

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held January 7, 1991

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; Director  
of Public Safety Gallagher; Engineering Services  
Director Baragar; Civil Engineer Kocsis; Public  
Service Superintendent Sterkenburg; Controller-  
Clerk-Treas. Chase.

195. The minutes of the meeting held December 17, 1990  
were approved as submitted.

196. Swain-Edison. That disbursement vouchers in the  
amount of \$242,352.85, payroll disbursements in the amount of  
\$94,785.50, and disbursements to County and Schools in the amount  
of \$891,151.66, as approved by the Finance Committee, be allowed  
and the Controller 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-

197. A hearing was held on a zoning variance requested by  
Post Associates, Inc., representing National Bank of Detroit  
(NBD), to allow the required number of off-street parking spaces  
at 2172 Wealthy Street SE (formerly Leigh's Fur Salon) to be  
reduced to four spaces, rather than nine as specified in the  
Zoning Ordinance. Mark Post, Ernie Childers of NBD, and Larry  
Leigh, representing Leigh's Fur Salon, were present and spoke in  
favor of the variance. Margaret Cosmos, president of the  
Gaslight Village Merchants Association, was also present and  
expressed her concerns regarding the request and whether there  
will be adequate parking available.

197-A. Mehney-Frakie. That this Commission, acting as the  
Board of Zoning Appeals, table this variance request to allow the  
owner and lessee of the property to meet and discuss further  
alternatives for increasing the parking spaces available.

Yeas: Frakie, Mehney, Swain and Deems -- 4.

Nays: Edison and Williamson -- 2.

Abstain: Walton -- 1.

198. Consideration of a request to introduce an ordinance to amend Section 4.30, Chapter 41, Title IV of the Code of the City of East Grand Rapids to provide for the vacation of streets. The amendment, which parallels the procedure contained in the old City Charter, is necessitated by the adoption of the new City Charter which does not contain a procedure for the vacation of streets.

198-A. Williamson-Walton. That an ordinance to amend Section 4.30, Chapter 41, Title IV of the Code of the City of East Grand Rapids to provide for the vacation of streets be introduced as follows:

AN ORDINANCE TO AMEND SECTION 4.30  
OF CHAPTER 41 OF TITLE IV  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 4.30 of Chapter 41 of Title IV of the Code of the City of East Grand Rapids is amended to read as follows:

Sec. 4.30. Vacating streets

When the commission shall deem it advisable to vacate a street, alley or public ground, or any part thereof, the commission shall by resolution so declare and in the same resolution shall appoint a time, not less than four weeks thereafter, when the commission shall meet and hear objections to the vacation. Notice of the meeting, including a copy of the resolution, shall be published once not less than two weeks before the time appointed for the meeting in a newspaper of general circulation in the City. Vacated portions of streets and alleys shall be eliminated from the street plan map. A certified copy of the resolution of vacation adopted by the city commission shall be recorded with the register of deeds and sent to the state treasurer as required by state law.

Section 2. This Ordinance shall be effective on January \_\_\_\_\_, 1991.

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-

199. Consideration of a request to amend the General Fund budget for the Public Service Department capital expenditure account for \$2,195 and to award a purchase order in the amount of \$2,195 to Accurate Safety Distributors of Grandville, Michigan, the sole supplier, for the purchase of one CGS-100 gas detection unit.

199-A. Williamson-Edison. That the request to amend the General Fund budget for the Public Service Department capital expenditure account, and to award a purchase order in the amount of \$2,195 to Accurate Safety Distributors of Grandville, Michigan, the sole supplier, for the purchase of a CGS-100 gas detection unit be approved.

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

Nays: -0-

200. Consideration of a request to approve a special event application for the Clothesline Art Fair, sponsored by the Grand Valley Artists Association, scheduled for June 22, 1991.

200-A. Walton-Swain. That the special event application for the Clothesline Art Fair, sponsored by the Grand Valley Artists Association, scheduled for June 22, 1991, be approved.

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

Nays: -0-

201. Notification to the City Commission of Michigan Municipal League Annual Legislative Conference, scheduled for February 17, 1991 in Lansing, Michigan.

202. Consideration of a nomination by Mayor Deems to appoint Nancy Bylenga, 2546 Berwyck SE, to the East Grand Rapids Library Commission.

202-A. Walton-Frakie. That the appointment of Nancy Bylenga, 2546 Berwyck SE, to the East Grand Rapids Library Commission be approved.

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

Nays: -0-

203. The preliminary minutes of the Recreation Commission meeting of December 10, 1990 were received.

204. The preliminary minutes of the Planning Commission meeting of December 11, 1990 were received.

205. The preliminary minutes of the Traffic Commission meeting of December 18, 1990 were received.

206. Commissioner Walton mentioned the Planning Commission meeting scheduled for Tuesday, January 8, 1991, for further discussion of the proposed use of the Rose's property at 540 and 550 Lakeside Drive, SE.

Commissioner Edison stated that the City's Christmas tree removal program would continue until January 15, 1991. Commissioner Edison also commended the Public Service Department of their successful efforts in keeping the roads of the City clear from snow and ice.

Mayor Deems mentioned the Specially Designated Merchant liquor license application submitted by D&W Food Centers, to transfer the license from Eberhard, and advised the Commission of the 15-day comment period available before the transfer takes effect. The Mayor also advised of the two vacancies on the Assessor's Board of Review and asked any City Commissioners who wished to serve on this board to notify him.

207. The meeting was adjourned subject to the call of the Mayor until January 21, 1991.

*Thomas H. Chase*

Thomas H. Chase, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held January 21, 1991

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; Director  
of Public Safety Gallagher; Engineering Services  
Director Baragar; Civil Engineer Kocsis; Public  
Service Superintendent Sterkenburg; Drug  
Enforcement Administration Special Agent Herman;  
Public Safety Lt. Darzniek; Controller-  
Clerk-Treas. Chase.

208. The minutes of the meeting held January 7, 1991 were  
approved as submitted.

209. Edison-Swain. That disbursement vouchers in the  
amount of \$149,274.87, payroll disbursements in the amount of  
\$93,266.47, and disbursements to County and Schools in the amount  
of \$2,652,652.19, as approved by the Finance Committee, be  
allowed and the Controller be authorized to draw an order on the  
Treasurer for the respective amounts.

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

Nays: -0-

210. Presentation by the Mayor of a certificate of  
recognition to Drug Enforcement Administration Special Agent  
Herman and recognition to Public Safety Lt. Darzniek for their  
outstanding efforts with regard to drug enforcement  
investigations.

211. Consideration of a request by Mayor Deems to adopt a  
resolution approving the admission of Cedar Springs to the Grand  
Valley Metropolitan Council.

211-A. Frakie-Williamson. That the resolution to approve  
the admission of Cedar Springs to the Grand Valley Metropolitan  
Council be adopted, as follows:

RESOLUTION

RESOLVED, the City of East Grand Rapids hereby grants its consent to the admission of the City of Cedar Springs as a member of the Grand Valley Metropolitan Council as required by the Metropolitan Council Act and in accordance with the Articles and Bylaws of the Council.

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

Nays: -0-

212. Final reading of an ordinance amendment to Section 4.30, Chapter 41 of Title IV, of the Code of the City of East Grand Rapids setting forth street vacation procedures.

212-A. Swain-Williamson. That the ordinance amendment to Section 4.30, Chapter 41 of Title IV, of the Code of the City of East Grand Rapids relating to street vacation procedures be adopted, which amendment is attached hereto as Exhibit "A."

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

Nays: -0-

213. Introduction of an ordinance to amend Section 5.24, Chapter 50 of Title V, of the Code of the City of East Grand Rapids concerning authorization of special uses within the City.

213-A. Williamson-Frakie. That an ordinance to amend Section 5.24, Chapter 50 of Title V, of the Code of the City of East Grand Rapids concerning authorization of special uses within the City be introduced, which ordinance is attached hereto as Exhibit "B."

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

Nays: -0-

214. Introduction of an ordinance to repeal Chapter 8, Title I, of the Code of the City of East Grand Rapids which relates to local officers' compensation commission.

214-A. Walton-Edison. That an ordinance to repeal Chapter 8, Title I, of the Code of the City of East Grand Rapids relating to local officers' compensation commission be introduced, which ordinance is attached hereto as Exhibit "C."

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

215. Introduction of an ordinance to amend Section 1.3, Chapter 1 of Title I, of the Code of the City of East Grand Rapids pertaining to the publication provisions of the City Charter and which reflects the new location of those requirements in the City Charter.

215-A. Williamson-Swain. That an ordinance to amend Section 1.3, Chapter 1 of Title I, of the Code of the City of East Grand Rapids pertaining to publication provisions of the City Charter and the new location of those requirements in the Charter be introduced, which ordinance is attached hereto as Exhibit "D."

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

216. Introduction of an ordinance to amend Section 1.309, Chapter 7 of Title I, of the Code of the City of East Grand Rapids relating to collection of taxes.

216-A. Williamson-Swain. That an ordinance to amend Section 1.309, Chapter 7 of Title I, of the Code of the City of East Grand Rapids pertaining to collection of taxes be introduced, which ordinance is attached hereto as Exhibit "E."

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

217. Introduction of an ordinance to amend Section 2.153, Chapter 26 of Title II, of the Code of the City of East Grand Rapids relating to the enforcement of the City's right to collect costs on restoration and cleanup of property.

217-A. Williamson-Swain. That an ordinance to amend Section 2.153, Chapter 26 of Title II, of the Code of the City of East Grand Rapids relating to the enforcement of the City's right to collect costs on restoration and cleanup of property be introduced, which ordinance is attached hereto as Exhibit "F."

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

218. Introduction of an ordinance to amend Section 4.28, Chapter 41 of Title IV, of the Code of the City of East Grand Rapids relating to the removal of encroachments and obstructions in City streets.

218-A. Williamson-Swain. That an ordinance to amend Section 4.28, Chapter 41 of Title IV, of the Code of the City of East Grand Rapids relating to the removal of encroachments and obstructions in City streets be introduced, which ordinance is attached hereto as Exhibit "G."

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

219. Introduction of an ordinance to amend Sections 1.513, 1.514, 1.515 and 1.518, Chapter 9 of Title I, of the Code of the City of East Grand Rapids which bring the election sections of the Code into compliance with both state law and the new charter.

219-A. Williamson-Swain. That an ordinance to amend Sections 1.513, 1.514, 1.515 and 1.518, Chapter 9 of Title I, of the Code of the City of East Grand Rapids relating to election procedures be introduced, which ordinance is attached hereto as Exhibit "H."

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

220. Consideration of a request to approve a release of easement for public utilities over vacated Melrose Drive, Arundel Road and York Drive, as recorded in Liber 2783, Page 477, of the Kent County Register of Deeds.

220-A. Edison-Walton. That the request to approve a release of easement on the Arundel Road Plat be approved.

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

221. Consideration of a request to approve the final Arundel Road Plat and that the City Clerk be authorized to sign the final plat in order for the plat approval process to continue and construction to commence in the spring of 1991.

221-A. Swain-Edison. That the request to approve the final Arundel Road Plat and the City Clerk be authorized to sign the final plat be approved.

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

222. Consideration of a request to approve a street lighting plan pertaining to the Arundel Road Plat, and that these street lights be added into the standard street lighting contract with Consumers Power.

222-A. Williamson-Edison. That the request to approve the street lighting plan for the Arundel Road Plat and the addition of these street lights to the standard street lighting contract with Consumers Power be approved.

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

223. Consideration of a request by Mayor Deems to appoint Robert Swain, 514 Lakeside Drive SE, and James Frakie, 946 Santa Barbara SE, to the Assessor's Board of Review.

223-A. Walton-Edison. That the appointment of Robert Swain and James Frakie to the Assessor's Board of Review be approved.

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

224. Consideration of a request to award a purchase order in the amount of \$2,825.25 to Bell Equipment, the low bidder, for the repair of a street sweeper at the Public Service Department.

224-A. Frakie-Edison. That the request to award a purchase order in the amount of \$2,825.25 to Bell Equipment for the repair of a Public Service Department street sweeper be approved.

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

Nays: -0-

225. Consideration of a request that the East Grand Rapids City Commission adopt a motion authorizing staff to reapply for applicable state and federal grants pertaining to the proposed Manhattan Recreation Area Improvement Project-Phase II.

225-A. Edison-Williamson. That City staff is authorized to reapply for applicable state and federal grants pertaining to the proposed Manhattan Recreation Area Improvement Project-Phase II.

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

Nays: -0-

226. Consideration of a request to approve a special event application for the Super Cities Walk, sponsored by the Michigan Chapter of the National Multiple Sclerosis Society, scheduled for April 6, 1991.

226-A. Williamson-Frakie. That the special event application for the Super Cities Walk, sponsored by the Michigan Chapter of the National Multiple Sclerosis Society, scheduled for April 6, 1991, be approved pending receipt of an appropriate certificate of insurance.

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

Nays: -0-

227. Consideration of a request to approve a special event application for the Reeds Lake Run, sponsored by the City of East Grand Rapids, scheduled for June 29, 1991.

227-A. Edison-Swain. That the special event application for the Reeds Lake Run, sponsored by the City of East Grand Rapids, scheduled for June 29, 1991, be approved.

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

Nays: -0-

228. The preliminary minutes of the Library Commission meeting of December 6, 1990 were received.

229. The preliminary minutes of the Planning Commission meeting of January 8, 1991 were received.

230. The Building Inspection Report for the month of December, 1990 was received.

231. The Public Safety Report for the month of December, 1990 was received.

232. Gretchen Southwell presented a Certificate of Insurance to the City of East Grand Rapids for the Super Cities Walk and thanked the City Commission for its approval of this event.

233. Mayor Deems discussed a letter from Kentwood Chief of Police Tobias commending East Grand Rapids Public Safety Officers Ellis and VanderWerf for the excellent effort they put forth in assisting the Kentwood police department.

Mayor Deems also presented a letter from Philip Idema commending Public Service Department employee Bill Morey for his courteous and professional assistance to this citizen.

234. Williamson-Walton. To enter executive session to discuss pending litigation with the City Attorney pursuant to Section 8(e) of the Open Meetings Act.

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

Nays: -0-

235. The meeting was adjourned subject to the call of the Mayor until February 4, 1991.

  
\_\_\_\_\_  
Thomas H. Chase, City Clerk

AN ORDINANCE TO AMEND SECTION 4.30  
OF CHAPTER 41 OF TITLE IV  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 4.30 of Chapter 41 of Title IV of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 4.30. Vacating streets

When the commission shall deem it advisable to vacate a street or alley or any part thereof, the commission shall by resolution so declare and in the same resolution shall appoint a time, not less than four weeks thereafter, when the commission shall meet and hear objections to the vacation. Notice of the meeting, including a copy of the resolution, shall be published once not less than two weeks before the time appointed for the meeting in a newspaper of general circulation in the City. Notice of the meeting shall also be served personally or by mail at least seven (7) days prior to the day of the meeting upon property owners of record, as listed in the records at city hall, for all property which abuts the portion of the street or alley to be vacated. Failure of a property owner to receive such notice shall not invalidate the vacation proceedings. Vacated portions of streets and alleys shall be eliminated from the street plan map. A certified copy of the resolution of vacation adopted by the city commission shall be recorded with the register of deeds and sent to the state treasurer as required by state law."

Section 2. This Ordinance shall be effective on February 1, 1991."

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.

AN ORDINANCE TO AMEND SECTION 5.24  
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 5.24 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 5.24. Special Uses

(1) Certain land uses because of size, nature of operation, limited application, or relation to their natural resources must be considered individually and not necessarily subject to the zone district provisions. The uses listed in this section may be authorized by the city commission in all districts following a public hearing as hereinafter required, if it is found and determined by the commission that such use is essential or desirable and will not have an adverse effect on neighboring property.

(2) A development plan shall be submitted with the application for such use containing among other things: land use, all buildings and structures, streets, highways, parking areas, loading zones, entrances and exits, sidewalks, utilities, drainage, and landscaping. The city commission may require any additional information it deems necessary for making a decision.

(3) The following uses may be authorized by the city commission in any zone, subject to the provisions of this section: recreational facilities, hospitals, private schools, public schools, churches, public libraries, public museum, and public art galleries."

Section 2. This Ordinance shall be effective on \_\_\_\_\_, 1991.

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.

AN ORDINANCE TO REPEAL CHAPTER 8  
OF TITLE I  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Chapter 8 of Title I of the Code of the City of East Grand Rapids is hereby repealed.

Section 2. This ordinance shall be effective on \_\_\_\_\_, 1991.

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.

AN ORDINANCE TO AMEND SECTION 1.3  
OF CHAPTER 1 OF TITLE I  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 1.3 of Chapter 1 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.3. Publication.

All ordinances shall be published as required by Chapter VII, Section 7.5 of the City Charter."

Section 2. This Ordinance shall be effective on \_\_\_\_\_, 1991.

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.

AN ORDINANCE TO AMEND SECTION 1.309  
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 (4) of Section 1.309 of Chapter 7 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"(4) After each installment has been placed on the tax rolls, the same shall be collected by the treasurer with the same rights and remedies, and the same penalties and interest, as provided in the City Charter for the collection of taxes."

Section 2. This Ordinance shall be effective on \_\_\_\_\_, 1991..

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.

AN ORDINANCE TO AMEND SECTION 2.153  
OF CHAPTER 26 OF TITLE II  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 2.153 of Chapter 26 of Title II of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 2.153. Enforcement.

The city shall have the right to bring an action in the appropriate court to collect any and all costs of cleanup and restoration which are not paid by the responsible party as required by Section 2.152. In addition, in those instances where the responsible party owns the affected property, any and all costs of cleanup and restoration which are not paid within thirty (30) days after billing shall be levied as a special assessment in the manner provided in Section 1.306 of this Code."

Section 2. This Ordinance shall be effective on \_\_\_\_\_, 1991.

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.

EXHIBIT "G"

AN ORDINANCE TO AMEND SECTION 4.28  
OF CHAPTER 41 OF TITLE IV  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 4.28 of Chapter 41 of Title IV of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 4.28. Removal of encroachments.

The city may remove encroachments and obstructions and fill excavations in the street and charge the expense of such removal or filling against the person responsible therefor, including the abutting landowner who permitted the encroachment, obstruction or excavation to exist other than in accordance with the terms and conditions of this chapter, and the costs thereof shall be a lien on such abutting landowner's premises and shall be collected as provided for assessments on single lots pursuant to Section 1.306 of this Code."

Section 2. This Ordinance shall be effective on \_\_\_\_\_, 1991.

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.

AN ORDINANCE TO AMEND SECTIONS 1.513, 1.514,  
1.515 AND 1.518 OF CHAPTER 9 OF TITLE I  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 1.513 of Chapter 9 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.513. Nomination of candidates.

Candidates for the office of mayor shall be nominated from the city at large by petition and elected by the qualified electors of the city. Candidates for the office of city commissioner shall be nominated by petition and elected by the qualified electors of the ward in which they reside. Nominating petitions shall be on blanks furnished by the city clerk. Each nominating petition shall comply with state law, be signed by not less than twenty-five qualified electors (25), and be filed with the clerk by 4:00 p.m. on the twelfth Tuesday preceding the September primary election in each odd-numbered year. Each elector who signs a petition shall date his or her signature and include his or her residential street address on the petition. If an elector signs more petitions for candidates for any office than the number of positions to be filled, then the most recent signatures shall be invalid and if the most recent signatures all bear the same date, then all of those signatures shall be invalid. The circulator of a petition shall attach to each petition a certificate stating (1) the number of signatures on the petition; (2) that each signature is that of the person whose name it purports to be; and (3) that each signature was made in the presence of the circulator."

Section 2. Section 1.514 of Chapter 9 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.514. Preparation of ballots.

Within five (5) days after the expiration of the time limit for filing nominating petitions, the city clerk shall certify to the board of election commissioners the names of all candidates duly nominated and any special matters to be submitted to the electors. The board shall then prepare the ballots, indicating the name of each candidate and office without any party name or designation, and the special matters, if any, to

be voted upon. A candidate's name shall not be withdrawn from the election unless a written notice of withdrawal is served on the clerk not later than 4:00 p.m. within three (3) days after the last day for filing nominating petitions."

Section 3. Section 1.515 of Chapter 9 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.515. Election of mayor and city commissioners.

The two (2) candidates who receive the highest number of votes for the office of mayor and the two (2) candidates who receive the highest number of votes for the office of city commissioner shall have their names placed upon the general municipal election ballot for that office unless no more than three (3) candidates file nominating petitions for an office, in which case a primary election shall not be held for that office and those candidates shall be declared the nominees for that office in the general municipal election."

Section 4. Section 1.518 of Chapter 9 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.518. Applicability.

Except as otherwise provided in this chapter, the provisions of Chapters III and VI of the East Grand Rapids City Charter shall apply with respect to all city elections."

Section 5. This Ordinance shall be effective on \_\_\_\_\_, 1991.

Section 6. 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.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held February 4, 1991

The meeting was called to order by Mayor Deems.

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

Absent: None.

Also Present: Deborah and Peter Colvin, Attorney Mark Henderson,  
John Sims, all representing Ramona Beach Club,  
Inc.; City Manager Allard; City Attorney Huff;  
Director of Public Safety Gallagher; Engineering  
Services Director Baragar; Civil Engineer Kocsis;  
Assistant to Plant Engineer Dan Turcotte;  
Engineering Assistant Doug Kadzban; Public Service  
Superintendent Sterkenburg; Public Safety Deputy  
Director Ditmar; Public Safety Lt. Radakovitz;  
Public Safety Sergeants Ellis, Smith and Vander  
Werf; Planning Commissioner John Turkal; Planning  
Commissioner George Davis; and Controller-  
Clerk-Treas. Chase.

236. The minutes of the meeting held January 21, 1991  
were approved as submitted.

237. Mayor Deems advised the City Commission of a letter  
received by Steve Turkal commending Public Safety Officers Martin  
Donker and Alvin Paxson for the excellent efforts they  
demonstrated caring for Mr. Turkal's daughter on January 23,  
1991.

238. Frakie-Swain. That disbursement vouchers in the  
amount of \$139,276.67, payroll disbursements in the amount of  
\$105,571.77, and disbursements to County and Schools in the  
amount of \$1,032,589.86, as approved by the Finance Committee, be  
allowed and the Controller be authorized to draw an order on the  
Treasurer for the respective amounts.

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

Nays: -0-

239. Presentation by Public Safety Director Gallagher of  
Public Safety Officers who received promotions effective February  
4, 1991, as follows: Deputy Public Safety Director Thomas  
Ditmar; Public Safety Lieutenant Robert Radakovitz; Public Safety  
Sergeant Michael Ellis; Public Safety Sergeant David Smith; and  
Public Safety Sergeant Russel VanderWerf.

Commissioner Edison arrived.

240. Mayor Deems called to order a public hearing on the request of Ramona Beach Club, Inc. to discuss a planned unit development rezoning of properties located at 540 and 550 Lakeside Drive SE, in an area zoned A-2, single-family. The following is a detailed, chronological record of the questions and comments of interested parties at the hearing:

Deborah and Peter Colvin, partners in the development, made introductory remarks concerning the Ramona Beach Club proposal. The Colvins expressed their desire to cooperate fully with the wishes of the residents of the City and, due to the previous problems arising from the size of the proposed project, have scaled down the size of the plan. The Colvins stated that the building is intended to be designated as non-smoking for environmental and health reasons.

Mark Henderson, attorney for the Colvins, addressed the legal issues pertaining to the planned development. He stated that there were changes to the site plan of the usable square footage of the development from those previously listed on the site plan submitted to the Planning Commission for its approval, as follows:

<u>Facility</u>	<u>Usable Square Footage</u>
Rose's	962
Banquet Room	1,063
Restaurant	<u>2,616</u>
Total:	<u>4,641</u>

Art Spalding, representing Lakewood Hills Apartments owners, commended the Colvins for their efforts to conform their development to fit the needs and desires of the community. He did, however, make a presentation outlining the apartment owner's objections to the development project proposal. The concerns cited were possible use of the apartments' parking lot by restaurant patrons, and foot traffic through the apartments' grounds. Mr. Spalding also pointed out that the parking needs of the proposed development project are of a permanent nature and he questioned the permanency of the parking arrangements that the developers are pursuing. Lakewood Hills Apartments owners will continue to object to this development plan until the parking problems have been solidified to their satisfaction.

Geoff Hughes, 260 Hodenpyl SE, stated his opposition to the Ramona Beach Club. He requested that the City Commission review the Master Plan to consider any future plans the City may have to extend the park on the lake and the hindrance of these plans due to a permanent restaurant being located there.

Tim Wiggins, 947 San Jose Drive SE, spoke in favor of the development project indicating that he thought the continuation of a restaurant at the Rose location would benefit the East Grand Rapids community. He believed the parking arrangement was more a risk for the developers than the City, and he felt this was not a good enough reason to deny the application. Mr. Wiggins expressed hope that the City's parking concerns related to the proposal could be resolved.

