1.310 of Chapter 7 of Title I of the Code of the City of East Grand Rapids pertaining to special assessments.

93-295-A. Williamson-Frskie. That an ordinance amending Section 1.310 of Chapter 7 of Title I of the Code of the City of East Grand Rapids pertaining to special assessments be adopted, as follows:

AN ORDINANCE TO AMEND SECTION 1.310
OF CHAPTER 7 OF TITLE I
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Subsection (3) of Section 1.310 of Chapter 7 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

(3) Should the assessments levied plus the amount charged to the city at large prove to be more than five percent (5%) larger than necessary to defray the cost of the improvement, then the commission shall, by resolution, order the excess to be applied pro rata to the amount charged to the city at large and to the unpaid installments of said special assessment against each lot or parcel of land. Any amount of such excess shall be applied equally to all outstanding installments. Any amount of such excess which cannot be applied as aforesaid shall be refunded to the current property owner of said lot or parcel of land.

Section 2. This ordinance shall be effective May 14, 1993.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the

Charter of the City of East Grand Rapids.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

93-297. Consideration of a request to revoke the contract awarded to Jon's Portable Toilets, and to award the bid to Plummer's Portable Toilets, the second low bidder, in the amount of \$6,220, for portable toilets to be installed at designated locations that will meet the ADA regulations.

93-297-A. Walton-Edison. That the contract awarded to Jon's Portable Toilets, the low bidder, be revoked, and that a contract be awarded to Plummer's Portable Toilets, the second low bidder, in the amount of \$6,220, contingent upon Plummer's Portable Toilets advising the City, within 48 hours, of its ability to provide the required amount of handicapped accessible units, as set forth in the bid specifications.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-298. The minutes of the Library Commission meetings of March 23, 1993 and April 20, 1993 were received.

93-299. The minutes of the Planning Commission meeting of April 13, 1993 were received.

93-300. Mayor Deems expressed his faith in Commissioner Mehney's ability to perform his duties as a City Commissioner for the overall good of the City.

93-301. The meeting was adjourned subject to the call of the Mayor until May 17, 1993.

City Clerk

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held May 17, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton and Williamson and Mayor Deems.

Absent: None.

Also Present: City Manager Allard; Assistant City Attorney Bloom; City Services Director Baragar; Streets and Utilities Superintendent Sterkenburg; Engineering Supervisor Kadzban; Community Service Coordinator Yukon; Public Safety Chief Gallagher; and Controller-Clerk-Treasurer Chase.

93-302. The minutes of the regular meeting held May 3, 1993 were received.

93-303. Mayor Deems advised of the following communications received, as follows:

- (a) Letter from Mary Walker, 1770 Oxford SE, thanking PSOs Edington, Hudenko and Metternich for their prompt response and assistance during an emergency at her home.
- (b) Letter from Gail and Mike Madura, 2429 Hall Street SE, thanking PSO Metternich for his quick, thorough response to a call of alarm at their home.

93-304. Frakie-Edison. That payroll disbursements in the amount of \$125,656.21 and total remaining disbursements in the amount of \$128,254.38, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

93-305. A zoning variance hearing was held to consider the request of Peter and Debra Walworth, 1138 Lakeside Drive SE, to allow construction of a 9-foot fence along their south property line, rather than the maximum allowable height of 6 feet from grade.

Debra Walworth was present and spoke in favor of the variance.

93-305-A. Williamson-Edison. That the zoning variance request of Peter and Debra Walworth, 1138 Lakeside Drive SE, to allow construction of a 9-foot fence along their south property line, rather than the maximum allowable height of 6 feet from grade, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-306. A zoning variance hearing was held to consider the request of James and Mary Nachtegal, 350 Manhattan SE, to allow the property located at 350 Manhattan to be split into two separate buildable lots, creating a non-conforming lot measuring 2,400 square feet within 120 feet from the front property line rather than the required minimum of 12,000 square feet, and street frontage of 20 feet on Manhattan Road instead of the required 100 feet.

James Nachtegal was present and spoke in favor of the variance.

Bess Afendoulis, 340 Arlington SE, was present and expressed her opposition to the granting of this variance request.

93-306-A. Walton-Williamson. That the zoning variance request of James and Mary Nachtegal, 350 Manhattan SE, for the property located at 350 Manhattan to be split into two separate buildable lots, be denied.

Yeas: Edison, Frakie, Swain, Walton and Williamson - 5.

Nays: Mehney - 1.

Mayor Deems did not vote.

93-307. Consideration of a request to modify the streetlighting contract with Consumers Power Company by adopting a resolution authorizing the Consumers Power Company to install one streetlight on Gladstone Avenue SE, north of Sherman Street.

93-307-A. Edison-Frakie. That the streetlighting contract with Consumers Power Company be modified and that a resolution authorizing the Consumers Power Company to install one streetlight on Gladstone Avenue SE, north of Sherman Street, be adopted, as set forth on Exhibit "A" attached hereto.

Yeas: Edison, Frakie, Mehney Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-308. Consideration of a request to adopt a Cooperative Agreement authorizing the City to continue its participation with Kent County in its Community Development Block Grant program, beginning July 1, 1994.

93-308-A. Williamson-Frakie. That the Cooperative Agreement, attached hereto as Exhibit "B", authorizing the City to continue its participation with Kent County in its Community Development Block Grant program, be adopted.

Yeas: Edison, Frakie, Mehney, Walton, Williamson and Deems - 6

Nays: Swain - 1

93-309. Consideration of a request to award a contract to Rolling Thunder Fireworks, the low bidder, in the amount of \$8,589, for the purchase of fireworks for the City's annual July 4th celebration.

93-309-A. Edison-Walton. That a contract be awarded to Rolling Thunder Fireworks, the low bidder, in the amount of \$8,589, for the purchase of fireworks for the City's annual July 4th celebration.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

93-310. The financial reports for the period ended March 31, 1993 were received.

93-311. Consideration of a request to award a contract to Great Lakes Systems, the low bidder, in the amount of \$11,600, to re-roof the Public Safety Building.

93-311-A. Edison-Williamson. That the request to award a contract to Great Lakes Systems, the low bidder, in the amount of \$11,600, to re-roof the Public Safety Building, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

93-312. Consideration of a request to authorize a budget amendment transferring \$40,700 from the General Fund undesignated fund balance to the City Attorney-contractual wages account.

93-312-A. Edison-Walton. That a budget amendment transferring \$40,700 from the General Fund undesignated fund balance to the City Attorney-contractual wages account be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-313. The minutes of the Recreation Commission meetings of March 8, 1993 and April 12, 1993 were received.

93-314. The minutes of the Traffic Commission meeting of April 23, 1993 were received.

93-315. The Building Inspection Report for the month of April, 1993 was received.

93-316. The Public Safety Report for the month of April, 1993 was received.

93-317. Larry Ditkof, of Larry's Lawn Service, advised the City Commission that a curb located at Lakeside School was not a safety curb. He also advised that there were unlicensed lawn contractors operating within the City, and requested that the City enforce the licensing rules on these contractors. Mayor Deems stated that City staff would look into these matters.

93-318. Commissioner Williamson congratulated Assistant City Attorney Bloom on his upcoming marriage, and wished him the best on behalf of the entire Commission.

Commissioner Edison reminded everyone that the Streets and Utilities Division is holding its "Operation Clean-Out" day on Saturday, May 22, 1993, at its facilities on Reeds Lake Boulevard.

93-319. Williamson-Edison. To enter into executive session to discuss strategy regarding collective bargaining agreement negotiations, in accordance with Sections 8(c) of the Open Meetings Act. A roll call vote was taken.

Yeas: Edison, Frakie Mehney, Swain Walton, Williamson and Deems - 7.

Nays: -0-

The regular City Commission meeting was reconvened.

93-320. Consideration of a request to approve contracts in conjunction with the 1993 construction program.

93-318-A. Edison-Swain. Motion to approve contracts in conjunction with the 1993 construction program, as follows:

- That a contract be awarded to Lodestar Construction, the low bidder, in the amount of \$267,747.80, for improvements on Briarwood Avenue, Elmwood Drive, Locust Avenue and Laurel Avenue.
- That a contract be awarded to Su-Purr Seal, Inc., the sole supplier, in the amount of \$15,200, for the 1993 seal coat program on City streets.
- That a contract be awarded to East Jordan Iron Works, the low bidder, in the amount of \$40,369, for watermain pipe, hydrants, valves, and water service materials.
- That a contract be awarded to Etna Supply, the low bidder, in the amount of \$8,452.90, for water fittings.
- That a contract be awarded to General Heating & Cooling, Inc., the low bidder, in the amount of \$11,375, for pump replacement to the Briarwood Lift Station.

Yeas: Edison, Frakie Mehney, Swain Walton, Williamson and Deems - 7.

Nays: -0-

A summary of the construction projects, including costs of City labor, inspections and contingencies, is presented in Exhibit "C" to these minutes.

93-321. The City Commission that scheduled a budget work session to be held on Monday, May 24, 1993, at 7:30 p.m., in the lower level Municipal Offices building.

93-322. The meeting was adjourned subject to the call of the Mayor until June 7, 1993.

City Clerk

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held June 7, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Williamson and Mayor Deems.

Absent: Com. Walton.

Also Present: City Manager Allard; City Attorney Huff; City Services Director Baragar; Streets and Utilities Superintendent Sterkenburg; Engineering Supervisor Kadzban; Community Service Coordinator Yukon; Public Safety Director Gallagher; Deputy Chief Ditmar; Recreation Director Rhodes; Asst. Recreation Director Kline; City Assessor Norman; Appraiser Matt Woolford; and Controller-Clerk-Treasurer Chase.

93-323. The minutes of the regular meeting held May 17, 1993 were received.

93-324. Edison-Swain. That disbursements to the County and Schools in the amount of \$115.75, payroll disbursements in the amount of \$108,222.02, and total remaining disbursements in the amount of \$252,355.22, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6

Nays: -0-

93-325. A zoning variance hearing was held to consider the request of Diane Lange, 2150 Lansing SE, to allow construction of an unenclosed one-stall attached carport which will abut the west property line rather than be located at the required minimum setback of 7 feet, to construct a storage shed to be located in the rear yard 4 feet from the home rather than the required minimum of 10 feet, and 1 foot, 8 inches from the east property line rather than the required minimum of 3 feet.

Diane Lange was present and spoke in favor of the variance. Karen Maupin, 2955 Bonnell SE, was also present and spoke in behalf of Dr. Alfred Swanson. She reminded the City Commission of the recently-enacted tree ordinance, and asked the Commission to consider any loss of trees which may occur due to approving or rejecting this variance request.

The following persons were present and spoke in favor of the variance request:

Phil Lange, 42 Blackburn, Wyoming
Robert Bollens, 2122 Plainfield Avenue, Grand Rapids
Nancy Saylor, 2504 Richards Drive, SE

The following persons were present and spoke in opposition to the variance request:

Barbara Barnett, 2146 Lansing SE
Michael Harris, 2151 Lansing SE

93-325-A. Swain-Edison. That the zoning variance request of Diane Lange, 2150 Lansing SE, to allow construction of an unenclosed one-stall attached carport which will abut the west property line rather than be located at the required minimum setback of 7 feet, to construct a storage shed to be located in the rear yard 4 feet from the home rather than the required minimum of 10 feet, and 1 foot, 8 inches from the east property line rather than the required minimum of 3 feet, be approved.

A roll call vote was taken.

Yeas: Edison, Mehney and Swain - 3

Nays: Frakie, Williamson and Deems - 3

The motion failed.

93-326. A public hearing was held regarding the proposed gifting by a private citizen group of an ice arena to the City of East Grand Rapids, to be located at the Manhattan Recreation Area.

Michael Sebastian, 1910 El Dorado SE, and Richard Morris, 906 Santa Barbara SE, presented the proposed ice

arena project to the City Commission. Mr. Sebastian stated a correction in his coverletter. He amended the June 15, 1993 acceptance date by the City to June 22, 1993. Relating the proposal, Messrs. Sebastian and Morris stated the following facts.

- The ice arena is proposed to be located at Manhattan Recreation Area.
- The project cost is approximately \$1.4 million.
- Financing for the construction of the arena will be guaranteed by the investors, with no financial burden placed upon the City.
- The landscaping of the project proposes that 56-66 new trees be planted at the site.
- The investor group will present the City with a completely constructed ice arena, fully equipped.
- The City will assume full responsibility for the operations of the arena.
- The basic components of the Manhattan Phase II project will remain in place with some modifications being needed, and the costs for Phase II will be the responsibility of the City.
- It is suggested that distribution of the surplus proceeds of the arena should be allocated one-third to the EGR Recreation Department, one-third to the EGR Public School District, and one-third to the Forest Hills School District.
- An advisory board would be created consisting of athletic directors and citizens from each of the two communities.

The following persons were present and spoke in opposition to the ice arena proposal:

Paula Bregman, 315 Gracewood Drive SE
Joanne Nicola, 324 Arlington SE
Robert Sawdey, 2630 Oakwood SE
Howard Frisbie, 563 Belvedere SE
Melissa Ziech, 3101 Hall SE
Sandra Quick, 619 Manhattan SE
Norman Keller, 439 Manhattan SE
Grant Hopkins, 730 Plymouth SE
Cynthia Bartman, 2817 Reeds Lake Boulevard SE
Jim Kuras, 855 Plymouth SE
Gordon Ralston, 2863 Reeds Lake Boulevard SE
Jim Nachtegall, 350 Manhattan SE
Ed Buck, 308 Manhattan SE
Casey Bartman, 2817 Reeds Lake Boulevard SE
Richard Wiggins, 2924 Pioneer Club Road SE
Barbara Keller, 439 Manhattan SE
David Rabideau, 265 Manhattan SE
Rosemary Murphy, 640 Manhattan SE
John Quick, 619 Manhattan SE
Bob Evenson, 2764 Pioneer Club Road SE
Joann Abraham, 305 Arlington SE
Rita Boyce, 3027 Manhattan SE
Maureen Gruel, 235 Gracewood SE
Edward Knab, 661 Manhattan SE
Thomas Schriefer, 600 Manhattan SE

The following persons were present and spoke in support of the proposed ice arena:

Cindy VanGelderren, 2904 Pioneer Club Road SE
Jack Shimko, 1051 Santa Cruz SE
Larry Frazier, 2511 Elmwood SE
Colleen Jarvis, 900 San Lucia SE
Martha Tuthill, 857 Floral SE
Mike Nash, 1648 Fisk SE
Patty Madden, 2740 Hampshire SE
David Whitehouse, 1627 Oxford SE
John Becker, 2250 Elmwood SE
Jane Nims, 1915 San Lu Rae SE

John Bachelder, 1040 Plymouth SE
Liz Morris, 906 Santa Barbara SE
Marilyn Walton, 849 Pinecrest
Mike O'Brien, 3029 Cascade SE
Al Emmons, 2226 Anderson SE
Kathy Rautiola, 2940 Pioneer Club Road SE
Jack Witt, 2656 Berwyck SE
Terry McIlhargey, 2136 Burchard SE
Bill Curry, 1830 Greer Drive, Forest Hills
Kirk Agerson, 835 Cambridge SE
Pete Titus, 2605 Hall SE

The following persons were present and stated their general questions and concerns pertaining to the proposal:

Dave Kampfschulte, 604 Manhattan SE
Lois Moseley, 1753 Breton SE
Sam Afendoulis, 3630 Glen Drive

The following documents were submitted to the City Commission by various people in attendance:

In Support:

- May 21, 1993 letter from Mr. Tom Gullen, Ice Arena Manager in Winnetka, Illinois.
- Financial Projections for the ice arena project.
- Petition signed by 171 residents in favor of the City's acceptance of the ice arena.

In Opposition:

- June 7, 1993 letter from Casey R. Bartman, 2817 Reeds Lake Boulevard SE.
- Letter from Helen Bradford, 417 Manhattan SE.
- June 7, 1993 letter from JoAnn Abraham, 305 Arlington Drive SE.
- Reports pertaining to ice arenas, submitted by Cynthia Bartman, 2817 Reeds Lake Boulevard SE.

The following phone calls/correspondence was received at City Hall from residents expressing their viewpoint on the ice arena proposal. These communications were submitted to the City Commission:

Telephone Calls:

John Becker, 3255 Hall SE	In Favor
Bill Doyle, 539 Manhattan SE	Opposed
Christine Marshall, 535 Manhattan	Opposed
Virginia Hooper, 608 Laurel SE	Opposed
Henry Berends, 2417 Gilmour SE	Opposed
Cynthia Bartman, 2817 Reeds Lake Boulevard	Opposed
Robert W. Sawdey, 2630 Oakwood Drive SE	Opposed
Perii Hutchings, 1012 Santa Cruz SE	Opposed
Mark & Martha Stoppels, 503 Cambridge SE	Opposed
Mr. & Mrs. Lawrence Bratschie, 2515 Indian Trail	Opposed
Shirley Sawdey, 2630 Oakwood Drive SE	Opposed
Mary & Jim Nachtgall, 350 Manhattan SE	Opposed
Sandra Shank, 141 Rexford SE	Opposed
David Rabideau, 265 Manhattan SE	Opposed
Bob Brown, 361 Manhattan SE	Opposed
Mel Fox, 322 Manhattan SE	Opposed

Correspondence:

Cynthia VanGelderren, 2904 Pioneer Club Road SE	In Favor
Ashley VanGelderren, 2904 Pioneer Club Road SE	In Favor
Daniel Ophoff, 3000 Hall SE	In Favor
Margit Sarne, 647 Lovett Avenue SE	Opposed

Patrick Mears, 2801 Reeds Lake Boulevard SE
Thomas & Barbara Jackoboice, 2950 Oak Hollow SE
Mr. & Mrs. Lawrence Bratschie, 2515 Indian Trail
Robert & Shirley Sawdey, 2630 Oakwood SE

Opposed
Opposed
Opposed
Opposed

Mayor Deems closed the public hearing.

93-327. A public hearing was held on the special assessment roll of delinquent accounts for placement on the 1993 tax roll.

93-327-A. Williamson-Edison. That the special assessment roll of delinquent accounts totalling \$34,210.93 be certified and that these accounts be placed on the July 1, 1993 tax roll.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6
Nays: -0-

93-328. Introduction of an ordinance amendment to Sections 2.83 and 2.83-1 of Chapter 24 of Title II of the Code of the City of East Grand Rapids pertaining to water and sewer rates.

93-328-A. Edison-Swain. That an ordinance amending Sections 2.83 and 2.83-1 of Chapter 24 of Title II of the Code of the City of East Grand Rapids pertaining to water and sewer rates be introduced, as follows:

AN ORDINANCE TO AMEND SECTIONS 2.83 AND 2.83-1
OF CHAPTER 24 OF TITLE II OF THE CODE OF
THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 2.83 of Chapter 24 of Title II of the East Grand Rapids City Code is amended to read as follows:

Sec. 2.83. Water Rates

Charges for water service shall be payable every three (3) months. The charge for water service shall be a total of the consumption rate of Two and 87/100 Dollars (\$2.87) per one thousand (1,000) gallons and the following quarterly meter service charge depending upon meter size:

<u>Meter Size (inches)</u>	<u>Charge</u>
1/2 - 3/4	\$ 31.41
1	53.40
1-1/4	109.94
1-1/2	109.94
2	210.45
3	471.15
4	848.07
6 & over	1,884.60

Section 2. Section 2.83-1 of Chapter 24 of Title II of the East Grand Rapids City Code is amended to read as follows:

Sec. 2.83-1. Sanitary Sewer Rates

Charges for sanitary sewer service shall be payable every three (3) months. The charge for sanitary sewer service shall be a total of the consumption rate of Two and 10/100 Dollars (\$2.10) per one thousand (1,000) gallons of water consumption, based on water consumption for either the current billable quarter or the preceding winter quarter of each user, whichever is less, and the following quarterly service charge depending upon water meter size:

<u>Meter Size (inches)</u>	<u>Charge</u>
1/2 - 3/4	\$15.63
1	23.88
1-1/4	34.47
1-1/2	47.40
2	80.34

3	174.48
4	306.27
6 & over	682.80

For purposes of this section, the winter quarter shall mean the three-month period ending, as to each user, on the billing date. If the city treasurer has reasonable cause to believe that the winter quarter water consumption of a particular user is not representative of actual sewage usage, the treasurer has discretion to determine water consumption without regard to actual consumption by either referring to the schedule of average water consumption for users of the same or similar sewage service requirements prepared by the city and on file at City Hall or by taking an average of previous consumption figures for the particular user. Any determination of water consumption by the city treasurer may be appealed by the user to the city commission. Such appeal shall follow the procedure set out in Section 9.4 of this Code."

Section 3. This ordinance shall be effective on _____, 19__.

Section 4. This ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6
 Nays: -0-

93-329. Consideration of a request to adopt waste hauler regulations pertaining to permit issuance.

93-329-A. Williamson-Edison. That the waste haulers regulations pertaining to permit issuance be adopted, as follows:

REGULATIONS GOVERNING OPERATION OF WASTE HAULERS

Regulation no. 1: Each applicant for a waste hauler license shall file with the application, a certificate of Insurance for Motor Vehicle Insurance in the minimum amounts of One Hundred Thousand Dollars (\$100,000.00) per person and Three Hundred Thousand Dollars (\$300,000.00) per accident for bodily injury, and One Hundred Thousand Dollars (\$100,000.00) for property damage, or a combined single limit coverage of at least Three Hundred Thousand Dollars (\$300,000.00). None of this coverage shall have any deductible amount, except for property damage which shall have a deductible of not more than Three Hundred Dollars (\$300.00). The certificate must name the applicant as the insured and the City as additional insured, and must include at least a ten (10) day notice of cancellation clause. The certificates must state that they cover commercial operations or waste hauling operations, and must either extend through the full license period (through June 30) or be immediately renewed so as to avoid any lapse in coverage during the license period. Proof of renewal shall be furnished to the City at least ten (10) days prior to the insurance expiration date.

Regulation no. 2: Every licensed waste hauler shall prominently display, on each vehicle registered for use in the City, a Kent County sticker and a City sticker in accordance with regulations issued by Kent County. An East Grand Rapids sticker shall be provided at the time the license is issued. A new license and sticker shall be issued each July 1 by the City Clerk's office. The Kent County sticker, along with an updated copy of the County rules and regulations governing operations of waste haulers must be obtained at the Kent County Department of Public Works.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6
 Nays: -0-

93-330. Consideration of a request to adopt a resolution pertaining to the regulation of cable television rates within the City of East Grand Rapids.

93-330-A. Frakie-Swain. That a resolution pertaining to the regulation of cable television rates be adopted, as follows:

RESOLUTION

WHEREAS, the Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act") and the regulations ("FCC Regulations") promulgated by the Federal Communications Commission ("FCC") pursuant to the 1992 Cable Act authorize the regulation of cable television rates when a cable system is not subject to "effective competition" as defined in the 1992 Cable Act and FCC Regulations; and

WHEREAS, the FCC Regulations establish a presumption that a cable television system is not subject to "effective competition" and provide that in the absence of actual knowledge to the contrary, municipalities may rely on this presumption; and

WHEREAS, the 1992 Cable Act and the FCC Regulations authorize a municipality to regulate "basic cable service" (as defined therein) upon certification by the FCC; and

WHEREAS, UACC Midwest, Inc., d/b/a TCI Cablevision of West Michigan, Inc. ("TCI"), is operating a cable television system within the City of East Grand Rapids pursuant to the Cable Consent Agreement dated January 1, 1993; and

WHEREAS, the Cable Consent Agreement dated January 1, 1993 expressly provides that TCI's rates shall be subject to regulation by the City of East Grand Rapids subject to FCC Regulations and federal law; and

WHEREAS, TCI operates the only existing cable television system within the City of East Grand Rapids, and the City of East Grand Rapids has no actual knowledge of any other multi-channel video programming distributors in the City of East Grand Rapids which approach the "effective competition" standard in the 1992 Cable Act and FCC Regulations; and

WHEREAS, the City of East Grand Rapids has no actual knowledge that the cable television system of TCI within the City of East Grand Rapids is subject to "effective competition" as defined in the 1992 Cable Act and FCC Regulations; and

WHEREAS, the FCC has concluded, based on its survey, that on average the rates of cable television systems not subject to "effective competition" are approximately 10 percent higher than rates of comparable systems subject to "effective competition"; and

WHEREAS, the City of East Grand Rapids intends to regulate the rates of TCI for "basic cable service" and associated equipment in accordance with the 1992 Cable Act and the FCC Regulations and to take all necessary or appropriate action in connection therewith; and

WHEREAS, the City of East Grand Rapids has the legal authority to adopt and the personnel to administer cable television rate regulation; and

WHEREAS, the City of East Grand Rapids believes that TCI's rates for "cable programming service" and associated equipment are unreasonable because they violate the FCC Regulations; and

WHEREAS, the City of East Grand Rapids intends to file a complaint with the FCC concerning the rates of TCI for "cable programming service" and associated equipment.

NOW, THEREFORE, BE IT RESOLVED that the City of East Grand Rapids has no actual knowledge that the cable television system of TCI with the City of East Grand Rapids is subject to "effective competition" as defined in the 1992 Cable Act and FCC Regulations.

BE IT FURTHER RESOLVED that the City Attorney is hereby authorized and directed to file the appropriate certification with the FCC for regulation of rates by the City of East Grand Rapids for the "basic cable service" and associated equipment, and to take all other necessary or appropriate action in connection with such certification.

BE IT FURTHER RESOLVED that with respect to "basic cable service" the City of East Grand Rapids shall, within 120 days of certification by the FCC, adopt and administer regulations that are required by the 1992 Cable Act and the FCC Regulations.

BE IT FURTHER RESOLVED that the City Attorney is hereby authorized and directed, on behalf of the City of East Grand Rapids, to file with the FCC a complaint concerning the rates of TCI for "cable programming service" and associated equipment in effect on June 21, 1993 in accordance with the 1992 Cable Act and FCC Regulations.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6
Nays: -0-

93-331. Consideration of a request to award a two-year weed harvesting contract to Maney's Aquatic Weed Harvesting Corporation, in the amount of \$22,200, for weed harvesting services for Reeds Lake.

93-331-A. Williamson-Edison. That a two-year contract be awarded to to Maney's Aquatic Weed Harvesting Corproation, in the amount of \$22,200, for weed harvesting services for Reeds Lake consisting of four cuttings.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6
Nays: -0-

93-332. Consideration of a request to adopt a resolution setting 15.7849 mills as the proposed maximum millage rate, and setting June 21, 1993 as the Truth-In-Taxation public hearing date.

93-332-A. Edison-Williamson. That the Truth-In-Taxation public hearing be scheduled for Monday, June 21, 1993, at 7:30 p.m., in the City Commission Chambers, and that a resolution setting 15.7849 mills as the proposed maximum millage rate be approved, as follows:

RESOLUTION OF THE CITY COMMISSION

WHEREAS, MSA 7.24(5)(6) requires that a Notice of Public Hearing be published and a hearing be held by the City Commission before an additional millage rate, as defined by state law, can be levied by the City Commission; and

WHEREAS, MSA 7.24(5)(7) requires the City Commission to adopt a resolution establishing a maximum millage rate to be included in the Notice of Public Hearing.

NOW, THEREFORE, BE IT RESOLVED that the City Commission of the City of East Grand Rapids hereby established 15.7849 per \$1,000.00 of valuation as the proposed maximum millage rate, subject to the adoption of a General Fund budget, for the fiscal year July 1, 1993 through June 30, 1994.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6

Nays: -0-

93-333. The minutes of the Traffic Commission meeting of May 21, 1993 were received, with the following amendment:

Memo from William Sterkenburg to Traffic Commission should reflect a time of 2:30 p.m. - 3:00 p.m. to be placed on the "NO STOPPING, STANDING, PARKING" signs, instead of 2 PM - 4 PM.

93-334. Lois Moseley, 1753 Breton SE, was present and expressed her desire that the City Commission consider amending the leaf pickup ordinance to provide for tougher sanctions against violators. Also, on behalf of the GRATA Board, Ms. Moseley thanked the City Commission for its continued support of the raising of the GRATA membership fees.

93-335. Commissioner Frakie inquired as to the status of the Commission's consideration of the ice arena proposal. Mayor Deems advised that the City Commission would review it further at the regular meeting of June 21, 1993.

Commissioner Edison asked whether City staff should be directed to review the submitted information pertaining to the ice arena. Mayor Deems stated that the City's staff recommendations and review of the information received on the matter will be included in the City Commission agenda packets for the June 21, 1993 meeting.

93-336. Williamson-Edison. To enter into executive session to discuss personnel issues in accordance with Section 8(a) of the Open Meetings Act.

A roll call vote was taken.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6

Nays: -0-

93-337. The meeting was adjourned subject to the call of the Mayor until June 21, 1993.

City Clerk

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held June 21, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: None

Also Present: City Manager Allard; Asst. City Attorney Bloom; City Services Director Baragar; Streets and Utilities Superintendent Sterkenburg; Engineering Supervisor Kadzban; Community Service Coordinator Yukon; Building Inspector Turcotte; Public Safety Director Gallagher; Public Safety Director Gallagher; Recreation Director Rhodes; City Assessor Norman; and Controller-Clerk-Treasurer Chase.

93-338. Mayor Deems advised of the following communication received, as follows:

- (a) Letter from a resident thanking PSOs Bolen and Tetzlaff for their prompt assistance on a 911 emergency call.

93-339. The minutes of the regular meeting held June 7, 1993 were received.

93-340. Frakie-Edison. That disbursements to the County and Schools in the amount of \$49.47, payroll disbursements in the amount of \$114,237.47, and total remaining disbursements in the amount of \$131,546.56, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

93-341. Consideration of a request to approve a two-year extension of a sidewalk construction agreement between the City of East Grand Rapids and Ed Zaagman, Jansma Builders and Peiffer Custom Homes, for sidewalk construction on Andover Road.

93-341-A. Edison-Swain. That the request to approve a two-year extension of a sidewalk construction agreement between the City of East Grand Rapids and Ed Zaagman, Jansma Builders and Peiffer Custom Homes, for sidewalk construction on Andover Road, be denied.

Yeas: Edison, Frakie, Mehney, Walton, Williamson and Deems - 6

Nays: Swain - 1

93-342. Consideration of a request to adopt a policy allowing private encroachments within City-controlled public sidewalk right-of-ways for restaurant uses.

93-342-A. Williamson-Edison. That a policy allowing private encroachments within City-controlled public sidewalk right-of-ways for restaurant uses be adopted, as set forth on Exhibit "A" attached hereto.

Yeas: Edison, Frakie, Mehney, Walton, Williamson and Deems - 6

Nays: Swain - 1

93-343. Discussion was held regarding the proposed gifting by a private citizen group of an ice arena to the City of East Grand Rapids, to be located at the Manhattan Recreation Area.

The City Commission expressed their questions and concerns pertaining to certain issues, as follows:

- on- and off-street parking
- capacity of facility and parking lot
- cost of connecting parking lots
- traffic backup on Cascade Road
- closing off Manhattan Road ingress and egress to the arena and using Cascade Road as a sole access route
- repercussions of placing a traffic light at Cascade Road and Morningside
- impact on Manhattan Recreation Area Phase I facility (DNR position on matter)
- impact on Manhattan Recreation Area Phase II facility (DNR position on matter)
- public safety service calls

- profits to be expected
- approval from various state agencies and timetable involved
- number of staff persons required for operation of arena
- use of volunteers in operation of arena

Based upon their respective investigations into certain traffic, safety and operational issues, City Services Director Baragar, Public Safety Director Gallagher and Recreation Director Rhodes submitted reports to the City Commission, and stated the following facts in response to the Commission's questions:

City Services Director Baragar

- Due to lack of available data on the proposed arena, conclusions were based upon data obtained from other local area arenas (i.e. Belknap Arena and Kentwood Arena).
- The existing recreational facility at Manhattan Recreation Area requires on-street parking for certain events. The vehicle traffic is much heavier for these events than what the proposed arena would be.
- Projections on the number of cars that would utilize the arena are based upon the average number of patrons per vehicle provided by the Institute for Traffic Engineers. The average number is 2.4 persons per vehicle.
- The proposed parking lot (consisting of 274 spaces) for the arena would be more than adequate for the facility.
- The maximum capacity for the arena is 800 persons. Should an event at the arena have more than 657 persons in attendance, on-street parking will be required.
- Spillover of vehicles from the arena lot would most likely be on Manhattan Road. There is sufficient on-street parking to handle the overflow on the east side of Manhattan Road between Cascade Road and Reeds Lake Boulevard.
- Manhattan Road is designed to handle a traffic flow of 3,600 cars per hour.
- It is unknown the exact number of times per year the maximum capacity of the arena parking lot would be exceeded. Possibly as many as eight times per year.
- No traffic calculations have been made on overlapping utilization of the recreation area (i.e. open skating overlapping with spring baseball or soccer).
- The cost of closing Manhattan Road ingress/egress, burming along Manhattan Road, and building a road to connect the two parking lots at Manhattan Recreation Area is approximately \$45,000, including lighting and fencing. Schematic drawings for placement of the road are in progress.
- Funnelling traffic from the arena onto Cascade Road would have no impact on the Phase I project as it exists.
- Funnelling traffic to the Recreation Area off of Cascade Road would allow for a backup of only 14 cars, travelling east to west, before reaching the East Beltline intersection.
- The County Road Commission regulates any road changes, such as turn lanes or acceleration lanes. The City needs their permission if it anticipates modifying ingress and egress to the facility from Cascade Road. The time table for this approval may be at least two months.
- A traffic light or traffic officer located at Cascade Road and Morningside during major events at the ice arena would not eliminate traffic backup.

Public Safety Director Gallagher

- The capabilities of Manhattan Road, which is 30-feet-wide, is the same as portions of Breton Road and Lake Drive. It is capable of supporting 1,800 vehicles per lane per hour.
- Potential police calls for service is minimal. Kentwood Arena has had approximately 2-3 calls in the past 18 months, all medical-related calls. Jolly Roger Arena is similar.
- It is not expected that additional Public Safety manpower will be needed due to the building of the ice arena.
- Overtime for Public Safety personnel is expected to be incurred only a few times per year. An officer would be present at the arena for big events, until such time as the Public Safety Department could obtain experience in dealing with the arena.

Recreation Director Rhodes

- In reviewing Belknap Ice Arena's expenses and revenues, it has been verified by the Recreation Department staff, the City Attorney's office and the Grand Rapids Controller's office that Belknap Ice Arena does make a profit.
- In reviewing Kentwood Ice Arena's expenses and revenues, and in discussions with City of Kentwood personnel, the Kentwood Ice Arena is successful due to its newness and the strong volunteer support.
- Some other rinks within the state show losses due to repayment of debt service, depreciation or low rental rates. These rinks are older without state-of-the-art energy saving equipment. These rinks are also in need of major repairs.
- To take the load off of Recreation Department personnel and to keep expenses down, the City will need the strong support of volunteers.
- It is estimated that five full-time staff members will be needed to operate the arena facility. Kentwood Ice Arena runs on 3 full-time employees and 2 part-time employees.
- Establishment of a fund is recommended to collect money to pay for improvements and maintenance. The money consists of ice time fees and charges.
- Any alterations, such as the proposed connecting road, to the Phase I project must be approved by the MDNR.
- The ice arena building would not be located on the land designated for Phase II. The proposed ice arena parking lot would be located on Phase II land.
- If ice arena gift is accepted, the impact on the Phase II grant would be determined by the Department of Natural Resources. The timetable for this determination is unknown.
- If gift is accepted, greenspace would be lost from the Phase II project. The sand volleyball courts, the playground equipment, the exercise area and the gazebo would be unaffected.

Traffic Commission Chair Pree Frakie

- The consensus of the members of the Traffic Commission was that the proposed parking is adequate, although there is a traffic concern with overlapping of events. The Traffic Commission encouraged the City Commission to consider the quality of life in the area.

Recreation Commission

- Depending on the outcome of the Phase I and Phase II grant projects, the Recreation Commission would support the acceptance of the ice arena.

The following communications were received at City Hall from residents expressing their viewpoint on the ice arena proposal. These communications were submitted to the City Commission:

Telephone Calls:

RON BARKER, 1144 Kenesaw SE	In Favor
DAVID HOOKER, 2747 Bonnell SE	In Favor
RUTH DRUMMOND, 1504 Eastlawn SE	Opposed
MARY ORMS, 518 Belvedere SE	Opposed
BEVERLY SLASKI, 1725 Warwick SE	Opposed
SARAH WINTERS, 1857 Lake Drive SE	Opposed
BILL & SYLVIA STOUTEN, 2926 Cascade SE	Opposed
ADRIAN CALLAGHAN, 1857 Lake Drive SE	Opposed
EDWARD BUCK, 308 Manhattan SE	Opposed

Correspondence:

MARY LOCKWOOD, 1102 Lake Grove SE	In Favor
DAVID DEVROU, 1563 Woodlawn Avenue SE	In Favor
CINDY VANGELDEREN, 2904 Pioneer Club Road SE	In Favor
DAVID S. HOOKER, 618 Kenmoor SE	In Favor
MICHAEL & VIRGINIA NASH, 1648 Fisk SE	In Favor

KIRK AGERSON, 835 Cambridge SE	In Favor
TIMOTHY J. CURTIN, 448 Cambridge SE	Opposed
NORMAN KELLER, 439 Manhattan SE	Opposed
JOHN QUICK, 619 Manhattan SE	Opposed
BARBARA KELLER, 439 Manhattan SE	Opposed
JOHN LEVINGS, 864 Bellclaire SE	Opposed
EILEEN BROWN, 361 Manhattan SE	Opposed
OTTO WIERENGA, 2915 Pioneer Club SE	Opposed
WILLIAM AZKOUL, 3055 Manhattan SE	Opposed
THOMAS SCHRIEFER, 600 Manhattan SE	Opposed

Commissioner Walton requested that, due to his absence during the month of July, the City Commission hold off voting on the ice arena proposal until the first meeting in August. Mayor Deems advised that the City Commissioners should contact the department heads directly for answers to questions they may have.

Commissioner Walton asked Mr. Michael Sebastian, spokesperson for the donor group, if the group would extend their deadline condition for the gift until the first week in August. Mr. Sebastian stated that he would advise the donor group of this request. Commissioner asked Asst. City Attorney Bloom if there was any procedure currently available for him to vote, other than being physically present. Asst. City Attorney Bloom advised that there was no provision for absentee voting.

93-344. Consideration of a request to accept the development grant for Manhattan Recreation Area - Phase II from the National Parks Service and the Department of Natural Resources in the amount of \$262,000, to be split 50/50 between the City of East Grand Rapids and the Land and Water Conservation Fund.

93-344-A. Williamson-Mehney. That the request to accept the development grant for Manhattan Recreation Area - Phase II from the National Parks Service and the Department of Natural Resources in the amount of \$262,000, to be split 50/50 between the City of East Grand Rapids and the Land and Water Conservation Fund, be approved.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6
Nays: Frakie - 1

93-345. Consideration of a request to adopt procedures for joint facilities capital projects, and that a transfer to the East Grand Rapids Public Schools be authorized for \$30,000, the FY 1993 budget for joint projects.