Richard Lyman, 2607 Frederick SE, stated his concerns regarding the noise level on the lake resulting from the restaurant. The Colvins responded to Mr. Lyman's concerns by informing him that they would not be contracting a music band for entertainment. Possibly, piano music would be used, and a singer on special occasions. There would be no outdoor music at the Club. Mr. Lyman also questioned Public Safety Director Gallagher about his thoughts on drunken boat drivers and whether this could develop into a problem. Chief Gallagher expressed his belief that this would be no greater problem than it has been in the past.

Sarah Kanouse, owner of Marche, located on Wealthy Street, spoke in favor of the plan and stated that the merchants in the area felt the proposal was valuable to the East Grand Rapids community. When asked by Commissioner Walton whether the merchants were concerned about parking spaces being at a premium, she responded that most of the area merchants' business was from foot traffic and that the installation of the Ramona Beach Club should increase this foot traffic to the merchants' benefit.

John Chandler, Store Manager of Jacobson's, advised that Jacobson's supported the Ramona Beach Club project but he voiced his concerns with customer parking once the D&W store opens. Commissioner Walton asked Mr. Chandler what agreement, if any, Jacobson's has with the developers and Mr. Chandler stated that Jacobson's has no formal parking agreement with the developers, but that it would not restrict parking to the restaurant customers unless Jacobson's customers suffered. Commissioner Frakie asked Mr. Chandler if a parking study had been made as to peak periods, and Mr. Chandler informed him that no extended study had been made.

Dan Conway, 1514 Edgewood Avenue SE, as a member of both the City of East Grand Rapids Historical Commission and the Grand Rapids Yacht Club, expressed that he supports the Ramona Beach Club development. From his involvement on the Historical Commission, he especially appreciates the concept of maintaining the history of the area. Mr. Conway stated his belief that probably most of the Yacht Club members also favor the development proposal.

Patsy Dodson, 1045 Conlon Drive SE, and of Greenridge Realty, cited her experience as a realtor and generally stated her support for the development project. Her belief was that this decision was a turning point for the City, and that the installation of this restaurant could help the merchants. She did not feel that parking was an issue.

Tom O'Meara, 2046 Argentina SE, stated his support and that, as a resident, he would like to see growth in the City. As a businessman, he would like a quality restaurant in his home town to bring clients as an alternative to traveling to Holland or some other city.

Julie Stoneman, Program Director for West Michigan Environmental Action Council, requested that the development plan be tabled until sufficient study could be completed to determine whether or not the plan fits with the desired use of the Reeds Lake shoreline. In this regard, she suggested that the City create a special waterfront zone around Reeds Lake to limit the shoreline to uses which conform with the environment and the City's Comprehensive Master Plan. She encouraged the City to postpone a decision of the development project until such time as this special environmental zone could be created. She felt that the City purchase of the Rose's property was still an option which should be considered. She also expressed her concern over the easement and how it would cut into park property.

John Turkal, 450 Rosewood SE, and a commissioner on the City's Planning Commission, spoke in favor of the project, especially since the downsizing has taken place. He noted that the City needs to be more flexible with the parking issue as approved by the Planning Commission and that the concerns expressed by the apartment complex owners seem exaggerated. He did, however, state that the footprint of the restaurant building should be moved closer to the street and away from the lake.

Liz Morris, 1733 Pontiac SE, also spoke in favor of the development project. She commended the developers for the admirable job they are doing on meeting the desires of the residents. She felt that the City should be more concerned with the nonresident fishermen who park on the street than with the on-street parking concerns relating the restaurant.

Garth Hildebrand, 1426 Lake Grove SE, voiced his support for the development proposal, and suggested that the parking issue should be worked out as a compromise. He further stated that the City should take time and consider the waterfront zone proposition before they decide on the project. He felt the lake must be protected. He also was concerned with the location of the boat ramp should it be moved, in part, because of the restaurant proposal.

Mayor Deems closed the public hearing and stated that the Commission would review all the information it had before it. No decision would be made at this meeting, but this issue would be put on a future agenda, possibly the next meeting or the one after.

Commissioner Mehney directed a comment to Art Spalding that not all of the tenants in the Lakewood Hills Apartment Complex were opposed to the Ramona Beach Club development. Mr. Spalding responded that it was the owners of the complex who would be the most vulnerable party involved. Mehney also stated that the boat ramp issue should be addressed, and that he was not overly worried about the potential commercial domino effect.

Commissioner Williamson stated that the City Commission should consider the fact that the parking provisions being made did not include parking for the marina, and that on-street parking would also deprive non-restaurant parkers, especially those who use Collins Park. Also, he stated that boat ramp traffic, especially during the weekly bass tournament held throughout the summer, will cause gridlock if the development proposal is approved. He further stated that the noise level on the lake could be a problem and was a definite concern to keep in mind. In addition, he stated his belief that commercial creep on the lake would develop into a bigger concern once the development plan was approved. Finally, he stated that the approval of a Class-C liquor license would immediately invite more applications for this license.

Commissioner Walton commended the developers on their flexibility in downsizing the project to meet a compromise with the City. He felt that the project complies with the City's Master Plan and that any precedence that would be set as far as the waterfront district would be controllable. Also, he stated his understanding that City purchase of the Rose properties was impractical.

Commissioner Frakie asked Public Safety Director Gallagher if any general studies on safety had been performed. Public Safety Director Gallagher responded that there was no new studies performed and that he had nothing new to advise the Commission of. Commissioner Frakie requested that Gallagher furnish the City Commission with any information he could provide to help them in their decision-making. Commissioner Frakie also asked the Colvins how big a turnout they expected each night. The Colvins (and Henderson) responded that they felt that the business flow would be adequate to maintain a profitable enterprise and that the parking and traffic issues would be manageable. Frakie asked the developers how many employees would be on duty throughout a business day and Mr. John Sims (developer) responded that anywhere from three to fifteen would be on the premises. The developers stated that they would like to use the Public Service building parking lot for employee parking and that the restaurant would shuttle their employees to the job site.

Commissioner Edison also inquired of the developers as to the purpose of the restaurant deck and if it would be used for eating or drinking. The Colvins advised that the deck would hold a maximum of four tables to be used strictly for dining. The seating at these tables would be controlled by the host/hostess.

Commissioner Swain expressed his concern for parking, but also over the traffic problems that may occur. Mr. Colvin advised him that they had considered this issue from the inception of the project and that traffic problems would be minimal as patrons would be arriving and leaving the establishment at differing time periods. The developers did their own informal study of comparable establishments and found that there were no times when everyone arrived or departed at the same time.

Commissioner Walton asked Mr. Henderson where the developers stood with regard to a parking agreement with the Ramona Medical Center. Mr. Henderson stated that, due to the owners of the Medical Center being unavailable for discussion at this time, the agreement was still pending. He did state that the lease term being discussed would be for a one-year period.

After no further comments by the Mayor or Commissioners, the Mayor thanked everyone for coming and invited them all to stay for the remainder of the City Commission meeting.

241. Introduction of an ordinance to amend Section 5.190, Chapter 50 of Title V, of the Code of the City of East Grand Rapids to establish a planned unit development zone for properties located at 540 and 550 Lakeside Drive SE.

241-A. Williamson-Walton. That an ordinance to amend Section 5.190, Chapter 50 of Title V, of the Code of the City of East Grand Rapids to establish a planned unit development zone for properties located at 540 and 550 Lakeside Drive SE, be introduced, which ordinance is attached hereto as Exhibit "A."

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

242. Introduction of an ordinance to amend Section 9.52, Chapter 93 of Title IX, of the Code of the City of East Grand Rapids which prohibits making premises available for alcohol consumption by persons under 21 years of age.

242-A. Walton-Frakie. That an ordinance to amend Section 9.52, Chapter 93 of Title IX, of the Code of the City of East Grand Rapids, which prohibits making premises available for alcohol consumption by persons under 21 years of age, be introduced, which ordinance is attached hereto as Exhibit "B."

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

243. Final reading of an ordinance amendment to Section 5.24, Chapter 50 of Title V, of the Code of the City of East Grand Rapids concerning authorization of special uses within the City.

243-A. Frakie-Williamson. That the ordinance amendment to Section 5.24, Chapter 50 of Title V, of the Code of the City of East Grand Rapids concerning authorization of special uses within the City be adopted, which amendment is attached hereto as Exhibit "C."

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

Nays: -0-

244. Final reading of an ordinance to repeal Chapter 8 of Title I, of the Code of the City of East Grand Rapids which relates to local officers' compensation commission.

244-A. Frakie-Williamson. That the ordinance to repeal Chapter 8, Title I, of the Code of the City of East Grand Rapids be adopted, which ordinance is attached hereto as Exhibit "D."

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

Nays: -0-

245. Final reading of an ordinance amendment to Section 1.3, Chapter 1 of Title I, of the Code of the City of East Grand Rapids pertaining to the publication provisions of the City Charter and which reflects the new location of those requirements in the City Charter.

245-A. Frakie-Williamson. That the ordinance amendment to Section 1.3, Chapter 1 of Title I, of the Code of the City of East Grand Rapids pertaining to the publication provisions of the City Charter and the new location of this requirements in the Charter be adopted, which amendment is attached hereto as Exhibit "E."

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

Nays: -0-

246. Final reading of an ordinance amendment to Section 1.309, Chapter 7 of Title I, of the Code of the City of East Grand Rapids relating to collection of taxes.

246-A. Frakie-Williamson. That the ordinance amendment to Section 1.309, Chapter 7 of Title I, of the Code of the City of East Grand Rapids relating to collection of taxes be adopted, which amendment is attached hereto as Exhibit "F."

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

247. Final reading of an ordinance amendment to Section 2.153, Chapter 26 of Title II, of the Code of the City of East Grand Rapids relating to the enforcement of the City's right to collect costs on restoration and cleanup of property.

247-A. Frakie-Williamson. That the ordinance amendment to Section 2.153, Chapter 26 of Title II, of the Code of the City of East Grand Rapids relating to the enforcement of the City's right to collect costs on restoration and cleanup of property be adopted, which amendment is attached hereto as Exhibit "G."

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

248. Final reading of an ordinance amendment to Section 4.28, Chapter 41 of Title IV, of the Code of the City of East Grand Rapids relating to the removal of encroachments and obstructions in City streets.

248-A. Frakie-Williamson. That the ordinance amendment to Section 4.28, Chapter 41 of Title IV, of the Code of the City of East Grand Rapids relating to the removal of encroachments and obstructions in City streets be adopted, which amendment is attached hereto as Exhibit "H."

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

249. Final reading of an ordinance amendment to Sections 1.513, 1.514, 1.515 and 1.518, Chapter 9 of Title I, of the Code of the City of East Grand Rapids which bring the election sections of the Code into compliance with both state law and the new charter.

249-A. Frakie-Williamson. That the ordinance amendment to Sections 1.513, 1.514, 1.515 and 1.518, Chapter 9 of Title I, of the Code of the City of East Grand Rapids relating to election procedures be adopted, which amendment is attached hereto as Exhibit "I."

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

Nays: -0-

250. Commissioner Mehney commended Clerk-Treasurer Thomas H. Chase for his outstanding work on the City's financial report.

251. The City of East Grand Rapids' financial reports for the period ending December 31, 1990 were received as submitted.

252. Consideration of a request that the City authorize the use of a computerized data base implemented by Kent County as the property tax roll in accordance with Public Act 112 of 1990.

252-A. Edison-Swain. That the request for the City to authorize the use of Kent County's computerized data base as the City's property tax roll be approved.

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

Nays: -0-

253. Consideration of a request to award a purchase order in the amount of \$2,862 to VanderVoort, the low bidder, for T-shirts for the spring recreation program.

253-A. Williamson-Walton. That the request to award a purchase order in the amount of \$2,862 to VanderVoort for T-shirts for the spring recreation program be approved.

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

Nays: -0-

254. Consideration of a request to approve the selection of Olson, Meyers & May as professional consulting engineers to consult with the City on an as-needed basis.

254-A. Williamson-Mehney. That the request to approve the selection of Olson, Meyers & May as professional consulting engineers to the City of East Grand Rapids on an as-needed basis be approved.

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

Nays: -0-

255. Consideration of a request by City Signal, Inc. to amend a right-of-way agreement to permit City Signal to install additional fiber optic cable along Plymouth Road from Robinson Road to Blodgett Hospital.

255-A. Edison-Swain. That the request by City Signal, Inc. to amend a right-of-way agreement to permit City Signal to install additional fiber optic cable along Plymouth Road from Robinson Road to Blodgett Hospital in the City of East Grand Rapids be approved.

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

Nays: -0-

256. The preliminary minutes of the Recreation Commission meeting of January 14, 1991 were received.

257. The preliminary minutes of the Historical Commission meeting of January 22, 1991 were received.

258. Commissioner Frakie thanked Dan Conway for his diligent efforts pertaining to the Historical Commission.

Commissioner Williamson stated that he received three phone calls from residents who showed concern regarding the parking issue relating to Ramona Beach Club development.

Proceedings of the East Grand Rapids City Commission  
February 4, 1991  
Page 12

Mayor Deems advised that the City's census was received and that the City of East Grand Rapids' population decreased by approximately 100 residents.

259. The meeting was adjourned subject to the call of the Mayor until February 18, 1991.

*Thomas H. Chase*

Thomas H. Chase, City Clerk

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AN ORDINANCE TO AMEND SECTION 5.190  
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 5.190 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended by changing the map for District 2 to indicate that the following described parcels are zoned PUD - Planned Unit Development, as shown on the attached revised map, and in accordance with the final site plan approved on February \_\_\_\_, 1991.

PARCEL 1:

Lot 60 and N 16-2/3' of Lot 59, Boynton & Judd's Lake Addition, City of East Grand Rapids, Kent County, Michigan

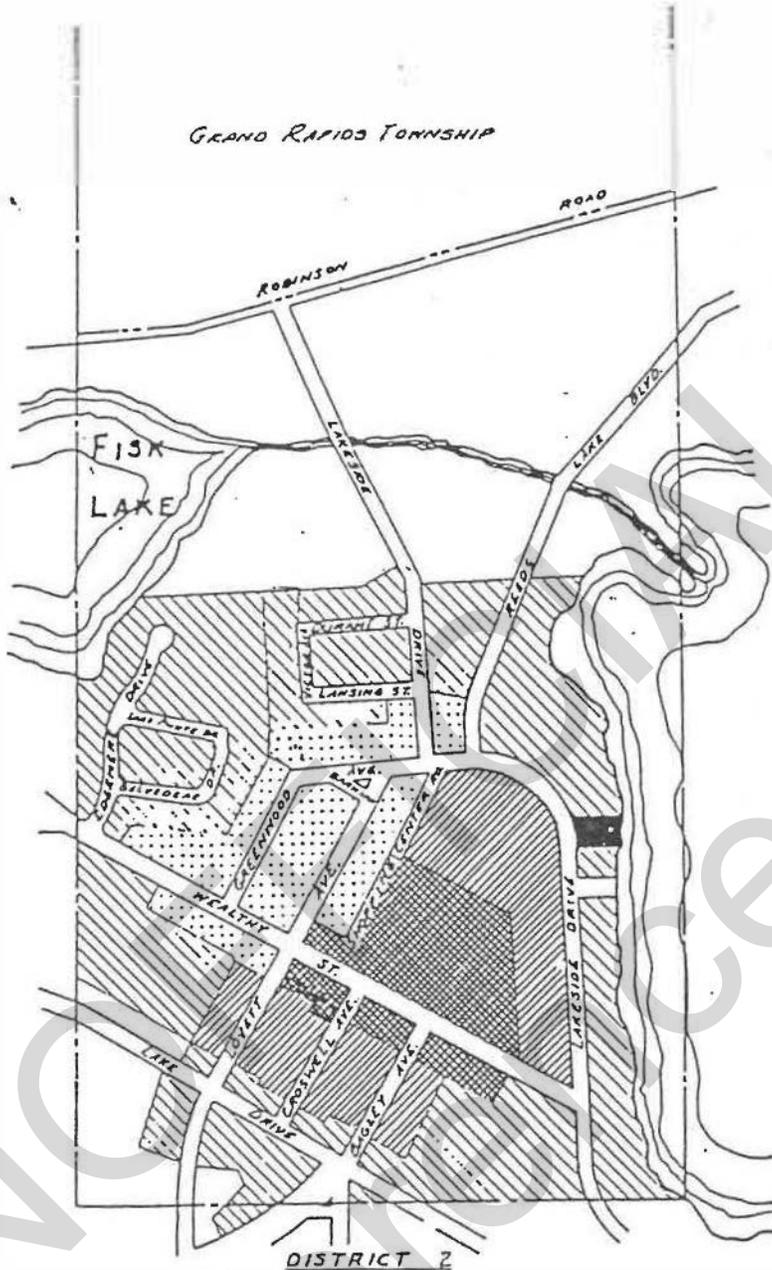
PARCEL 2:

N 37-1/2' of Lot 58 and S 33-1/3' of Lot 59 of Boynton & Judd's Lake Addition, City of East Grand Rapids, Kent County, Michigan

Section 2. This ordinance shall be effective on February \_\_\_\_, 1991.

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.

Exhibit A



DISTRICT 2

KEY

-  A-1 ONE FAMILY RESIDENCE  
12,000 SQUARE FEET
-  A-2 ONE FAMILY RESIDENCE  
7,200 SQUARE FEET
-  A-3 ONE FAMILY RESIDENCE  
5,000 SQUARE FEET
-  B-1 TERRACE APARTMENTS  
TWO FAMILY CONVERSIONS
-  C-1 COMMERCIAL
-  PUD PLANNED UNIT DEVELOPEMENT

AN ORDINANCE TO AMEND SECTION 9.52  
OF CHAPTER 93 OF TITLE IX  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Subsection (40) of Section 9.52 of Chapter 93 of Title IX of the Code of the City of East Grand Rapids is hereby amended to read as follows:

"(40) Knowingly allow or permit the consumption of alcoholic liquor on his premises, or on premises within his possession, control or of which he is in charge, by a person who is under twenty-one (21) years of age. A person who fails to make reasonable inquiries as to whether another person is under twenty-one (21) years of age shall be presumed to have knowledge. This section shall not apply to the consumption of alcoholic liquor by members of the immediate family of the person who owns or is in possession, charge or control of the premises involved.

Section 2. This ordinance shall be effective on February \_\_\_\_, 1991.

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.

Exh. B

AN ORDINANCE TO AMEND SECTION 5.24  
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 5.24 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 5.24. Special Uses

(1) Certain land uses because of size, nature of operation, limited application, or relation to their natural resources must be considered individually and not necessarily subject to the zone district provisions. The uses listed in this section may be authorized by the city commission in all districts following a public hearing as hereinafter required, if it is found and determined by the commission that such use is essential or desirable and will not have an adverse effect on neighboring property.

(2) A development plan shall be submitted with the application for such use containing among other things: land use, all buildings and structures, streets, highways, parking areas, loading zones, entrances and exits, sidewalks, utilities, drainage, and landscaping. The city commission may require any additional information it deems necessary for making a decision.

(3) The following uses may be authorized by the city commission in any zone, subject to the provisions of this section: recreational facilities, hospitals, private schools, public schools, churches, public libraries, public museum, and public art galleries."

Section 2. This Ordinance shall be effective on February 15, 1991.

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.

Exh. C

AN ORDINANCE TO REPEAL CHAPTER 8  
OF TITLE I  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Chapter 8 of Title I of the Code of the City of East Grand Rapids is hereby repealed.

Section 2. This ordinance shall be effective on February 15, 1991.

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.

AN ORDINANCE TO AMEND SECTION 1.3  
OF CHAPTER 1 OF TITLE I  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 1.3 of Chapter 1 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.3. Publication.

All ordinances shall be published as required by Chapter VII, Section 7.5 of the City Charter."

Section 2. This Ordinance shall be effective on February 15, 1991.

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.

AN ORDINANCE TO AMEND SECTION 1.309  
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 (4) of Section 1.309 of Chapter 7 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"(4) After each installment has been placed on the tax rolls, the same shall be collected by the treasurer with the same rights and remedies, and the same penalties and interest, as provided in the City Charter for the collection of taxes."

Section 2. This Ordinance shall be effective on February 15, 1991..

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.

Exh. F

AN ORDINANCE TO AMEND SECTION 2.153  
OF CHAPTER 26 OF TITLE II  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 2.153 of Chapter 26 of Title II of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 2.153. Enforcement.

The city shall have the right to bring an action in the appropriate court to collect any and all costs of cleanup and restoration which are not paid by the responsible party as required by Section 2.152. In addition, in those instances where the responsible party owns the affected property, any and all costs of cleanup and restoration which are not paid within thirty (30) days after billing shall be levied as a special assessment in the manner provided in Section 1.306 of this Code."

Section 2. This Ordinance shall be effective on February 15, 1991.

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.

Exh. G

AN ORDINANCE TO AMEND SECTION 4.28  
OF CHAPTER 41 OF TITLE IV  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 4.28 of Chapter 41 of Title IV of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 4.28. Removal of encroachments.

The city may remove encroachments and obstructions and fill excavations in the street and charge the expense of such removal or filling against the person responsible therefor, including the abutting landowner who permitted the encroachment, obstruction or excavation to exist other than in accordance with the terms and conditions of this chapter, and the costs thereof shall be a lien on such abutting landowner's premises and shall be collected as provided for assessments on single lots pursuant to Section 1.306 of this Code."

Section 2. This Ordinance shall be effective on February 15, 1991.

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.

AN ORDINANCE TO AMEND SECTIONS 1.513, 1.514,  
1.515 AND 1.518 OF CHAPTER 9 OF TITLE I  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 1.513 of Chapter 9 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.513. Nomination of candidates.

Candidates for the office of mayor shall be nominated from the city at large by petition and elected by the qualified electors of the city. Candidates for the office of city commissioner shall be nominated by petition and elected by the qualified electors of the ward in which they reside. Nominating petitions shall be on blanks furnished by the city clerk. Each nominating petition shall comply with state law, be signed by not less than twenty-five qualified electors (25), and be filed with the clerk by 4:00 p.m. on the twelfth Tuesday preceding the September primary election in each odd-numbered year. Each elector who signs a petition shall date his or her signature and include his or her residential street address on the petition. If an elector signs more petitions for candidates for any office than the number of positions to be filled, then the most recent signatures shall be invalid and if the most recent signatures all bear the same date, then all of those signatures shall be invalid. The circulator of a petition shall attach to each petition a certificate stating (1) the number of signatures on the petition; (2) that each signature is that of the person whose name it reports to be; and (3) that each signature was made in the presence of the circulator."

Section 2. Section 1.514 of Chapter 9 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.514. Preparation of ballots.

Within five (5) days after the expiration of the time limit for filing nominating petitions, the city clerk shall certify to the board of election commissioners the names of all candidates duly nominated and any special matters to be submitted to the electors. The board shall then prepare the ballots, indicating the name of each candidate and office without any party name or designation, and the special matters, if any, to

Exh. I

be voted upon. A candidate's name shall not be withdrawn from the election unless a written notice of withdrawal is served on the clerk not later than 4:00 p.m. within three (3) days after the last day for filing nominating petitions."

Section 3. Section 1.515 of Chapter 9 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.515. Election of mayor and city commissioners.

The two (2) candidates who receive the highest number of votes for the office of mayor and the two (2) candidates who receive the highest number of votes for the office of city commissioner shall have their names placed upon the general municipal election ballot for that office unless no more than three (3) candidates file nominating petitions for an office, in which case a primary election shall not be held for that office and those candidates shall be declared the nominees for that office in the general municipal election."

Section 4. Section 1.518 of Chapter 9 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.518. Applicability.

Except as otherwise provided in this chapter, the provisions of Chapters III and VI of the East Grand Rapids City Charter shall apply with respect to all city elections."

Section 5. This Ordinance shall be effective on February 15, 1991.

Section 6. 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.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held February 18, 1991

The meeting was called to order by Mayor Deems.

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

Absent: None.

Also Present: Deborah and Peter Colvin, Attorney Mark Henderson,  
John Sims, all representing Ramona Beach Club,  
Inc.; Dennis Reckly, architect for Ramona Beach  
Club, Inc.; City Manager Allard; City Attorney  
Huff; Director of Public Safety Gallagher;  
Engineering Services Director Baragar; Civil  
Engineer Kocsis; Public Service Superintendent  
Sterkenburg; and Controller-Clerk-Treas. Chase.

260. The minutes of the meeting held February 4, 1991  
were approved as submitted.

261. Mayor Deems advised the City Commission of letters  
received, as follows:

- (a) Correspondence from the Heggen Family, 551  
Belvedere SE, expressing their appreciation to  
Public Safety Officers Ellis and Tetzlaff for  
their response in securing their home when a  
door was inadvertently left open.
- (b) Correspondence from June Doelle voicing how  
pleased she is with the improvements made to  
Wealthy Pool.
- (c) Correspondence presenting Public Safety  
Director Gallagher's acceptance of a position  
on the Public Safety Directors Committee of the  
International Association of Chiefs of Police.
- (d) Correspondence from the Department of the Army  
showing their appreciation for the outstanding  
contributions being made by Public Service  
employee John Martin Ward, who is serving in  
the Army Reserve.
- (e) Memorandum expressing the City's appreciation  
and thanks to Blodgett Hospital for their  
donation to the City's Public Safety Department  
of an Automatic External Defibrillator and  
training manikin.