93-345-A. Edison-Williamson. That the request to adopt procedures for joint facilities capital projects be approved, as set forth on Exhibit "B" attached hereto.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7
Nays: -0-

93-345-B. Edison-Walton. Motion to transfer \$30,000 to the East Grand Rapids Public Schols for FY 93 joint facilities capital projects, including ADA-related improvement expenditures.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7
Nays: -0-

93-345-C. Edison-Swain. Motion to authorize a bid award to Twin Lakes Nursery, the second low bidder, in the amount of \$52,219.37, for Phase I and Phase II playground improvements at Breton Elementary School.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7
Nays: -0-

93-346. A Truth-In-Taxation public hearing was held.

Mr. Geoff Hughes, 260 Hodenpyl SE, was present and inquired if the City Commission would oppose a cap being placed on property taxes. The City Commission advised that they took no position on the matter at this time.

93-347. A public hearing was held pertaining to the General Fund budget for fiscal year 1993-94. No public comment was made.

93-348. Consideration of a request to ratify the labor agreement between the City of East Grand Rapids and AFSCME Local No. 1645 (City Services union).

93-348-A. Williamson-Edison. That the labor agreement between the City of East Grand Rapids and AFSCME Local No. 1645 (City Services union) be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

93-349. Information concerning the Neighborhood Watch program was received. Mayor Deems commended all persons involved, especially Christine Cameron for her efforts in making this program so successful.

93-350. Consideration of a request to approve the FY 1993-94 committee appointment list.

93-350-A. Williamson-Edison. That the committee appointment list for FY 1993-94 be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

93-351. Election of President of City Commission for FY 1993-94.

93-351-A. Mehney-Walton. Motion to approve the appointment of Kent Williamson as President of the City Commission.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

93-352. The schedule of City Commission meeting dates for FY 1993-94 was received.

93-353. The Planning Commission minutes for the meeting held June 8, 1993 were received.

93-354. The Building Inspection Report for the month of May, 1993 was received.

93-355. The following persons were present and expressed their opposition to the seal coating project being conducted on Idema Drive SE:

Keith Boonstra, 1104 Idema Drive SE
Margaret Audretsch, 1059 Idema Drive SE
Steven Williams, 1038 Wren SE
Nick Scoville, 1059 Idema Drive SE
James Kipp, 1098 Idema Drive SE

93-355-A. Frakie-Walton. Motion to add the Idema Drive seal coating project to the agenda.

Yeas: Edison, Frakie, Mehney and Walton - 4

Nays: Swain, Williamson and Deems - 3

93-355-B. Edison-Williamson. Motion to continue the seal coating project on Idema Drive SE, as originally approved by the City Commission.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

93-356. The following persons were present and expressed their concerns pertaining to the ice arena proposal:

Thomas Schriefer, 600 Manhattan SE
Michael Sebastian, 1910 El Dorado SE
Bettie Hammelef, 159 El Centro SE
Jack Busch, 639 Manhattan SE
Sandra Quick, 619 Manhattan SE
Cynthia Bartman, 2817 Reeds Lake Boulevard SE

Mayor Deems stated that any additional comments concerning the ice arena should be made in writing and forwarded to City Hall for consideration by the City Commission.

93-357. The City Commission stated their appreciation for the nine years of dedicated service to the City by City Manager Tim Allard, and wished him the best of luck in his future endeavors.

The City Commission expressed their best wishes for Chris Cameron upon her move to Petoskey, Michigan.

Commissioner Walton asked the City Commission to try to postpone its vote on the ice arena proposal until the first

meeting in August, due to his absence from the country during the month of July.

93-358. There was a recess of the regular City Commission meeting to conduct a FY 1993-94 budget work session.

93-359. The meeting was reconvened after the budget work session.

93-360. Walton-Frskie. Motion to add to the agenda the final reading of an ordinance to amend Sections 2.83 and 2.83-1 of Chapter 24 of Title II of the Code of the City of East Grand Rapids, as set forth on Exhibit "C" attached hereto.

Yeas: Edison, Frskie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-361. Final reading of an ordinance to amend Sections 2.83 and 2.83-1 of Chapter 24 of Title II of the Code of the City of East Grand Rapids.

92-361-A. Walton-Frskie. That an ordinance amending Sections 2.83 and 2.83-1 of Chapter 24 of Title II of the Code of the City of East Grand Rapids, be approved as set forth on Exhibit "C" attached hereto.

Yeas: Edison, Frskie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-362. The meeting was adjourned subject to the call of the Mayor until July 6, 1993.

City Clerk

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held July 6, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Williamson and Mayor Deems

Absent: Com. Walton

Also Present: City Attorney Huff; City Services Director Baragar; Streets and Utilities Superintendent Sterkenburg; Community Service Coordinator Yukon; Building Inspector Turcotte; Recreation Director Rhodes; and Controller-Clerk-Treasurer Chase.

94-1. The minutes of the regular meeting held June 21, 1993 were received with the following amendments:

93-341-A vote to read as follows:

Yeas: Edison, Swain, Mehney, Walton, Williamson and Deems - 6

Nays: Frakie - 1

93-351-A vote to read as follows:

Yeas: Edison, Frakie, Mehney, Swain, Walton and Deems - 6

Nays: -0-

Abstain: Williamson - 1

The minutes of the special meeting held June 21, 1993 were received as submitted.

94-2. Mayor Deems advised of the following communication received, as follows:

(a) Letter from Jean DeVries, 2552 Hall Street SE, thanking PSOs Jerry Bolen and Bill Tetzlaff for their professional care and assistance on a 911 emergency call to her home.

94-3. Swain-Edison. That payroll disbursements in the amount of \$150,899.27 and total remaining disbursements in the amount of \$259,350.51, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6

Nays: -0-

94-4. Presentation by Attorney Arthur Spalding, on behalf of James and David VerMeulen, Betsy VanderMeer and Dee Cook, regarding the regulation of hours for Reeds Lake Boulevard.

Attorney Spalding stated that presently a gate on Reeds Lake Boulevard is locked twenty-four hours a day between December and April, and between the hours of 11:00 p.m. and 6:00 a.m. the remainder of the year. He requested that the City Commission authorize removal of the gate, or take some other alternative action, as to ensure that his clients may enjoy uninterrupted access to their property located on the shore of Reeds Lake.

Commissioner Frakie requested that the City Attorney provide legal justification for the initial road closing. In addition, he requested that City staff prepare a property tax history of this parcel to determine whether or not its limited access affects the assessed value.

Mayor Deems advised that this matter would be considered by the City Commission at its July 19, 1993 meeting.

94-5. Consideration of a request to accept a gift by a private citizen group of an ice arena to the City of East Grand Rapids, to be located at the Manhattan Recreation Area.

94-5-A. Frakie-Edison. Motion to open the meeting for public comment pertaining to the ice arena issue.

Yeas: Edison, Frakie, Mehney, Williamson and Deems - 5

Nays: Swain - 1

The following persons were present and expressed their views on the ice arena proposal:

Steve Jenette, 2247 Audobon SE

In Support

Robert Sawdey, 2630 Oakwood SE	Opposed
Susan Kulen, 405 Manhattan SE	Opposed
Jack Witt, 2656 Berwyck SE	In Support
Richard Morris, 908 Santa Barabara SE	In Support
Joanne Nicola, 324 Arlington SE	Opposed
Kathryn Rabideau, 265 Manhattan SE	Opposed
Jon Levings, 864 Bellclaire SE	Opposed
Cynthia Bartman, 2817 Reeds Lake Blvd.	Opposed
Barbara Keller, 429 Manhattan SE	Opposed
Julie Goebel, 1050 Keneberry Way SE	In Support
Geoff Hughes, 260 Hodenpyl SE	Opposed
Martha Schmidt, 138 Morningside, GR	Opposed

The public hearing was closed.

The following communications pertaining to the ice arena proposal were received at City Hall, as follows:

Telephone Calls:

Douglas & Helen Ruoff, 2717 Hall Street SE	Opposed
Roger & Joann Sider, 851 Cambridge SE	Opposed
Christine Marshall, 535 Manhattan SE	Opposed
Bill Doyle, 539 Manhattan SE	Opposed

Correspondence:

Al and Kellie Mracna, 1637 Pontiac SE	Opposed
Robert C. Fonger, 2935 Pioneer Club Road SE	Suggestions
Willard & Joan Wolfe, 2127 Durant SE	Opposed
Gordon L. Bordewyk, 1614 Alexander SE	Opposed
Cindy VanGelderren, 2904 Pioneer Club Road SE	In Support
Irma & Barton Hogarth, 2860 Lake Drive SE	Opposed
Kathleen Rautiola, 2940 Pioneer Club Road SE	In Support
Steven Jenette, 2247 Audobon SE	In Favor
Linda Jenette, 2247 Audobon SE	In Favor
John H. Busch, 638 Manhattan Road SE	Opposed
Petition signed by 18 residents	Opposed

94-5-B. Williamson-Edison. Motion to adopt a resolution accepting the gift of the ice arena, as follows:

RESOLUTION

WHEREAS the City of East Grand Rapids has been approached by a group of individuals who wish to offer the City and its citizens a gift of a full-size ice arena with a value of approximately \$1.4 million; and

WHEREAS the City has held public hearings regarding the acceptance of this gift and has had the impact of the gift on the City analyzed by City staff and various City boards and commissions; and

WHEREAS the City has an established recreational area known as the Manhattan Recreation Area and the proposal is to construct the ice arena at this area to complement other existing recreational facilities; and

WHEREAS the ice arena will provide skating opportunities for the community for hockey, figure skating, speed skating, and recreational skating.

NOW THEREFORE, BE IT RESOLVED that the City hereby accepts the gift of an ice arena subject to the following conditions:

1. The final design plans must be submitted and approved by the City Commission before construction commences.
2. All construction must be performed in accordance with the East Grand Rapids building code and subject to the inspection and approval of the building inspector.
3. All documents involved in the financing of the construction shall be presented to the City for its review and approval. The documents must show that all liability for construction, including adequate contingencies, will be borne by parties other than the City. There shall be no security of any City property, including the site of the rink,

provided to the financing institution.

4. A certificate of insurance must be presented to the City indicating that liability insurance and builders risk insurance is in force during the construction period.

5. An area will be designated by the City for the construction of the ice arena at the Manhattan Recreation Area. During the period of construction, responsibility for the security of this area shall be with the individuals making the gift and subject to the insurance. The use of this area and all surrounding land will be subject to the control of the City Recreation Director and the City Services Director so that disruptions to the use of the remainder of the Manhattan Recreation Area will be minimized.

6. An advisory board will be established to provide input and oversight for the operation of the ice arena. This board will consist of nine members. The City Recreation Director, East Grand Rapids Public School Athletic Director, and the Forest Hills Public School Athletic Director shall be a member of this advisory board. In addition, the Mayor shall appoint three members at large from residents of the City of East Grand Rapids (at least one shall live on the north side of Reeds Lake) and three members at large from residents of the area serviced by the Forest Hills Public Schools.

7. Any surplus revenues, after covering the expenses of all operating costs, including any deficiencies from prior years, and the funding of adequate reserves for operation, overhead and repairs and arena improvements shall be distributed one-third to the Recreation Department of the City of East Grand Rapids, and one-third each to the East Grand Rapids Public Schools and the Forest Hills Public Schools to be used for athletic facilities construction and improvements.

94-5-C. Frakie-Swain. Motion to table the matter to allow for further review by the City Commission and the return of Commissioner Walton from vacation.

A roll call vote was taken.

Yeas: Frakie and Swain - 2

Nays: Edison, Mehney, Williamson and Deems - 4

94-5-D. Edison-Mehney. To amend the resolution cited in 94-5-B modifying paragraph 7 to read as follows:

Any unreserved fund balance, after covering the expenses of all operating costs, including any deficiencies from prior years, and the funding of any reserves for operation, overhead and repairs and arena improvements shall be divided into quarters with one-quarter remaining in the fund balance, one-quarter being distributed to the Recreation Department of the City of East Grand Rapids, and one-quarter each being distributed to the East Grand Rapids Public Schools and to the Forest Hills Public Schools to be used for athletic facilities construction and improvements.

A roll call vote was taken.

Yeas: Edison, Mehney, Williamson and Deems - 4

Nays: Frakie and Swain - 2

94-5-E. Edison-Williamson. To amend the resolution cited in 94-5-B modifying paragraph 1 to read as follows:

The final design plans must be submitted to and approved by the City Commission before construction commences.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6

Nays: -0-

94-5-F. Edison-Mehney. To amend the resolution cited in 94-5-B to add paragraphs 8 and 9 to read as follows:

The arena will be established within the City as an enterprise fund.

A full-time professional rink manager with experience will be hired who would have responsibility over all operations.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6

Nays: -0-

94-5-G. Edison-Williamson. To amend the resolution cited in 94-5-B to add a paragraph 10 to read as follows:

Debt service payments are to occur only after other operating expenses have been covered.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6

Nays: -0-

94-5-H. Edison-Swain. To amend the resolution cited in 94-5-B to add a paragraph 11 to read as follows:

Startup costs means all costs incurred in the initial construction of the facility, including road construction, legal fees, additional tree planting, burming, etc., and shall be included as operating costs in calculation of the unreserved fund balance.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6

Nays: -0-

94-5-I. Edison-Swain. To amend the resolution cited in 94-5-B to add a paragraph 12 to read as follows:

Any Phase II grant money not received because of the construction of the arena, except for funds not received due to the removal of the outside skating area from the project, will be included as an operating cost of the ice facility.

A roll call vote was taken.

Yeas: Edison, Frakie and Swain - 3

Nays: Williamson and Deems - 2

Abstain: Mehney - 1

Vote on motion 94-5-B, as amended, to adopt the resolution set forth on Exhibit "A" attached hereto.

A roll call vote was taken.

Yeas: Edison, Williamson and Deems - 3

Nays: Frakie and Swain - 2

Abstain: Mehney - 1

94-6. The minutes of the Recreation Commission meeting held June 14, 1993 were received.

94-7. The minutes of the Traffic Commission meeting held June 18, 1993 were received.

94-8. Williamson-Frakie. Motion to add to the agenda a request to ratify a change order for the Briarwood Avenue reconfiguration project.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6

Nays: -0-

94-8-A. Edison-Williamson. That a change order, in the amount of \$19,000 for the cost of the Briarwood Avenue reconfiguration project, be ratified.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6

Nays: -0-

94-9. Commissioner Edison and Mayor Deems commended City staff for their efforts in providing successful Fourth of July events to the citizens.

Commissioner Frakie requested that a copy of the letter sent to Steve Williams pertaining to the Idema Drive seal coating project be provided to him.

Commissioner Edison asked questions regarding the City's operating procedures during the time when the City Manager and Controller-Clerk-Treasurer positions are vacant.

94-10. The meeting was adjourned subject to the call of the Mayor until July 19, 1993.

City Clerk

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held July 19, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Williamson and Mayor Deems

Absent: Com. Walton

Also Present: City Attorney Huff; City Services Director Baragar; Streets and Utilities Superintendent Sterkenburg; Community Service Coordinator Yukon; Recreation Director Rhodes; Public Safety Director Gallagher; and City Assessor Norman.

94-11. The minutes of the regular meeting held July 6, 1993 were received with the following amendment:

Action 94-5-F language to read as follows:

The arena will be established within the City as an enterprise fund.

A full-time professional rink manager with experience will be hired who would have responsibility over all operations.

94-12. Mayor Deems advised of the following communication received, as follows:

- (a) Letter from the Grand Rapids Charter Township Fire Department thanking Deputy Chief Ditmar, Lts. Radakovitz and Bowman, Sgts. Salois and Williams, and PSOs Edington, Mull, Parker, VanPopering and Paxson for their professional care and assistance at the fire that occurred at 3440 Reeds Lake Boulevard.

94-13. Edison-Frakie. That payroll disbursements in the amount of \$172,188.87 and total remaining disbursements in the amount of \$150,393.56, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6

Nays: -0-

94-14. A zoning variance hearing was held to consider the request of Robert and Carol Pyka, 1611 Alexander SE, to allow the construction of an attached 18'x 23' garage at the northwest corner of their home, with the southwest corner of the garage located 1'-6" from the west property line rather than the required 10'-0".

Robert Pyka was present and spoke in favor of the variance.

Thomas Steers, 1601 Alexander SE, was also present and expressed his opposition to the variance request. He stated his belief that the construction would be a fire hazard, in addition to hindering the resale of his home. Mr. Steers presented correspondence, authored by him and his wife, and photographs to support his position.

94-14-A. Frakie-Williamson. That the zoning variance request of Robert and Carol Pyka, 1611 Alexander SE, to allow the construction of an attached 18'x 23' garage at the northwest corner of their home, with the southwest corner of the garage located 1'-6" from the west property line rather than the required 10'-0", be denied.

Yeas: Frakie, Mehney, Williamson and Deems - 4

Nays: Edison and Swain - 2

94-15. A zoning variance hearing was held to consider the request of Dr. and Mrs. Donald Heggen, 551 Belvedere SE, to allow construction of a detached garage 13'-4" in height, rather than the maximum allowable height of 12'-0", and to allow construction of a privacy wall 6'8" in height along the north property line, rather than the maximum allowable height of 6'0".

Dr. Donald Heggen was present and spoke in favor of the variance request. Edward Bolt, architect for the Heggens, presented the proposed plan to the City Commission pertaining to the variance request.

Mr. Bolt also stated his disagreement with the City's interpretation of Section 5.83 of the City Code. He requested that the City Commission review the code language and provide further clarification. The Mayor noted that the interpretation of the code was not before the Board of Zoning Appeals at this time.

Howard Frisbee, 563 Belvedere SE, was present and expressed his opposition to the variance request. William Hubble, 2032 Lake Pointe Drive SE, also expressed his opposition to the requested variance as it pertained to the construction of a garage, but was not opposed to the variance request for a privacy wall. Mr. Hubble presented photographs to the City Commission in support of his position.

The City Commission inquired as to whether plans had been considered for an alternative design to the garage roof. Mr. Bolt presented the alternative plans but expressed that these plans were not the best alternatives, in his opinion.

94-15-A.Swain-_____. That the request of Dr. and Mrs. Donald Heggen, 551 Belvedere SE, to allow construction of a detached garage 13'-4" in height, rather than the maximum allowable height of 12'-0", and to allow construction of a privacy wall 6'8" in height along the north property line, rather than the maximum allowable height of 6'0", be denied.

Motion failed due to lack of a second.

94-15-B.Edison-Williamson. Motion to approve the request to allow construction of a privacy wall 6'8" in height along the north property line, rather than the maximum allowable height of 6'0".

Yeas: Edison, Mehney, Williamson and Deems - 4
Nays: Swain - 1
Abstain: Frakie - 1

94-15-C.Edison-Swain. Motion to deny the request to allow construction of a detached garage 13'-4" in height, rather than the maximum allowable height of 12'-0".

Yeas: Edison, Mehney, Swain and Deems - 4
Nays: Williamson - 1
Abstain: Frakie - 1

94-16. Consideration of a request by James and David VerMeulen, Betsy VanderMeer and Dee Cook, owners of property located on the south arm of Reeds Lake Boulevard, to remove gates located at the east and west ends of the road to allow for uninterrupted access to their property on Reeds Lake.