262. Swain-Edison. That disbursement vouchers in the amount of \$159,391.15, payroll disbursements in the amount of \$95,799.34, and disbursements to County and Schools in the amount of \$224,302.28, as approved by the Finance Committee, be allowed and the Controller 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-

263. Consideration of a resolution to consider proposed improvements to Pioneer Club Road from the Reeds Lake Boulevard Cutoff to 433 feet west of Manhattan Road.

263-A. Walton-Frakie. That the resolution to consider proposed improvements to Pioneer Club Road from the Reeds Lake Boulevard cutoff to 433 feet west of Manhattan Road be adopted, as follows:

INITIAL RESOLUTION

RESOLVED, that this Commission desires to consider the proposed improvement consisting of certain tree removal, excavation and removal of existing base, storm drain installation with structures, construction of combination curb and gutter, concrete drive approaches as necessary, and southside sidewalk, placement of 12" sand sub-base, 6" gravel base, and 2" asphalt surface, tree replacement and restoration of all disturbed area on

PIONEER CLUB ROAD from the Reeds Lake Boulevard  
Cut-off to 433' West of Manhattan Road

all or part of the cost of which may be defrayed by special assessment and request the Manager to provide the information and recommendations relative thereto as specified in Section 1.303(1) of the City Code.

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

Nays: -0-

264. Consideration of a resolution to set a public hearing date for consideration of a special assessment district for Pioneer Club Road improvements.

264-A. Walton-Frakie. That a resolution to set a public hearing date for consideration of a special assessment district for Pioneer Club Road improvements be approved, as follows:

RESOLUTION SETTING HEARING ON NECESSITY

RESOLVED, that the statement of preliminary proceedings with respect to this proposed improvement having been filed with the City Clerk, a public hearing be held before the City Commission at the City Hall on Monday, March 18, 1991, at 7:30 p.m., relative to necessity of the proposed improvement consisting of certain tree removal, excavation and removal of existing base, storm drain installation with structures, construction of combination curb and gutter, concrete drive approaches as necessary, and southside sidewalk, placement of 12" sand sub-base, 6" gravel base, and 2" asphalt surface, tree replacement, and restoration of all disturbed area on

PIONEER CLUB ROAD from Reeds Lake Boulevard  
Cut-off to 433' West of Manhattan Road,

and that the Clerk cause notice of this hearing to be published and mailed as required by Ordinance Section 1.303(2) at least 10 days prior to the date of such hearing.

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

Nays: -0-

265. Final reading of an ordinance amendment to Subsection 40 of Section 9.52 of Chapter 93 of Title IX, of the Code of the City of East Grand Rapids which prohibits making premises available for consumption of alcohol by persons who are under 21 years of age.

265-A. Walton-Edison. That the ordinance amendment to Subsection 40 of Section 9.52, Chapter 93 of Title IX, of the Code of the City of East Grand Rapids prohibiting making premises available for consumption of alcohol by persons under age 21 be adopted, as follows:

AN ORDINANCE TO AMEND SECTION 9.52  
OF CHAPTER 93 OF TITLE IX  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Subsection (40) of Section 9.52 of Chapter 93 of Title IX of the Code of the City of East Grand Rapids is hereby amended to read as follows:

(40) Knowingly allow or permit the consumption of alcoholic liquor on his premises, or on premises within his possession, control or of which he is in charge, by a person who is under twenty-one (21) years of age. A person who fails to make reasonable inquiries as to whether another person is under twenty-one (21) years of age shall be presumed to have knowledge. This section shall not apply to the consumption of alcoholic liquor by members of the immediate family of the person who owns or is in possession, charge or control of the premises involved.

Section 2. This ordinance shall be effective on March 1, 1991.

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-

266. Consideration of a request to authorize emergency purchase and installation of secondary electrical power supply at the Public Service Department and that purchase orders be awarded in the amount of \$8,975 to Windemuller Electric and \$6,000 to Consumers Power for this installation.

266-A. Williamson-Swain. That emergency purchase and installation of secondary electrical power supply at the Public Service Department be authorized, and purchase orders in the amount of \$8,975 to Windemuller Electric and \$6,000 to Consumers Power be approved.

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

Nays: -0-

267. Consideration of a request to issue a purchase order for the replacement of two patrol vehicles for the Public Safety Department, in conjunction with the Kent County bid, in the total sum of \$30,548.

267-A. Williamson-Edison. That the request to issue a purchase order for \$30,548 to Berger Chevrolet, under the Kent County bid list, for the replacement of two patrol vehicles in the Public Safety Department, be approved.

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

268. Consideration of a request to approve service and reinsurance contract renewals with Risk Control, Inc. and Insurance Company of North America, reinsurer.

268-A. Swain-Edison. That the request to approve service and reinsurance contract renewals with Risk Control, Inc. and Insurance Company of North America, reinsurer, be approved.

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

269. The City of East Grand Rapids's 1990 construction program final report was received as corrected. The correction of the cover memorandum involved switching the total construction amount of \$474,546 to \$471,812, and switching the original engineer's estimate to \$471,812 to \$474,546.

270. Consideration of a request for approval to advertise for bids for the City of East Grand Rapids' 1991 construction program.

270-A. Williamson-Walton. That the request for authorization to advertise for bids for the City's 1991 construction program at an estimated cost of \$609,727 be approved.

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

271. The East Grand Rapids Public Library annual report for 1990 was received.

272. The preliminary minutes of the Library Commission meeting of January 31, 1991 were received.

273. The Building Inspection Report for the month of January, 1991 was received.

274. The Public Safety Report for the month of January, 1991 was received.

275. Frakie-Edison. To enter executive session to discuss pending litigation with the City Attorney, pursuant to 8(e) of the Open Meetings Act, following the completion of a work session immediately following the City Commission meeting.

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

Nays: -0-

276. The meeting was adjourned subject to the call of the Mayor until March 4, 1991.

  
\_\_\_\_\_  
Thomas H. Chase, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held March 4, 1991

The meeting was called to order by Mayor Deems.

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

Absent: None.

Also Present: Deborah and Peter Colvin, Attorney Mark Henderson,  
John Sims, all representing Ramona Beach Club,  
Inc.; Dennis Reckly, architect for Ramona Beach  
Club, Inc.; City Manager Allard; City Attorney  
Huff; Director of Public Safety Gallagher;  
Engineering Services Director Baragar; Engineering  
Assistant Kadzban; Engineering Services Assistant  
Emmet Yukon; Public Service Superintendent  
Sterkenburg; Neighborhood Watch Volunteer Chris  
Cameron; and Controller-Clerk-Treasurer Chase.

277. The minutes of the meeting held February 18, 1991  
were approved as submitted.

278. The minutes of the public work session held  
regarding the Ramona Beach Club development held February 18,  
1991 were approved as submitted.

279. Mayor Deems advised the City Commission of  
correspondence received from Chris Cameron advising of awards  
granted to Mary Turkal, David Chesley, Sam Hecker and Doreen  
Bolhuis, and two high school students for their outstanding  
contributions made with regard to the Neighborhood Watch program.

280. Edison-Frakie. That disbursement vouchers in the  
amount of \$138,244.61, payroll disbursements in the amount of  
\$105,735.88, and disbursements to County and Schools in the  
amount of \$1,113,705.66, as approved by the Finance Committee, be  
allowed and the Controller 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-

281. Presentation of a report outlining proposed celebration activities commemorating East Grand Rapids' 100th anniversary and consideration of a request to approve the preliminary list of proposed centennial celebration activities and appoint a member of the Commission to serve on the celebration committee.

281-A. Frakie-Mehney. To approve the request to accept the preliminary list of proposed centennial celebration activities and to appoint Commissioner Williamson to the celebration committee.

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

282. The East Grand Rapids Engineering Services Department annual report for 1990 was presented by Engineering Services Director Baragar and was received as submitted.

Commissioner Walton commended the Engineering Services Department on its ability to effect a significant electrical cost savings.

283. Consideration of a request to award purchase orders for Recreation program athletic equipment to the R.T. Brown Company in the amount of \$3,931.10, to Vandervoort's in the amount of \$1,986.40, and to Prep Sports in the amount of \$120.00, the low bidders.

283-A. Edison-Mehney. That the request to award purchase orders to R.T. Brown Company in the amount of \$3,931.10, to Vandervoort's in the amount of \$1,986.40, and to Prep Sports in the amount of \$120.00, for the purchase of Recreation program athletic equipment be approved.

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

284. Consideration of a request for approval to advertise for bids for a manhole reconstruction at Bagley and Lake Drive concurrent with the 1991 street construction program.

284-A. Williamson-Edison. That the request for approval to advertise for bids for the reconstruction of a manhole at Bagley and Lake Drive be approved.

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

Nays: -0-

285. Presentation by City Manager Allard and Public Service Superintendent Sterkenburg of a report from the Public Service Department outlining the salt usage policy for winter maintenance of streets.

286. The preliminary minutes of the Recreation Commission meeting of February 11, 1991 were received.

287. The preliminary minutes of the Planning Commission meeting of February 12, 1991 were received.

288. The preliminary minutes of the Traffic Commission meeting of February 19, 1991 were received.

289. Commissioner Williamson made general comments regarding a recent meeting of the Kent County Chapter 20 Drainage Board and the potential effect on the City of East Grand Rapids.

Commissioner Mehney mentioned that, dependent on the progress made during the work session following the meeting, the Commission might reconvene to consider final approval of the PUD rezoning application and other action requested by the Ramona Beach Club developers.

Mayor Deems again complimented Chris Cameron and the volunteers who received awards in connection with their work for the Neighborhood Watch program.

290. The meeting was adjourned subject to the call of the Mayor until March 18, 1991.

*Thomas H. Chase*

Thomas H. Chase, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held March 18, 1991

The meeting was called to order by Mayor Deems.

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

Absent: None.

Also Present: Deborah and Peter Colvin, Attorney Mark Henderson,  
all representing Ramona Beach Club, Inc.; Dennis  
Reckly, architect for Ramona Beach Club, Inc.;  
City Manager Allard; City Attorney Huff; Director  
of Public Safety Gallagher; Engineering Services  
Director Baragar; Civil Engineer Kocsis;  
Engineering Assistant Kadzban; Public Service  
Superintendent Sterkenburg; Recreation Director  
Rhodes; and Controller-Clerk-Treasurer Chase.

291. The minutes of the meeting held March 4, 1991 were  
approved as submitted.

292. The minutes of the public work session regarding the  
Ramona Beach Club development held March 4, 1991 were approved as  
submitted.

293. Frakie-Edison. That disbursement vouchers in the  
amount of \$187,761.38, payroll disbursements in the amount of  
\$95,664.79, and disbursements to County and Schools in the amount  
of \$275,078.14, 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-

294. Presentation by Recreation Director Rhodes of  
Recreation Department's annual report for the fiscal year  
1989-90.

295. A public hearing was held to consider the necessity of a special assessment district for Pioneer Club Road improvements, at which time Stephen Schwartz presented a neighborhood petition to the City Commission dated March 16, 1991. A detailed summary of the size and cost of the project was presented by City Manager Allard. The following residents were present and expressed their opposition to the proposed improvements in their present form:

Steve Schwartz, 2863 Pioneer Club Road SE  
Stan Hudson, 2920 Pioneer Club Road SE  
Ada Rittenhouse, 2909 Pioneer Club Road SE  
Donald Dimke, 2860 Pioneer Club Road SE  
Richard Wiggins, 2924 Pioneer Club Road SE  
James and Claire Zevalkink, 2900 Pioneer Club Rd SE  
Cindy Vangelderren, 2904 Pioneer Club Road SE  
Fred Burkhart, 2857 Pioneer Club Road SE  
Geoffrey Hughes, 260 Hodenpyl SE

City staff explained to the residents present that, because so much saturation has taken place in the sub-base of Pioneer Club Road, maintaining the present seal coat would only be a temporary solution. They expressed the importance of a long-term solution to the deteriorating condition of the road surface, and to the drainage problem in the area, so as not to adversely effect the residents in that neighborhood.

The residents expressed support for repairing the existing sub-base and seal coating the road at the residents' cost. It was understood that the seal coat was a temporary solution but, in their opinion, preferable to full improvement even if it meant re-assessing them for seal coating done again in the future.

295-A. Edison-Mehney. That this Commission table the consideration of a special assessment district for Pioneer Club Road improvements and direct City staff to prepare an alternative proposal to be considered by the Commission setting out the cost, time table and maintenance considerations of a resealing program for Pioneer Club Road.

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

296. Presentation by William Savage, a consulting engineer from William F. Savage P.E., to the City Commission of the Gaslight Village area traffic study. The City Commission received the traffic study report as submitted by Mr. Savage.

297. Consideration of a request to award a contract to Baker Tent and Portable Toilets in the amount of \$3,269.00 for the rental and cleaning of portable toilets for use at various locations in the City. The City and East Grand Rapids Public Schools' portion of this contract is \$2,007.50 and \$1,261.50, respectively.

297-A. Edison-Swain. That the request to award a contract to Baker Tent and Portable Toilets in the amount of \$3,269.00 for the rental and cleaning of portable toilets be approved.

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

298. Consideration of a request to approve the installation of an additional streetlight in the Briarwood alley.

298-A. Mehney-Williamson. That the request to approve the installation of an additional streetlight in the Briarwood alley be approved.

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

299. Consideration of a request to award a purchase order to Borgman Ford of Grand Rapids in the amount of \$18,011.00 for the purchase of a one-ton cab and chassis with a dump box and utility body as a replacement vehicle in the Public Service Department.

299-A. Edison-Frakie. That the request to award a purchase order to Borgman Ford of Grand Rapids, the low bidder, in the amount of \$18,011.00 for the purchase of a one-ton cab and chassis with a dump box and utility body as a replacement vehicle in the Public Service Department be approved.

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

300. Consideration of a request by Mayor Deems to appoint Patty Kabat, 3004 Oakwood Drive SE, to the Recreation Commission.

300-A. Williamson-Edison. That the appointment of Patty Kabat, 3004 Oakwood Drive SE, to the Recreation Commission be approved.

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

Nays: -0-

301. Final reading of an ordinance amendment on request of Ramona Beach Club, Inc., to Section 5.190 of Chapter 50 of Title V of the Code of the City of East Grand Rapids to establish a planned unit development zone for properties located at 540 and 550 Lakeside Drive, SE.

Julie Stoneman of West Michigan Environmental Action Council and Art Spalding, representing Lakewood Hills Apartments, expressed their opposition to the development. Peter Colvin of Ramona Beach Club Management Co. announced the execution of a contract with Ramona Medical Center for year-round use of 100 parking spaces during specific times and days.

301-A. Williamson-Mehney. That the first sentence of paragraph 7 of the Conditions of Approval regarding the Ramona Beach Club development, which were submitted by City Attorney Huff, be amended to read as follows:

7. The number of seats available at the Business for patrons may be reduced by up to fifty (50) seats in a designated area of the restaurant upon written notice from the City Manager or his or her designee if the following conditions are met:

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

Nays: -0-

301-B. Edison-Walton. That the Findings of Fact submitted by City Attorney Huff regarding the Ramona Beach Club development be approved as amended.

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

Nays: -0-

301-C. Edison-Walton. That the site plan and ordinance amendment to Section 5.190 of Chapter 50 of Title V of the Code of the City of East Grand Rapids, establishing a planned unit development zone for properties located at 540 and 550 Lakeside Drive, SE, be adopted, as follows:

AN ORDINANCE TO AMEND SECTION 5.190  
OF CHAPTER 50 OF TITLE VI  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 5.190 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended by changing the map for District 2 to indicate that the following described parcels are zoned PUD - Planned Unit Development, as shown on the attached revised map, and in accordance with the final site plan approved on March 18, 1991.

PARCEL 1:

Lot 60 and N 16-2/3' of Lot 59, Boynton & Judd's Lake Addition, City of East Grand Rapids, Kent County, Michigan

PARCEL 2:

N 37-1/2' of Lot 58 and S 33-1/3' of Lot 59 of Boynton & Judd's Lake Addition, City of East Grand Rapids, Kent County, Michigan.

Section 2. This ordinance shall be effective March 29, 1991.

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-

302. The zoning variance hearing on request of Ramona Beach Club, Inc. to allow the use of the existing parking lot of the Ramona Medical Center for the purpose of customer and employee parking for the proposed Ramona Beach Club restaurant was rescheduled to a later meeting to allow for re-noticing of the adjacent property owners.

303. Consideration of a request to adopt a resolution to permit the sale of spirits for consumption on the premises within the City of East Grand Rapids.

303-A. Edison-Swain. That the resolution to permit the sale of spirits for consumption on the premises within the City of East Grand Rapids be adopted, as follows:

RESOLUTION

BE IT RESOLVED that the sale of spirits in addition to beer and wine shall be permitted for consumption on the premises within the City of East Grand Rapids under the provisions of the law governing same.

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

Nays: -0-

304. Consideration of a request to approve the issuance of a Class C liquor license to the Ramona Beach Club Management Co.

304-A. Frakie-Edison. That the request for issuance of a Class C liquor license from Ramona Beach Club Management Co. be considered "above all others" for approval by the Michigan Department of Commerce, Liquor Control Commission. It is the consensus of this legislative body that the application be recommended for issuance.

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

Nays: -0-

305. Introduction of an ordinance amendment adding a new Chapter 74 to Title VII of the East Grand Rapids City Code pertaining to liquor license applications.

305-A. Williamson-Walton. Than an ordinance amendment adding a new Chapter 74 to Title VII of the East Grand Rapids City Code pertaining to liquor license applications be introduced, which ordinance is attached hereto as Exhibit "A."

306. The preliminary minutes of the Centennial Celebration Committee meeting of March 6, 1991 were received. Commissioner Edison complemented City staff and others involved in the opening ceremonies of the celebration. Commissioner Williamson thanked the Commission for the opportunity to serve on the Committee. City Manager Allard discussed the banner over Wealthy Street and a memorial plaque to commemorate the service of City Manager L. Henry Gork.

306-A. Williamson-Swain. To approve the purchase of a commemorative plaque for past East Grand Rapids City Manager L. Henry Gork and a budget appropriation of \$1,200 to the General Fund City Buildings Capital Expenditures Account.

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

307. The Building Inspection Report for the month of February, 1991 was received.

308. The Public Safety Report for the month of February, 1991 was received.

309. Julie Stoneman expressed her concern over the Ramona Beach project and asked that the City Commission commit itself to considering a new waterfront overlay zone district before any further development projects along Reeds Lake are approved.

Public Safety Director Gallagher advised that on Thursday, March 21, 1991, at 7:30 p.m., the East Grand Rapids Public Safety Officers would be playing East High School students in the first annual "Kids and Cops" basketball game at the high school gym. All were welcomed to attend.

310. Commissioners Walton and Frakie commended the members of the Board of Review for their dedication and outstanding work.

311. Williamson-Frakie. To enter executive session to consider the acquisition of real estate in accordance with Section 8(d) of the Open Meetings Act.

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

Nays: -0-

312. The meeting was adjourned subject to the call of the Mayor until April 1, 1991.

  
\_\_\_\_\_  
Thomas H. Chase, City Clerk

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AN ORDINANCE TO AMEND THE CODE OF THE  
CITY OF EAST GRAND RAPIDS  
BY ADDING A NEW CHAPTER 74 TO  
TITLE VII OF SAID CODE

The City of East Grand Rapids ordains:

Section 1. A new Chapter 74 is added to Title VII of the East Grand Rapids City Code to read as follows:

CHAPTER 74  
CLASS C LIQUOR LICENSES

Sec. 7.48 Definitions.

- (1) "Applicant" shall mean any person who seeks approval from the City of East Grand Rapids for a Class C license.
- (2) "Person" shall mean any person, firm, partnership, association or corporation.
- (3) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with potable water or other substances, or both, in solution, and includes wine containing the alcoholic content of more than 21% by volume, except sacramental wine.
- (4) "Class C License" shall mean any place licensed to sell at retail beer, wine and spirits for consumption on the premises.

Sec. 7.49 Qualification of Applicant.

- (1) No application for a Class C License shall be approved unless the applicant is a citizen of the State of Michigan and of the United States of America.
- (2) No application for a Class C License shall be approved if the applicant has been convicted of three (3) or more liquor violations or a felony, in any court or before the Liquor Control Commission, within a period of five (5) years preceding the receipt of the application.
- (3) No application for a Class C License shall be approved if the City Commission shall find that the conduct of the applicant has been such as to

reasonably justify the conclusion that the applicant will either intentionally violate or neglect to comply with the provisions of this Ordinance.

- (4) No application for a Class C License shall be approved unless the applicant shall produce satisfactory evidence that the applicant has sufficient financial resources to permit him to meet the requirements of this Ordinance.

#### Sec. 7.50 Requirements for Class C License.

No Class C License shall be approved for any establishment which is not a bona fide restaurant. An establishment shall be deemed to be a bona fide restaurant if its gross receipts from the sale of food and beverages other than alcoholic beverages exceed fifty percent (50%) of the total gross receipts of the establishment. The establishment shall cause its independent accountants to provide and certify financial information on an annual basis to the City Clerk to confirm that this standard is not being violated. In addition, the establishment shall maintain accurate records of receipts and disbursements in such a manner that receipts from the sale of food and beverages other than alcoholic beverages can be readily distinguished from receipts from the sale of alcoholic beverages. Such records shall be available for inspection by the City Manager or his or her designee during normal business hours. At any time when the standard contained herein is violated, the establishment must immediately reduce the sale of alcoholic beverages so that such sales fall within this limitation. Should the establishment fail to do so, the City may seek revocation of the Class C License and may also seek all other legal and equitable remedies including limiting the operation of the establishment up to and including the closing of the establishment. A violation of this section shall also be treated as an ordinance violation punishable as provided in Section 1.13 of this Code. Each day upon which a violation of the provisions of this section occurs shall be deemed a separate violation.

#### Sec. 7.51 Insurance.

Any Class C License holder is required to carry liquor liability insurance with limits of at least \$1,000,000.00 per claim and provide written evidence of such insurance to the City Clerk. If such insurance coverage is not reasonably available, the license

holder may apply to the City Commission for relief from this requirement and the City Commission may allow a lower level of insurance without the necessity of modifying this section. If the licensee fails to carry the required insurance the City may seek revocation of the Class C License and may also seek all other legal and equitable remedies including limiting the operation of the establishment up to and including the closing of the establishment. A violation of this section shall also be treated as an ordinance violation punishable as provided in Section 1.13 of this Code. Each day upon which a violation of the provisions of this section occurs shall be deemed a separate violation.

Sec. 7.52 Application Procedures.

An applicant shall make a request for approval by the City of East Grand Rapids of a Class C License upon forms provided by the City Clerk. A fee of \$100.00 shall accompany all applications made pursuant to this ordinance. Upon receipt of such application, the City Clerk shall transmit the same to the Director of Public Safety, the City Treasurer, and the Building Inspector. These departments shall investigate the premises to insure compliance with all laws and regulations and shall check the applicants records to be certain that all taxes are paid and that there are no outstanding citations or criminal charges. Once the review of these departments is complete, the application shall be considered by the City Commission for approval or denial.

Section 2. This Ordinance shall be effective on \_\_\_\_\_, 1991.

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.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held April 1, 1991

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; Director of Public Safety  
Gallagher; Deputy Public Safety Director Ditmar;  
Public Safety Lieutenant Radakovitz; Public Safety  
Officer Lark; Public Safety Officer Bolen;  
Engineering Services Director Baragar; Civil  
Engineer Kocsis; Public Service Superintendent  
Sterkenburg; Bruce Courtade, court-appointed  
counsel for Chief Gallagher; Judge Joseph White;  
and Controller-Clerk-Treasurer Chase.

313. The minutes of the meeting held March 18, 1991 were  
approved as submitted.

314. Swain-Edison. That disbursement vouchers in the  
amount of \$104,548.85, payroll disbursements in the amount of  
\$91,741.42, and disbursements to County and Schools in the amount  
of \$90,169.10, 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-

315. A public hearing was held to consider the request of  
Miles Swanson, 2781 Woodlake Drive SW, and Karin Maupin, 4508  
Wingedfoot Drive SE, for a zoning variance to split property held  
in common ownership, located at 2648 Lake Drive SE, and to permit  
building on a lot with 70.13 feet of frontage in an area zoned  
A-1, single-family residential.

Mr. Swanson and Ms. Maupin were unable to attend  
this hearing, and comments of area residents were heard as  
relates to this variance.

Willard W. Olson, 1050 Conlon Avenue SE, was present and stated his opposition to the variance. He expressed his belief that the variance would seriously detract from the general appearance of the area and reduce market values. He also was concerned that a precedent would be set for other home owners in the City to request similar variances. He finally stated that the variance would detract from the uniqueness and beauty which he feels is the trademark of the City. Any deviation from the high standards that have guided the City in its growth and development would be detrimental. Mr. Olson submitted a letter dated March 26, 1991 setting forth each of his reasons for opposition.