The following persons were present and spoke in opposition to the request:

Dr. Alfred Swanson, 2945 Bonnell SE
Edgar Orr, 2951 Bonnell SE
Donald Buske, 3055 Mary Avenue SE
William Malpass, 2929 Bonnell SE
Dr. Erwin Clahassey, 3037 Mary Avenue SE
Robert Stokes, 2905 Bonnell SE
Patricia Stokes, 2905 Bonnell SE

Attorney Arthur Spalding was present on behalf of his clients, James and David VerMeulen, Betsy VanderMeer and Dee Cook. He reiterated his clients' request that the City Commission authorize removal of the gates located on the south arm of Reeds Lake Boulevard at the east and west ends, or take some other alternative action as to ensure that his clients may enjoy uninterrupted access to their property located on the shore of Reeds Lake. Mr. Spalding stated that if the City does not take action that would allow full utilization of his client's lakefront property year-round, then his clients are entitled to compensation from the City for the reduced usage of their property. Mr. Spalding advised that his clients are willing to explore other options with the City and come to a feasible alternative.

94-16-A.Frakie-_____. Motion to table request until the matter can be reviewed by the Infrastructure Committee so they can make a recommendation to the City Commission.

Motion failed due to lack of a second.

Further discussion was held by the City Commission on the matter.

94-16-B.Frakie-Mehney. Motion to refer the matter to the Infrastructure Committee to explore alternatives and to propose an alternative which would be the least offensive to all the residents in the area.

Yeas: Edison, Frakie, Mehney and Deems - 4
Nays: Swain and Williamson - 2

94-17. Consideration of a request to approve a contract renewal with Kent County for animal control services for fiscal year 1993-94.

94-17-A. Williamson-Edison. That a contract renewal with Kent County for animal control services for fiscal year 1994-94 be approved.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6

Nays: -0-

94-18. Introduction of an ordinance amending Chapter 24A of Title II of the Code of the City of East Grand Rapids pertaining to industrial wastewater control.

94-18-A. Williamson-Edison. That an ordinance amending Chapter 24A of Title II of the Code of the City of East Grand Rapids pertaining to industrial wastewater control be introduced, as set forth on Exhibit "A" attached hereto. [This document on file for review at East Grand Rapids City Hall, 750 Lakeside Drive SE, East Grand Rapids, Michigan.]

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6

Nays: -0-

94-19. Consideration of a request to approve a three-year contract with The Grand Rapids Press for the publication of the City's legal notices.

94-19-A. Mehney-Swain. That a three-year contract be awarded to The Grand Rapids Press for the publication of the City's legal notices.

Yeas: Edison, Frakie, Mehney, Swain and Deems - 5

Nays: Williamson - 1

94-20. Consideration of a request to adopt a resolution requesting assistance of Kent County to issue water and sewer improvement bonds pursuant to P.A. 185, and to authorize a deposit payment to Kent County in the amount of \$30,000.

94-20-A. Edison-Frakie. That a resolution requesting assistance of Kent County to issue water and sewer improvement bonds pursuant to P.A. 185, and to authorize a deposit payment to Kent County in the amount of \$30,000, be adopted as set forth on Exhibit "B" attached hereto.

A roll call vote was taken.

Yeas: Edison, Frakie and Swain - 3

Nays: Mehney, Williamson and Deems - 3

Motion fails.

94-21. Consideration of a request to appoint City staff members in acting capacities for City Manager, Assistant City Manager, Clerk and Treasurer.

94-21-A. Williamson-Edison. Motion to make the following appointments of City staff members:

Peter Gallagher	Acting City Manager
Shirley Norman	Acting Assistant City Manager
Marilou Chambers	Acting City Treasurer
Sally Bode	Acting City Clerk

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6

Nays: -0-

94-22. Recommendation to approve the Gaslight Village Merchants Association garage sale to take place on August 21, 1993, from 8:00 a.m. to 5:00 p.m., on Wealthy Street, and to authorize this function as a Recreation Department function.

94-22-A. Edison-Mehney. That the Gaslight Village Merchants Association garage sale be approved, and that this event be authorized as a Recreation Department function.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6

Nays: -0-

94-23. Consideration of a request to authorize a bid award to Berger Chevrolet, the low bidder, in the amount of

\$41,094, for the purchase of three replacement patrol vehicles in the Public Safety Department.

94-23-A. Williamson-Edison. That a bid be awarded to Berger Chevrolet, the low bidder, in the amount of \$41,094, for the purchase of three replacement patrol vehicles in the Public Safety Department.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6
Nays: -0-

94-24. Consideration of a request to designate a City official to attend the Michigan Municipal League annual meeting in Marquette, Michigan, on September 9-11, 1993, to cast a vote for the City.

94-24-A. Williamson-Swain. Motion to appoint Recreation Director Bill Rhodes as the City's voting delegate for purposes of casting the City's vote at the Michigan Municipal League's annual business meeting.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6
Nays: -0-

94-25. Consideration of a request to award a two-year contract to Allstate Chemical, the low bidder, in the amount of \$60,000, for custodial services for certain City-owned buildings and two school pool facilities.

Mr. Lloyd Ford, of Grand Rapids Building Services, was present and expressed his concerns over the contract award to Allstate Chemical. He advised that his company provides services for the City of Grand Rapids and various other business entities in the area, and that Grand Rapids Building Services could perform excellent custodial services for East Grand Rapids as well.

94-25-A. Swain-Edison. That a two-year contract be awarded to Allstate Chemical, the low bidder, in the amount of \$60,000, for custodial services for certain City-owned buildings and two school pool facilities.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6
Nays: -0-

94-26. The minutes of the Library Commission meeting held May 18, 1993 were received.

94-27. The Building Inspection Report for the month of June, 1993 was received.

94-28. The Public Safety Report for the month of June, 1993 was received.

94-29. Commissioners Swain and Edison recognized the significant contribution made by former Controller-Clerk-Treasurer Thomas Chase in his tenure with the City.

Commissioner Edison expressed his satisfaction with the "beat cop" program in place through the Public Safety Department. He stated that he felt this program will enhance good will between children and police officers, and benefit the community.

Commissioner Edison advised that he, Recreation Director Bill Rhodes and the architect for the donor group of the ice arena met with the grant reviewers for the state and federal government in Lansing. He also advised that the resolution pertaining to this matter which was adopted by the City Commission will need to be modified to satisfy requirements for the Manhattan Phase II grant. The state had advised Commissioner Edison that the grant would be subject to another public hearing. In that light, the Recreation Commission would need to hold a public hearing in terms of the Manhattan Phase II project.

Commissioner Frakie advised that he had received phone calls and comments pertaining to the ice arena site plan. He inquired as to how residents would have access to the site plan, and whether the ice arena issue will be referred to the Planning Commission or come back to the City Commission for consideration. Mayor Deems advised that it was planned that the City Commission would review the site plan, unless the City Commission decided to refer it to the Planning Commission. Mayor Deems stated that the residents in the area would be noticed of the City Commission's consideration of the site plan, and the plan would be available at City Hall for their examination.

94-30. The meeting was adjourned subject to the call of the Mayor until August 2, 1993.

City Clerk

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held August 2, 1993

The meeting was called to order by Commission President Williamson.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Mayor Deems

Absent: None

Also Present: City Attorney Huff; Engineering Supervisor Kadzban; Streets and Utilities Superintendent Sterkenburg; Community Service Coordinator Yukon; Recreation Director Rhodes; City Assessor Norman; and Public Safety Director Gallagher.

94-31. The minutes of the regular meeting held July 19, 1993 were received.

94-32. Commissioner Williamson introduced the two replacement news reporters for the City, as follows:

- Monica Scott for The Grand Rapids Press, to replace Roland Wilkerson who will be reporting on the Grand Rapids Public Schools.
- Kristin Bakker for The Cadence, to replace Jenny Griffes who will be moving to Illinois.

94-33. Frakie-Edison. That disbursements to the County and Schools in the amount of \$563,238.11, payroll disbursements in the amount of \$125,837.18, and total remaining disbursements in the amount of \$277,604.73, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain, Walton and
Williamson - 6

Nays: -0-

94-34. A zoning variance hearing was held to consider the request of Peter K. Malaney, 2656 Elmwood Drive SE, to construct a two-stall garage 6'-2" from the west property line, rather than the necessary 10'-5" as required in the Code.

Peter Malaney was present and spoke in favor of the variance request. No other public comment was offered.

94-34-A. Walton-Edison. That the zoning variance request of Peter K. Malaney, 2656 Elmwood Drive SE, to construct a two-stall garage 6'-2" from the west property line, rather than the necessary 10'-5", be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton and
Williamson - 6

Nays: -0-

94-35. Consideration of a request to approve a bid award to All Graphics Corporation, the low bidder, in the amount of \$3,003.20, for the purchase of fall soccer T-shirts.

94-35-A. Edison-Swain. That a bid award to All Graphics Corporation, the low bidder, in the amount of \$3,003.20, for the purchase of fall soccer T-shirts, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton and
Williamson - 6

Nays: -0-

94-36. Consideration of a request to approve a one-year contract extension with BDO-Seidman for auditing services for fiscal year 1993-94, at a cost of \$15,950.

94-36-A. Edison-Walton. That a one-year contract extension with BDO-Seidman for auditing services for fiscal year 1993-94, at a cost of \$15,950, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton and
Williamson - 6

Nays: -0-

Mayor Deems arrived.

94-37. Consideration of a request to award purchase orders to Gateway Computers of North Sioux City, South Dakota, the low bidder, in the amount of \$4,780 for the purchase of two computers, and Midwest-Micro Computers of Fletcher, Ohio, the low bidder, for the purchase of one printer, and to authorize a budget transfer from the FY 94 contingency account to the capital expenditure accounts of the Assessor and City Services Departments in the sum of \$5,757 to cover the cost of this equipment.

94-37-A. Edison-Swain. That purchase orders be awarded to Gateway Computers of North Sioux City, South Dakota, the low bidder, in the amount of \$4,780 for the purchase of two computers, and Midwest-Micro Computers of Fletcher, Ohio, the low bidder, for the purchase of one printer, and that a budget transfer be made from the FY 94 contingency account to the capital expenditure accounts of the Assessor and City Services Departments in the sum of \$5,757.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6

Nays: Walton - 1

94-38. Introduction of an ordinance amendment to Section 5.172 of Chapter 50 of Title V of the Code of the City of East Grand Rapids pertaining to variance procedures.

The City Commission discussed their views and suggested that the Planning Commission review the amendment and possibly incorporate a waiting period of approximately one year before a matter can be reconsidered by the City Commission.

94-38-A. Williamson-Swain. That an ordinance amending Section 5.172 of Chapter 50 of Title V of the Code of the City of East Grand Rapids introduced, as follows:

AN ORDINANCE TO AMEND SECTION 5.172
OF CHAPTER 50 OF TITLE V
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 5.172 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended by adding a new subsection F thereto to read as follows:

No application for a variance which has been denied wholly or in part by the Board shall be resubmitted except upon proof of changed conditions satisfactory to the Director of City Services or the Director's designee.

Section 2. This Ordinance shall be effective _____, 1993.

Section 3. This Ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

Yeas: Frakie, Mehney, Swain, Walton, Williamson and Deems - 6

Nays: Edison - 1

94-39. Final reading of an ordinance amending Chapter 24A of Title II of the Code of the City of East Grand Rapids pertaining to industrial wastewater control.

94-39-A. Williamson-Frakie. That an ordinance amending Chapter 24A of Title II of the Code of the City of East Grand Rapids pertaining to industrial wastewater control be adopted, as set forth on Exhibit "A" attached hereto, with an effective date of August 13, 1993.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

94-40. Consideration of a request to adopt a resolution approving an amendment to the Grand Valley Metropolitan Council Articles of Incorporation which adds the Village of Sparta as a participating local government unit.

94-40-A. Mehney-Williamson. That a resolution approving an amendment to the Grand Valley Metropolitan Council Articles of Incorporation which adds the Village of Sparta as a participating local government unit, be adopted as follows:

RESOLUTION

WHEREAS, on May 6, 1993, the Grand Valley Metropolitan Council adopted an amendment in its Articles of Incorporation to add the Village of Sparta as a participating local government unit; and

WHEREAS, under Section 9 of the Metropolitan Council Act, each participating local government unit in the Council must vote in favor of any amendment in the Articles of Incorporation in order for the amendment to take effect.

NOW, THEREFORE, BE IT RESOLVED that the City of East Grand Rapids approves of an amendment to the Grand Valley Metropolitan Council Articles of Incorporation which adds the Village of Sparta as a participating local governmental unit in Metro Council.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

94-41. Consideration of a request to appoint Acting City Manager Peter Gallagher as the City's officer delegate at the MERS annual business meeting of September 28 and 29, 1993, and that Recreation Director Bill Rhodes be appointed as an alternate delegate.

94-41-A. Williamson-Edison. Motion to appoint Acting City Manager Peter Gallagher as the City's officer delegate at the MERS annual business meeting of September 28 and 29, 1993, and that Recreation Director Bill Rhodes be appointed as an alternate delegate.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

94-42. Public Safety Director Peter Gallagher presented information pertaining to National Night Out.

94-43. The Public Safety Activity Report for the first six months of 1993 was received.

94-44. The following residents were present to state their views and ask questions pertaining to the proposed ice arena gift to the City.

Kathleen Irving, 936 San Lucia SE	In Favor
Dale Robart II, 2527 Lake Drive SE	Opposed
Alice Bickley, 720 Plymouth SE	Opposed
Stuart Thrall, 2809 Elmwood SE	Opposed

Those residents in opposition expressed their concerns with the financial condition of the City and Schools and stated their opinions that an ice arena would not be feasible.

Mayor Deems advised that differences of opinion exist regarding the financial feasibility of the ice arena, and this would be considered in the future. Commissioner Mehney advised that some area ice arenas were profitable and showed a positive cash flow.

94-45. Commissioner Frakie welcomed Commissioner Walton back from his trip to France during the month of July.

Commissioner Edison expressed his sorrow at the death of Representative Paul Henry. He stated that his passing is a great loss to all of us.

Commissioner Edison also inquired as to the status of the ice arena matter and the water/sewer bond matter, and asked when these issues would be put on the agenda. Mayor Deems advised that the City was waiting for more information from the donors and the Michigan Department of Natural Resources before it would consider the ice arena proposal again. He also advised that discussion of the water/sewer bond issue would be placed on the August 16, 1993 City Commission agenda.

Commissioner Edison thanked City staff for the excellent job they did in the reconstruction of his street. He felt it was done in a timely manner with little obstruction to residents.

Commissioners Mehney and Frakie stated their dissatisfaction with the seal coating done on Idema Drive. They felt that it was not a quality surface for the residents.

Commissioner Swain advised that the seal coating process was multi-faceted, but in all it was a good process. He considers it to be long lasting and a durable surface.

Mayor Deems welcomed back Commissioner Walton from his vacation. He also expressed his sadness at the passing of Representative Paul Henry. He expressed his feelings that Paul was a valued public servant.

Mayor Deems also advised on the status of the search for a City Manager. He stated that a meeting would be held on Friday morning at 8:30 a.m. for the City Commission to review the resumes of candidates.

Mayor Deems thanked Public Safety Director Gallagher and PSO Bolen for their assistance at his home during a medical emergency. He also advised of the following communications received:

- (a) Memorandum commending PSO Charles Lark for his assistance in the arrest of a subject and the seizure of the subject's handgun.
- (b) Correspondence from Mr. and Mrs. Marinos, 2449 Normandy SE, stating their appreciation of Sgt. Williams and PSO Marty Donker in assisting them when they were experiencing car trouble.

94-46. The meeting was adjourned subject to the call of the Mayor until August 16, 1993.

City Clerk

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held August 16, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Mayor Deems

Absent: None

Also Present: City Attorney Huff; Acting City Manager Gallagher; Deputy Chief Ditmar; Engineering Supervisor Kadzban; Community Service Coordinator Yukon; Building Inspector Turcotte; Recreation Director Rhodes; Recreation Supervisor Bunn; Acting City Treasurer Chambers; Office Administrator Kruse; Sgt. Ellis; PSO Pullen; and PSO ROSS.

94-47. The minutes of the regular meeting held August 2, 1993 were received.

94-48. Frakie-Edison. That disbursements to the County and Schools in the amount of \$1,235,193.78, payroll disbursements in the amount of \$110,338.51, and total remaining disbursements in the amount of \$327,266.53, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

94-49. Presentation of Civilian Citation Certificates to Charles Young, 321 Rosewood SE, for his assistance to the Kent County Sheriff's Department in preventing the escape of a prisoner, and to James Ver Meulen, 341 Somerest, for his assistance to the Public Safety Department in apprehending a subject who had stolen a bicycle.

94-50. Presentation to Sgt. Michael Ellis, PSO Alvin Paxson, PSO James Pullen, and PSO Kenneth Ross for their outstanding 25-year service to the City of East Grand Rapids. Sgt. Ellis and PSOs Pullen and Ross were present to accept their gifts from the City.

94-51. A zoning variance hearing was held to consider the request of Reynolds Brander, Jr., 2648 Lake Drive SE, to allow the construction of a concrete stucco privacy wall, 6 feet in height rather than the required maximum of 3 feet, to be located 8 feet from the front property line rather than the required 15 feet.

Reynolds Brander was present and spoke in favor of the variance request. No other public comment was offered. The following correspondence was received at City Hall pertaining to the variance request:

- Letter from Willard and Esther Olson, 1050 Conlon SE, in opposition to the variance.
- Letter from Robert A. Smith, 2635 Manor SE, in favor of the variance request.

94-51-A. Mehney-Walton. That the zoning variance request of Reynolds Brander, Jr., 2648 Lake Drive SE, to allow the construction of a concrete stucco privacy wall, 6 feet in height rather than the required maximum of 3 feet, to be located 8 feet from the front property line rather than the required 15 feet, be approved.

A roll call vote was taken.

Yeas: Mehney, Walton and Deems - 3

Nays: Edison, Frakie, Swain and Williamson - 4

94-52. Consideration of a request to adopt a resolution in support of a tavern license application on behalf of Rap Foods, Inc., d/b/a Hot Tamale, located at 2140 Wealthy Street SE.

The City Commission expressed their concern over the building code violations and the outstanding personal property taxes due on the property.

Mr. Rodney Pierce, owner of the Hot Tamale restaurant, was present and stated his intent to correct the building code violations by the end of this week. He also stated his desire to arrange a payment schedule with the City for the payment of his personal property taxes. He asked that the Commission approve his payment of 25% per month of the outstanding taxes over a four-month period.

94-52-A. Williamson-Frskie. That the matter be tabled until the September 7, 1993 City Commission meeting to give the Commission an opportunity to review the circumstances of the application and to investigate the nature of prior conditions placed upon previously-granted tavern licenses.

Yeas: Edison, Frskie, Mehney, Swain, Williamson and Deems - 6

Nays: -0-

Abstain: Walton - 1

94-53. Consideration of a request to adopt a resolution supporting the Municipal Employees Retirement System's position in opposition to the Governor's proposal of a mandated Defined Contribution Plan for local units of government.

94-53-A. Frskie-Walton. Motion to deny adoption of the resolution, which reads as follows:

RESOLUTION

WHEREAS, the City of East Grand Rapids has elected to cover their employees in a defined benefit program within the provisions of Act 427, P.A. 1984, as amended, of the Municipal Employees Retirement System; and

WHEREAS, the Municipal Employees Retirement System offers a wide selection of benefit programs from which a member municipality may select; and

WHEREAS, the Municipal Employees Retirement System anticipates the addition of a voluntary defined contribution plan to its many of available benefit programs; and

WHEREAS, the Governor has proposed the mandatory creation of a defined contribution plan for all public employees hired on or after January 1, 1994;

NOW, THEREFORE, BE IT RESOLVED that we support the Municipal Employees Retirement System Board's position in opposition to the Governor's proposal of a mandated Defined Contribution Plan for local units of government; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Governor's office, Senator Vernon J. Ehlers and Representative Jack Horton, with a copy filed with the Michigan Municipal Employees Retirement System.

94-53-B. Edison-Swain. Motion to table consideration of the resolution until City staff can provide explanatory information to the City Commission on the matter.