Cyril F. Moore, 974 Princeton Blvd. SE, was also present and voiced his concern that, if the variance is approved, provisions be made for adequate parking of automobiles. He requested that the City Commission consider the parking issue.

The following correspondence and telephone calls in opposition to the variance were received by City staff:

Letter dated March 25, 1991 from Brent L. Slay, 2654 Lake Drive SE;

Letter dated March 26, 1991 from Willard and Esther Olson, 1050 Conlon SE;

Letter dated March 26, 1991 from Allen and Ethel Bobroff, 2634 Manor Drive SE;

Telephone call of March 28, 1991 from Edward Coale, 2647 Lake Drive SE.

The hearing was adjourned and the matter held over for a future City Commission meeting.

316. Court case City v. Gallagher for spurious offenses related to March 21, 1991 Kids vs. Cops basketball game.

317. Final reading of an ordinance amendment adding a new Chapter 74 to Title VII of the East Grand Rapids City Code pertaining to liquor license applications.

317-A. Williamson-Frakie. That the ordinance amendment adding a new Chapter 74 to Title VII of the East Grand Rapids City Code pertaining to liquor license applications be adopted, as set forth in Exhibit "A" attached hereto.

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

318. Introduction of an ordinance amendment modifying Section 10.81 of Chapter 104 of Title X of the Code of the City of East Grand Rapids pertaining to the drunk driving costs recovery ordinance.

318-A. Walton-Edison. That an ordinance amendment modifying Section 10.81 of Chapter 104 of Title X of the Code of the City of East Grand Rapids, allowing for recovery of all costs related to any prosecution of a person causing an emergency response, be introduced, as follows:

AN ORDINANCE TO AMEND SECTION 10.81  
OF CHAPTER 104 OF TITLE X  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Subsection 2 of Section 10.81 of Chapter 104 of Title X of the Code of the City of East Grand Rapids is hereby amended to read as follows:

(2) "Expense of an Emergency Response" shall mean all direct and reasonable expenses related to an emergency response. These expenses shall include, but are not limited to, the costs of police, fire fighting, emergency medical and rescue services, the salaries and wages of any personnel responding to the incident, the salaries and wages of any personnel engaged in investigating the incident and all costs of any reports connected therewith, all costs connected with the supervision personnel responding to or investigating any incident, all costs connected with the administration and processing of chemical tests of the blood, breath, or urine of the driver, and all costs related to any prosecution of the person causing the incident.

Section 2. This ordinance shall be effective on April \_\_\_\_\_, 1991.

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

319. Consideration of a request by Public Safety Director Gallagher to authorize Public Safety Officer training through the utilization of drug seizure funds.

319-A. Williamson-Walton. To authorize Public Safety Director Gallagher to proceed with the requested Public Safety Officer training and to approve a \$10,500 appropriation of reserved General Fund fund balance which is comprised of drug seizure monies to be used for Public Safety activities to the Public Safety Department-Overtime Account.

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

320. Consideration of a request by Public Safety Director Gallagher that a General Fund budget reclassification of \$10,200 be made to increase the Public Safety-Operating Supplies account from \$28,600 to \$38,800, and that the General Administration-Contingency account be reduced by \$10,200.

320-A. Williamson-Swain. To approve a General Fund Budget transfer of \$10,200 from the General Administration-Contingency account to the Public Safety-Operating Supplies account.

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

321. Consideration of a request to award a construction bid to Turf Services, Inc., the sole supplier, in the amount of \$52,103, for the construction of a Manhattan Recreation Area soccer field drainage system.

321-A. Edison-Walton. That the request to award a construction bid to Turf Services, Inc., the sole supplier, in the amount of \$52,103, for the construction of a Manhattan Recreation Area soccer field drainage system be approved.

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

322. Consideration of a request to award construction contracts to Thompson McCully Company, the low bidder, in the amount of \$174,090, for street improvements and manhole reconstruction.

322-A. Williamson-Edison. That the request to award construction contracts to Thompson McCully Company, the low bidder, in the amount of \$174,090, for street improvements and manhole reconstruction be approved.

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

323. Presentation of a Notice of Hearing to be held at the Kent County Road Commission Chambers concerning a cost apportionment plan for the Plaster Creek storm drainage system.

324. The preliminary minutes of the Centennial Celebration Committee meeting of March 13, 1991 were received.

325. The preliminary minutes of the Planning Commission meeting held March 12, 1991 were received.

326. Commissioner Edison commended City staff on their diligent efforts in the preparation and submission of the grant application, due on April 1, 1991, to the Michigan Department of Natural Resources relating the Gilmore property. He also thanked those in attendance at the staff public hearing for their input into the application process.

327. The meeting was adjourned subject to the call of the Mayor until April 15, 1991.

  
\_\_\_\_\_  
Thomas H. Chase, City Clerk

AN ORDINANCE TO AMEND THE CODE OF THE  
CITY OF EAST GRAND RAPIDS  
BY ADDING A NEW CHAPTER 74 TO  
TITLE VII OF SAID CODE

The city of East Grand Rapids ordains:

Section 1. A new chapter 74 is added to Title VII of the East Grand Rapids city code to read as follows:

CHAPTER 74  
CLASS C LIQUOR LICENSES

Sec. 7.48 Definitions.

- (1) "Applicant" shall mean any person who seeks approval from the city of East Grand Rapids for a class C license.
- (2) "Person" shall mean any person, firm, partnership, association or corporation.
- (3) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with potable water or other substances, or both, in solution, and includes wine containing the alcoholic content of more than 21% by volume, except sacramental wine.
- (4) "Class C license" shall mean any place licensed to sell at retail beer, wine and spirits for consumption on the premises.

Sec. 7.49 Qualification of Applicant.

- (1) No application for a class C license shall be approved unless the applicant is a citizen of the State of Michigan and of the United States of America.
- (2) No application for a class C license shall be approved if the applicant has been convicted of three (3) or more liquor violations or a felony, in any court or before the Liquor Control Commission, within a period of five (5) years preceding the receipt of the application.
- (3) No application for a class C license shall be approved if the city Commission shall find that the conduct of the applicant has been such as to

reasonably justify the conclusion that the applicant will either intentionally violate or neglect to comply with the provisions of this Ordinance.

- (4) No application for a Class C License shall be approved unless the applicant shall produce satisfactory evidence that the applicant has sufficient financial resources to permit him to meet the requirements of this Ordinance.

Sec. 7.50 Requirements for Class C License.

No Class C License shall be approved for any establishment which is not a bona fide restaurant. An establishment shall be deemed to be a bona fide restaurant if its gross receipts from the sale of food and beverages other than alcoholic beverages exceed fifty percent (50%) of the total gross receipts of the establishment. The establishment shall cause its independent accountants to provide and certify financial information on an annual basis to the City Clerk to confirm that this standard is not being violated. In addition, the establishment shall maintain accurate records of receipts and disbursements in such a manner that receipts from the sale of food and beverages other than alcoholic beverages can be readily distinguished from receipts from the sale of alcoholic beverages. Such records shall be available for inspection by the City Manager or his or her designee during normal business hours. At any time when the standard contained herein is violated, the establishment must immediately reduce the sale of alcoholic beverages so that such sales fall within this limitation. Should the establishment fail to do so, the City may seek revocation of the Class C License and may also seek all other legal and equitable remedies including limiting the operation of the establishment up to and including the closing of the establishment. A violation of this section shall also be treated as an ordinance violation punishable as provided in Section 1.13 of this Code. Each day upon which a violation of the provisions of this section occurs shall be deemed a separate violation.

Sec. 7.51 Insurance.

Any Class C License holder is required to carry liquor liability insurance with limits of at least \$1,000,000.00 per claim and provide written evidence of such insurance to the City Clerk. If such insurance coverage is not reasonably available, the license

holder may apply to the City Commission for relief from this requirement and the City Commission may allow a lower level of insurance without the necessity of modifying this section. If the licensee fails to carry the required insurance the City may seek revocation of the Class C License and may also seek all other legal and equitable remedies including limiting the operation of the establishment up to and including the closing of the establishment. A violation of this section shall also be treated as an ordinance violation punishable as provided in Section 1.13 of this Code. Each day upon which a violation of the provisions of this section occurs shall be deemed a separate violation.

Sec. 7.52 Application Procedures.

An applicant shall make a request for approval by the City of East Grand Rapids of a Class C License upon forms provided by the City Clerk. A fee of \$100.00 shall accompany all applications made pursuant to this ordinance. Upon receipt of such application, the City Clerk shall transmit the same to the Director of Public Safety, the City Treasurer, and the Building Inspector. These departments shall investigate the premises to insure compliance with all laws and regulations and shall check the applicants records to be certain that all taxes are paid and that there are no outstanding citations or criminal charges. Once the review of these departments is complete, the application shall be considered by the City Commission for approval or denial.

Section 2. This Ordinance shall be effective on April 12 1991.

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.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held April 15, 1991

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; Director  
of Public Safety Gallagher; Engineering Services  
Director Baragar; Civil Engineer Kocsis;  
Administrative Assistant Yukon; Recreation  
Director Rhodes; James Craig, East Grand Rapids  
Public Schools; and Controller-Clerk-Treasurer  
Chase.

328. The minutes of the meeting held April 1, 1991 were  
approved as submitted.

329. Mayor Deems advised the City Commission of letters  
received, as follows:

- (a) Memorandum from Public Safety Director  
Gallagher commending Deputy Chief Ditmar,  
Public Safety Sergeant VanderWerf and Public  
Safety Officers Mull, Pullen, Parker for  
their outstanding efforts in the recovery of  
a stolen automobile and the subsequent  
apprehension of the subjects involved.
- (b) Correspondence from Andrea Haidle, 1842  
Sherman SE, expressing her thanks to the  
Public Safety Department and, in particular,  
to Public Safety Officer Dan Gadbois for  
assisting her 15-year-old son after an  
assault.
- (c) Correspondence from Mary Frost, 529 Lakeside  
Drive SE, thanking Public Safety Officers  
Tuttle, Bolen and Lark for their outstanding  
assistance in two health emergencies.

330. Edison-Swain. That disbursement vouchers in the  
amount of \$150,609.87 and payroll disbursements in the amount of  
\$82,777.14, 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-

331. A zoning variance hearing was held to consider the request of Miles Swanson, 2781 Woodlake Drive SW, and Karin Maupin, 4508 Wingedfoot Drive SE, to split property held in common ownership, located at 2648 Lake Drive SE, and to permit building on a lot with 70.13 feet of frontage (8,415.6 square feet) rather than the 12,000 square feet required in an area zoned A-1, single-family residential.

Karin Maupin and Miles Swanson were present and both urged the City Commission to approve the variance to split their property. Karen Wellman, a representative from Village Belles Real Estate and sales agent for the applicants, was also present, and expressed her desire to have the variance approved.

The following residents attended the hearing and stated their opposition to the zoning variance:

Mr. and Mrs. Laurence Tessin, 1060 Conlon Avenue SE  
Willard Olson, 1050 Conlon Avenue SE  
Brian Deaver, 1065 Conlon Avenue SE  
Robert Smith, 2635 Manor SE  
Patsy Dodgson, 1055 Conlon Avenue SE

The following correspondence, all in opposition to the variance request, were received by City staff:

Letter dated March 25, 1991 from Brent L. Slay, 2654 Lake Drive SE;  
Letter dated March 26, 1991 from Willard and Esther Olson, 1050 Conlon SE;  
Letter dated March 26, 1991 from Allen and Ethel Bobroff, 2634 Manor Drive SE;  
Letter dated April 8, 1991 from Patsy Dodgson, 1055 Conlon SE.

331-A. Williamson-Mehney. That this Commission, acting as the Board of Zoning Appeals, deny the zoning variance request of Miles Swanson, 2781 Woodlake Drive SW, and Karin Maupin, 4508 Wingedfoot Drive SE, to split property held in common ownership, located at 2648 Lake Drive SE.

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

Nays: -0-

332. A hearing was held on a zoning variance requested by East Grand Rapids Schools, 2915 Hall Street SE, to allow expansion of non-conforming use within a residential zone at the East Grand Rapids Middle School, 2425 Lake Drive SE, to construct two portable classrooms at the southwest corner of the building.

Jim Craig, Assistant Superintendent of East Grand Rapids Schools, presented the portable classroom proposal and requested the approval of the zoning variance.

The following residents attended the hearing and stated their opposition to the zoning variance:

Dale Robart, 2527 Lake Drive SE  
John Munger, 2360 Lake Drive SE  
Bradley Friedland, 2428 Lake Drive SE  
Patsy Dodgson, real estate sales representative  
for property at 2354 Lake Drive SE

332-A. Commissioner Walton moved to approve the variance. The motion failed due to lack of a second.

332-B. Commissioner Frakie moved to deny the variance. The motion failed due to lack of a second.

332-C. Williamson-Edison. That this Commission table the consideration of a request to allow expansion of non-conforming use within a residential zone at the East Grand Rapids Middle School, 2425 Lake Drive SE, by constructing two portable classrooms at the southwest corner of the building.

Yeas: Edison, Mehney, Swain, Williamson and Deems -- 5.  
Nays: Frakie and Walton -- 2.

Further discussion was held regarding the request of East Grand Rapids Schools to allow expansion of non-conforming use within a residential zone.

332-D. Commissioner Edison moved to require a meeting between a special committee of the City Commission and East Grand Rapids Schools to address the issue of the location of the portable classrooms and to try to achieve a satisfactory alignment of the classrooms to the Middle School building. The motion failed due to lack of a second.

332-E. Commissioner Edison moved to require a subcommittee of the City Commission meet with a subcommittee of the School Board to try to find an alternative location for the new classrooms. The motion failed due to lack of a second.

333. A public hearing was held to consider resolutions determining necessity and setting public hearing on an assessment roll for Pioneer Club Road improvements.

Henry Smitter, attorney for 17 of the Pioneer Club Road residents, was present and asserted the residents' negative opinion of the improvement proposal presented by the City. He also asserted that the estimated dollar amount of the project was too high and that the amounts set out in the City's proposal should be reduced to only 10% of those sums.

The following residents were present and expressed their opposition to the proposed improvements in their present form:

Steven Schwartz, 2863 Pioneer Club Road SE  
Jerry Rittenhouse, 2909 Pioneer Club Road SE  
Donald Dimke, 2860 Pioneer Club Road SE  
Richard Wiggins, 2924 Pioneer Club Road SE  
Otto Wierenga, 2915 Pioneer Club Road SE  
James Zevalkink, 2900 Pioneer Club Road SE

333-A. Mehney-Frakie. That this Commission table the consideration of resolutions determining necessity and setting public hearing on an assessment roll for Pioneer Club Road improvements and direct the City Attorney to prepare a legal opinion for presentation to the City Commission regarding the safety issue regarding installation of a sidewalk on Pioneer Club Road.

Yeas: Frakie, Mehney, Swain and Deems -- 4.  
Nays: Edison, Walton and Williamson -- 3.

Commissioner Frakie departed the meeting.

334. Final reading of an ordinance amendment modifying Section 10.81 of Chapter 104 of Title X of the Code of the City of East Grand Rapids pertaining to the drunk driving costs recovery ordinance.

334-A. Williamson-Edison. That an ordinance amendment modifying Section 10.81 of Chapter 104 of Title X of the Code of the City of East Grand Rapids, allowing for recovery of all costs related to any prosecution of a person causing an emergency response, be adopted as follows:

AN ORDINANCE TO AMEND SECTION 10.81  
OF CHAPTER 104 OF TITLE X  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Subsection 2 of Section 10.81 of Chapter 104 of Title X of the Code of the City of East Grand Rapids is hereby amended to read as follows:

(2) "Expense of an Emergency Response" shall mean all direct and reasonable expenses related to an emergency response. These expenses shall include, but are not limited to, the costs of police, fire fighting, emergency medical and rescue services, the salaries and wages of any personnel responding to the incident, the salaries and wages of any personnel engaged in investigating the incident and all costs of any reports connected therewith, all costs connected with the supervision personnel responding to or investigating any incident, all costs connected with the administration and processing of chemical tests of the blood, breath, or urine of the driver, and all costs related to any prosecution of the person causing the incident.

Section 2. This ordinance shall be effective on April 26, 1991.

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, Mehney, Swain, Walton, Williamson and  
Deems -- 6.

Nays: -0-

335. The City of East Grand Rapids' financial reports for the period ending March 31, 1991 were received as submitted.

Commissioners Swain, Edison and Mehney commended Controller-Clerk-Treasurer Thomas H. Chase for his outstanding work on the City's financial report.

336. Consideration of a request to award a contract for janitorial services to Allstate Chemical, the low bidder, in the amount of \$87,600, for cleaning services of City facilities for a two-year period.

336-A. Edison-Swain. That the request to award a contract for janitorial services to Allstate Chemical, the low bidder, in the amount of \$87,600, for cleaning services of City facilities for a two-year period be approved.

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

337. Consideration of a request to award a purchase order to Communications Specialists, Inc. in the amount of \$8,071 for the purchase of five General Electric PAJO2-MPA VHF Scanning Portable Radios and multi-unit charger.

337-A. Williamson-Edison. That the request to award a purchase order to Communications Specialists, Inc., the sole supplier, in the amount of \$8,071 for the purchase of five General Electric PAJO2-MPA VHF Scanning Portable Radios and multi-unit charger be approved.

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

338. Presentation of information concerning the designation of May 19-25, 1991 as National Public Works Week in East Grand Rapids.

339. Presentation of information concerning the designation of May 19-25, 1991 as National Clerk Recognition Week.

340. Presentation of informational release related to Michigan's Solid Waste Alternative Program grants received by Kent County Board of Public Works.

341. Consideration of a request of the Centennial Celebration Committee to authorize a centennial special events program and to transfer \$6,550 from the General Fund Balance to General Administration-Community Service Projects.

341-A. Williamson-Edison. That the authorization of a centennial special events program be approved, and that \$6,550 is to be transferred from the General Fund Balance to General Administration-Community Service Projects.

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

Nays: -0-

342. The preliminary minutes of the Centennial Celebration Committee meeting of March 26, 1991 were received.

343. The preliminary minutes of the Recreation Commission meeting of March 11, 1991 were received.

344. The Building Inspection Report for the month of March, 1991 was received.

345. The Public Safety Report for the month of March, 1991 was received.

346. Commissioner Walton commended the Recreation Department with regard to their conducting softball and baseball tryouts to better balance talent between teams.

Commissioner Walton also advised of some complaints he received with regard to the backstops on the baseball field at the Manhattan Recreation Area. He was advised by Recreation Director Rhodes that the contractor has not completed the installation as of yet and the backstop problem would be remedied.

Commissioner Edison advised that the rededication for Remington Field took place on Saturday, April 13, 1991, and that the field is now in use.

Commissioner Mehney presented a baseball to the City which was signed by the East Grand Rapids High School baseball team and coaches on rededication day. He commented on the high quality of the new grass infield recently installed. Commissioner Mehney also noted that it was one of the finest games the team had ever played.

Mayor Deems advised of the Recreation Department's efforts in upgrading and improving a number of the facilities and programs.

Mayor Deems also commented on a fax received from the Michigan Municipal League regarding a tax relief proposal bill now before the State Legislature and the negative ramifications on area municipalities that would result if the bill is passed.

347. The meeting was adjourned subject to the call of the Mayor until May 6, 1991.



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Thomas H. Chase, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held May 6, 1991

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;  
Engineering Services Director Baragar; Civil  
Engineer Kocsis; Public Service Superintendent  
Sterkenburg; Recreation Director Rhodes; James  
Morse, Superintendent of East Grand Rapids Public  
Schools; James Craig, East Grand Rapids Public  
Schools; James Ogilvie, Principal of East Middle  
School; and Controller-Clerk-Treasurer Chase.

348. The minutes of the meeting held April 15, 1991 were  
approved as submitted.

349. Mayor Deems advised the City Commission of  
correspondence received, as follows:

- (a) Correspondence from West Michigan Environmental  
Action Council (WMEAC), 1432 Wealthy Street SE,  
supporting the City's request for a grant from  
the Department of Natural Resources with regard  
to the acquisition of the Gilmore property.

350. Frakie-Edison. That disbursement vouchers in the  
amount of \$191,350.88, payroll disbursements in the amount of  
\$100,781.85, and disbursements to County and Schools in the  
amount of \$560.23, 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-

351. A zoning variance hearing was held to consider the  
request of Drew and Gretchen Flemming, 3118 Cascade Road SE, to  
permit the construction of a garage to be built 18 inches from  
the west property line, rather than 14 feet as required by the  
zoning ordinance.

351-A. Mehney-Walton. That this Commission, acting as the Board of Zoning Appeals, approve the zoning variance request of Drew and Gretchen Flemming, 3118 Cascade Road SE, to permit the construction of a garage to be built 18 inches from the west property line, rather than 14 feet as required by the zoning ordinance.

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

352. A zoning variance hearing was held to consider the request of Gerald Hampel, 2513 Lake Drive SE, to allow construction of an attached two-stall garage 6 feet from the east property line, rather than 11 feet as required by the zoning ordinance.

352-A. Edison-Frakie. That this Commission, acting as the Board of Zoning Appeals, approve the zoning variance request of Gerald Hampel, 2513 Lake Drive SE, to allow construction of an attached two-stall garage 6 feet from the east property line, rather than 11 feet as required by the zoning ordinance.

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

353. A zoning variance hearing was held to consider the request of James Azzar, P.O. Box 1182, Grand Rapids, to split property held in common ownership, located at 2810 Cascade Road SE, and to permit building on a 11,700-square-foot lot with 78 feet of frontage in an area zoned A-1, single-family residential rather than the minimum 12,000-square-foot lot with 100-foot frontage.

353-A. Williamson-Mehney. That this Commission, acting as the Board of Zoning Appeals, deny the zoning variance request of James Azzar, P.O. Box 1182, Grand Rapids, to split property held in common ownership, located at 2810 Cascade Road SE, and to permit building on a 11,700-square-foot lot with 78 feet of frontage in an area zoned A-1, single-family residential rather than the minimum 12,000-square-foot lot with 100-foot frontage.

Yeas: Edison, Frakie, Mehney, Swain, Williamson  
and Deems -- 6.  
Nays: -0-  
Abstains: Walton -- 1.

354. A zoning variance hearing was held to consider the request of James Azzar, P.O. Box 1182, Grand Rapids, to split property held in common ownership, located at 2826 Cascade Road SE, and to permit building on a 10,200-square-foot lot with 68 feet of frontage in an area zoned A-1, single-family residential rather than the minimum 12,000-square-foot lot with 100-foot frontage.

354-A. Williamson-Frakie. That this Commission, acting as the Board of Zoning Appeals, deny the zoning variance request of James Azzar, P.O. Box 1182, Grand Rapids, to split property held in common ownership, located at 2826 Cascade Road SE, and to permit building on a 10,200-square-foot lot with 68 feet of frontage in an area zoned A-1, single-family residential rather than the minimum 12,000-square-foot lot with 100-foot frontage.

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

Nays: -0-

Abstains: Walton -- 1.

355. A zoning variance hearing was held to consider the request of East Grand Rapids Schools, 2915 Hall Street SE, to allow the expansion of non-conforming use within a residential zone at the East Grand Rapids Middle School, 2425 Lake Drive SE, by construction of two portable classrooms.

355-A. Commissioner Walton moved to approve the location of portable classroom units on the west side of the Middle School as described in Alternate 1 submitted by East Grand Rapids Schools. The motion failed due to lack of a second.

355-B. Swain-Mehney. That this Commission, acting as the Board of Zoning Appeals, approve the zoning variance request of East Grand Rapids Schools that portable classroom units be located on the southwest side of the Middle School as described in Alternate 3 submitted by East Grand Rapids Schools.

Yeas: Mehney, Swain and Deems -- 3.

Nays: Edison, Frakie, Walton and Williamson -- 4.

355-C. Williamson-Frakie. That this Commission, acting as the Board of Zoning Appeals, approve the zoning variance request of East Grand Rapids Schools that portable classroom units be located on the east side of the Middle School adjacent to the soccer field as described in Alternate 2 submitted by East Grand Rapids Schools.

Yeas: Edison, Frakie, Walton, Williamson and Deems -- 5.  
Nays: Mehney and Swain -- 2.

356. Discussion of and action on a construction plan to be followed with regard to proposed improvements for Pioneer Club Road.

The following residents were present and expressed their opposition to major improvements on Pioneer Club Road such as widening the road or installing sidewalks. They stated their support for repairing the road by regrading and chip sealing, at the cost of the residents of Pioneer Club Road and at no cost to the City.

Steven Schwartz, 2863 Pioneer Club Road SE  
Jerry Rittenhouse, 2909 Pioneer Club Road SE  
Otto Wierenga, 2915 Pioneer Club Road SE  
James Zevalkink, 2900 Pioneer Club Road SE  
Lenore Kalenda, 2919 Pioneer Club Road SE

Richard Wiggins, 2924 Pioneer Club Road SE, was also present and stated his support for major improvements on Pioneer Club Road. He did indicate, however, that he was not in favor of a sidewalk being installed.

356-A. Edison-Mehney. That this Commission direct City staff to proceed with the following improvements to Pioneer Club Road: a 20-foot-wide roadway with rolling curb, gutter, enclosed storm drainage and no sidewalk.

Yeas: Edison, Mehney, and Swain -- 3.  
Nays: Frakie, Walton, Williamson and Deems -- 4.

A roll call vote was taken.

356-B. Mehney-Edison. That this Commission direct City staff to proceed with the following improvements to Pioneer Club Road: a 22-foot-wide roadway with rolling curb, gutter, enclosed storm drainage and no sidewalk.

Yeas: Edison, Mehney, and Swain -- 3.  
Nays: Frakie, Walton, Williamson and Deems -- 4.

A roll call vote was taken.

356-C. Williamson-Walton. That this Commission direct City staff to proceed with the following improvements to Pioneer Club Road: a 20-foot-wide roadway with curb, gutter, enclosed storm drainage and a 5-foot-wide sidewalk, incorporating a 5-foot-wide outlawn area.

Yeas: Walton and Williamson -- 2.  
Nays: Edison, Frakie, Mehney, Swain and Deems -- 5.

A roll call vote was taken.

356-D. Swain-Frakie. That this Commission direct City staff to proceed with the following improvements to Pioneer Club Road: a 20-foot-wide roadway with a new road base, chip sealing, and rolling gutters. No sidewalks or drainage to be installed.

Yeas: Frakie, Swain and Deems -- 3.  
Nays: Edison, Mehney, Walton and Williamson -- 4.

A roll call vote was taken.

356-E. Commissioner Edison moved for the following improvements: 24-foot-wide roadway with rolling curb, gutter, and enclosed storm drainage. No sidewalk to be installed. This motion failed due to lack of a second.

356-F. Mehney-Frakie. That this Commission direct City staff to proceed with the following improvements to Pioneer Club Road from 433' west of Manhattan to Oakwood: remove existing base, place a 12" sand sub-base, 6" gravel base, and place a 20-foot-wide prime and double asphalt seal coat (chip seal) as was approved at the City Commission of March 3, 1980, action no. 360-A.

356-G. Edison-Williamson. That the motion be amended to incorporate that the cost of the proposed improvements set forth in 356-F be borne by the property owners entirely and that all future administrative costs incurred by the City with regard to the Pioneer Club Road improvements be assessed to the residents of Pioneer Club Road until the road is fully improved.

Yeas: Edison, Williamson, Swain and Deems -- 4.  
Nays: Frakie, Mehney and Walton -- 3.

A roll call vote was taken.

356-H. That the motion made at 356-F be approved as amended.

Yeas: Frakie, Mehney, Swain and Deems -- 4.  
Nays: Edison, Walton and Williamson -- 3.

A roll call vote was taken.

357. Introduction of an ordinance amendment to Section 5.24 of Chapter 50 of Title V of the Code of the City of East Grand Rapids modifying subsection (1) pertaining to special uses.

357-A. Williamson-Walton. That an ordinance amendment modifying Section 5.24 of Chapter 50 of Title V of the Code of the City of East Grand Rapids pertaining to special uses be introduced, as follows:

AN ORDINANCE TO AMEND SECTION 5.24  
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. Subsection (1) of Section 5.24 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended to read as follows:

(1) Certain land uses because of size, nature of operation, limited application, or relation to their natural resources must be considered individually and not necessarily subject to the zone district provisions. The uses listed in this section may be authorized by the city commission in all districts following a public hearing if it is found and determined by the commission that such use is essential or desirable and will not have an adverse effect on neighboring property. Notice of the public hearing

shall be published once (1) in a newspaper of general circulation in the City at least seven (7) days before the time appointed for the hearing. Notice of the hearing shall also be served personally or by mail at least seven (7) days prior to the hearing upon property owners of record, as listed in the records at city hall, within three hundred feet (300) of the premises in question.

Section 2. This ordinance shall be effective on May \_\_\_\_, 1991.

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-

358. Introduction of an ordinance amendment to Sections 9.201 and 9.215 and to repeal Section 9.216 of Chapter 96 of Title IX of the Code of the City of East Grand Rapids relative to the Air Pollution Appeal Board.

358-A. Williamson-Frakie. That an ordinance amending Sections 9.201 and 9.215 and repealing Section 9.216 of Chapter 96 of Title IX of the Code of the City of East Grand Rapids be introduced, as set forth on Exhibit "A" attached hereto.

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

Nays: -0-

359. Introduction of an ordinance to amend Sections 1.131, 1.137 and 1.139 and to repeal Section 1.130 of Chapter 3 of Title I of the Code of the City of East Grand Rapids pertaining to administrative duties of City staff.

359-A. Swain-Williamson. That an ordinance amending Section 1.131, 1.137 and 1.139 and repealing Section 1.130 of Chapter 3 of Title I of the Code of the City of East Grand Rapids be introduced, as set forth on Exhibit "B" attached hereto.

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

Nays: -0-

360. Introduction of an ordinance to amend Sections 1.32, 1.41, 1.42, 1.65 and 1.121 and to repeal Sections 1.35 and 1.43 of Chapter 2 of Title I of the Code of the City of East Grand Rapids pertaining to the authority of the City Manager as it relates to financial procedure for payment of city monies.

360-A. Swain-Williamson. That an ordinance amending Sections 1.32, 1.41, 1.42, 1.65 and 1.121 and repealing Sections 1.35 and 1.43 of Chapter 2 of Title I of the Code of the City of East Grand Rapids be introduced, as set forth on Exhibit "C" attached hereto.

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

Nays: -0-

361. Consideration of a request to award a contract to Fishbeck, Thompson, Carr & Huber in the amount of \$6,800 for soil borings and tests related to underground fuel tanks at the Public Service Department.

361-A. Edison-Mehney. That the request to award a contract to Fishbeck, Thompson, Carr & Huber in the amount of \$6,800 for soil borings and tests related to replacement of underground fuel tanks at the Public Service Department be approved.

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

Nays: -0-

362. Consideration of a request of the Recreation Department to award a purchase order in the amount of \$9,004.53 to Wolverine Fireworks Display, the low bidder, for the purchase of firework shells for the City's July 4th (Lakeside '91) celebration.

362-A. Walton-Frakie. That the Recreation Department be authorized to spend up to \$10,000 for firework shells in conjunction with the City's July 4th (Lakeside '91) celebration.

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

Nays: -0-

363. Consideration of a request to award a purchase order in the amount of \$3,100 to Phoenix Sign & Design for a sign identifying the Manhattan Recreation Area.

363-A. Swain-Mehney. That the Recreation Department be authorized to purchase a sign, which shall be made out of a substance other than redwood, identifying the Manhattan Recreation Area.

Yeas: Frakie, Mehney, Swain, Williamson and Deems -- 5.  
Nays: Edison and Walton -- 2.

364. Discussion of informational report concerning proposed Aquinas College parking lots off Robinson Road.

365. Discussion of update concerning State House Bill 4109 pertaining to property taxes.

366. The preliminary minutes of the Recreation Commission meeting of April 8, 1991 were received.

367. The preliminary minutes of the Centennial Celebration Committee meeting of April 10, 1991 were received.

368. The preliminary minutes of the Traffic Commission meeting of April 17, 1991 were received.

369. The Commission established a budget review schedule to include work sessions on May 20, 1991 and June 3, 1991. The review sessions will immediately follow the City Commission meeting on those dates.

370. Commissioner Walton thanked Commissioner Mehney and commended him for his efforts with regard to the visiting French students.

Commissioner Mehney commended Chief Gallagher for the fine job he did in entertaining the French students when they visited City Hall.

371. The meeting was adjourned subject to the call of the Mayor until May 20, 1991.

*Thomas H. Chase*

Thomas H. Chase, City Clerk

AN ORDINANCE TO AMEND SECTIONS 9.201 and 9.215  
AND TO REPEAL SECTION 9.216 OF CHAPTER 96 OF TITLE IX  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Subsection (7) of Section 9.202 of Chapter 96 of Title IX of the Code of the City of East Grand Rapids is amended to read as follows:

"(7) Director shall mean the director of engineering services or his duly authorized representative.

Section 2. Section 9.215 of Chapter 96 of Title IX of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 9.215. Variances and Appeals.

Any person may apply to the city commission for a variance from the provisions of this chapter and/or the rules or to appeal a decision of the director. Applications for variances and appeals shall be filed with the East Grand Rapids city clerk and shall be accompanied by an application fee of fifty dollars (\$50.00). Such application shall contain the name and address of the applicant, the premises and installation for which the variance or appeal is sought, a description of the installation, and the reason or reasons for seeking the variance or appealing the decision of the director.

(1) The board shall grant a variance from any provision of this chapter or the rules and suspend the enforcement thereof as to any person who shows that compliance by the person with this chapter or the rules in the acquisition, installation, operation and maintenance of facilities and equipment would constitute an undue hardship on the person and would be out of proportion to the benefits to be obtained thereby. A variance shall not be granted under the provisions of this section where the person applying therefore is causing air pollution which is injurious to the public health. Any variance granted shall not be construed to relieve the person who shall receive it from any liability imposed by other law for the commission or maintenance of a nuisance.

(2) Any variance granted pursuant to this section shall be granted for such period of time, not exceeding one (1) year, as is specified by the

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city commission at the time of granting the variance. The variance may be extended by the city commission. Any variance granted may be conditioned on the person receiving the variance making reports to the commission periodically as to the progress which the person has made towards reaching compliance with the provision of this chapter.

(3) Any decision of the director which is appealed may either be affirmed, reversed or modified by the city commission following a hearing at which both the person seeking the appeal and the director may have an opportunity to present evidence and argument on issues of fact.

Section 3. Section 9.216 of Chapter 96 of Title IX is repealed in its entirety.

Section 4. This Ordinance shall be effective on May \_\_\_\_\_, 1991.

Section 5. 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.

AN ORDINANCE TO AMEND SECTIONS 1.131, 1.137 and 1.139  
AND TO REPEAL SECTION 1.130 OF CHAPTER 3 OF TITLE I  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 1.131 of Chapter 3 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.131. City manager.

As provided in the City Charter, the city manager shall act as the chief administrative officer of the city and shall have supervisory authority over all appointed city officials and employees except the department of law. Except for the purpose of investigation as authorized in the City Charter, no city commissioner shall give orders to any employee or officer subject to the direction and supervision of the city manager. It is the intent of this section that while the city commission shall have broad powers and authority over the manager, no commissioner shall have the right to interfere with or to disorganize the administrative machinery set up by the manager or to overrule the manager except by order to the manager directly.

The city manager shall see that all ordinances, rules and regulations adopted by the commission and the provisions of this code that are subject to enforcement by the manager or the manager's subordinates are properly administered and enforced. The manager shall attend all meetings of the commission, regular and special. During the absence or disability of the manager, an acting manager may be appointed in accordance with the provisions of the City Charter."

Section 2. Section 1.133 of Chapter 3 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.133. City officers and employees.

All officers, except the city attorney, and employees of the city shall report to the city manager and shall be responsible to the city manager for the effective administration of their respective departments and offices and all activities assigned to them. The city manager may set aside any action taken by such officers or employees and may supersede such officers or

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employees in the functions of their respective offices."

Section 3. Section 1.137 of Chapter 3 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.137. Payment of monies.

Monies belonging to the city shall be paid out only upon presentation of a valid warrant approved by the clerk and shall be issued by checks drawn by the city treasurer and countersigned by the city manager."

Section 4. Section 1.139 of Chapter 3 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.139. Bonds

Surety bonds shall be filed by the following officers and employees of the city in the following amounts:

Treasurer/Clerk	\$100,000.00
Manager	\$100,000.00
Deputy Treasurer	\$100,000.00
All other officers and employees of the city, blanket bond	\$ 25,000.00

The cost of all bonds shall be paid by the city."

Section 5. Section 1.130 of Chapter 3 of Title I of the Code of the City of East Grand Rapids is repealed in its entirety.

Section 6. This Ordinance shall be effective on \_\_\_\_\_, 1991.

Section 7. 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.

AN ORDINANCE TO AMEND SECTIONS 1.32, 1.41, 1.42  
1.65 AND 1.121 AND TO REPEAL SECTIONS 1.35 AND 1.43  
OF CHAPTER 2 OF TITLE I  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 1.32 of Chapter 2 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.32. Office of clerk.

This office shall be headed by the city clerk who shall serve as set forth in the City Charter. The clerk shall act as clerk of the city commission and shall perform those duties as set forth in the City Charter. The clerk shall be responsible for the publication, filing, indexing and safe keeping of all proceedings of the commission. The clerk shall keep the books of account of the assets, receipts and expenditures of the city and keep the manager informed as to the financial affairs of the city. "

Section 2. Section 1.41 of Chapter 2 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.41. Office of assessor.

This office shall be headed by the city assessor who shall serve as set forth in the City Charter. The assessor shall perform all work in connection with the assessing of property and the preparation of all assessment rolls, tax rolls, and tax notices. "

Section 3. Section 1.42 of Chapter 2 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.42. Board of review.

The board of review shall be constituted and shall serve as set forth in the City Charter. The board of review shall meet and perform those duties as set forth in the City Charter. After reviewing the assessment roll, the board shall approve and endorse the roll as the official assessment roll of the city for all tax purposes in accordance with state law. "

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Section 4. Section 1.65 of Chapter 2 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.65. Office of treasurer.

This department shall be headed by the city treasurer who shall serve as set forth in the City Charter and whose duty it shall be to:

(1) Have the custody of all monies of the city, any bond pertaining solely to the clerk, and all evidences of indebtedness belonging to the city or held in trust by the city.

(2) Collect all monies of the city the collection of which is not provided for elsewhere by ordinance or the City Charter.

(3) Receive from officers and employees of the city all money belonging to and receivable by the city that may be collected by such officers and employees, including fines, license fees, taxes, assessments and all other charges. All such money shall be turned over to the treasurer after collection or receipt, and the treasurer shall in all cases give a receipt therefor and shall daily present an accounting of receipts to the city clerk.

(4) Keep and deposit all monies or funds in such manner and only in such places as the commission may determine and shall report the same in detail to the city manager.

(5) Disburse all city funds in accordance with the provisions of the City Charter and this Code.

(6) Promptly report to the city manager in writing any default, delinquency, or discrepancy the treasurer may discover in the books and records of any city department.

(7) Perform such other duties as set forth in the City Charter."

Section 5. Section 1.121 of Chapter 2 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.121. Responsibilities of city attorney

This department shall be headed by the city attorney who shall serve as set forth in the City Charter. The city attorney shall be the director of the department of law and shall be directly responsible to the city commission. The city attorney shall act as legal advisor to and as counsel for the city. The city attorney shall conduct for the city all cases in court to which the city is a party unless otherwise directed by resolution of the city commission. The city attorney shall prepare and officially pass upon all contracts, bonds, and other instruments on which the city is concerned, and shall certify before execution as to their legality and correctness of form. The city attorney shall attend the meetings of the city commission."

Section 6. Sections 1.35 and 1.43 of Chapter 2 of Title I are repealed in their entirety.

Section 7. This Ordinance shall be effective on \_\_\_\_\_, 1991.

Section 8. 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.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held May 20, 1991

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;  
Engineering Services Director Baragar; Civil  
Engineer Kocsis; Public Service Superintendent  
Sterkenburg; Public Safety Director Gallagher,  
Public Safety Officer Brett Naumcheff; and  
Controller-Clerk-Treasurer Chase.

372. The minutes of the meeting held May 6, 1991 were received and approved following amendment of action no. 356-F, which reads as follows:

356-F. Mehney-Frakie. That this Commission direct City staff to proceed with the following improvements to Pioneer Club Road from 433' west of Manhattan to Oakwood: remove existing base, place a 12" sand sub-base, 6" gravel base, and place a 20-foot-wide prime and double asphalt seal coat (chip seal) as was approved at the City Commission of March 3, 1980, action no. 360-A.

373. Mayor Deems advised the City Commission of correspondence received, as follows:

- (a) Memorandum from Public Safety Director Gallagher commending Public Safety Officers Williams, Edington and Gingrich for their outstanding efforts in the apprehension of suspects for possession of a concealed weapon and crack cocaine.
- (b) Memorandum from Public Safety Director Gallagher commending Deputy Chief Ditmar, Lieutenant Stone, Sargeant Ellis, Public Safety Officers Gadbois, Van Popering, Mull, Weertman, Bolen, Lark, and Fire Volunteer Hecker for their professional manner when responding to a fire at 1049 Floral.

- (c) Correspondence from David Bloss, 1150 Breton Road, commending Public Safety Officers Bolen and Tetzlaff for the rapid and professional response to a medical emergency at the Bloss residence.
- (d) Correspondence from Kent County Board of Public Works presenting to the City of East Grand Rapids a Resolution of Appreciation for the City's efforts with regard to the Residential Recycling Program during 1990.

374. Swain-Edison. That disbursement vouchers in the amount of \$159,659.99 and payroll disbursements in the amount of \$109,539.31, 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-

375. Brett Michael Naumcheff was sworn in as a Public Safety Officer for the City of East Grand Rapids.

376. Consideration of resolutions determining necessity and setting public hearing on assessment roll for Pioneer Club Road improvements.

376-A. Williamson-Walton. That this Commission table the consideration of resolutions determining necessity and setting public hearing on assessment roll for Pioneer Club Road improvements, pending receipt of construction cost estimates from City staff.

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

377. Final reading of an ordinance amendment to Section 5.24 of Chapter 50 of Title V of the Code of the City of East Grand Rapids modifying subsection (1) pertaining to special uses.

377-A. Williamson-Frakie. That an ordinance amendment modifying Section 5.24 of Chapter 50 of Title V of the Code of the City of East Grand Rapids pertaining to special uses be adopted, as follows:

AN ORDINANCE TO AMEND SECTION 5.24  
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. Subsection (1) of Section 5.24 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended to read as follows:

(1) Certain land uses because of size, nature of operation, limited application, or relation to their natural resources must be considered individually and not necessarily subject to the zone district provisions. The uses listed in this section may be authorized by the city commission in all districts following a public hearing if it is found and determined by the commission that such use is essential or desirable and will not have an adverse effect on neighboring property. Notice of the public hearing shall be published once (1) in a newspaper of general circulation in the City at least seven (7) days before the time appointed for the hearing. Notice of the hearing shall also be served personally or by mail at least seven (7) days prior to the hearing upon property owners of record, as listed in the records at city hall, within three hundred feet (300) of the premises in question.

Section 2. This ordinance shall be effective on May 31, 1991.

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, Swain, Walton, Williamson and  
Deems -- 6.

Nays: -0-

378. Final reading of an ordinance amendment to Sections 9.201 and 9.215 and to repeal Section 9.216 of Chapter 96 of Title IX of the Code of the City of East Grand Rapids relative to the Air Pollution Appeal Board.

378=A. Frakie=Walton. That an ordinance amending Sections 9.201 and 9.215 and repealing Section 9.216 of Chapter 96 of Title IX of the Code of the City of East Grand Rapids be adopted, as set forth on Exhibit "A" attached hereto.

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

379. Final reading of an ordinance to amend Sections 1.131, 1.137 and 1.139 and to repeal Section 1.130 of Chapter 3 of Title I of the Code of the City of East Grand Rapids pertaining to administrative duties of City staff.

379=A. Swain=Walton. That an ordinance amending Section 1.131, 1.137 and 1.139 and repealing Section 1.130 of Chapter 3 of Title I of the Code of the City of East Grand Rapids be adopted, as set forth on Exhibit "B" attached hereto.

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

380. Final reading of an ordinance to amend Sections 1.32, 1.41, 1.42, 1.65 and 1.121 and to repeal Sections 1.35 and 1.43 of Chapter 2 of Title I of the Code of the City of East Grand Rapids pertaining to the authority of the City Manager as it relates to financial procedure for payment of city monies.

380=A. Swain=Walton. That an ordinance amending Sections 1.32, 1.41, 1.42, 1.65 and 1.121 and repealing Sections 1.35 and 1.43 of Chapter 2 of Title I of the Code of the City of East Grand Rapids be adopted, as set forth on Exhibit "C" attached hereto.

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

381. Introduction of an ordinance amendment to Section 8.603 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids pertaining to the BOCA Plumbing Code.

381-A. Williamson=Edison. That an ordinance amending Section 8.603 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids pertaining to the BOCA Plumbing Code be introduced as follows:

AN ORDINANCE TO AMEND SECTION 8.603  
OF CHAPTER 86 OF TITLE VIII  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Subsection P-114.2 of Section 8.603 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids is hereby amended to read as follows:

P-114.2. Fees

An inspection fee of Five Dollars (\$5.00) per unit shall be charged for each inspection of each single plumbing unit or fixture. The minimum fee shall be Fifteen Dollars (\$15.00). All fees shall be paid at the time any permit is issued. Fees for special process, reinspection or inspections of special installations shall be charged at the rate of Seven and One-half Dollars (\$7.50) per hour or fraction thereof. A charge of Twenty Dollars (\$20.00) shall be made for each outside sewer and water inspection, whether the same be a street opening, a sanitary sewer, or a water service. If any job or installation covered by this Chapter is commenced before a permit is obtained from the plumbing inspector as herein provided, an amount equal to Fifty Dollars (\$50.00) or twice the fee set forth herein, whichever is greater, shall be paid before a permit is issued. In addition to the amount assessed against the owner, any licensed contractor which is performing plumbing work on a job where a required permit has not been obtained shall be subject to a civil fine of One Hundred Fifty Dollars (\$150.00) or three times the permit fee, whichever is greater, which shall be due immediately upon assessment.

Section 2. This ordinance shall be effective on \_\_\_\_\_, 1991.

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, Swain, Walton, Williamson and  
Deems -- 6.

Nays: -0-

382. Consideration of a resolution to establish a maximum property tax levy for fiscal year 1991-92.

382-A. Edison-Williamson. That the City Commission set June 3, 1991 as the Truth-in-Taxation public hearing date and that a resolution setting 16.2475 mills as the proposed maximum millage rate be adopted, subject to the adoption of the General Fund budget, for the fiscal year July 1, 1991 through June 30, 1992, as follows:

RESOLUTION

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 16.2475 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, 1991 through June 30, 1992.

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

Nays: -0-

383. Consideration of a request to approve the Kent County Library System Services Agreement between Kent County Library System and the City of East Grand Rapids to take effect January 1, 1992.

383-A. Frakie-Swain. That the City Commission approve the Kent County Library System Services Agreement between Kent County Library System and the City of East Grand Rapids, which Agreement will take effect January 1, 1992.

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

Nays: -0-

384. Consideration of a request to approve the purchase of computer equipment in the total sum of \$23,600 for the Public Safety Department, Controller-Clerk-Treasurer Department, Recreation Department and Engineering Services Department and that a General Fund budget amendment be made to increase the Engineering Services capital expenditures account and decrease the Contingency appropriation account by \$3,970.

384-A. Edison-Swain. That the request to purchase computer equipment in the total sum of \$23,600 for the Public Safety Department, Controller-Clerk-Treasurer Department, Recreation Department and Engineering Services Department, and that a General Fund budget amendment be made to increase the Engineering Services capital expenditures account and decrease the Contingency appropriation account by \$3,970 be approved.

384-B. Walton-Frakie. That the motion be amended to delete the acquisition of computer equipment for the Recreation Department in the sum of \$3,400.

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

A vote was then taken on the main motion (384-A).

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

385. The minutes of the East Grand Rapids Library Commission meeting of April 25, 1991 were received.

386. The Building Inspection Report for the month of April, 1991 was received.

387. The Public Safety Report for the month of April, 1991 was received.

388. The meeting was adjourned subject to the call of the Mayor until June 3, 1991.



Thomas H. Chase, City Clerk

AN ORDINANCE TO AMEND SECTIONS 9.201 and 9.215  
AND TO REPEAL SECTION 9.216 OF CHAPTER 96 OF TITLE IX  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Subsection (7) of Section 9.202 of Chapter 96 of Title IX of the Code of the City of East Grand Rapids is amended to read as follows:

"(7) Director shall mean the director of engineering services or his duly authorized representative.

Section 2. Section 9.215 of Chapter 96 of Title IX of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 9.215. Variances and Appeals.

Any person may apply to the city commission for a variance from the provisions of this chapter and/or the rules or to appeal a decision of the director. Applications for variances and appeals shall be filed with the East Grand Rapids city clerk and shall be accompanied by an application fee of fifty dollars (\$50.00). Such application shall contain the name and address of the applicant, the premises and installation for which the variance or appeal is sought, a description of the installation, and the reason or reasons for seeking the variance or appealing the decision of the director.

(1) The board shall grant a variance from any provision of this chapter or the rules and suspend the enforcement thereof as to any person who shows that compliance by the person with this chapter or the rules in the acquisition, installation, operation and maintenance of facilities and equipment would constitute an undue hardship on the person and would be out of proportion to the benefits to be obtained thereby. A variance shall not be granted under the provisions of this section where the person applying therefore is causing air pollution which is injurious to the public health. Any variance granted shall not be construed to relieve the person who shall receive it from any liability imposed by other law for the commission or maintenance of a nuisance.