Yeas: Edison, Frskie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

94-54. Recreation Supervisor Fred Bunn and Recreation Director Bill Rhodes presented information pertaining to the Middle School athletic program. They advised of the implementation of the A/B team concept for the 1993-94 school year.

James Ogilvie, Principal of East Middle School, was present and expressed his concerns that, when the A/B concept is employed, there may be a decrease in the number of students participating in the athletic program. He stated his desire to have participation levels monitored over the next year.

The Commission expressed views which were in favor and in opposition to the A/B concept. These views were provided as feedback to the City's Recreation Department staff.

94-55. Engineering Supervisor Kadzban presented information pertaining to alternative street lighting methods for Belvedere, Edgemere and Lake Pointe Drives. Staff requested authorization to proceed with notification to the area residents informing them of the City's intent to replace the now-existing street lights with alternative light fixtures.

94-55-A. Edison-_____. Motion to halt further action on this matter until a public hearing is held in order for the area residents to express their views.

Motion failed due to lack of a second.

94-55-B. Swain-_____. Motion to direct staff to proceed and to notify residents.

Motion failed due to lack of a second.

Mayor Deems indicated that staff should proceed as outlined in the memo.

94-56. The financial reports for the year ending June 30, 1993 were received.

94-57. Introduction of an ordinance amending the City Code of the City of East Grand Rapids by adding a new Chapter 79A to Title VII, pertaining to cable television rate regulations.

94-57-A. Williamson-Frskie. That an ordinance amending the City Code of the City of East Grand Rapids by adding a new Chapter 79A to Title VII, pertaining to cable television rate regulations, be introduced as set forth on Exhibit "A" attached hereto.

Yeas: Edison, Frskie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

94-58. The Traffic Commission minutes for the meeting held August 9, 1993 were received.

94-59. Numerous residents were in attendance and stated their questions and concerns regarding the proposed ice arena and the eventual development of Manhattan Recreation Area Phase II.

Mayor Deems advised the audience that a withdrawal letter had been received from the donors of the proposed ice arena. He stated that the ice arena gift was no longer being offered to the City. The Mayor and Recreation Director Rhodes advised that the grant for the Manhattan Recreation Area - Phase II project had been accepted by the City, and that this project would proceed as originally established.

The following residents were present and contributed public comment:

Kelly Machiorlatti, 2335 Brighton Drive SE
Cynthia Bartman, 2817 Reeds Lake Boulevard SE
William Azkoul, Sr., 3055 Manhattan Lane SE
Becky Touchett, 325 Pioneer Club Road SE
James Nachtegall, 350 Manhattan Road SE
Casey Bartman, 2817 Reeds Lake Boulevard SE
Joellen Clary, 336 Manhattan SE
Barbara Keller, 439 Manhattan SE

Mr. William Poisson, 2718 Richards SE, was present and requested that the City Commission consider building a 30-space parking lot at Collins Park. He stated his dissatisfaction with the parking situation on Lakeside Drive, in part due to the construction of Rose's Cafe, and expressed his desire to have the lot built to alleviate the on-street parking congestion.

Acting City Manager Gallagher commended Acting City Treasurer Marilou Chambers on the outstanding job she was doing in assisting the auditors with the City's FY 92-93 auditing process.

94-60. Commissioner Edison advised that the Recreation Commission has discussed the separation of the Aquatics Club from the Recreation Department. This separation was at the direction of the City Manager due to money constraints in establishing the full-time coach's position. He stated that the Recreation Commission was never advised of this separation. There had been no review by the Recreation Commission of what action was taken. Commissioner Edison feels that City staff should review this matter and provide a full report on the circumstances leading to this separation.

Commissioner Edison also stated that, if the Mayor had advised the Recreation Commission of the withdrawal of the ice arena gift, the Recreation Commission meeting could have been shortened in its discussion of this matter.

Commissioner Mehney stated that the intention of the donors to give the City an ice arena was honorable. He felt that the donor group was considerate of the concerns of the neighborhood residents, and that a good faith effort was made to address these concerns and take into account the best interest of the City. He stated his belief that some of the tactics used by the opposition group to gain support were unfair.

94-61. Consideration of a request by Mayor Deems that a budget amendment and approval of repairs to the City's backhoe be added to the agenda.

94-61-A. Williamson-Edison. That consideration of a budget amendment and approval of repairs to the City's backhoe be added to the agenda.

A roll call vote was taken.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

94-62. Consideration of a request to approve the repair of the City's backhoe, and to authorize the transfer of up to \$8,500 from the undesignated fund balance to the MERF outside repair account for the repair of this equipment.

94-62-A.Edison-Swain. That the City Commission approve the repair of the City's backhoe, and authorize the transfer of up to \$8,500 from the undesignated fund balance to the MERF outside repair account for the repair of this equipment.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

94-63. Williamson-Edison. To enter into executive session to discuss collective bargaining matters in accordance with Section 8(c) of the Open Meetings Act.

A roll call vote was taken.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6

Nays: Frakie - 1

94-64. The meeting was adjourned subject to the call of the Mayor until September 7, 1993.

City Clerk

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Special Meeting Held August 23, 1993

The meeting was called to order by Commission President Williamson.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Mayor Deems

Absent: None

Also Present: City Attorney Huff; Recreation Director Rhodes; Management Consultant Steve Bernard; and Office Administrator Kruse.

94-407. The City Commission met to discuss the four final candidates for the City Manager position. The pros and cons of each applicant were considered. Some of the Commissioners stated that one issue to consider was the familiarity with staff members that exists among a candidate who previously worked for the City. They also addressed whether or not it was crucial that the final candidate have experience with the laws of the State of Michigan.

It was the consensus of the City Commission that Scot Wrighton, of Streator, Illinois, no longer be considered for the position. Management Consultant Steve Bernard was directed to notify Mr. Wrighton of the City Commission's decision in this regard.

Due to the unavailability of some of the City Commissioners to participate in all of the initial interviews, it was decided that second interviews would be appropriate. Steve Bernard was directed to arrange second interviews with the following candidates, and to confirm their availability and interest in further consideration for the position:

Peter Von Drak, of Flushing, Michigan
Jeffrey Bremer, of Fraser, Michigan
Brian Donovan, of Charleston, Missouri

94-408. The meeting was adjourned subject to the call of the Mayor until September 7, 1993.

City Clerk

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Special Meeting Held September 1, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Mayor Deems

Absent: None

Also Present: City Attorney Huff; Management Consultant Steve Bernard; and Office Administrator Kruse.

94-409. The City Commission met to discuss the three final candidates for the City Manager position. The pros and cons of each applicant were considered. Some of the Commissioners reported on the results of reference checks they conducted on the three candidates.

94-409-A. Swain-Frakie. Motion to employ Jeffrey Bremer, of Fraser, Michigan, as the City Manager of East Grand Rapids.

Yeas: Frakie, Swain and Williamson - 3

Nays: Edison, Mehney, Walton and Deems - 4

Motion failed.

94-409-B. Walton-Mehney. Motion to employ Brian Donovan, of Charleston, Missouri, as the City Manager of East Grand Rapids.

Yeas: Edison, Frakie, Mehney, Walton and Deems - 5

Nays: Swain and Williamson - 2

94-409-C. Williamson-Swain. Motion to amend vote at 94-409-B to make it unanimous.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

Commissioner Edison departed from the meeting.

94-410. The City Commission discussed the benefit package to be offered to the new City Manager. It was determined that the Mayor should contact Mr. Donovan to discuss these details.

94-410. The meeting was adjourned subject to the call of the Mayor until September 7, 1993.

City Clerk

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held September 7, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Mayor Deems

Absent: None

Also Present: City Attorney Huff; Planning Commissioner Cravens; Acting City Manager Gallagher; City Services Director Baragar; Community Service Coordinator Yukon; Acting City Treasurer Chambers; and Office Administrator Kruse;

94-65. The minutes of the regular meeting held August 16, 1993 and the special meeting held August 23, 1993 were received.

94-66. Mayor Deems advised of the following communications received, as follows:

- (a) August 4, 1993 letter from John Wierengo, Jr., 443 Cambridge SE, expressing his appreciation for the excellent job done by the City Services Department with the reconstruction of Briarwood.
- (b) August 20, 1993 memorandum recognizing PSO Brett Naumcheff for his efforts in the arrest of a subject for possession of a loaded handgun.
- (c) August 9, 1993 memorandum recognizing PSOs Naumcheff, Lark, VanPopering and Sgt. Smith for their professional efforts in the arrest of a subject and the seizure of the subject's dangerous weapon.
- (d) August 23, 1993 memorandum recognizing PSOs Carrie Hudenko and Harry Weertman for their exemplary performance while executing CPR on an elderly resident at the scene of a medical emergency.
- (e) August 28, 1993 letters from Kathleen Small and her son Brian commending PSO Jim Pullen for his professionalism when instructing Brian in appropriate actions that should be taken when approached by a stranger.

94-67. Edison-Swain. That disbursements to the County and Schools in the amount of \$4,933,669.63, payroll disbursements in the amount of \$116,879.40, and total remaining disbursements in the amount of \$102,282.92, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7
Nays: -0-

94-68. A zoning variance hearing was held to consider the request of Arthur Losse, 2101 Lake Drive SE, to allow the open storage of a boat and trailer in the side yard of his property during summer months.

Arthur Losse was present and spoke in favor of the variance request.

The following persons were present and spoke in opposition to the variance request:

Michael McDaniels, 735 San Jose SE
James Wojciuch, 712 Lovett SE

The following correspondence was received at City Hall pertaining to the variance request:

- Letter from Larry J. Titley, 746 San Jose SE, in opposition to the variance.
- Letter from Carol and Rick Godfrey, 728 San Jose SE, in opposition of the variance request.
- Letter from Beth Wojciuch, 712 Lovett SE, in opposition to the variance request.
- Letter from Gary M. Eberle, 2107 Lake Drive SE, in favor of the variance request.

94-68-A. Walton-Frakie. That the zoning variance request of Arthur Losse, 2101 Lake Drive SE, to allow the open storage of a boat and trailer in the side yard of the property during summer months, be denied.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

94-69. A zoning variance hearing was held to consider the request of Mary Richardson, 2307 Oakwood SE, to allow the construction of a 6-foot-high privacy fence located 7 feet from the right-of-way rather than the required 15 feet, to be placed parallel to the rear property line abutting Wilshire Drive.

Mary Richardson was present and spoke in favor of the variance request. Ms. Richardson presented a petition in favor of the variance request, which was signed by 10 of her neighbors.

94-69-A.Mehney-Frakie. That the zoning variance request of Mary Richardson, 2307 Oakwood SE, to allow the construction of a 6-foot-high privacy fence located 7 feet from the right-of-way rather than the required 15 feet, to be placed parallel to the rear property line abutting Wilshire Drive, be approved.

Yeas: Frakie and Mehney - 2

Nays: Edison, Swain, Walton, Williamson and Deems - 5

Motion failed.

94-70. A zoning variance hearing was held to consider the request of Juliet Ryan McInerney, 2035 San Lu Rae SE, to allow the construction of a 20'x20' attached garage to the rear of her home, to be located 5 feet from the rear property line rather than the required 25 feet.

The following persons were present and spoke in favor of the variance request:

George Brown (Ms. McInerney's builder)
Melissa Corothers, 803 San Jose SE
Michael McDaniels, 735 San Jose SE

94-70-A.Mehney-Edison. That the zoning variance request of Juliet Ryan McInerney, 2035 San Lu Rae SE, to allow the construction of a 20'x20' attached garage to the rear of her home, to be located 5 feet from the rear property line rather than the required 25 feet, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

94-71. Consideration of a request to adopt a resolution in support of a tavern license application on behalf of Rap Foods, Inc., d/b/a Hot Tamale, located at 2140 Wealthy Street SE.

Mr. Rodney Pierce, owner of the Hot Tamale restaurant, was present and spoke in favor of adoption of the resolution.

94-71-A.Frakie-Mehney. That a resolution supporting the tavern license application on behalf of Rap Foods, Inc., d/b/a Hot Tamale, located at 2140 Wealthy Street SE, be adopted, as set forth on Exhibit "A" attached hereto.

94-71-B.Frakie-Swain. Motion to amend 94-71-A by attaching restrictions to the approval of the tavern license, as were attached to the tavern license application of Gaslight Inn.

94-71-C.Edison-Frakie. To amend restrictions approved in 94-71-B, as follows (full amended restrictions set forth on Exhibit "B" attached hereto):

- (1) To revise no. 1 to reflect a restaurant closing time of no later than 11:00 p.m.
- (2) To revise no. 3 to read as follows: "Beer and wine will be served principally to compliment food service, such that the character of the establishment will not change. Accordingly, the gross receipts from the sale of food and beverages other than alcoholic beverages must exceed 50% of the total gross receipts of the establishment."
- (3) To delete no. 8 of the Gaslight Inn restrictions, and not include it in the restrictions of the Hot Tamale restaurant.

Yeas: Edison, Frakie, Mehney, Williamson and Deems - 5

Nays: Swain - 1

Abstain: Walton - 1

Vote on motion 94-71-B, as amended.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6

Nays: -0-

Abstain: Walton - 1

Vote on Motion 94-71-A, as amended.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6

Nays: -0-

Abstain: Walton - 1

94-72. Planning Commissioner Jay Cravens conducted a presentation to the City Commission of the proposed Keyhole Development Ordinance.

94-73. Planning Commissioner Jay Cravens conducted a presentation to the City Commission of the proposed Waterfront Overlay District Ordinance.

94-74. Final reading of an ordinance amending the City Code of the City of East Grand Rapids by adding a new Chapter 79A to Title VII, pertaining to cable television rate regulation.

94-74-A. Williamson-Edison. That an ordinance amending the City Code of the City of East Grand Rapids by adding a new Chapter 79A to Title VII, pertaining to cable television rate regulation, be introduced as set forth on Exhibit "C" attached hereto.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

94-75. Consideration of a request to authorize the purchase of a Motorola brand motorcycle radio, 6 speaker mikes, cabling and a push-to-talk microphone for the Public Safety Department, in the amount of \$3,767, to be purchased with drug seizure funds.

94-74-A. Williamson-Mehney. That the request to purchase a Motorola brand motorcycle radio, 6 speaker mikes, cabling and a push-to-talk microphone, in the amount of \$3,767, to be purchased with drug seizure funds, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

94-76. Consideration of a request to appoint Brent Slay, 2654 Lake Drive SE, to serve on the City's Board of Review for fiscal year 1993-94.

94-76-A. Mehney-Frakie. That Brent Slay, 2654 Lake Drive SE, be appointed to the Board of Review for fiscal year 1993-94.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

94-77. The Planning Commission minutes for the meeting held August 17, 1993 were received.

94-78. Commissioner Walton advised that the Planning Commission was considering a PUD application for the Brookby Estate and it was anticipated that this matter would be recommended for City Commission consideration within the next month. Commissioner Walton also congratulated CSW Supervisor Emmet Yukon for his appointment as City Manager of the City of Sandusky, Michigan.

Mayor Deems advised that the new City Manager for East Grand Rapids, Brian Donovan, was expecting to begin his job approximately November 1st, and that Brian would be making a house-hunting trip to Michigan in the near future.

Mayor Deems also advised that the Recreation Department was in need of volunteers to work the triathlon this weekend. Anyone interested in volunteering was directed to contact the Recreation Department.

94-79. The meeting was adjourned subject to the call of the Mayor until September 20, 1993.

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held September 20, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Swain, Walton, Williamson and Mayor Deems

Absent: Com. Mehney

Also Present: City Attorney Huff; Acting City Manager Gallagher; City Services Director Baragar; Recreation Director Rhodes; Acting City Treasurer Chambers; and Office Administrator Kruse;

94-80. The minutes of the regular meeting held September 7, 1993 and the special meeting held September 1, 1993 were received, with the following amendment:

Minutes of September 1, 1993 Meeting

Change minutes to reflect that Commissioner Edison left the meeting before the Commission discussed the benefit package for the newly-appointed City Manager.

94-81. Mayor Deems advised of the following communications received, as follows:

- (a) September 13, 1993 letter from Brian D. Donovan officially accepting the position of City Manager of the City of East Grand Rapids.
- (b) September 15, 1993 letter from Kathy Wagner, 8949 Norman Drive, Jenison, Michigan, commending the City for the success of the Reeds Lake Triathlon, and expressing her pleasure in participating in it.

94-82. Frakie-Edison. That disbursements to the County and Schools in the amount of \$328,829.16, payroll disbursements in the amount of \$209,789.03, and total remaining disbursements in the amount of \$506,235.51, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts; provided however, that the payment to the Michigan Employees Retirement System (MERS), in the amount of \$244,900.00, be contingent upon further review and approval by the Finance Committee.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6

Nays: -0-

94-83. Consideration of a request to adopt a resolution deleting the delinquent false alarm charge from the 1993 tax roll for parcel no. 41-14-33-151-029.

Ms. Judith Hall, previously of 1609 Franklin SE, was present and spoke in favor adoption of the resolution.

94-83-A. Walton-Edison. That a resolution be adopted which deletes the delinquent false alarm charge from the 1993 tax roll for parcel no. 41-14-33-151-029, as set forth on Exhibit "A" attached hereto.

Yeas: Edison, Frakie, Swain, Walton and Deems - 5

Nays: Williamson - 1

94-84. Consideration of a request by Dr. Robert E. Galbraith of the Animal Control Hospital for interpretation of Section 5.172 of the City Code determining whether this section allows for the location of a veterinary clinic in a commercial zone.

94-84-A. Walton-Edison. That the City Commission interpret Section 5.172 of the City Code as not permitting a overnight veterinary clinic in a C-1 zone.

94-84-B. Edison-Walton. Motion to table matter for further consideration by the City Commission, and to allow Dr. Galbraith an opportunity to contribute his input on the matter.

Yeas: Edison, Frakie, Walton, Williamson and Deems - 5

Nays: Swain - 1

94-85. Introduction of an ordinance amending Sections 5.24 and 5.81 and adding a new Section 5.33 to Chapter 50 of Title V of the Code of the City of East Grand Rapids.

94-85-A.Edison-Swain. That an ordinance amending Sections 5.24 and 5.81 and adding a new Section 5.33 to Chapter 50 of Title V of the Code of the City of East Grand Rapids, be introduced as set forth on Exhibit "B" attached hereto.

The City Commission discussed modifications to the ordinance amendment, and requested that the City Attorney incorporate these modifications into the document, as follows:

- To include a provision requiring a public notice to the neighborhood residents before a temporary use permit is issued.
- To include an appeal provision for any resident who feels they are aggrieved to bring the matter to the City Commission.
- The City Attorney should consider the 300-foot notice requirement for area residents and whether this is appropriate.
- To include a provision reflecting a fee charged to cover costs incurred with the event (i.e. additional police officers, etc.). This may already be covered under Section A(6), Conditions of Approval.
- The City Attorney should consider whether the 14-day time limitation for denial of the application is sufficient time for proper review of the application.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6

Nays: -0-

94-86. Consideration of a request to authorize City staff to retain M.C. Smith & Associates to prepare engineering plans, specifications and contract documents for the Manhattan Recreation Area Phase II project, in an amount not to exceed \$19,000.

94-86-A.Edison-Walton. That City staff be authorized to retain M.C. Smith & Associates to prepare engineering plans, specifications and contract documents for the Manhattan Recreation Area Phase II project, in an amount not to exceed \$19,000.

Yeas: -0-

Nays: Edison, Frakie, Swain, Walton, Williamson and Deems - 6

94-86-B.Edison-Williamson. Motion to authorize City staff to advertise for bids from other engineering companies for this project.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6

Nays: -0-

94-87. Information was presented by Public Safety Director Gallagher pertaining to a part-paid fire reserves program in the Public Safety Department.