(2) Any variance granted pursuant to this section shall be granted for such period of time, not exceeding one (1) year, as is specified by the

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city commission at the time of granting the variance. The variance may be extended by the city commission. Any variance granted may be conditioned on the person receiving the variance making reports to the commission periodically as to the progress which the person has made towards reaching compliance with the provision of this chapter.

(3) Any decision of the director which is appealed may either be affirmed, reversed or modified by the city commission following a hearing at which both the person seeking the appeal and the director may have an opportunity to present evidence and argument on issues of fact.

Section 3. Section 9.216 of Chapter 96 of Title IX is repealed in its entirety.

Section 4. This Ordinance shall be effective on May 31, 1991.

Section 5. 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.

AN ORDINANCE TO AMEND SECTIONS 1.131, 1.137 and 1.139  
AND TO REPEAL SECTION 1.130 OF CHAPTER 3 OF TITLE I  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 1.131 of Chapter 3 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.131. City manager.

As provided in the City Charter, the city manager shall act as the chief administrative officer of the city and shall have supervisory authority over all appointed city officials and employees except the department of law. Except for the purpose of investigation as authorized in the City Charter, no city commissioner shall give orders to any employee or officer subject to the direction and supervision of the city manager. It is the intent of this section that while the city commission shall have broad powers and authority over the manager, no commissioner shall have the right to interfere with or to disorganize the administrative machinery set up by the manager or to overrule the manager except by order to the manager directly.

The city manager shall see that all ordinances, rules and regulations adopted by the commission and the provisions of this code that are subject to enforcement by the manager or the manager's subordinates are properly administered and enforced. The manager shall attend all meetings of the commission, regular and special. During the absence or disability of the manager, an acting manager may be appointed in accordance with the provisions of the City Charter."

Section 2. Section 1.133 of Chapter 3 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.133. City officers and employees.

All officers, except the city attorney, and employees of the city shall report to the city manager and shall be responsible to the city manager for the effective administration of their respective departments and offices and all activities assigned to them. The city manager may set aside any action taken by such officers or employees and may supersede such officers or

employees in the functions of their respective offices."

Section 3. Section 1.137 of Chapter 3 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.137. Payment of monies.

Monies belonging to the city shall be paid out only upon presentation of a valid warrant approved by the clerk and shall be issued by checks drawn by the city treasurer and countersigned by the city manager."

Section 4. Section 1.139 of Chapter 3 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.139. Bonds

Surety bonds shall be filed by the following officers and employees of the city in the following amounts:

Treasurer/Clerk	\$100,000.00
Manager	\$100,000.00
Deputy Treasurer	\$100,000.00
All other officers and employees of the city, blanket bond	\$ 25,000.00

The cost of all bonds shall be paid by the city."

Section 5. Section 1.130 of Chapter 3 of Title I of the Code of the City of East Grand Rapids is repealed in its entirety.

Section 6. This Ordinance shall be effective on May 31, 1991.

Section 7. 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.

AN ORDINANCE TO AMEND SECTIONS 1.32, 1.41, 1.42  
1.65 AND 1.121 AND TO REPEAL SECTIONS 1.35 AND 1.43  
OF CHAPTER 2 OF TITLE I  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 1.32 of Chapter 2 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.32. Office of clerk.

This office shall be headed by the city clerk who shall serve as set forth in the City Charter. The clerk shall act as clerk of the city commission and shall perform those duties as set forth in the City Charter. The clerk shall be responsible for the publication, filing, indexing and safe keeping of all proceedings of the commission. The clerk shall keep the books of account of the assets, receipts and expenditures of the city and keep the manager informed as to the financial affairs of the city."

Section 2. Section 1.41 of Chapter 2 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.41. Office of assessor.

This office shall be headed by the city assessor who shall serve as set forth in the City Charter. The assessor shall perform all work in connection with the assessing of property and the preparation of all assessment rolls, tax rolls, and tax notices."

Section 3. Section 1.42 of Chapter 2 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.42. Board of review.

The board of review shall be constituted and shall serve as set forth in the City Charter. The board of review shall meet and perform those duties as set forth in the City Charter. After reviewing the assessment roll, the board shall approve and endorse the roll as the official assessment roll of the city for all tax purposes in accordance with state law."

Exh. C

Section 4. Section 1.65 of Chapter 2 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.65. Office of treasurer.

This department shall be headed by the city treasurer who shall serve as set forth in the City Charter and whose duty it shall be to:

(1) Have the custody of all monies of the city, any bond pertaining solely to the clerk, and all evidences of indebtedness belonging to the city or held in trust by the city.

(2) Collect all monies of the city the collection of which is not provided for elsewhere by ordinance or the City Charter.

(3) Receive from officers and employees of the city all money belonging to and receivable by the city that may be collected by such officers and employees, including fines, license fees, taxes, assessments and all other charges. All such money shall be turned over to the treasurer after collection or receipt, and the treasurer shall in all cases give a receipt therefor and shall daily present an accounting of receipts to the city clerk.

(4) Keep and deposit all monies or funds in such manner and only in such places as the commission may determine and shall report the same in detail to the city manager.

(5) Disburse all city funds in accordance with the provisions of the City Charter and this Code.

(6) Promptly report to the city manager in writing any default, delinquency, or discrepancy the treasurer may discover in the books and records of any city department.

(7) Perform such other duties as set forth in the City Charter."

Section 5. Section 1.121 of Chapter 2 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 1.121. Responsibilities of city attorney

This department shall be headed by the city attorney who shall serve as set forth in the City Charter. The city attorney shall be the director of the department of law and shall be directly responsible to the city commission. The city attorney shall act as legal advisor to and as counsel for the city. The city attorney shall conduct for the city all cases in court to which the city is a party unless otherwise directed by resolution of the city commission. The city attorney shall prepare and officially pass upon all contracts, bonds, and other instruments on which the city is concerned, and shall certify before execution as to their legality and correctness of form. The city attorney shall attend the meetings of the city commission."

Section 6. Sections 1.35 and 1.43 of Chapter 2 of Title I are repealed in their entirety.

Section 7. This Ordinance shall be effective on May 31, 1991.

Section 8. 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.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held June 3, 1991

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;  
Engineering Services Director Baragar; Civil  
Engineer Kocsis; Public Service Superintendent  
Sterkenburg; Public Safety Director Gallagher,  
Public Safety Sergeant David Smith, Public Safety  
Officer Peter Steensma; and Controller-  
Clerk-Treasurer Chase.

389. The minutes of the meeting held May 20, 1991 were  
approved as submitted.

390. Mayor Deems advised the City Commission of  
correspondence received, as follows:

- (a) Invitation to attend the Qingdao Foreign  
Economy and Trade Fair in Qingdao, China from  
June 20 through June 29, 1991.

Commissioners Williamson and Edison stated they  
received positive comments from residents with regard to the  
Manhattan Recreation Area project and the fine job that had been  
done in its development. The residents felt the field was a  
tremendous asset to the City.

391. Edison-Frakie. That disbursement vouchers in the  
amount of \$50,224.82, and payroll disbursements in the amount of  
\$95,786.23, 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-

392. Mayor Deems presented an honorary plaque to Public  
Safety Officer Peter Steensma acknowledging his 25 years of  
dedicated service to the City.

393. A zoning variance hearing was held to consider the request of Post Associates, Inc., 201 Monroe Avenue NW, and Robert Leigh, 714 Cascade Hills Ridge SE, for the property located at 2172 Wealthy (formerly known as Leigh's Fur Salon) to allow the required number of off-street parking spaces for bank use to be limited to eight, rather than the required nine spaces specified in the City Ordinance.

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

Mark Post (of Post Associates), 201 Monroe Avenue NW  
Robert Leigh, 714 Cascade Hills Ridge SE

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

Matt Danielson (of Cadence Newspapers), business  
location 705 Bagley SE

393-A. Walton-Swain. That this Commission, acting as the Board of Zoning Appeals, approve the zoning variance request of Post Associates, Inc., 201 Monroe Avenue NW, and Robert Leigh, 714 Cascade Hills Ridge SE, for the property located at 2172 Wealthy (formerly known as Leigh's Fur Salon) to allow the required number of off-street parking spaces for bank use to be limited to eight, rather than the required nine spaces specified in the City Ordinance, pursuant to the site plan presented.

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

Nays: -0-

394. A public hearing was held on the special assessment roll of delinquent accounts for placement on the 1990 tax roll.

394-A. Williamson-Frakie. That the special assessment roll of delinquent accounts totalling \$18,503.44 be approved.

Mr. Robert Stokes, 2905 Bonnell SE, was present and expressed his objection to a \$50.00 false alarm fine assessed to him by the City. He stated that his alarm was working properly on the date of the citation and that he should not be responsible for the payment of this fine.

394-B. Walton-Mehney. That the special assessment roll of delinquent accounts be amended to exclude the delinquent false alarm fine of \$50.00 on parcel no. 41-14-34-402-004 until such time as Public Safety Director Gallagher has an opportunity to investigate this false alarm incident.

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

Nays: -0-

Vote on original motion as amended. The new total of delinquent accounts is \$18,453.44.

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

Nays: -0-

395. A Truth-in-Taxation public hearing was held to discuss the a proposed additional 1991 City operating millage rate. There was no public comment.

396. Final reading of an ordinance amendment to Section 8.603 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids pertaining to the BOCA Plumbing Code.

396-A. Walton-Edison. That an ordinance amending Section 8.603 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids pertaining to the BOCA Plumbing Code be approved, as follows:

AN ORDINANCE TO AMEND SECTION 8.603  
OF CHAPTER 86 OF TITLE VIII  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Subsection P-114.2 of Section 8.603 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids is hereby amended to read as follows:

P-114.2. Fees

An inspection fee of Five Dollars (\$5.00) per unit shall be charged for each inspection of each single plumbing unit or fixture. The minimum fee shall be Fifteen Dollars (\$15.00). All fees shall be paid at the time any permit is issued. Fees for special process, reinspection or inspections of special installations shall be charged at the rate of Seven and One-half Dollars (\$7.50) per hour or fraction thereof. A charge of Twenty Dollars (\$20.00) shall be made for each outside sewer and water inspection, whether the same be a street opening, a sanitary sewer, or a water service. If any job or installation covered by this Chapter is commenced before a permit is obtained from the plumbing inspector as herein provided, an amount equal to Fifty Dollars (\$50.00) or twice the fee set forth herein, whichever is greater, shall be paid before a permit is issued. In addition to the amount assessed against the owner, any licensed contractor which is performing plumbing work on a job where a required permit has not been obtained shall be subject to a civil fine of One Hundred Fifty Dollars (\$150.00) or three times the permit fee, whichever is greater, which shall be due immediately upon assessment.

Section 2. This ordinance shall be effective on June 14, 1991.

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-

397. Introduction of an ordinance amendment to Chapter 54 of Title V of the Code of the City of East Grand Rapids pertaining to subdivision control.

397-A. Williamson-Frakie. That an ordinance amending the Code of the City of East Grand Rapids by adding a new Chapter 54 to Title V of said Code be introduced, as follows:

AN ORDINANCE TO AMEND THE CODE  
OF THE CITY OF EAST GRAND RAPIDS  
BY ADDING A NEW CHAPTER 54 TO TITLE V  
OF SAID CODE

The City of East Grand Rapids ordains:

Section 1. A new Chapter 54 is added to Title V of the East Grand Rapids City Code to read as follows:

Chapter 54

Subdivision Control

Sec. 5.401. Title and purpose.

(1) This chapter shall be known as the East Grand Rapids Subdivision Control Ordinance.

(2) The purpose of this Ordinance is to regulate and control the subdivision of land within the City of East Grand Rapids in order to promote the safety, public health, and general welfare of the community.

Sec. 5.402. Platting procedure.

(1) Preliminary Plats. Preliminary plats shall be submitted and filed for approval under Sections 112 to 120 of the Michigan Subdivision Control Act, Act 288 of 1967, as amended. The city commission shall either reject the preliminary plat and give its reasons or set forth in writing the conditions for granting of approval within the time frame required by the Subdivision Control Act, as amended.

(2) Final Plats.

(a) Final plats shall be prepared and submitted as provided for in the Subdivision Control Act, as amended.

(b) The subdivider shall submit proof of ownership of the land included in the final plat.

(c) The city commission may require such other information as it deems necessary to establish whether the proper parties have signed the plat.

(d) The city commission shall review the final plat at its next regular meeting or at a meeting to be called within twenty (20) days of receipt of the plat. The city commission shall either approve the plat or disapprove the plat. If disapproved, the city commission shall give the subdivider its reasons in writing.

Sec. 5.403. Requirements for lots.

All lots shown in a proposed plat shall comply with all the requirements of Chapter 50 of this code, as amended.

Sec. 5.404. Requirements for utilities.

All public utility lines and easements shall be shown on the plat. Extensions of public utilities shall be consistent with the system already in place.

Sec. 5.405. Requirements for streets and sidewalks.

All streets and sidewalks shall be shown on the plat. Streets and sidewalks shall complement the existing streets and sidewalks in the City.

Section 2. This ordinance shall be effective on June \_\_\_\_, 1991.

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-

398. Consideration of a request to award a purchase order to Maney's Aquatic Weed Harvesting at \$100 per hour, not to exceed \$12,000 (two cuttings not to exceed \$6,000 each), for weed harvesting services on Reeds Lake.

398-A. Edison-Swain. That a purchase order be awarded to Maney's Aquatic Weed Harvesting at \$100 per hour, not to exceed \$12,000 (two cuttings not to exceed \$6,000 each), for weed harvesting services on Reeds Lake.

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

Nays: -0-

399. Consideration of a request to modify the street construction contract with Thompson-McCully Company, as follows:

Original Contract Amount:	\$174,090.20
<u>Delete</u> Orchard Avenue resurfacing projects: (Orchard Avenue from Burchard to Hall) (Orchard Avenue from Burchard to El Dorado ROW)	( 14,808.30)
<u>Add</u> the resurfacing project of El Centro Boulevard from Cascade to Reeds Lake Blvd. to the 1991 Construction Program.	<u>19,654.00</u>
New Contract Amounts:	<u>\$178,935.20</u>

399-A. Williamson-Edison. That the street construction contract with Thompson-McCully be modified, as stated above.

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

400. Presentation to the City Commission of the Severe and Inclement Weather Policy to be implemented by the City of East Grand Rapids as an administrative policy.

401. The minutes of the Recreation Commission meeting of May 13, 1991 were received.

402. The minutes of the Planning Commission meeting of May 20, 1991 were received.

403. The minutes of the Traffic Commission meeting of May 22, 1991 were received.

404. The meeting was adjourned subject to the call of the Mayor until June 17, 1991.



Thomas H. Chase, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held June 17, 1991

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 Allard; City Attorney Rhoades;  
Engineering Services Director Baragar; Civil  
Engineer Kocsis; Public Safety Director Gallagher;  
and Controller-Clerk-Treasurer Chase.

405. The minutes of the meeting held June 3, 1991 were approved as submitted.

406. Mayor Deems advised the City Commission of correspondence received, as follows:

- (a) Correspondence from Ruth Rowe, Principal of Wealthy School, and the students of Wealthy School commending Public Service Superintendent Sterkenburg and the Public Service staff on the organized and informative tour of the Public Service facilities which they provided to the students of Wealthy School during Public Works Week.

407. Edison-Walton. That disbursement vouchers in the amount of \$108,683.84 and payroll disbursements in the amount of \$100,265.50, 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-

408. A zoning variance hearing was held to consider the request of David and Myrna Herz, 2860 Bonnell Avenue SE, to allow construction of a 15'x 20' addition on the southeast corner of the residence, to be located 6 feet from the east property line rather than 10 feet as required in Section 5.133(3) of the City Code.

408-A. Mehney-Swain. That this Commission, acting as the Board of Zoning Appeals, approve the zoning variance request of David and Myrna Herz, 2860 Bonnell Avenue SE, to consider construction of a 15'x 20' addition on the southeast corner of the residence, to be located 6 feet from the east property line rather than 10 feet as required in Section 5.133(3) of the City Code.

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

Nays: -0-

409. A public hearing was held to discuss the General Fund budget for fiscal year 1991-92. There was no public comment.

410. Final reading of an ordinance to amend the Code of the City of East Grand Rapids by adding a new Chapter 54 of Title V of said Code pertaining to subdivision control.

410-A. Williamson-Edison. That an ordinance amending the Code of the City of East Grand Rapids by adding a new Chapter 54 to Title V of said Code be approved, as follows:

AN ORDINANCE TO AMEND THE CODE  
OF THE CITY OF EAST GRAND RAPIDS  
BY ADDING A NEW CHAPTER 54 TO TITLE V  
OF SAID CODE

The City of East Grand Rapids ordains:

Section 1. A new Chapter 54 is added to Title V of the East Grand Rapids City Code to read as follows:

Chapter 54

Subdivision Control

Sec. 5.401. Title and purpose.

(1) This chapter shall be known as the East Grand Rapids Subdivision Control Ordinance.

(2) The purpose of this Ordinance is to regulate and control the subdivision of land within the City of East Grand Rapids in order to promote the safety, public health, and general welfare of the community.

Sec. 5.402. Platting procedure.

(1) Preliminary Plats. Preliminary plats shall be submitted and filed for approval under Sections 112 to 120 of the Michigan Subdivision Control Act, Act 288 of 1967, as amended. The city commission shall either reject the preliminary plat and give its reasons or set forth in writing the conditions for granting of approval within the time frame required by the Subdivision Control Act, as amended.

(2) Final Plats.

(a) Final plats shall be prepared and submitted as provided for in the Subdivision Control Act, as amended.

(b) The subdivider shall submit proof of ownership of the land included in the final plat.

(c) The city commission may require such other information as it deems necessary to establish whether the proper parties have signed the plat.

(d) The city commission shall review the final plat at its next regular meeting or at a meeting to be called within twenty (20) days of receipt of the plat. The city commission shall either approve the plat or disapprove the plat. If disapproved, the city commission shall give the subdivider its reasons in writing.

Sec. 5.403. Requirements for lots.

All lots shown in a proposed plat shall comply with all the requirements of Chapter 50 of this code, as amended.

Sec. 5.404. Requirements for utilities.

All public utility lines and easements shall be shown on the plat. Extensions of public utilities shall be consistent with the system already in place.

Sec. 5.405. Requirements for streets and sidewalks.

All streets and sidewalks shall be shown on the plat. Streets and sidewalks shall complement the existing streets and sidewalks in the City.

Section 2. This ordinance shall be effective on June 28, 1991.

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, Mehney, Swain, Walton, Williamson and  
Deems -- 6.

Nays: -0-

411. Consideration of a request of Breton Village Shopping Center, Inc. to modify the parking layout plan and parking lot lighting plan as set forth in an agreement between Albert Builders, Inc. and Breton Village Shopping Center, Inc. dated January 4, 1991.

The following is a list of persons present and their statements with regard to this request:

Jim Albert, of Albert Builders - 2424 Burton SE, stated he felt the modification was an improvement and he was in support of its approval.

Dale Lewis, 1722 York SE, expressed his concerns over potholes, water drainage problems, and tree stumps, and percolation. Mayor Deems advised him that the Building Inspector's office would be directed to investigate his concerns. City Manager Allard stated that water from storm runoff would be taken care of.

411-A. Williamson-Walton. That the parking layout plan and parking lot lighting plan be modified as set forth in an agreement between Albert Builders, Inc. and Breton Village Shopping Center, Inc. dated January 4, 1991, be approved, subject to modification of employee parking lot signage.

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

Nays: -0-

412. Presentation to the City Commission of the National Public Works Week Report.

413. Presentation to the City Commission of the final salt usage report for FY 1990-91.

414. Presentation to the City Commission of the receipt of funds announcement relative to forfeited assets pursuant to the equitable sharing policy of the U.S. Department of Justice, which announcement reflects the receipt of approximately \$128,758.85 by the Public Safety Department of federal seizure funds.

415. Consideration of a request to approve the implementation of a bicycle patrol program within the Public Safety Department, and that the amount of \$2,964 be transferred from the Drug Seizure Account for the purpose of developing this program.

415-A. Edison-Williamson. That the implementation of a bicycle patrol program within the Public Safety Department be approved, that the amount of \$2,964 be transferred from the Drug Seizure Account, and that the Public Safety Department appropriations be increased by a like amount for the purpose of developing this program.

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

416. Consideration of adoption of a resolution to grant one year of prior pension credits from previous municipal employees for eligible senior management employees of the City of East Grand Rapids.

416-A. Walton-Mehney. That the City Commission adopt a prior pension plan for eligible senior management employees of the City of East Grand Rapids, as follows:

RESOLUTION

As provided by Act 427, Public Act of 1984, as amended, the East Grand Rapids City Commission hereby resolves to grant one year of pension credits from previous municipal employers for the following individuals:

Shirley Norman, City Assessor  
J. William Rhodes, Recreation Director  
Peter Gallagher, Public Safety Director  
Timothy Allard, City Manager

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

417. Presentation to the City Commission of the proposed schedule of City Commission meeting dates for FY 1991-92.

418. The Building Inspection Report for the month of May, 1991 was received.

419. The Public Safety Report for the month of May, 1991 was received.

420. Discussion was held, at the request of Commissioner Williamson, regarding the delinquent false alarm billing previously deleted from the listing of delinquent accounts for placement on the City's 1991 City tax roll approved at the June 3, 1991 City Commission meeting. This matter was set over for consideration at the July 1, 1991 City Commission meeting.

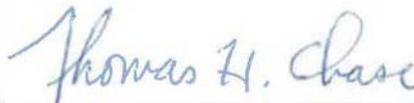
420. Dale Lewis, 1722 York SE, commented regarding the lack of traffic (stop) signage in the Arundel Plat. City staff was directed to review the signage in that area.

421. Commissioner Williamson commended City staff on their efforts in making the events relating the centennial celebration a success. He thanked everyone involved.

Commissioner Edison commented regarding the City of Grand Rapids Planning Commission meeting of June 13, 1991 where the Parini Amoco station expansion proposal was discussed.

Mayor Deems also expressed his thanks to staff for their excellent efforts.

422. The meeting was adjourned subject to the call of the Mayor until July 1, 1991.



Thomas H. Chase, City Clerk

PROCEEDINGS OF THE COMMISSION OF THE  
CITY OF EAST GRAND RAPIDS, MICHIGAN

Special Meeting held June 17, 1991

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 Allard, Controller-Clerk-Treas.  
Chase.

423. Edison - Walton. That the following budget be  
adopted as the annual General Fund Budget for the  
City of East Grand Rapids for the fiscal year July  
1, 1991 to June 30, 1992.

BUDGETED REVENUES:

City Taxes and Penalties	\$ 4,040,700
Licenses and Permits	22,700
State Programs	979,400
Charges for Current Services	369,600
Fines and Forfeits	47,000
Interest and Rents	150,800
Other Revenues	58,000
	-----
Total Budgeted Revenues	\$ 5,668,200
	=====

BUDGETED APPROPRIATIONS:

General Government	\$ 2,255,000
Public Safety	1,905,200
Public Service	614,100
General Administration	603,200
Transfers Out	834,200
	-----
Total Budgeted Appropriations	\$ 6,211,700
	=====

RESOLVED, that there be levied a tax upon all property  
subject to taxation by the municipal government of the City  
of East Grand Rapids sufficient, with other resources, to pay  
the estimated expense of the city government for the ensuing  
fiscal year, the maintenance of all sinking funds and  
interest on all municipal debts, except Series A bonds in the  
Water and Sewer Fund, the total of which said amount and the  
amount estimated to be necessary for such purposes is hereby  
declared to be the sum of \$6,211,700, of which the sum of  
\$4,025,700 is to be raised by such levy; and that tax rate  
per \$1,000 valuation is hereby determined to be 15.3560.

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

424. Williamson - Edison. That this Commission adopt the Non-General Fund Budgets for FY 1991-92 as presented in the May 15, 1991 proposed budget with the following amendments:

1. in the Major Street, Local Street, Water and Sewer and Motor Equipment Revolving Funds, reduce salaries and related payroll tax accounts to reflect a modification in the non-bargaining unit pay scale adjustment from 4.5% to 3.75%.
2. in the Water and Sewer Fund, reclassify 10% of the cost of new employees to be hired for the valve turning and water main flushing program to the meters activity to more closely reflect anticipated allocation of services.
3. in the Motor Equipment Revolving Fund, reduce the Capital Expenditures budget by \$73,200 to reflect a decision not to replace underground fuel storage tanks at the Public Service Department facility and reduce the vehicle rental revenues in that fund by a like amount.
4. in the Major Street, Local Street and Water and Sewer Funds, reduce the Auto Expense accounts to reflect the reduction in vehicle rental paid to the Motor Equipment Revolving Fund
5. in the Major Street, Local Street, Water and Sewer and Motor Equipment Revolving Funds, reduce the personal services appropriations to reflect the effect on those funds of a reduction of the total voluntary pension contribution (General and non-General funds) from \$150,000 to \$100,000.

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

425. The meeting was adjourned, subject to the call of the Mayor, until July 1, 1991.

  
\_\_\_\_\_  
City Clerk

CITY OF EAST GRAND RAPIDS, MICHIGAN  
CITY COMMISSION APPROVED BUDGET  
FY 1991-92  
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PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held July 1, 1991

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; Public  
Service Superintendent Sterkenburg; Civil Engineer  
Kocsis; Public Safety Director Gallagher; and  
Controller-Clerk-Treasurer Chase.

92-1. The minutes of the regular meeting and the special  
meeting held June 17, 1991 were approved as submitted.

92-2. Mayor Deems advised the City Commission of  
correspondence received, as follows:

- (a) Correspondence from Judge Stuart Hoffius  
thanking everyone for their attendance at the  
John Collins Memorial Dedication held by the  
Grand Rapids Breakfast Club on June 26, 1991  
in Collins Park

92-3. Swain-Edison. That disbursement vouchers in the  
amount of \$119,062.24, payroll disbursements in the amount of  
\$111,584.12, and disbursements to the County and School in the  
amount of \$247.01, 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-

92-4. A zoning variance hearing was held to consider the  
request of Karl and Kay Hall, 1771 Whitfield SE, to allow the  
construction of a screened deck 18 feet from the rear property  
line rather than 25 feet as required in the City Code.

Karl and Kay Hall were present and spoke in favor  
of the variance. A petition signed by 16 neighborhood residents  
in favor of the variance was received at City Hall.

92-4-A. Walton-Frakie. That this Commission, acting as the Board of Zoning Appeals, approve the zoning variance request of Karl and Kay Hall, 1771 Whitfield SE, to allow the construction of a screened deck 18 feet from the rear property line rather than 25 feet as required in the City Code.

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

92-5. A zoning variance hearing was held to consider the request of Joseph and Miriam Kastner, 2455 Berwyck SE, to convert a screened porch attached to the rear of the residence to year-round living space with a rear yard setback of 15 feet, rather than 25 feet as required in the City Code.

Miriam Kastner was present and spoke in favor of the variance. Robert Clarke, 2447 Berwyck SE, also was present and spoke in favor of the variance. Correspondence was received at City Hall from neighborhood residents who supported the variance request, as follows:

Ruth K. Rus, 1709 York Drive SE  
Sam and Clarabelle Lake, 1714 York Drive SE  
Michael P. Evans, 1717 York Drive SE  
Joan and George Snyder, 2425 Berwyck SE  
Lynne and Phil Brower, 2433 Berwyck SE  
Donna Pipes, 2438 Berwyck SE  
Martha and Tim Adams, 2439 Berwyck SE  
Robert and Mary Clarke, 2447 Berwyck  
Susan Maccardini, 2452 Berwyck SE  
Karen Thon, 1722 Breton Road SE

92-5-A. Walton-Edison. That this Commission, acting as the Board of Zoning Appeals, approve the zoning variance request of Joseph and Miriam Kastner, 2455 Berwyck SE, to convert a screened porch attached to the rear of the residence to year-round living space with a rear yard setback of 15 feet, rather than 25 feet as required in the City Code.

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

92-6. A zoning variance hearing was held to consider the request of Reckley and Gray Architects, representing Mr. James Peterson, Two Fountain Place, Grand Rapids, Michigan, to allow construction of a new home to be located at 2715 Reeds Lake Boulevard, 30 feet from the centerline of the road rather than 63 feet as required in the City Code.

Dennis Reckley and James Peterson were present and spoke in favor of the variance. The following area residents were present and spoke in opposition to the granting of this variance.

Margo and Peter App, 2747 Darby SE  
Geoffrey Hughes, 260 Hodenpyl  
Benjamin Birkbeck, 2701 Reeds Lake Boulevard  
John Levings, 864 Bellclaire SE  
Garth Hillebrand, 1426 Lake Grove SE  
Julie Stoneman, West Michigan Environmental Action  
Council (WMEAC)  
Rosemary Radius, Audobon Society

92-6-A. Frakie-Walton. That this Commission, acting as the Board of Zoning Appeals, approve the zoning variance request of Reckley and Gray Architects, representing Mr. James Peterson, Two Fountain Place, Grand Rapids, Michigan, to allow construction of a new home to be located at 2715 Reeds Lake Boulevard, 30 feet from the centerline of the road rather than 63 feet as required in the City Code.

92-6-B. Mehney-Swain. That this Commission table the request of Reckley and Gray Architects until such time as the waterfront overlay zone proposal is reviewed and considered by the City Commission.

A roll call vote was taken on the motion to table.

Yeas: Mehney, Swain and Deems -- 3.  
Nays: Edison, Frakie, Walton and Williamson -- 4.

A roll call vote was taken on the original motion.

Yeas: Edison, Frakie, Walton and Deems -- 4.  
Nays: Mehney, Swain and Williamson -- 3.

92-7. Consideration of resolutions determining necessity and setting public hearing on assessment roll for Pioneer Club improvements.

The following residents were present and stated their opposition to major improvements on Pioneer Club Road but that they did desire the City to install storm drainage on the roadway:

Steven Schwartz, 2863 Pioneer Club Road SE  
Cindy Vangelder, 2904 Pioneer Club Road SE  
Richard Wiggins, 2924 Pioneer Club Road SE  
Stanley Hudson, 2920 Pioneer Club Road SE  
Jerry Rittenhouse, 2909 Pioneer Club Road SE  
James Zevalkink, 2900 Pioneer Club Road SE  
Otto Wierenga, 2915 Pioneer Club Road SE

Lois Moseley, of 1753 Breton Road SE, expressed her interest in full improvement of the roadway to minimize future General Fund tax dollars spent to maintain this road differently than the fully improve roads in the City.

92-7-A. Edison-Mehney. That this Commission disapprove the Resolution Determining Necessity.

Yeas: Edison, Mehney and Swain -- 3.  
Nays: Frakie, Walton, Williamson and Deems -- 4.

A roll call vote was taken.

92-7-B. Walton-Frakie. That the Resolution Determining Necessity be adopted, as follows:

RESOLUTION DETERMINING NECESSITY

RESOLVED that the improvement consisting of the removal of existing base, placement of a 12" sand sub-base, 6" gravel base, and a seal coat covering, along with all other required work, and restoration of all disturbed areas on

PIONEER CLUB ROAD from 433' west of Manhattan to Oakwood

is a necessary public improvement and that the cost and expense of such improvement shall be paid by special assessment levied upon the lands and premises, except public highways and alleys, benefitting from said improvement, according to front footage.

BE IT FURTHER RESOLVED that the plans and specifications for said improvement as prepared by the Engineer are approved, that the estimated cost thereof is \$40,000, and that the total \$40,000

be paid by special assessment payable in 5 annual installments with interest at the rate of 8% per annum on installments not paid within 30 days of confirmation of the assessment roll. Be it further resolved that the special assessment district upon which special assessments shall be levied is established as consisting of:

Permanent Parcel Numbers:

41-14-34-204-013	41-14-34-206-001
41-14-34-204-014	41-14-34-206-002
41-14-34-204-015	41-14-34-206-005
41-14-34-204-016	41-14-34-206-006
41-14-34-204-017	41-14-34-206-007
41-14-34-204-018	41-14-34-206-008
41-14-34-204-024	41-14-34-206-009
41-14-34-204-031	41-14-34-206-010
41-14-34-204-004	

and that this Commission deems and declares that all real estate within said district is benefitted by said improvement.

BE IT FURTHER RESOLVED that the City Manager prepare or cause to be prepared a special assessment roll in accordance with the determinations of this Commission.

A roll call vote was taken.

Yeas: Frakie, Swain, Walton, Williamson and Deems -- 5.  
Nays: Edison and Mehney -- 2.

92-7-C. Williamson-Walton. That a hearing be held on July 15, 1991, at 7:30 p.m., for the purpose of reviewing the special assessment roll for improvements on Pioneer Club Road and the Resolution Setting Hearing on Assessment Roll be adopted, as follows:

RESOLUTION SETTING HEARING ON ASSESSMENT ROLL

RESOLVED that the special assessment roll for the improvements consisting of:

removal of existing base, placement of a 12" sand sub-base, 6" gravel base, and a seal coat covering, along with all other required work, and restoration of all disturbed areas on PIONEER CLUB ROAD from 433' west of Manhattan to Oakwood

is directed to be filed in the office of the City Clerk for public examination and that the City Commission meet at the City Hall on Monday, July 15, 1991, at 7:30 p.m. for the purpose of reviewing such roll at which time and place all persons interested or who are liable to be assessed for such improvement may appear and be heard in regard to such improvement and assessment roll; and

BE IT FURTHER RESOLVED that the City Clerk is instructed to give notice of such hearing in the manner provided by ordinance section 1.307 (1) at least 10 days prior to the date of said hearing.

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

92-8. Consideration of a request to approve the Agreement between the Kent County Health Department and the City of East Grand Rapids for Animal Control Services for 1991-92.

92-8-A. Williamson-Edison. That the request to authorize the Agreement between the Kent County Health Department and the City of East Grand Rapids for Animal Control Services for 1991-92 be approved.

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

92-9. 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.

92-9-A. Swain-Walton. 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 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 One and 59/100 Dollars (\$1.59) per one thousand (1,000) gallons and the following quarterly meter service charge depending upon meter size:

<u>Meter Size</u> <u>(inches)</u>	<u>Charge</u>
1/2 - 3/4 . . . . .	\$ 22.53
1 . . . . .	36.21
1-1/4 . . . . .	53.79
1-1/2 . . . . .	75.27
2 . . . . .	129.96
3 . . . . .	286.23
4 . . . . .	504.99
6 & over . . . . .	1,130.07

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 One and 03/100 Dollars (\$1.03) 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</u> <u>(inches)</u>	<u>Charge</u>
1/2 - 3/4 . . . . .	\$ 13.26
1 . . . . .	19.89
1-1/4 . . . . .	28.41
1-1/2 . . . . .	38.83
2 . . . . .	65.34
3 . . . . .	141.06
4 . . . . .	247.08
6 & over . . . . .	550.02

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 controller has reasonable cause to believe that the winter quarter water consumption of a particular user is not representative of actual sewage usage, the controller 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 controller 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 \_\_\_\_\_, 1992.

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: Frakie, Swain, Walton, Williamson and Deems -- 5.  
Nays: Edison and Williamson -- 2.

92-10. Consideration of requests to award a blanket purchase order to Eastown Amoco in the amount of \$30,000 for unleaded fuel acquisition during fiscal year 1991-92 and to allow City staff to secure bids for the purchase and installation of an above-ground 1,000-gallon diesel fuel storage tank at the Public Service yard.

92-10-A. Edison-Frakie. That the request to award a blanket purchase order to Eastown Amoco in the amount of \$30,000 for fuel acquisition during fiscal year 1991-92 be approved and to allow City staff to secure bids for the purchase and installation of an above-ground 1,000-gallon diesel fuel storage tank at the Public Service yard.

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

92-11. Nomination of President of City Commission for fiscal year 1991-92.

92-11-A. Williamson-Walton. That Commissioner David Mehney be elected to the position of President of City Commission for fiscal year 1991-92.

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

Nays: -0-

92-12. Consideration of a request to approve FY 1991-92 committee appointment list.

92-12-A. Mehney-Frakie. That the committee appointment list for FY 1991-92 be approved amending said list to delete the name of Jerry Pfeiffle, Jr., and substituting, in his place, School Board Nomination.

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

Nays: -0-

92-13. Preliminary minutes of the Planning Commission meeting held June 11, 1991 were received.

92-14. Julie Stoneman of West Michigan Environmental Action Council requested that the City Commission review and consider the waterfront overlay zone before granting further variances which may affect lakefront property.

Lois Moseley, 1753 Breton Road SE, presented a resolution to the City Commission acknowledging the Grand Rapids Area Transit Authority (GRATA) as the nation's most efficient transit operator among authorities operating between fifty and ninety-five buses.

Commissioner Williamson discussed a Kent County Department of Public Works proposal for enforcement of compliance with Public Act 641 regarding licensing and use of the County's Waste-to-Energy facility and alternatives for funding of enforcement activities.

Mayor Deems expressed his thanks to staff for their excellent efforts with regard to the success of the Reeds Lake Run.

92-15. Williamson-Mehney. To enter into executive session to discuss a legal opinion with the City Attorney in accordance with Section 8h of the Open Meetings Act.

Proceedings of the East Grand Rapids City Commission  
July 1, 1991  
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92-16. The meeting was adjourned subject to the call of the Mayor until July 15, 1991.



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Thomas H. Chase, City Clerk

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UNOFFICIAL  
Reference Only

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held July 15, 1991

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; Public  
Service Superintendent Sterkenburg; Engineering  
Services Director Baragar; Civil Engineer Kocsis;  
Public Safety Director Gallagher; Recreation  
Director Rhodes; Data Processing Coordinator  
Nickels; and Controller-Clerk-Treasurer Chase.

92-17. The minutes of the regular meeting held July 1,  
1991 were approved as submitted.

92-18. Mayor Deems advised the City Commission of  
correspondence received, as follows:

- (a) Correspondence from Lynne E. Pope, 940  
Orchard Avenue SE, recognizing John Lich and  
Ryan Smith, of Orchard Street, SE, two 11-  
year-old residents, for their diligent  
efforts in clearing a large tree limb from  
Lake Drive immediately following the storm on  
July 7, 1991. She expressed how John and  
Ryan were good examples of volunteerism.

92-19. Edison-Swain. That disbursement vouchers in the  
amount of \$359,163.50, and payroll disbursements in the amount of  
\$125,507.34 for FY 90-91, and disbursement vouchers in the amount  
of \$72,177.42 and payroll disbursements in the amount of  
\$107,443.31 for FY 91-92, 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, Swain, Walton, Williamson and  
Deems -- 6.

Nays: -0-

Commissioner Mehney arrived.

92-20. A zoning variance hearing was held to consider the  
request of James and Sue Barnes, 1630 Lake Drive, to permit their  
residential garage to be rebuilt to the original height of 22  
feet, rather than the maximum height of 12 feet as specified in  
Section 5.83 of the City Code.

James and Sue Barnes were present and spoke in favor of the variance. A petition signed by 8 neighborhood residents in favor of the variance was received by the City Clerk. Correspondence was received at City Hall from neighborhood residents who supported the variance request, as follows:

George and Margaret Lewis, 505 Gladstone, SE  
Timothy and Kathy Gietzen, 1650 Lake Drive, SE  
Mr. and Mrs. Michael King, 512 Gladstone, SE  
Michael Byers and Brenda Linnegan,  
1629 Lake Drive, SE

92-20-A. Mehney-Williamson. That this Commission, acting as the Board of Zoning Appeals, approve the zoning variance request of James and Sue Barnes, 1630 Lake Drive, to permit their residential garage to be rebuilt to the original height of 22 feet, rather than the maximum height of 12 feet as specified in Section 5.83 of the City Code.

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

Nays: -0-

92-21. A zoning variance hearing was held to consider the request of John T. Rubie, 2112 Robinson Road, to allow a recently constructed privacy fence to remain with the unfinished side facing the street, rather than facing the property as required in Section 8.61 of the City Code.

John Rubie was present and spoke in favor of the variance. A petition signed by 6 neighborhood residents in favor of the variance was received by the City Clerk.

92-21-A. Frakie-Edison. That this Commission, acting as the Board of Zoning Appeals, approve the zoning variance request of John T. Rubie, 2112 Robinson Road, to allow a recently constructed privacy fence to remain with the unfinished side facing the street, rather than facing the property as required in Section 8.61 of the City Code.

A roll call vote was taken on the motion.

Yeas: Edison, Frakie, Mehney and Deems -- 4.

Nays: Swain, Walton and Williamson -- 3.

92-22. A zoning variance hearing was held to consider the request of Ramona Beach Club, Inc., 2851 Charlevoix Drive SE, to utilize the Ramona Medical Center parking lot at 515 Lakeside Drive SE for the purpose of Ramona Beach Club restaurant parking from 6:00 p.m. to midnight on weekdays, from 11:30 a.m. to midnight on Saturdays, and from 9:30 a.m. to midnight on Sundays. At this time, Mayor Deems distributed copies of a letter from Attorney Arthur C. Spalding, dated July 15, 1991, citing objections on behalf of Lakewood Hills Apartments.

Mark Henderson, attorney for Ramona Beach Club, Inc., was present and spoke in favor of the variance. Mr. Henderson noted that there would be difficulties in attempting to add any additional on-site parking at the Ramona Beach Club site. He stated that substantial justice would be done by approving the variance. He noted that special conditions caused the request for the variance, that being the use of the Rose parcel as a restaurant and the PUD approval authorizing continued use of that site as a restaurant. He noted that the area in question was already being used as a parking lot and fit into the neighborhood as such.

Scott Steiner, attorney for Lakewood Hills Apartments, Lakeside Drive, SE, was present and spoke in opposition to the granting of this variance. Mr. Steiner noted that this was a self-created hardship. He stated that a variance would violate the spirit and intent of the zoning ordinance. He further stated the residential area would be affected by late night parking which did not currently occur at this lot.

92-22-A. Edison-Walton. That this Commission, acting as the Board of Zoning Appeals, approve the zoning variance request of Ramona Beach Club, Inc., 2851 Charlevoix Drive SE, to utilize the Ramona Medical Center parking lot at 515 Lakeside Drive SE for the purpose of Ramona Beach Club restaurant parking from 6:00 p.m. to midnight on weekdays, from 11:30 a.m. to midnight on Saturdays, and from 9:30 a.m. to midnight on Sundays since the parking lot is not normally used during these hours.

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

Nays: -0-

92-23. Consideration of a request of Ramona Beach Club, Inc. for the City Commission to rescind the March 18, 1991 resolution approving the Ramona Beach Club Management Company liquor license application, and to approve a new Class C liquor license application, by resolution, under the name of RBC Management, Inc.

92-23-A. Williamson-Frakie. That the request of Ramona Beach Club, Inc. for the City Commission to rescind the March 18, 1991 resolution approving the Ramona Beach Club Management Company liquor license application, and to approve a new Class C liquor license application, by resolution, under the name of RBC Management, Inc. be approved.

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

92-24. A hearing was held on consideration of a resolution confirming the Pioneer Club Road special assessment roll.

The following residents were present and stated their opposition to the special assessment roll for the improvement of Pioneer Club Road consisting of removal of existing base, placement of a 12' sand sub-base, 6" gravel base, and a seal coat covering, along with all other required work, and restoration of all disturbed areas on Pioneer Club Road from 433' west of Manhattan to Oakwood:

Donald F. Dimke, 2860 Pioneer Club Road SE  
Frederick Burkhart, 2857 Pioneer Club Road SE  
Stanley P. Hudson, 2920 Pioneer Club Road SE

92-24-A. Walton-Swain. That this Commission adopt the following resolution approving the assessment roll.

RESOLUTION CONFIRMING ASSESSMENT ROLL

Resolved that a public hearing having been duly held on the special assessment roll for the improvement consisting of

removal of existing base, placement of a 12" sand sub-base, 6" gravel base, and a seal coat covering, along with all other required work, and restoration of all disturbed areas on PIONEER CLUB ROAD from 433' west of Manhattan to Oakwood

and all persons having been given the opportunity to be heard with regard thereto and this City Commission having considered all written or oral objections thereto, and it appearing that said special assessment roll does not require any changes or corrections, this City Commission does confirm such special assessment roll and does order that the Clerk endorse the date of confirmation upon such special assessment roll and transmit the same to the Treasurer for collection.

92-24-B. Frakie-Mehney. That this Commission table the adoption of a resolution confirming the Pioneer Club Road special assessment until such time as the residents of Pioneer Club Road present an alternative proposal which can be reviewed and considered by the City Commission or, alternatively, reconsider the resolution to be tabled in the event that no such alternative proposal is presented in a timely fashion.

A roll call vote was taken on the motion to table.

Yeas: Edison, Frakie, Mehney, Walton and Williamson --5.  
 Nays: Swain and Deems -- 2.

92-25. Final reading 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.

92-25-A. Walton-Frakie. 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 adopted, 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 One and 59/100 Dollars (\$1.59) per one thousand (1,000) gallons and the following quarterly meter service charge depending upon meter size:

<u>Meter Size</u> (inches)	<u>Charge</u>
1/2 - 3/4 . . . . .	\$ 22.53
1 . . . . .	36.21
1-1/4 . . . . .	53.79
1-1/2 . . . . .	75.27
2 . . . . .	129.96
3 . . . . .	286.23
4 . . . . .	504.99
6 & over . . . . .	1,130.07

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 One and 03/100 Dollars (\$1.03) 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</u> <u>(inches)</u>	<u>Charge</u>
1/2 - 3/4 . . . . .	\$ 13.26
1 . . . . .	19.89
1-1/4 . . . . .	28.41
1-1/2 . . . . .	38.83
2 . . . . .	65.34
3 . . . . .	141.06
4 . . . . .	247.08
6 & over . . . . .	550.02

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 controller has reasonable cause to believe that the winter quarter water consumption of a particular user is not representative of actual sewage usage, the controller 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 controller 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 August 1, 1991.

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: Frakie, Mehney, Swain, Walton, and Deems -- 5.  
Nays: Edison and Williamson -- 2.

92-26. Introduction of an ordinance amendment to Chapter 92 of Title IX of the Code of the City of East Grand Rapids which adds a new Section 9.43 prohibiting certain types of animals within the City limits.

92-26-A. Walton-Swain. That an ordinance amending Chapter 92 of Title IX of the Code of the City of East Grand Rapids be introduced, as follows:

AN ORDINANCE TO AMEND CHAPTER 92 OF TITLE IX  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS  
BY ADDING A NEW SECTION 9.43

The City of East Grand Rapids ordains:

Section 1. Chapter 92 of Title IX of the Code of the City of East Grand Rapids is amended by adding a new section 9.43 to read as follows:

Sec. 9.43 - Prohibited Animals.

No horse, cow, swine, sheep, goat, chicken, goose, duck, snake, wild animal or nondomestic animal shall be kept in any dwelling or on the same lot or premises of any dwelling with obtaining prior written approval from the Engineering Services Director. If approval is denied, the applicant may appeal the decision of the Engineering Services Director to the City Commission. Both the Engineering Services Director and the City Commission is authorized to place conditions on any approval which is granted.

Section 2. This ordinance shall be effective on \_\_\_\_\_, 1991.

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, Mehney, Swain, Walton and Deems -- 5.  
Nays: Frakie and Williamson -- 2.

92-27. Consideration of the request of Charley Vranian, 3211 Bonnell SE, to approve sewer and water extensions of the East Grand Rapids system to property owned by Mr. Vranian described as permanent parcel no. 41-14-35-351-010, lot 70, Woodcliff Park, in Grand Rapids Township.

Patsy Dodgson of Greenridge Realty was present and expressed her support for the extension of the sewer and water system.

92-27-A. Swain-Edison. That this Commission approve the request of Charley Vranian, 3211 Bonnell SE, that the East Grand Rapids sewer and water system be extended to property located in Grand Rapids Township, subject to the securing of proper easements and East Grand Rapids staff approval of design engineering of the water supply and sewer lateral systems.

92-27-B. Edison-Williamson. That the motion be amended to reflect that proper documentation be provided and recorded stating that the water and sewer extension to be installed at the property in Grand Rapids Township is separate from the City's sewer system and that the City is assuming no liability for backup on that system.

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

Vote on motion as amended.

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

92-28. Consideration of a request to approve the Annual Subrecipient Agreement between the Local Unit of Government and the County of Kent, July 1, 1991 - June 30, 1992 governing the community development block grant entitlement program.

92-28-A. Williamson-Edison. That this Commission approve the Annual Subrecipient Agreement between the Local Unit of Government and the County of Kent, July 1, 1991 - June 30, 1992 governing the community development block grant entitlement program.

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

92-29. Consideration of a request to authorize a joint project with Kent County for the improvement of Reeds Lake Boulevard from Manhattan Road east to the City limits, and that the City agree to pay that share of the project.

92-29-A. Williamson-Frakie. That approval be granted for the Kent County Road Commission to extend its present project on Reeds Lake Boulevard to Manhattan Road in East Grand Rapids, and that the City agree to pay that share of the project in an amount not to exceed \$43,400.

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

92-30. Consideration of a request to authorize the purchase of a computerized registration system for the Recreation Department, and that a budget amendment transferring \$30,100 from the contingency appropriation, along with a budget appropriation from General Fund fund balance, be approved adequate to cover the proposal.

92-30-A. Mehney-Edison. That the purchase totalling \$50,200 of a computerized registration system, including capital expenditures and non-capital items and services, for the Recreation Department be approved, and that a budget amendment transferring \$30,100 from the contingency appropriation and a budget appropriation from General Fund fund balance be approved.

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

92-31. Consideration of a request to award a contract to Fishbeck, Thompson, Carr & Huber as general contractors for the removal and general cleanup of the three underground storage tanks located at the Public Service site, and that a budget amendment in the Motor Equipment Revolving Fund be made to increase capital expenditures proposed for this work from \$20,000 to \$39,000.

92-31-A. Williamson-Frakie. That a contract be awarded to Fishbeck, Thompson, Carr & Huber as general contractors for the removal and general cleanup of the three underground storage tanks located at the Public Service site, and that a budget amendment in the Motor Equipment Revolving Fund to increase capital expenditures proposed for this work from \$20,000 to \$39,000 be approved.