94-88. Preliminary minutes of the Traffic Commission meeting held September 10, 1993 were presented to the City Commission. The Commission made the following motion:

94-88-A.Williamson-Walton. Motion to overturn the action taken by the Traffic Commission to place "Slow, Children Playing" signs on Woodcliff, south of Lake Drive, the number and locations to be determined by the Engineering Department.

Yeas: Edison, Swain, Walton, Williamson and Deems - 5

Nays: Frakie - 1

The Traffic Commission minutes were received as amended.

94-89. The Building Inspection Report for the month of August, 1993 was received.

94-90. The Public Safety Report for the month of August, 1993 was received.

94-91. Commissioner Walton discussed the A/B team concept adopted for the Middle School Sports program. He requested that the City Commission provide direction to the Recreation Department providing information on the City Commission's support or nonsupport of this concept. Commissioner Edison requested that a joint meeting of the Schools and the City Commission be held to discuss policy decisions that need to be made regarding the A/B team concept. He feels the public should be invited to this meeting to discuss their views on the issue before final action is taken.

Commissioner Williamson commended the Public Safety Department for the quick response and excellent police work in handling the unfortunate occurrence in East Grand Rapids a few days ago. Commissioner Edison also requested that when an incident of this magnitude occurs, that the City Commissioners be notified by City staff.

Commissioner Frakie stated that the Department Heads and the City Attorney have challenged the City Commission to a golf match. Commissioner Frakie has accepted the challenge on behalf of the Commission, and has graciously agreed to captain the Commission team.

Mayor Deems advised of correspondence he received from Katherine Kuhn, Chairperson of the Kent County Board of Commissioners. Ms. Kuhn has submitted a list of vacancies on the various boards, commissions and committees for the County, and requests that any interested persons submit an application for appointment by November 5, 1993.

94-92. The meeting was adjourned subject to the call of the Mayor until October 4, 1993.

City Clerk

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held October 4, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: None

Also Present: Asst. City Attorney Bloom; Acting City Manager Gallagher; City Services Director Baragar; Acting City Treasurer Chambers; and Office Administrator Kruse.

94-93. The minutes of the regular meeting held September 20, 1993 were received.

94-94. Frakie-Edison. That payroll disbursements in the amount of \$99,713.89 and total remaining disbursements in the amount of \$615,621.65, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6

Nays: -0-

Commissioner Mehney arrived.

94-95. Public hearing and introduction of an ordinance amendment adding Section 5.33 to Chapter 50 of Title V of the City Code of City of East Grand Rapids, also referred to as the Keyhole Development ordinance.

Assistant City Attorney Cliff Bloom explained the substance of the Keyhole Development and Waterfront Overlay District ordinances. He stated that a minor change had been made to the Keyhole ordinance. Section 5.33(8) had been added to provide a "grandfather clause" for lots of record.

94-95-A. Walton-Swain. Motion to introduce an ordinance amendment adding Section 5.33 to Chapter 50 of Title V of the City Code for the City of East Grand Rapids, also referred to as the Keyhole Development ordinance, as set forth on Exhibit "A" attached hereto.

The Mayor opened the public hearing on the Keyhole Development ordinance.

The following persons were present and expressed their questions and concerns regarding the restrictions that would be placed upon property owners if the ordinance was adopted as it is now written:

Peter Steketee, 2054 San Lu Rae Drive SE
Steve Vander Ploeg, 2655 Beechwood Drive SE
Vicente Gracias, 3028 Manhattan Lane SE
Julie Stoneman (representing West Michigan Environmental Action Council, 1342 Wealthy Street SE)
Michael Corby, 2663 Hall Street SE
John Swain, 2630 Reeds Lake Boulevard SE
Sallie Warner, 2098 Robinson Road SE

In particular, several of the above residents stated the following:

- Blodgett and Steketee properties are being singled out; they are the only substantial developable parcels remaining on the lakes. Economically, these properties would be at a disadvantage.
- Public access to lake is not regulated by City, why should actions of property owners be regulated.
- Surface water zoning would be more appropriate.
- Ordinance is risky to property owners in that it is ambiguous.

Dr. Alfred Swanson, 2945 Bonnell Avenue SE, was also present and suggested that Mr. Peter Steketee should consider creating a park on Mr. Steketee's father's lakefront property named the "Steketee Memorial Park."

After no further public comment was made, the Mayor closed the public hearing. The City Commission conducted further discussion of the Keyhole Development ordinance.

A roll call vote was taken on motion 94-95-A.

Yeas: Edison, Swain, Walton and Deems - 4

Nays: Frakie, Mehney and Williamson - 3

94-96. Public hearing and introduction of an ordinance amendment adding a new Chapter 55 to Title V of the City Code of City of East Grand Rapids, also referred to as the Waterfront Overlay District ordinance.

94-96-A. Walton-Swain. Motion to introduce an ordinance amendment adding a new Chapter 55 to Title V of the City Code of City of East Grand Rapids, also referred to as the Waterfront Overlay District ordinance, as set forth on Exhibit "B" attached hereto.

The Mayor opened the public hearing on the Waterfront Overlay District ordinance.

The following persons were present and expressed their questions and concerns regarding the restrictions that would be placed upon property owners if the ordinance was adopted as it is now written.

Margo App, 2747 Darby SE
Michael Corby, 2663 Hall Street SE
John Swain, 2630 Reeds Lake Boulevard SE
Robert Stokes, 2905 Bonnell SE
Joanne Nicola, 324 Arlington Drive SE
Cynthia Bartman, 2817 Reeds Lake Boulevard SE

In particular, several of the above residents stated the following:

- Governmental regulation too intrusive on property owners.
- Ordinance does not address storm water runoff.
- Public access to lake is a bigger problem than property improvements. City should focus more on the impact to the lake by not regulating this activity.

The following persons were present and expressed their support for the Waterfront Overlay District ordinance:

Mary Swain, 514 Lakeside Drive SE
Julie Stoneman (representing West Michigan Environmental Action Council, 1343 Wealthy Street SE)

After no further public comment was made, the Mayor closed the public hearing. The City Commission conducted further discussion of the Waterfront Overlay District ordinance.

A roll call vote was taken on motion 94-96-A.

Yeas: Swain, Walton and Deems - 3

Nays: Edison, Frakie, Mehney and Williamson - 4

94-96-B. Frakie-Edison. Motion to refer the ordinance back to the Planning Commission for revamping.

A roll call vote was taken.

Yeas: Edison, Frakie and Walton - 3

Nays: Mehney, Swain, Williamson and Deems - 4

94-97. Consideration of a request to award a contract to McGraw Construction, Inc., in the amount of \$29,378, for re-shingling of the municipal complex buildings, and to authorize a budget transfer in the amount of \$4,500 from the General Fund to the City Buildings Capital Expenditure account to supplement the project costs.

94-97-A. Edison-Mehney. Motion to approve a contract award to McGraw Construction, Inc., in the amount of \$29,378, for re-shingling of the municipal complex buildings, and to further approve a budget transfer in the amount of \$4,500 from the General Fund to the City Buildings Capital Expenditure account to supplement the project costs.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

94-98. Consideration of a request to authorize the following action to be taken in conjunction with the City's FY 93-94 tree planting program, for a total program cost of \$11,900.

- Acceptance of a 50/50 grant by the Small Business Administration Natural Resource Development, issued through the Department of Natural Resources, in the amount of \$5,950.
- Award of a contract to Caretakers Landscaping, in the amount of \$5,134, for trees and tree planting services for the City's tree planting program.
- Authorize tree planting expenditures from the General Fund in the amount of \$816 representing the City's remaining portion of the 50/50 grant.

94-98-A. Williamson-Edison. Motion to authorize the above-stated action to be taken in conjunction with the City's FY 93-94 tree planting program.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

94-99. The preliminary minutes of the Planning Commission meetings held September 1 and September 14, 1993 were received.

94-100. Commissioner Edison advised that the City's audit report conducted by BDO-Seidman has been delivered to the City. A formal presentation to the City Commission by a representative of BDO-Seidman will take place in the near future.

Commissioner Mehney questioned why it is the City's policy to return to the property owners late payments for taxes due if the payment does not include the late penalty. Asst. City Attorney Cliff Bloom was directed by the Mayor to look into the appropriateness of this policy.

Mayor Deems advised that the FBI Uniform Crime Report for 1992 reflects that, for the third consecutive year, East Grand Rapids has the lowest crime rate in the state for cities with a population of 10,000 and over.

Mayor Deems also advised that all Halloween festivities would occur on Saturday, October 30th, instead of Sunday, October 31st. Public Safety Director Gallagher explained that some surrounding communities were also celebrating on the 30th, and he felt it was best to be consistent. Commissioner Edison stated his belief that a holiday should be celebrated on its actual date.

94-101. The meeting was adjourned subject to the call of the Mayor until October 18, 1993.

94-102. The meeting was reconvened to discuss the snowplowing license denial of Ada Nursery, Kevin Malarney and Shawn Malarney ("Ada Nursery"), for the 1993-94 season. Pursuant to Section 7.14 of the City Code, Ada Nursery was appealing the decision of the City Manager not to issue a snowplowing license during this fiscal year. The factual record of the City Manager's September 23, 1993 hearing on the license denial was submitted to the City Commission for their prior review.

94-102-A. Williamson-Edison. Motion to sustain the actions of Acting City Manager Gallagher in his denial of a snowplowing license to Ada Nursery.

Kevin Malarney, of Ada Nursery located at 5123 E. Fulton, Ada, Michigan, arrived at the meeting and made the following statements:

- Kevin Malarney stated that his brother, Shawn Malarney, is separate from Ada Nursery and should not be a part of the snowplowing license denial.
- Kevin Malarney sent a letter last year to his customers explaining Ada Nursery's snowplowing operations (i.e. length of route, snow accumulation requirements for service). This letter was in response to complaints by his clients who expected their driveways to be plowed by 6:00 a.m. after a snowfall. These expectations were established due to language in his advertising flyer, which language has since been changed.
- Due to the times of day that snowfall occurred last year, it was not possible for Ada Nursery to plow its route by 6:00 a.m.
- In the past seasons, clients who have been dissatisfied received their money back.

- Extenuating circumstances arise such as having to replace drivers, or vehicle breakdown, which causes interruption of service.
- Ada Nursery will pay back clients who are upset with their service.

Mr. Malarney requested that the City Commission allow Ada Nursery to apply for a snowplowing license.

It was confirmed by Acting City Manager Gallagher that the denial of a snowplowing license encompassed Ada Nursery, Kevin Malarney and Shawn Malarney as principals of the company, and all drivers, contractors and employees of the preceding.

Vote on motion 94-102-A.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

94-103. The meeting was adjourned.

City Clerk

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held October 18, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: Frakie

Also Present: City Attorney Huff, Acting Asst. City Manager Norman; Engineering Supervisor Kadzban; Building Inspector Turcotte; Streets & Utilities Sup't Sterkenburg; Deputy Chief Ditmar; Acting City Treasurer Chambers; and Office Administrator Kruse.

94-104. The minutes of the regular meeting held October 4, 1993 were received.

94-105. Mayor Deems advised of the following communications received:

- (a) Letter from Marcia Flink, Grand Rapids, thanking Officer Metternich and Sergeant Gadbois for their assistance in opening her locked vehicle after the homecoming dinner on Friday night.
- (b) Memorandum recognizing Officer Gingrich for thwarting a bicycle theft, and arresting two juveniles and recovering two stolen bikes, one of which was returned to the owner before she knew it was missing.
- (c) Letter from Stephen P. Afendoulis, 340 Arlington Drive SE, thanking Officer Weertman for his assistance in locating their son, who was walking home after he had missed the school bus.
- (d) Letter from the Titley Family (Julia Titley), 746 San Jose Drive SE, expressing their appreciation to Sergeant Smith who aided them in the recovery of their missing dog.
- (e) Memorandum advising that the FBI Uniform Crime Report states that East Grand Rapids had the lowest crime rate index in Michigan for cities with a population of 10,000 and over.

94-106. Edison-Swain. That disbursements to the County and Schools in the amount of \$140,186.11, payroll disbursements in the amount of \$118,744.10, and total remaining disbursements in the amount of \$92,860.53, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6

Nays: -0-

94-107. Presentation by BDO-Seidman of the audited financial statements for fiscal year ended June 30, 1993, along with a Management Recommendation letter and information related to the conduct of the audit.

94-108. The financial report for the period ended September 30, 1993 was received.

94-109. A zoning variance hearing was held to consider the request of Michael Hoffman, 2946 Pioneer Club Road SE, to allow the first floor of the building located at 610 Lovett SE to be used as a beauty salon.

Mr. Michael Hoffman, owner of the property located at 610 Lovett SE, was present and spoke in favor of the variance request.

Mr. McDonald, a business owner at 644 Lovett SE, spoke in opposition to the variance request. He stated that there were already three hair salons located in Gaslight Village, and that Gaslight Village possibly would benefit more if a different business moved in.

After no further public comment was made, the Mayor closed the hearing.

94-109-A. Swain-Walton. Motion to approve the variance request of Michael Hoffman, 2946 Pioneer Club Road SE, to allow the first floor of the building located at 610 Lovett SE to be used as a beauty salon.

94-109-B. Williamson-Mehney. Motion to table the matter until the City Commission can consider possible conditions to be placed upon this use of the property, and until the full Commission can be present to vote.

Yeas: Edison, Mehney, Swain, Williamson and Deems - 5

Nays: Walton - 1

Mayor Deems instructed the City Services Department to prepare proposed conditions.

94-110. A public hearing was held to consider the planned unit development rezoning application of Integrated Architecture for the property located at 250 Plymouth Road SE. It is proposed that the property be rezoned for commercial use to house an architectural firm.

Mr. John Cameron, Trustee of the Brookby Preservation Trust, was present. Mr. Cameron discussed some of the previous purchase offers made for the Brookby property, and how the Brookby Preservation Trust felt that the property uses set forth in these offers were inappropriate. He expressed the Trust's belief that the PUD proposal submitted by Integrated Architecture was harmonious with the goals of the Trust. He spoke in favor of granting the PUD application.

Those present representing Integrated Architecture were Paul Dickinson, President, and Mike Corby, Executive Vice President. Mr. Dickinson presented the goals of Integrated Architecture. He expressed his company's desire to provide a unique working environment for its staff, while meeting the expectations of the Brookby Preservation Trust and the City. He felt their proposal would be effective in both these areas.

Mr. Corby presented Integrated Architecture's intended use of the property. He stated that it is their plan to rezone the entire Brookby property to a planned unit development, with 4.79 acres to be used as professional offices and the remaining 3.04 acres to remain single-family. The property is currently zoned A-1 single-family residential. He stated the following additional facts:

- The exterior of the Manor House would remain in its current state, except for needed maintenance repairs such as roofing, brickwork, and painting of windows and shutters.
- The interior of the Manor House would not be substantially altered, except for minor modifications and upgrading of electrical and mechanical systems. There would be modifications made to the servants areas to accommodate business offices and a barrier-free restroom on the main level, and a design studio on the upper level.
- The entrance from Plymouth Road would be for visitor use only. The entrance from Robinson Road would be used mainly for employee and delivery service use.
- The gardens would be restored and maintained in accord with the objectives of the Brookby Preservation Trust.
- Lake use rights to Fisk Lake would be granted to the owners of the property, and not to employees.
- The rental units currently located on the property would remain as residential use.

Mrs. Patsy Wassenaar, a former EGR resident who now lives in northeast Grand Rapids, was present and expressed her desire to purchase the Brookby Estate and use the property as a single-family dwelling. She stated that her financial position was conducive to this purchase.

Mrs. Cynthia Bartman, 2817 Reeds Lake Boulevard SE, was also present and spoke in favor of granting the PUD application. She stated that an informal polling of area residents demonstrated support for this use by the neighbors.

After no further public comment was made, the Mayor closed the hearing.

94-110-A. Walton-Mehney. Motion to approve the Conditions of Approval submitted by the Planning Commission pertaining to this PUD application, and to introduce an ordinance amending Section 5.190 of Chapter 50 of Title V of the Code of the City of East Grand Rapids relating to PUD rezoning, as set forth on Exhibit "A" attached hereto.

Yeas: Edison, Mehney, Swain, Walton - 4

Nays: Williamson and Deems - 2

94-111. Final reading of an ordinance amending Sections 5.24 and 5.81, and adding a new Section 5.34 to Chapter 50 of Title V of the Code of the City of East Grand Rapids, pertaining to temporary uses.

94-111-A. Edison-Walton. That an ordinance amending Sections 5.24 and 5.81, and adding a new Section 5.34 to Chapter 50 of Title V of the Code of the City of East Grand Rapids, pertaining to temporary uses, be approved.

94-111-B. Edison-Williamson. Motion to amend the last sentence of Section (7) (page 4) of the ordinance to delete

the word "safety." The sentence should read: "Additionally, the City can require that the Applicant reimburse the City for the costs of providing public services for the event."

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6

Nays: -0-

94-111-C. Walton-Williamson. Motion to amend the second sentence of Section (4) (page 3) of the ordinance to read as follows: "Such notices shall be sent at least 14 days before the City Services Department makes its determination on the Temporary Use Permit."

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6

Nays: -0-

94-111-D. Williamson-Walton. Motion to amend the first sentence of Section (2)(a) of the ordinance to read as follows: "All applications for a Temporary Use Permit shall be made at least 90 days prior to the proposed commencement date for the use, provided that the City Services Department may approve a lesser time period consistent with the requirements of this Section."

Yeas: Edison, Mehney, Walton, Williamson and Deems - 5

Nays: Swain - 1

Vote on amended ordinance amendment, as set forth on Exhibit "B" attached hereto.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6

Nays: -0-

94-112. Consideration of a request to award a contract to Great Lakes Motor Coach, the low bidder, in the amount of \$250 per bus per trip, with a show fee of \$150, for bus transportation to Cannonsburg for the Middle School Ski Club during its 8-week season.

94-112-A. Edison-Mehney. That a contract be awarded to Great Lakes Motor Coach, the low bidder, in the amount of \$250 per bus per trip, with a show fee of \$150, for bus transportation to Cannonsburg for the Middle School Ski Club during its 8-week season.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6

Nays: -0-

94-113. Consideration of a request to authorize the Public Safety Department to purchase a Ricoh FT 4418 photocopier from Applied Imaging, the second low bidder, in the amount of \$5,270, and a yearly maintenance agreement in the amount of \$750.

94-113-A. Williamson-Edison. Motion to approve the purchase of a Ricoh FT 4418 photocopier from Applied Imaging, the second low bidder, in the amount of \$5,345, and a yearly maintenance agreement in the amount of \$750, for use in the Public Safety Department. The \$75 increase in the originally-requested purchase price represents the trade-in price for the old photocopier. As the department has received purchase offers from employees which exceed \$75, a bidding process will take place for the sale of the machine as an alternative to it being traded in.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6

Nays: -0-

94-114. Consideration of a request to award a purchase order to North American Salt Company, in the amount of \$25.60 per ton, as part of a cooperative bidding process with the City of Grand Rapids for the purchase of salt for the FY 93-94 winter season.

94-114-A. Williamson-Edison. That a purchase order be awarded to North American Salt Company, in the amount of \$25.60 per ton, as part of a cooperative bidding process with the City of Grand Rapids for the purchase of salt for the FY 93-94 winter season.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6

Nays: -0-

94-115. The preliminary minutes of the Library Commission meeting held September 28, 1993 were received.

94-116. The preliminary minutes of the Traffic Commission meeting held October 1, 1993 were received.

94-117. The Building Inspection Report for the month of September, 1993 was received.

94-118. The Public Safety Report for the month of September, 1993 was received.

94-119. Commissioner Edison reminded the City Commission that the City's annual Halloween Hoot will take place on Saturday, October 30, 1993.

94-120. Williamson-Edison. To enter into executive session to discuss strategy regarding collective bargaining agreement negotiations, in accordance with Section 8(c) of the Open Meetings Act.

A roll call vote was taken.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6

Nays: -0-

94-121. The meeting was adjourned subject to the call of the Mayor until November 1, 1993.

City Clerk

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held November 1, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; City Assessor Norman; City Appraiser Woolford; City Services Director Baragar; Engineering Supervisor Kadzban; Streets & Utilities Sup't Sterkenburg; Deputy Chief Ditmar; Recreation Director Rhodes; and Office Administrator Kruse.

94-122. The minutes of the regular meeting held October 18, 1993 were received.

94-123. Frakie-Swain. That payroll disbursements in the amount of \$103,540.63 and total remaining disbursements in the amount of \$80,501.56, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6

Nays: -0-

94-124. Presentation by Jean Laug-Carroll, Executive Director of Grand Valley Metropolitan Council. Ms. Laug-Carroll reported on the activities and goals of the Council.

Commissioner Mehney arrived.

94-125. Consideration of the planned unit development rezoning application of Integrated Architecture for the property located at 250 Plymouth Road SE. It is proposed that the property be rezoned for commercial use to house an architectural firm.

A petition signed by 22 area residents was received. This petition requested that the City Commission postpone making a decision on the PUD application. In addition, the following persons were present and also expressed their desire for the City Commission to postpone its decision:

John Cameron, Trustee for Brookby Preservation Trust
Hugh Sullivan, 350 Plymouth SE
Steven Stekete, 1919 Wealthy SE
Eleanor Vander Linde, 1827 Wealthy SE

Mr. John Cameron, Trustee for the Brookby Preservation Trust, advised the City Commission of a communication he received from Gordon and Patsy Wassenaar which expresses their desire to purchase the Brookby Estate for residential use. Mr. Cameron informed the City Commission that he would be rejecting the Wassenaars' offer to purchase, and stated the reasons for the rejection.

Mr. Gordon Wassenaar, 31 Mayfair NE, Grand Rapids, was also present and expressed his desire to purchase the property. Mr. Wassenaar read into the record the letter which he sent to Mr. Cameron regarding the offer to purchase, a copy of which is attached hereto as Exhibit "A". Mr. Wassenaar reiterated his intent to preserve the property.

Mr. Michael Corby, Executive Vice President of Integrated Architecture, was present and stated the desire of his company to preserve the Brookby Estate. He requested that the City Commission take definitive action on the PUD application, as opposed to postponing the matter.

Mrs. Elaine Mitchell, 443 Plymouth SE, also was present and stated her opinion that if it was the desire of the City and the area residents that the property be used as a residence, possibly the property should be sold to the Wassenaars.

Mr. Cameron finally advised the City that the buy/sell agreement between the Trust and Integrated Architecture expires on November 2, 1993. Subsequently, Integrated Architecture stated that they would be willing to extend the buy/sell agreement, if it was also the wish of the Brookby Preservation Trust.

94-125-A. Walton-Edison. Motion to table the matter until the November 15, 1993 City Commission meeting in order to allow time for the Trust to investigate and/or negotiate other possible purchase offers for residential use of the property.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

Mayor Deems introduced Cynthia Bartman and Maggie Van Houdt as the candidates running for City Commissioner in Ward I.

94-126. Consideration of a request to adopt an unused vacation time policy for City employees which eliminates carryover of unused time, unless approved by the City Manager.

94-126-A. Williamson-Walton. That a policy be established for City employees which prohibits carryover of unused vacation time into the next fiscal year unless previously approved by the City Manager, as follows:

The City will not compensate an employee for the employee's first two weeks of vacation time not used during a fiscal year. Any portion of these two weeks which is not used will be forfeited by the employee, and the employee will receive no compensation for the forfeited time. If an employee is entitled to additional vacation time beyond two weeks which the employee does not use, the employee will be paid for the unused time at the end of the fiscal year. This compensation will be at the employee's regular rate of pay. In the event of extraordinary circumstances, vacation time may be carried over for one year only upon specific authorization obtained from the City Manager. If this vacation time is not used by the end of the fiscal year, the time will be forfeited.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

94-127. Consideration of a request to eliminate longevity pay and step increases for newly-hired employees of the City.

94-127-A. Williamson-Edison. That the City Commission approve modifications to the City's existing employee handbook, as follows:

- That longevity pay be eliminated for all employees of the City hired after September 1, 1993.
- That a merit increase system replace the current step-increase salary structure. All increases shall occur only upon evaluation of the employee's performance, and at the discretion of the City Manager and/or City Commission. This new salary structure would affect employees hired after September 1, 1993.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

94-128. Consideration of a request to authorize payment to M.C. Smith & Associates, in the amount of \$3,417.50, for professional planning, design and grant application services provided for the Manhattan Recreation Area Phase II project.

94-128-A. Edison-Swain. That payment to M.C. Smith & Associates, in the amount of \$3,417.50, for professional planning, design and grant application services provided for the Manhattan Recreation Area Phase II project, be approved.

Yeas: Edison, Mehney, Swain, Williamson and Deems - 5

Nays: Frakie and Walton - 2

94-129. Consideration of a request to award a contract to M.C. Smith & Associates, in the amount of \$15,582.50, for professional engineering services for sealed engineering plans, specifications and contract documents, in conjunction with the Manhattan Recreation Area Phase II project.

94-129-A. Edison-Swain. That a contract be awarded to M.C. Smith & Associates, in an amount not to exceed \$15,582.50, for professional engineering services for sealed engineering plans, specifications and contract documents, in conjunction with the Manhattan Recreation Area Phase II project.

Yeas: Edison, Mehney, Swain, Williamson and Deems - 5

Nays: Frakie and Walton - 2

94-130. Consideration of a request to award purchase orders to Woodland International, the low bidder, in the amount of \$69,635.76, for the purchase of two 35K dump trucks, and to Truck & Trailer Specialties, the low bidder, in the amount of \$39,586, for the purchase of underbody, dumpbox and hoist, front plow hitch and hydraulic system attachments for each vehicle.

94-130-A. Edison-Swain. That purchase orders be awarded to Woodland International, the low bidder, in the amount of \$69,635.76, for the purchase of two 35K dump trucks, and to Truck & Trailer Specialties, the low bidder, in the amount of \$39,586, for the purchase of underbody, dumpbox and hoist, front plow hitch and hydraulic system attachments for each vehicle.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

94-131. Consideration of a request to authorize an expenditure to Pipe-Tech, Inc., in an amount not to exceed \$12,500, for the purpose of televising five miles of sanitary and storm sewer at a cost of \$.45 per linear foot.

94-131-A. Williamson-Edison. That an expenditure to Pipe-Tech, Inc., in an amount not to exceed \$12,500, for the purpose of televising five miles of sanitary and storm sewer at a cost of \$.45 per linear foot, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7

Nays: -0-

94-132. Consideration of a request to authorize a contract renewal between the City of East Grand Rapids and the Michigan Municipal Liability and Property Pool for the City's liability and property coverage (including vehicles).

94-132-A. Edison-Swain. That the renewal of an insurance contract between the City of East Grand Rapids and the Michigan Municipal Liability and Property Pool for the City's liability and property insurance coverage (including vehicles), be approved.

94-132-B. Walton-Frakie. That the motion be amended to increase liability and property coverage from \$5 million to \$10 million, and to authorize payment of an additional premium of \$17,693 for this increased coverage.

Yeas: Frakie and Walton - 2

Nays: Edison, Mehney, Swain, Williamson and Deems - 5

Vote on original motion 94-132-A.

Yeas: Edison, Frakie, Mehney, Swain, Walton and Deems - 6

Nays: Williamson - 1

94-133. The preliminary minutes of the Planning Commission meeting held October 12, 1993 were received.

94-134. Public comment was taken on the variance request for the property located at 610 Lovett SE. A variance request was previously filed with the City to allow for the establishment of a hair salon on the first floor of this property. This matter is scheduled for City Commission consideration at a future meeting. The following persons were present and spoke in favor of the variance request:

Lois Dyksterhouse, 609 Lovett SE

Mr. Lawrence Cooley, 605 Lovett SE

Jim and Mary Kay _____, 2125 Wealthy SE

Kevin Donlon, 553 Lovett SE

John and Jennifer Clifford (proposed tenants of beauty salon)

Joe Quinlan, 670 Lovett SE

The following communications were received at City Hall expressing support for the beauty salon.

Letter from Edie Pettis, 422 Rosewood Avenue SE

Letter from Tom and Sandy Steers, 1601 Alexander SE

Phone call from Mary Sruba, Woodcliff SE

John Clifford also presented a letter to the City Commission from Chris Cameron, on behalf of the Gaslight Village Merchants' Association, speaking in favor of the variance request.

Mr. Ron Dykema, owner of a barbershop in Gaslight Village, expressed his opposition to the request. He cited parking problems which may occur if the beauty salon was installed.

Public comment pertaining to the beauty salon was concluded. Further public comment was taken.

Mr. Gordon Wassenaar, 31 Mayfair Drive NE, repeated his desire to purchase the Brookby Estate. He assured the City Commission that he was willing to meet conditions placed on the property by the City, and that it was his intent

to preserve the property.

94-135. Commissioner Williamson welcomed Brian Donovan as the new City Manager. Williamson also commended Commissioner Mehney for his outstanding efforts as the freshman football coach at the high school. He felt that Commissioner Mehney did a great job.

Commissioner Frakie also welcomed the new City Manager. Frakie expressed his best wishes in the upcoming election to Cynthia Bartman and Maggie Van Houdt, candidates for the Ward I City Commission seat.

Commissioner Walton informed the Commission that a meeting will be held at the Middle School on November 2, 1993, at 7:00 p.m., to discuss the A/B team concept for the Middle School athletic program.

Commissioner Edison reported that payment for the improvements at the Community Pool would be distributed from the Joint Facilities account. He also said that the money saved from the Breton School playground project would be allocated for these improvements.

Commissioners Mehney and Swain welcomed Brian Donovan as the new City Manager.

94-136. The meeting was adjourned subject to the call of the Mayor until November 15, 1993.

City Clerk

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held November 15, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: Com. Frakie

Also Present: City Manager Donovan; City Attorney Huff; City Services Director Baragar; Streets & Utilities Sup't Sterkenburg; City Assessor Norman; City Appraiser Woolford; Acting City Treasurer Chambers; and Office Administrator Kruse.

94-137. The minutes of the regular meeting held November 1, 1993 were received.

94-138. Swain-Edison. That payroll disbursements in the amount of \$162,351.22 and total remaining disbursements in the amount of \$412,192.89, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6

Nays: -0-

94-139. A zoning variance hearing was held to consider the request of Michael Hoffman, 2946 Pioneer Club Road SE, to allow the first floor of the building located at 610 Lovett SE to be used as a beauty salon.

The following communications have been received:

Correspondence

Edie Pettis, 422 Rosewood Avenue SE	In Favor
Tom and Sandy Steers, 1601 Alexander SE	In Favor
Jean M. Hitchcock, 1350 Eastlawn SE	In Favor
Christine Marshall, 535 Manhattan	In Favor
Chris Cameron, on behalf of Gaslight Village Merchants Association	In Favor
Nancy Anne Collins, 3013 Brentwood SE	In Favor
Diane E. Goller, 1862 Sherman SE	In Favor
Jessica MacWhirter, 2821 Elmwood SE	In Favor
Patricia Marks, 942 Princeton SE	In Favor
Nancy Steketee, 1919 Wealthy SE	In Favor
Barb Tucker, 1028 Otillia	In Favor
Carol Masten, 2311 Ridgewood SE	In Favor
Kristin Beernink, 2637 Greentree SE	In Favor
Catherine Buffinga, 1162 Noble SE	In Favor
Lesley N. Turner-Alcala, 550 Lovett SE	Opposed
Ronald A. Dykema, 2140 Woodlawn SE	Opposed

Telephone Calls:

Mary Sruba, _____ Woodcliff	In Favor
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Ms. Joyce McClaster, Branch Manager of First of America Bank, was present and stated her support for the beauty salon use. She also expressed her feelings that parking in the lot would not be burdensome.

Mr. Jon Clifford, owner of the proposed beauty salon, was also present and restated his support for the variance request. Mr. Clifford also presented five letters also in support of the request.

Mr. Michael Hoffman, owner of the 610 Lovett property, made a presentation of the proposed signage and a parking schematic for the building, if the variance is approved.

The City Commission discussed the conditions submitted by City staff which were recommended for adoption upon approval of the variance request.

94-139-A. Williamson-Edison. That the zoning variance request of Michael Hoffman, 2946 Pioneer Club Road

SE, to allow the first floor of the building located at 610 Lovett SE to be used as a beauty salon, be approved, subject to the conditions listed below:

CONDITIONS OF VARIANCE
REQUESTED FOR THE PROPERTY LOCATED AT
610 LOVETT SE

1. Upon approval of the variance request for the first floor, the 1985 variance granted for the second floor of the property will be restricted to permit a use that would require a maximum of two parking spaces, in accordance with the square footage guidelines set forth in the City's zoning ordinance.
2. Signage will be limited to one unlit sign placed on the exterior of the building, and shall be constructed so as to conform to Section 8.21 of Chapter 81 of the City Code as it relates to wall signs.
3. Changes to the exterior of the building are prohibited, with the exception of the changes set forth in the variance application.
4. Parking requirements shall conform to the current City of East Grand Rapids parking ordinance.
5. The beauty salon shall be allowed only three chairs for business use.
6. There are twenty-two (22) parking spaces currently available in the parking lot adjacent to the buildings occupied by Hoffman Jewelers, First of America Bank, and the 610 Lovett property. The twenty-two parking spaces are jointly shared by these three properties, under a Cross-Easement Agreement dated January 8, 1982. Allocation of the parking spaces shall be as follows:
 - Seven (7) parking spaces shall be designated for use by Hoffman Jewelers.
 - Seven (7) parking spaces shall be designated for use by First of America Bank.
 - Eight (8) parking spaces shall be designated for use by the 610 Lovett property (six (6) spaces for the beauty salon and two (2) spaces for the upper level of the property).

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6

Nays: -0-

94-140. A zoning variance hearing was held to consider the request of St. Stephen School, 740 Gladstone SE, to allow construction of a chain link fence, within 20 feet of the corner at Reed Street and Rosewood, to be 72 inches in height rather than the maximum allowable height of 30 inches.

The following communications were received:

Letter from Sharon W. Howell, 650 Gladstone SE, in favor of the variance request.

The following persons were present and expressed their opposition to the height of the proposed fence:

Kurt Nahikian, 655 Rosewood SE

John Venlet, 700 Rosewood SE

94-140-A. Williamson-Swain. Motion to table the matter until the December 6, 1993 meeting in order to allow a representative from St. Stephen School to be present.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6

Nays: -0-

94-141. A zoning variance hearing was held to consider the request of Frederic and Mari Kruer, 2801 Lake Drive SE, to allow construction of a family room in the rear of the home abutting the existing garage, rather than the minimum allowable clearance of 10 feet from the garage.

94-141-A. Mehney-Walton. That the zoning variance request of Frederic and Mari Kruer, 2801 Lake Drive SE, to allow construction of a family room in the rear of the home abutting the existing garage, rather than the minimum allowable clearance of 10 feet from the garage, be approved.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6

Nays: -0-

94-142. Consideration of the planned unit development rezoning application of Integrated Architecture for the property located at 250 Plymouth Road SE. It is proposed that the property be rezoned PUD for use by an architectural firm.

Mr. Michael Corby, Executive Vice President of Integrated Architecture, informed the Commission that the Brookby Trust had received an offer to purchase the estate for residential use. Mr. Corby requested that the City Commission table consideration of the PUD application for thirty days. If the residential purchase fails, Integrated Architecture will seek further consideration of their application. If the residential purchase succeeds, Integrated Architecture will withdraw their PUD application.

Mr. John Cameron, Trustee of the Brookby Preservation Trust, was present and commended Integrated Architecture for their gracious professionalism in working with the Trust for the preservation of the Brookby Estate. He stated that Integrated Architecture's interest in the property greatly assisted the Trust in receiving the offer to purchase for residential use of the property.

Planning Commissioner Colleen Jarvis was also present and expressed her thanks to Integrated Architecture for their hard work in the preservation of the estate, and for their genuine concern for the best interest of the property and the community.

94-142-A. Edison-Walton. That consideration of the PUD application of Integrated Architecture be tabled until the December 20, 1993 City Commission meeting, for the reasons stated by Michael Corby.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6
Nays: -0-

94-143. Consideration of a request to authorize a budget amendment from the General Fund, in the amount of \$3,500, to allow for an annual fee payment to the Department of Public Health for administration of the Federal Safe Drinking Act.

94-143-A. Edison-Walton. That the City Commission authorize a budget amendment from the General Fund, in the amount of \$3,500, to allow for an annual fee payment to the Department of Public Health for administration of the Federal Safe Drinking Act.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6
Nays: -0-

94-144. Consideration of a request to enter into an agreement with the City of Grand Rapids for establishment and construction of computerized traffic control systems for portions of the Grand Rapids Urbanized Area, at a cost not to exceed \$6,565 for the City of East Grand Rapids, plus maintenance costs.

94-144-A. Williamson-Edison. That the request to enter into an agreement with the City of Grand Rapids for establishment and construction of computerized traffic control systems for portions of the Grand Rapids Urbanized Area, at a cost not to exceed \$6,565 for the City of East Grand Rapids, plus maintenance costs, be approved.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6
Nays: -0-

94-145. Consideration of a request to approve a fee schedule relating to Sections 5.24, 5.81 and 5.34 of Chapter 50 of the City Code regarding temporary uses.

94-145-A. Edison-Walton. That the City Commission approve a temporary use application fee in the amount of \$75, plus costs incurred, for temporary use applications submitted to the City Services Department.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6
Nays: -0-

94-146. The final reading of ordinance amendment to Section 5.172 of Chapter 50 of Title V of the Code of the City of East Grand Rapids pertaining to variance application time limits was put over until the December 6, 1993 meeting.

94-147. Introduction of an ordinance adopting Chapter 1 of the Code of the City of East Grand Rapids pertaining to adoption, contents and interpretation of the provisions of the newly-printed City Code.

94-147-A. Williamson-Edison. That Chapter 1 of the Code of the City of East Grand Rapids pertaining to adoption, contents and interpretation of the provisions of the newly-printed City Code, be introduced, as set forth on Exhibit "A" attached hereto.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6

Nays: -0-

94-148. The preliminary minutes of the Traffic Commission meeting held November 5, 1993 were received.

94-149. The Building Inspection report for the month of October, 1993 was received.

94-150. The Public Safety report for the month of October, 1993 was received.

94-151. Williamson-Edison. Motion to add to the agenda consideration of the appointment of Commissioner-elect Cynthia Bartman to the Planning Commission as a replacement for Commissioner Michael Walton.

A roll call vote was taken.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6

Nays: -0-

94-152. Williamson-Walton. Motion to appointment Cynthia Bartman to the Planning Commission as a replacement for Commissioner Michael Walton.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6

Nays: -0-

94-153. Commissioner Williamson thanked Commissioner Swain for serving as a City Commissioner over the past four years.

Commissioner Walton commended Commissioner Mehney for his efforts in providing an exciting high school football game over the past weekend.

Commissioners Edison and Mehney also expressed their thanks and appreciation to Commissioner Swain for his contributions to the City as City Commissioner.

Commissioner Edison also commended the Recreation Department for the excellent job they did with the many events which occurred over the weekend.

Commissioner Swain expressed his appreciation for the opportunity to serve the citizens of the City over the past four years. He felt that the responsibility was challenging and interesting.

Mayor Deems also thanked Commissioner Swain for his outstanding contributions to the City during his term as Commissioner.

94-154. Williamson-Edison. To enter into executive session to discuss strategy with regard to collective bargaining and to discuss pending litigation with the City Attorney, pursuant to Sections 8C and 8E of the Open Meetings Act.

A roll call vote was taken.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6

Nays: -0-

94-155. The meeting was adjourned subject to the call of the Mayor until December 6, 1993.

City Clerk

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held December 6, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Bartman, Edison, Frakie, Mehney, Walton, Williamson and Mayor Deems

Absent: None

Also Present: City Manager Donovan; City Attorney Huff; City Services Director Baragar; Streets & Utilities Sup't Sterkenburg; City Assessor Norman; Public Safety Director Gallagher; Recreation Director Rhodes, Acting City Clerk Bode; and Office Administrator Kruse

94-156. The minutes of the regular meeting held November 15, 1993 were received.

94-157. Mayor Deems advised of the following communications received:

- (a) Letter from Sandy VanderWerven, Stevensville, Michigan, thanking PSOs Paxson and Donker for their professional assistance in opening her locked vehicle after her attendance at a swim meet at the high school.
- (b) On behalf of the City, Mayor Deems accepted the gift of a flag from Mrs. Karen Henry in memory of her late husband, Paul B. Henry. The flag was flown over the United States Capitol at half-staff as a mark of national respect upon the death of her husband.

94-158. Williamson-Walton. That disbursements to the County and Schools in the amount of \$74,046.83, payroll disbursements in the amount of \$100,601.72, and total remaining disbursements in the amount of \$247,137.51, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Walton, Williamson and Deems - 6

Nays: -0-

94-159. Commissioners Cynthia Bartman, James Frakie and Michael Walton were sworn in as City Commissioners for the City of East Grand Rapids.

94-160. An informational presentation regarding the Metropolitan Development Blueprint was conducted by a Study Team member of the project. Vision statements were presented which pertain to the Blueprint, and the City Commission and City residents were encouraged to provide their input relating to these vision statements.

94-161. A zoning variance hearing was held to consider the request of St. Stephen School, 740 Gladstone SE, to allow construction of a chain link fence, within 20 feet of the corner at Reed Street and Rosewood, to be 72 inches in height rather than the maximum allowable height of 30 inches.

Mr. George LaVoie, 1925 Cornelius, was present and spoke on behalf of St. Stephen School in favor of the variance request.

94-161-A. Williamson-Mehney. That the zoning variance request of St. Stephen School, 740 Gladstone SE, to allow construction of a chain link fence, within 20 feet of the corner at Reed Street and Rosewood, to be 72 inches in height rather than the maximum allowable height of 30 inches, be approved.

Yeas: Bartman, Edison, Frakie, Mehney, Walton, Williamson and Deems - 7

Nays: -0-

94-162. A zoning variance hearing was held to consider the request of Murry and Linda McMurry, 811 Rosewood SE, to renew a previously-granted variance to allow construction of an attached garage 2 feet from the north property line, rather than the required 7-foot minimum.

Mr. McMurry was present and spoke in favor of the variance request. Due to this being a renewal of a previously-approved variance request, and due to some confusion regarding time limitations placed upon variance approvals, Mr. McMurry requested that the City Commission consider waiving the application fee submitted for this variance renewal.

94-162-A. Walton-Mehney. That the zoning variance request of Murry and Linda McMurry, 811 Rosewood SE, to allow construction of an attached garage 2 feet from the north property line rather than the required 7-foot minimum,

be approved, and that the application fee submitted by the McMurry's for this variance renewal be waived due to there being confusion regarding time limitations placed upon variance approvals.

Yeas: Bartman, Edison, Frakie, Mehney, Walton, Williamson and Deems - 7

Nays: -0-

94-163. A zoning variance hearing was held to consider the request of Dodgson Builders of Ada, Michigan, to allow construction, along the north property line of 1753 Asbury Road SE, of a 6-foot privacy fence to be placed on top of an 18-inch-high retaining wall, resulting in a 7-foot, 6-inch high fence, rather than the maximum allowable height of 6 feet.

The following persons were present and expressed their opinion on the granting of the zoning variance:

William Dodgson, of Dodgson Builders	-	In Favor
Robert Cross, 2232 Englewood SE	-	In Favor
Nancy Samra, 1753 Asbury SE	-	Opposed

94-163-A. Frakie-Mehney. That the zoning variance request of Dodgson Builders to allow construction, along the north property line of 1753 Asbury Road SE, of a 6-foot privacy fence to be placed on top of an 18-inch-high retaining wall, be approved.

Yeas: Bartman, Edison, Frakie, Mehney, Walton, Williamson and Deems - 7

Nays: -0-

94-164. Consideration of a request by Dr. Robert E. Galbraith, 6455 Belding Road NE, to determine if an animal care hospital, which provides overnight boarding of patients, is permitted in a C-1 commercial district under Section 5.71 of Chapter 50 of the City Code.

94-164-A. Williamson-Edison. That Section 5.71 of Chapter 50 of the City Code be interpreted as to allow an animal care hospital, which provides overnight boarding of patients for observation and surgery, to be located in a C-1 commercial district.

Yeas: Bartman, Edison, Frakie, Mehney, Walton, Williamson and Deems - 7

Nays: -0-

94-165. The City Commission held a discussion regarding the Middle School youth A/B team system. The following persons were present and expressed their opinions on the matter:

James Ogilvie, EGR Middle School Principal	In Favor
John Brelitch, 1125 Breton SE	In Favor
Cynthia Bischoff, 2465 Indian Trail SE	In Favor
John Sullivan, 1600 Pontiac SE	In Favor
Dennis Velie, 2631 Maplewood	In Favor
John Sichta, 2622 Oakwood SE	In Favor
Jeaune Allard, 2931 Oakwood SE	In Favor
Timothy Allard, 2931 Oakwood SE	In Favor
William Wood, 554 Belvedere	In Favor
Patty Kabat, 3004 Oakwood SE	In Favor
Colleen Jarvis, 900 San Lucia SE	In Favor
Barry Hages, 2530 Hampshire SE	In Favor
Gwen Wallin, 2538 Beechwood SE	In Favor
David Neff, 500 Cambridge SE	In Favor
Janyce Huff, 2310 Anderson SE	Opposed
Joan Carmody, 2707 Elmwood SE	In Favor
Tom Molesta, 215 Rexford SE	In Favor

Recreation Director Bill Rhodes and Recreation Supervisor Fred Bunn briefly explained that the A/B system was being administered in a manner that provides positive reinforcement for the children.

The City Commissioners further discussed their individual opinions as to the philosophy and funding of the Middle School youth athletic program.

94-165-A. Edison-Mehney. Motion to provide City support of the A/B team concept for the Middle School youth athletic program.

94-165-B. Walton-Williamson. To amend motion 94-165-A to limit the City's support of the athletic program

through June 30, 1994, at which time further consideration will be given to the matter.

A roll call vote was taken.

Yeas: Bartman, Frakie, Walton, Williamson and Deems - 5

Nays: Edison and Mehney - 2

Vote on motion 94-165-A, as amended.

Yeas: Bartman, Edison, Frakie, Mehney, Walton, Williamson and Deems - 7

Nays: -0-

94-166. Consideration of a request to adopt a resolution pertaining to the \$3.4 million bond for the Silver Creek Phase I drain project, which resolution authorizes the City Manager to file a Notice of Intent to Issue an Obligation.

94-166-A. Williamson-Edison. Motion to adopt a resolution authorizing the City Manager to file a Notice of Intent to Issue an Obligation relating to the Silver Creek Phase I drain project, as follows:

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO
FILE A NOTICE OF INTENT TO ISSUE AN OBLIGATION

BE IT RESOLVED that the City Manager is hereby authorized to file with the Michigan Department of Treasury a NOTICE OF INTENT TO ISSUE AN OBLIGATION in connection with the drain bonds to be issued by Silver Creek Drainage District in the principal amount of not to exceed \$3,400,000.00 to pay part of the cost of acquiring, establishing and constructing the Silver Creek Drain.

Yeas: Bartman, Edison, Mehney, Walton, Williamson and Deems - 6

Nays: Frakie - 1

94-167. Introduction of an ordinance amendment to Sections 5.72A and 5.32 of Title V of the Code of the City of East Grand Rapids pertaining to conducting business outdoors and canopies over business islands.

94-167-A. Walton-Edison. That an ordinance amending Sections 5.72A and 5.32 of Title V of the Code of the City of East Grand Rapids pertaining to conducting business outdoors and canopies over business islands, as set forth on Exhibit "A" attached hereto, be introduced.

Yeas: Edison, Frakie, Walton, Williamson and Deems - 5

Nays: Bartman and Mehney - 2

94-168. Final reading of an ordinance amendment to Section 5.172 of Chapter 50 of Title V of the Code of the City of East Grand Rapids pertaining to variance application time limits.

94-168-A. Frakie-Walton. That an ordinance amending Section 5.172 of Chapter 50 of Title V of the Code of the City of East Grand Rapids, pertaining to variance application time limits, be adopted as follows:

AN ORDINANCE TO AMEND SECTION 5.172
OF CHAPTER 50 OF TITLE V OF THE
CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 5.172 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended by adding a new subsection F thereto to read as follows:

F. No application for a variance which has been denied by the Board shall be resubmitted to the Board within one (1) year following the denial except upon proof of changed conditions satisfactory to the Board.

Section 2. This ordinance shall be effective December 17, 1993.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

Yeas: Bartman, Edison, Frakie, Mehney, Walton, Williamson and Deems - 7

Nays: -0-

94-169. Final reading of an ordinance adopting Chapter 1 of the Code of the City of East Grand Rapids pertaining

to adoption, contents and interpretation of the provisions of the newly-printed City Code.

94-169-A. Williamson-Edison. That Chapter 1 of the Code of the City of East Grand Rapids pertaining to adoption, contents and interpretation of the provisions of the newly-printed City Code, as set forth on Exhibit "B" attached hereto, be approved.

Yeas: Bartman, Edison, Frakie, Mehney, Walton, Williamson and Deems - 7

Nays: -0-

94-170. Consideration of a request to authorize the purchase of one multi-stage vacuum compressor, in the amount of \$5,100.00, from Vac-Con, Inc., as a repair part on vehicle #4 in the City Services Department.

94-170-A. Williamson-Edison. That the purchase of one multi-stage vacuum compressor, in the amount of \$5,100.00, from Vac-Con, Inc., as a repair part on vehicle #4 in the City Services Department, be authorized.

Yeas: Bartman, Edison, Frakie, Mehney, Walton, Williamson and Deems - 7

Nays: -0-

94-171. The preliminary minutes of the Recreation Commission meeting held November 8, 1993 were received.

94-172. The preliminary minutes of the Planning Commission meeting held November 9, 1993 were received.

94-173. Tom Molesta, 215 Rexford SE, expressed his concerns with the Old Kent Bank proposal to install a drive-through bank in Gaslight Village. Mr. Molesta stated his belief that the retail store plan proposed by Michael Hoffman would be more beneficial to the business district.

94-174. Commissioner Walton thanked Public Safety Officers Parker and Tetzlaff for assisting the Commissioner during a medical emergency.

Commissioner Bartman thanked the City Commission and City staff for providing assistance and support during her transition to the City Commissioner position.

94-175. The meeting was adjourned subject to the call of the Mayor until December 20, 1993.

City Clerk

**PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS**

Regular Meeting Held December 20, 1993

The meeting was called to order by Mayor Deems.

Present: Coms. Bartman, Edison, Frakie, Mehney, Walton, Williamson and Mayor Deems

Absent: None

Also Present: City Manager Donovan; City Attorney Huff; City Services Director Baragar; Public Safety Director Gallagher; Recreation Director Rhodes, and Office Administrator Kruse

94-176. The minutes of the regular meeting held December 6, 1993 were received.

94-177. Mayor Deems advised of the following communications received:

- (a) Memorandum advising the City Commission that Public Safety Officer Charles Lark was honored by the Kent County Chapter of MADD (Mothers Against Drunk Driving) for his commitment in education and enforcement of drunk driving laws.

94-178. Walton-Williamson. That disbursements to the County and Schools in the amount of \$44,406.32, payroll disbursements in the amount of \$111,982.63, and total remaining disbursements in the amount of \$99,299.77, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Bartman, Edison, Frakie, Mehney, Walton, Williamson and Deems - 7

Nays: -0-

94-179. A zoning variance hearing was held regarding the request of Old Kent Bank, 2145 Wealthy Street SE, to allow:

- (a) Business transactions to be conducted, at a drive-through banking facility, from within customer vehicles, utilizing "outdoor" space rather than within a completely enclosed building as required under Section 5.72(A) of the City Zoning Ordinance; and
- (b) Construction of a canopy extending over and connecting the drive-through banking islands. Canopies are now prohibited for this type of application under Section 5.32 of the City Zoning Ordinance.

Phillip Lundwall, architect for Progressive, 1811 Four Mile Road NE, was present and gave a brief presentation of the Old Kent Bank proposal. Also present were Tom Godfrey and Sandy Bartosiewicz, of Old Kent Bank, and David Smith, attorney for Old Kent Bank.

Attorney David Smith spoke in favor of the variance requests, citing convenience and safety for customers who would use the facility. He claimed that all standards were met for a variance because of environmental conditions at the site.

Michael Hoffman, of Hoffman Jewelers, was also present and briefly advised that, if the Old Kent Bank request was rejected by the City Commission, he proposes to purchase the property and establish retail shops on the site.

The following persons were present and expressed their opinion on the granting of a variance to Old Kent Bank:

Dan Cameron, 1046 Lake Grove	Opposed
Terry Stiemann, 2100 Burchard	Opposed
Casey Bartman, 2817 Reeds Lake Boulevard	Opposed
Thomas Damoose, 1554 Ridgewood (Gaslight Inn)	Opposed
Ronald A. Dykema, 2140 Woodlawn	In Favor

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

Letter from Margit Sarne, 647 Lovett	Opposed
Letter from James Azzar, 208 Pioneer Club Road	Opposed
Letter from Tom Molesta, 2168 Wealthy	Opposed
Letter from Dan Cameron, 1046 Lake Grove	Opposed
Letter from Gaslight Village Merchants Assoc.	Opposed

Letter from Charles Caldwell, 2037 Lake Pointe	Opposed
Phone call from Barbara Hoekzema, 2807 Pioneer Club	Opposed
Phone call from Douglas Hoekzema, 2807 Pioneer Club	Opposed
Phone call from Linda Grant, 1155 Lakeside Drive	Opposed
Phone call Christine Linabury, 2563 Beechwood	Opposed
2nd letter from James Azzar, 208 Pioneer Club Road	Opposed

The Mayor closed the public hearing.

The Commission discussed the variance application in light of the four standards of review required by City ordinance and State law. The Commission concluded that all four standards were met because the existing environmental contamination of the property (which was not caused by the applicant) limits the manner in which the property can be developed and makes the property unique. The applicant's proposed development allows the property to be used in an acceptable manner while cleanup of the property continues.

94-179-A. Walton-Edison. That the zoning variance request of Old Kent Bank, 2145 Wealthy Street SE, to allow business transactions to be conducted, at a drive-through banking facility, from within customer vehicles, utilizing "outdoor" space rather than within a completely enclosed building as required under Section 5.72(A) of the City Zoning Ordinance, be approved.

A roll call vote was taken.

Yeas: Edison, Mehney, Walton, Williamson - 4
 Nays: Bartman and Deems - 2
 Abstain: Frakie - 1

94-179-B. Edison-Walton. That the zoning variance requested of Old Kent Bank, 2145 Wealthy Street SE, to allow construction of a canopy extending over and connecting the drive-through banking islands, be approved.

Yeas: Edison, Mehney, Walton, Williamson and Deems - 5
 Nays: Bartman - 1
 Abstain: Frakie - 1

Commissioner Mehney departed from the meeting.

94-180. Consideration of a request to adopt a resolution and tolling order which orders the tolling of the effective date of the Form 393 and proposed schedule of rates submitted by TCI Cable Management Corporation, on behalf of TCI Cablevision of West Michigan, Inc., for an additional ninety (90) days.

94-180-A. Frakie-Walton. That a resolution and tolling order which orders the tolling of the effective date of the Form 393 and proposed schedule of rates submitted by TCI Cable Management Corporation, on behalf of TCI Cablevision of West Michigan, Inc., for an additional ninety (90) days, be adopted as follows:

RESOLUTION AND TOLLING ORDER

WHEREAS the City of East Grand Rapids (the "City") is certified to regulate basic cable service rates pursuant to the 1992 Cable Act and FCC Rules; and

WHEREAS the City has adopted an ordinance ("Ordinance") to prescribe procedures for rate regulation consistent with the 1992 Cable Act and FCC Rules; and

WHEREAS on December 3, 1993, TCI Cable Management Corporation, on behalf of TCI Cablevision of West Michigan, Inc., submitted its proposed schedule or rates for the basic cable tier and associated equipment on FCC Form 393; and

WHEREAS without further review and additional information the City is unable to determine whether the proposed schedule of rates in the cable company's filing and Form 393 comply with the FCC Rules; and

WHEREAS the City needs additional time to review various matters including, without limitation, costs for associated equipment and installation charges, to request or consider additional information from TCI Cablevision of West Michigan, Inc., and to consider comments from interested parties.

NOW, THEREFORE, BE IT RESOLVED that the City of East Grand Rapids hereby orders the tolling of the effective date of the Form 393 and proposed schedule of rates submitted by TCI Cable Management Corporation, on behalf of TCI Cablevision of West Michigan, Inc., for an additional ninety (90) days pursuant to Section 7 of the Ordinance of 47 CFR §76.933.

Yeas: Bartman, Edison, Frakie, Walton, Williamson and Deems - 6

Nays: -0-

94-181. Consideration of a request to approve a budget amendment from the Recreation Department's General Fund, in the amount of \$1,969.79, to allow reimbursement to the Aquatic Club Swim Team for monies collected in FY 1992-93.

94-181-A. That a budget amendment transferring \$1,969.79, from the Recreation Department's General Fund to the Aquatic Club Swim Team account, be approved.

Yeas: Bartman, Edison, Frakie, Walton, Williamson and Deems - 6

Nays: -0-

94-182. Final reading of an ordinance amendment to Sections 5.72A and 5.32 of Title V of the Code of the City of East Grand Rapids pertaining to conducting business outdoors and canopies over business islands.

94-182-A. Walton-Williamson. That the introduced ordinance amendment to Sections 5.72A and 5.32 of Title V of the Code of the City of East Grand Rapids, as set forth on Exhibit "A" attached hereto, be referred to the Infrastructure Committee for its review and recommendation to the City Commission of appropriate modifications to the ordinance.

Yeas: Bartman, Edison, Walton, Williamson and Deems - 5

Nays: Frakie - 1

94-183. The preliminary minutes of the Traffic Commission meeting held December 3, 1993 were received.

94-184. The Building Inspector Report for the month of November, 1993 was received.

94-185. The Public Safety Report for the month of November, 1993 was received.

94-186. Commissioner Frakie advised that the Grand Valley Metropolitan Council will be hosting a training program for planning commissioners on January 29, 1994. He encouraged the City's Planning Commission members to attend this program, if possible.

Commissioner Bartman commended the Public Safety Department for their quick and efficient service in assisting one of her neighbors.

Mayor Deems requested that the City Commission contemplate whether or not the Commission wishes to form a unified opinion regarding Blodgett Hospital's proposed move from the City.

94-187. The meeting was adjourned subject to the call of the Mayor until January 3, 1993.

City Clerk