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

92-32. A summary street construction update, prepared by the Engineering Services Department was distributed.

92-33. The Building Inspection Report for the month of June, 1991 was received.

92-34. The Public Safety Report for the month of June, 1991 was received.

92-35. Commissioner Williamson commended the Public Service and Public Safety Departments for their outstanding service in the aftermath of the storm occurring on July 7, 1991. He also informed the Commission of a phone call he received from a resident commending the Public Safety Department for their professional actions in dealing with an assault on his wife.

Commissioner Walton advised of a conversation he had with a "high-ranking official" from another municipality who commented that Public Safety Director Gallagher was the finest Public Safety Chief in West Michigan. Commissioner Walton also thanked Village Bike Shop for their generous participation in the bike patrol program.

Mayor Deems also commended the Public Service and Public Safety Departments for their excellent response to the storm on July 7, 1991. Mayor Deems also complimented other citizens regarding their handling of the adversities related to the storm.

92-35. The meeting was adjourned subject to the call of the Mayor until August 5, 1991.

*Thomas H. Chase*

City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held August 5, 1991

The meeting was called to order by Mayor Deems.

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

Absent: Coms. Mehney and Walton

Also Present: City Manager Allard; City Attorney Huff; City  
Assessor Norman; Public Safety Director Gallagher;  
Public Service Superintendent Sterkenburg;  
Engineering Services Director Baragar; Civil  
Engineer Kocsis; Recreation Director Rhodes; and  
Controller-Clerk-Treasurer Chase.

92-36. The minutes of the regular meeting held July 15,  
1991 were approved as submitted.

92-37. Mayor Deems advised the City Commission of  
correspondence received, as follows:

- (a) Correspondence from Gordon L. Kauffman, 537-C  
Greenwood SE, commenting on PSO Donker's  
professionalism, courtesy and helpfulness in  
dealing with an accident in which Mr.  
Kauffman was involved.
- (b) Correspondence from Special Agent Thomas A.  
Trombly, of the United States Secret  
Service, thanking the Public Service  
Department for the assistance and outstanding  
organization they provided during the visit  
of President Bush to Grand Rapids on July 4,  
1991.
- (c) Correspondence from Mickey Salhaney, of  
George Bulliss Men's Store, thanking  
Engineering Services Director Baragar and his  
staff for their efforts in re-opening Wealthy  
Street and directing traffic during an  
emergency water main break.
- (d) Memorandum from Public Safety Director  
Gallagher reiterating the outstanding  
contribution made by Blodgett Hospital in the  
purchase of the automatic defibrillator being  
utilized in the Public Safety Department.

- (e) Correspondence from Bill Tyson, Jr., 2121 Burchard SE, expressing his appreciation for the "new residents information package" delivered to him. He also expressed his support for the practice of welcoming new residents and informing them of the City and its services.

92-38. Frakie-Edison. That disbursement vouchers in the amount of \$290,632.81, payroll disbursements in the amount of \$120,898.36, and disbursements to County and Schools in the amount of \$513,562.26, 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, Williamson and Deems -- 5  
Nays: -0-

92-39. A zoning variance hearing was held to consider the request of Christian Vandenberg and Elizabeth Neubig-Vandenberg, 975 Plymouth SE, to allow reconstruction and enlargement of a sunroom to be located 13 feet from the rear property line, rather than 25 feet as required in the zoning ordinance.

Christian Vandenberg was present and spoke in favor of the variance. Correspondence was received at City Hall from neighborhood residents in favor of the variance, as follows:

Frank and Virginia Fehsenfeld, 972 Plymouth, SE  
Russell and Barbara Hohman, 955 Plymouth, SE  
Marlan Ringenberg, 1025 Plymouth, SE  
Keith Vanderhyde, 980 Plymouth, SE  
Jack and Margo Tanis, 1749 Alexander, SE

92-39-A. Williamson-Frakie. That this Commission, acting as the Board of Zoning Appeals, approve the zoning variance request of Christian Vandenberg and Elizabeth Neubig-Vandenberg, 975 Plymouth SE, to allow reconstruction and enlargement of a sunroom to be located 13 feet from the rear property line, rather than 25 feet as required in the zoning ordinance.

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

92-40. A zoning variance hearing was held to consider the request of East Grand Rapids Public Schools to allow for the installation of a roof mounted satellite antenna dish on the East Grand Rapids High School, 2211 Lake Drive SE.

James Craig, Assistant Superintendent for East Grand Rapids Schools, was present and spoke in favor of the variance.

92-40-A. Edison-Williamson. That this Commission, acting as the Board of Zoning Appeals, approve the zoning variance request of East Grand Rapids Public Schools to allow for the installation of a roof mounted satellite antenna dish on the East Grand Rapids High School, 2211 Lake Drive SE.

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

92-41. Consideration of a request to award a contract in the amount of \$6,208 to Katerberg-VerHage for Reeds Lake Boulevard storm drainage improvements.

92-41-A. Williamson-Edison. That a contract in the amount of \$6,208 be awarded to Katerberg-VerHage for Reeds Lake Boulevard storm drainage improvements, and that a budget amendment be made by \$6,208 to increase the drain capital expenditures account in the General Fund Engineering Services Department to be taken from undesignated fund balance. The award is contingent upon the granting of an easement to the City of East Grand Rapids by Dr. and Mrs. Robert Stokes, 2905 Bonnell SE, for these improvements.

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

92-42. Consideration of a request to award a Public Safety training contract and to approve related budget amendments in the amount of \$23,984 to SCH, Inc. for training in Team Building and Patrol Management, and that an amount not to exceed \$10,000 be deducted from the Drug Seizure Fund to pay for costs incurred which are not covered by grant monies.

92-42-A. Edison-Swain. That the Michigan Justice Training Commission grant for \$23,984 be accepted and a Public Safety training contract in the amount of \$23,984 be awarded to SCH, Inc. for training in Team Building and Patrol Management, and to make budget amendments to increase General Fund revenues by \$23,984, and General Fund Public Safety Department-Professional Development and Overtime accounts by \$23,984 and \$10,000, respectively, with the overtime costs to be paid from monies designated for public safety activities (drug seizure account).

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

92-43. Consideration of a request to authorize the purchase of a WILD T-1 Theodolite from Instrument Sales and Service, Inc., in the amount of \$4,995, to be utilized by the Engineering Services Department.

92-43-A. Edison-Williamson. That the purchase of a WILD-T Theodolite from Instrument Sales and Service, Inc. in the total amount of \$4,995 be approved.

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

92-44. Consideration of a request to authorize the purchase of two front-end claw buckets from Hoekstra Truck of Grand Rapids, in the total amount of \$17,100, to be used for waste collection by the Public Service Department.

92-44-A. Edison-Swain. That the purchase of two front-end claw buckets from Hoekstra Truck of Grand Rapids, in the total amount of \$17,100, and a budget amendment for \$17,100 to Motor Equipment Revolving Fund capital expenditures be approved.

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

92-45. Consideration of a request to award the following purchase orders:

To Kool Chevrolet in the amount, net of trade-in, of \$8,380 for one 1/2-ton pickup truck for replacement of the Engineering Services Director truck.

To Duthler Ford in the amount of \$12,805 for one cargo van, which includes painting the unit.

To Berger Chevrolet in the amount, net of trade-in, of \$9,753.58 for one 1/2-ton pickup for replacement of trust #36 in the Public Service Department

To Berger Chevrolet in the amount of \$8,939.79 for one 4 x 2 pickup for use by the Recreation Department.

92-45-A. Edison-Williamson. That purchase orders be awarded to Kool Chevrolet in the amount of \$8,380; to Duthler Ford in the amount of \$12,805; and to Berger Chevrolet in the amounts of \$9,753.58 and \$8,939.79, for the purchase of vehicles to be utilized by various City Departments.

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

92-46. Consideration of a request to designate a voting delegate and an alternate voting delegate to represent the City at the Michigan Municipal League Annual Convention.

92-46-A. Frakie-Williamson. That Commissioner Edison be designated the City representative at the Michigan Municipal League Annual Convention, and that City Manager Allard be designated the City's alternate representative.

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

92-47. Consideration of a request to appoint City Controller-Clerk-Treasurer Chase as the City's officer delegate at the Michigan Employees Retirement System annual business meeting on September 24 and 25, 1991, and that City Assessor Norman serve as the alternate.

92-47-A. Edison-Swain. That City Controller-Clerk-Treasurer Chase be designated the City's officers delegate for the Michigan Employees Retirement System annual business meeting on September 24 and 25, 1991, and that City Assessor Norman be designated the City's alternate delegate.

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

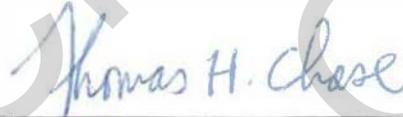
92-48. Preliminary minutes of the Recreation Commission meeting held July 8, 1991 were received.

92-49. Preliminary minutes of the Planning Commission meeting held July 9, 1991 were received.

92-50. Preliminary minutes of the Traffic Commission meeting held July 18, 1991 were received.

92-51. Mayor Deems announced that National Night Out will be held on Tuesday, August 6, 1991, and he commended all those involved with the planning and organization of this event.

92-52. The meeting was adjourned subject to the call of the Mayor until August 19, 1991.



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City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held August 19, 1991

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; Public  
Safety Director Gallagher; Public Safety Officer  
Droski; Civil Engineer Kocsis; Recreation Director  
Rhodes; Controller-Clerk-Treasurer Chase; East  
Grand Rapids Public Schools Superintendent James  
Morse; and East Grand Rapids Public Schools Middle  
School Principal James Ogilvie.

92-53. The minutes of the regular meeting held August 5,  
1991 were approved as submitted.

92-54. Mayor Deems advised the City Commission of  
correspondence received, as follows:

- (a) Correspondence from a resident thanking PSO  
Pullen for his outstanding investigative work  
in identifying and apprehending an offender  
involved in the snatching of her purse.
- (b) Memorandum from Public Safety Director  
congratulating PSO Gadbois for his fine  
effort in recovering a stolen bike.

92-55. Swain-Edison. That disbursement vouchers in the  
amount of \$299,076.42, payroll disbursements in the amount of  
\$107,785.06, and disbursements to County and Schools in the  
amount of \$873,116.47, 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-

92-56. Carrie Droski was sworn in as a Public Safety  
Officer for the City of East Grand Rapids.

92-57. A zoning variance hearing was held to consider the request of Dan and Nancy Bylenga, 2546 Berwyck Road SE, to allow the construction of a one-story addition in the rear of the residence to be located 21 feet from the rear property line, rather than 25 feet as required in the zoning ordinance.

Dan and Nancy Bylenga were present. Dan Bylenga spoke in favor of the variance.

92-57-A. Edison-Frakie. That this Commission, acting as the Board of Zoning Appeals, approve the zoning variance request of Dan and Nancy Bylenga, 2546 Berwyck Road SE, to allow the construction of a one-story addition in the rear of the residence to be located 21 feet from the rear property line, rather than 25 feet as required in the zoning ordinance.

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

92-58. A zoning variance hearing was held to consider the request of Steven A. Tazelaar, 2864 Pioneer Club Road SE, to allow the construction of a two-story addition in the northeast corner of his residence to be located 3 feet from the east property line, rather than 10 feet as required in the zoning ordinance.

Steven Tazelaar was present and spoke in favor of the variance.

Correspondence was received at City Hall from two neighborhood residents who had no objection to the variance request, as follows:

James B. Zevelkink, 2900 Pioneer Club Road  
Steven H. Schwartz, 2863 Pioneer Club Road

92-58-A. Williamson-Frakie. That this Commission, acting as the Board of Zoning Appeals, approve the zoning variance request of Steven A. Tazelaar, 2864 Pioneer Club Road SE, to allow the construction of a two-story addition in the northeast corner of his residence to be located 3 feet from the east property line, rather than 10 feet as required in the zoning ordinance.

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

92-59. A zoning variance hearing was held to consider the request of Gregory Holwerda, 2916 Pioneer Club Road SE, to allow the construction of a detached two-story garage in the front of the residence rather than the rear yard, and 20 feet in height rather than the maximum 12 feet as provided for in the zoning variance.

Gregory Holwerda was present and spoke in favor of the variance.

Correspondence was received at City Hall from neighborhood residents who support the variance request, as follows:

Otto Wierenga, 2915 Pioneer Club Road  
Gunars Rudzitis, 2925 Pioneer Club Road  
Phyllis Monique, 2905 Pioneer Club Road  
Jerold Rittenhouse, 2909 Pioneer Club Road  
James Zevelkink, 2900 Pioneer Club Road  
Richard Wiggins, 2924 Pioneer Club Road  
Steve Schwartz, 2863 Pioneer Club Road  
Donald and Darlene Dimke, 2860 Pioneer Club Road  
Stanley and Orimal Hudson, 2920 Pioneer Club Road

92-59-A. Mehney-Edison. That this Commission, acting as the Board of Zoning Appeals, approve the zoning variance request of Gregory Holwerda, 2916 Pioneer Club Road SE, to allow the construction of a detached two-story garage in the front of the residence rather than the rear yard, and 20 feet in height rather than the maximum 12 feet as provided for in the zoning variance.

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

Nays: -0-

92-60. Final reading of an ordinance amending Chapter 92 of Title IX of the Code of the City of East Grand Rapids by adding a new Section 9.43 relating to the prohibition of certain types of animals within the City.

92-60-A. Swain-Edison. That an ordinance amending Chapter 92 of Title IX of the Code of the City of East Grand Rapids by adding a new Section 9.43 be adopted, as follows:

AN ORDINANCE TO AMEND CHAPTER 92 OF TITLE IX  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS  
BY ADDING A NEW SECTION 9.43

The City of East Grand Rapids ordains:

Section 1. Chapter 92 of Title IX of the Code of the City of East Grand Rapids is amended by adding a new section 9.43 to read as follows:

Sec. 9.43 - Prohibited Animals.

No farm animal, wild animal or nondomestic animal, such as a horse, cow, swine, sheep, goat, chicken, goose, duck or snake, shall be kept in any dwelling or on the same lot or premises of any dwelling without obtaining prior written approval from the Engineering Services Director. If approval is denied, the applicant may appeal the decision of the Engineering Services Director to the City Commission. Both the Engineering Services Director and the City Commission are authorized to place conditions on any approval which is granted.

Section 2. This ordinance shall be effective on August 30, 1991.

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

92-61. Introduction of an ordinance amending Sections 2.1, 2.6 and 2.7 and adding a new Section 2.5A to Chapter 21 of Title II of the Code of the City of East Grand Rapids pertaining to combustible waste and the Mass Burn Incinerator.

92-61-A. Williamson-Edison. That an ordinance amending Sections 2.1, 2.6 and 2.7 and adding a new Section 2.5A to Chapter 21 of Title II of the Code of the City of East Grand Rapids, pertaining to combustible waste and the Mass Burn Incinerator, be introduced as set forth on Exhibit "A" attached hereto.

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

92-62. Consideration of a request to award a contract for sidewalk removal and replacement within the City of East Grand Rapids.

92-62-A. Edison-Frakie. That a contract in the amount of \$65,440 be awarded to D&H Construction for sidewalk removal and replacement within the City of East Grand Rapids.

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

Nays: -0-

92-63. Consideration of a request to award a purchase order for the purchase of a police cruiser in the Public Safety Department.

92-63-A. Williamson-Frakie. That a purchase order be awarded to Berger Chevrolet in the amount of \$15,700 for the purchase of a 1991 Chevrolet Caprice to be used as a police cruiser in the Public Safety Department.

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

Nays: -0-

92-64. Consideration of a request to award a contract for the replacement of tiles and for re-grouting the entire Wealthy Pool.

92-64-A. Edison-Williamson. That a contract in the amount of \$2,980 be awarded to Bil-Mar Pool and Supply Company for the replacement of tiles and for re-grouting the entire Wealthy Pool.

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

Nays: -0-

92-65. The Financial Reports for the period ended June 30, 1991 were received.

92-66. Consideration of a recommendation to appoint Thomas W. Adloff, 2459 Elmwood SE, as the School Board representative to the Recreation Commission.

92-66-A. Edison-Swain. That the appointment of Thomas W. Adloff, 2459 Elmwood SE, as the School Board representative to the Recreation Commission be approved.

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

Nays: -0-

92-67. Discussion was held by the City Commission regarding the Middle School Youth Program.

Superintendent Dr. James Morse and Middle School Principal James S. Ogilvie were present and spoke in support of the youth program. They advised that, due to the increase in enrollment at the Middle School and the increased cost to the Schools to hire additional staff, they felt it was essential that the City and Schools keep the youth program a cooperative effort. Principal Ogilvie requested that the Schools be included in any further discussions the City Commission may have relating this issue.

The City Commission agreed that the City's involvement in the youth program would continue for the upcoming year, but that further discussion by the Commission on this matter was necessary.

92-68. The Building Inspection Report for the month of July, 1991 was received.

92-69. The Public Safety Report for the month of July, 1991 was received.

92-70. Commissioner Edison distributed an article from The Grand Rapids Press outlining the issues relating to the Army National Guard cutbacks, as discussed at a luncheon held at the Amway Grand Plaza last week. U.S. Representative Paul Henry and Major General Gordon Stump were the primary speakers at this luncheon.

92-70-A. Edison-Williamson. That the consideration of a Resolution of Support for Maintaining the Size of the Guard and Reserve be placed on the agenda.

A roll call vote was taken.

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

Nays: Mehney -- 1.

92-70-B. Edison-Williamson. That the Resolution of Support for Maintaining the Size of the Guard and Reserve be adopted, as follows:

RESOLUTION OF SUPPORT  
FOR  
MAINTAINING THE SIZE  
OF THE GUARD AND RESERVE

WHEREAS, the President of the United States and Secretary of Defense have proposed a drastic reduction in the force structure of the Army National Guard with a twenty-five percent across-the-board cut in authorized strength, including the elimination specifically of Michigan's 46th Infantry Brigade. This is in support of a plan by the Department of the Army to maintain a sizeable active force and "reduce dependence" on reserves in future hostilities; and

WHEREAS, the planned twenty-five percent reduction of the Army National Guard will provide a taxpayer savings of less than one percent of the total Army budget; and

WHEREAS, the loss of the Guard and Reserve would severely reduce the pool of ready trained citizen-soldier volunteers raising the prospects of a draft in future hostilities. Such a reduction would hamper future efforts in West Michigan and other communities of effectively responding to local man-made and natural disasters, such as winter storms and flooding; intervention in civil disorders such as those that occurred in the late 1960's; and assistance in today's critical drug interdiction efforts; and

WHEREAS, Guard and Reserve units of West Michigan have existed as a viable and combat-ready, citizen-soldier defense force since 1855, serving with great distinction in the Civil War, War with Spain, Mexico Border War, World War I, World War II and the Persian Gulf War; now, therefore, be it

RESOLVED, by those assembled here in forum at East Grand Rapids, Michigan, as representative government leaders in West Michigan who recognize the Guard and Reserve as essential to the strength of our nation and the well-being of our communities; that the President of the United States and Secretary of Defense be strongly urged to discontinue their support for the Army's plan of significantly reducing its reserve component, and instead preserve the current strength and existence of the Army National Guard, its combat divisions and the 46th Infantry Brigade in Michigan; and be it further

RESOLVED, that the United States Senate and House of Representatives steadfastly maintain their long-held positions that: the Guard and Reserve are full Total Force partners; are sound economical alternatives given this Nation's deep financial concerns; and have and continue to prove beyond a doubt their combat readiness for any mission, any time, anywhere in the world.

92-70-C. Swain-Frakie. That the motion to adopt a Resolution of Support for Maintaining the Size of the Guard and Reserve be tabled.

A roll call vote was taken.

Yeas: Frakie, Swain and Deems -- 3.  
Nays: Edison, Mehney and Williamson -- 3.

The motion to table failed due to lack of majority vote.

A vote was taken on motion 92-70-B.

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

92-71. Mayor Deems distributed a memo to the City Commission announcing the dedication of a section of the Berlin Wall in front of the Ford Museum on September 6, 1991. Former President Gerald Ford and Helmut Schmidt, former Chancellor of the Federal Republic of West Germany, will be present.

92-72. The meeting was adjourned subject to the call of the Mayor until September 3, 1991.

City Clerk

*Karna H. Craig*

AN ORDINANCE TO AMEND SECTIONS 2.1, 2.6 and 2.7  
AND TO ADD A NEW SECTION 2.5A  
OF CHAPTER 21 OF TITLE II  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Subsection (5) of Section 2.1 of Chapter 21 of Title II of the Code of the City of East Grand Rapids is amended to read as follows:

"(5) 'Combustible waste' means solid waste that is combustible in the MBI as shall be determined solely by the board of public works. 'Combustible waste' shall include: (a) garbage; (b) combustible rubbish, such as paper; cardboard; cartons; wood; boxes; rags; cloth; bedding; leather; grass; leaves and brush; yard trimmings; tree limbs; timber; logs, and stumps six (6) inches in diameter or less; carpeting; and combustible construction and demolition debris; and (c) any other solid waste that is combustible in the MBI as shall be determined solely by the board of public works. Combustible waste shall exclude: (a) noncombustible solid waste, such as ashes; noncombustible rubbish; incinerator ash; incinerator residue; municipal and industrial sludges; animal waste; pathological and biological waste; asbestos and asbestos waste products; explosives; radioactive materials; appliances; concrete rubble; noncombustible construction and demolition debris; rock; gravel and earth materials; automobiles; trailers; equipment wire and cable; (b) all waste other than solid waste (such as hazardous waste, site-separated materials, and source-separated materials), and (c) any other type of waste that is noncombustible in the MBI as shall be determined solely by the board of public works."

Section 2. A new section 2.5A is added to Chapter 21 of Title II of the Code of the City of East Grand Rapids to read as follows:

Sec. 2.5A. Identification of solid waste containers.

(a) A solid waste container having a capacity of at least one-half (1/2) cubic yard shall be plainly marked with the name and current street address or the name and current telephone number of the waste hauler which collects solid waste from or transports

*Container  
markings*

Exh. A

solid waste within the solid waste container. The name and current street address or the name and current telephone number of the waste hauler shall be plainly marked on at least three (3) sides of the solid waste container in letters and figures not less than three (3) inches in height.

(b) The waste hauler collecting solid waste from or transporting the solid waste container having a capacity of at least one-half (1/2) cubic yard shall be responsible for complying with this section. It shall be a violation of this section from any waste hauler to collect solid waste for or to transport such a solid waste container unless the solid waste container has been marked in compliance with this section.

(c) For purposes of this section, "solid waste container" means a container or receptacle designed or used for depositing, storing, or accumulating solid waste for collection or transportation by a waste hauler. Without limitation, this definition shall include dumpsters, packer boxes, and roll-offs or other receptacles designed or used to store solid waste or to transport solid waste from a site of generation.

(d) This section shall become effective on January 1, 1991.

Section 3. Section 2.6 of Chapter 21 of Title II of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 2.6. Delivery of combustible waste; Commercial operation date.

(1) Commencing on the commercial operation date and at all times thereafter, waste haulers shall (a) deliver to the MBI all combustible waste collected or transported from a site of generation within the city and (b) pay the tipping fee for delivery of such waste at the MBI (unless otherwise provided by contract between the city and the waste hauler). Commencing on the commercial operation date and at all times thereafter, no waste hauler shall deliver combustible waste collected or transported from a site of gen-

eration within the city to any disposal site other than the MBI.

*MBI  
1992  
to go to*

(2) Waste haulers shall deliver to the MBI all combustible waste regardless of whether the combustible waste is transported in the same load or vehicle as solid waste which is not combustible waste. This requirement shall be absolute and unconditional unless the board of public works, acting through its designated representatives, has made a prior written determination that a specific load of waste consists primarily of waste which would not be accepted for delivery at the MBI. Such a written determination of the board of public works shall not be applicable to waste collected from any site of generation, any load or vehicle, any waste hauler or any facts or circumstances, other than those expressly identified in the written determination. This subsection shall become effective on January 1, 1992.

(3) Waste haulers shall not deliver combustible waste to a site for site separation of recyclable materials unless the board of public works, acting through its designated representatives, after request of the waste hauler, has made a prior written determination that such delivery does not violate this ordinance. Such a written determination shall not be applicable to waste collected from any site of generation, any load or vehicle, any waste hauler, or any facts or circumstances other than those expressly identified in the written determination. A written determination pursuant to this section shall not relieve the waste hauler from the obligation to deliver to the MBI all combustible waste remaining in a load after site separation of recyclable materials. This subsection shall become effective on January 1, 1992.

(4) Waste haulers shall not deliver hazardous waste to the MBI."

Section 4. Section 2.7 of Chapter 21 of Title II of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 2.7. Compliance with laws, rules, and regulations.

Waste haulers shall comply with the Act 641 plan and all applicable federal and state laws, statutes, rules, and regulations (including, but not limited to, Act 641 and administrative rules promulgated pursuant to Act 641) in the collection, transportation, delivery, and disposal of combustible waste. Waste haulers shall also comply with all rules and regulations of the board of public works for the administration and operation of the MBI (including, without limitation, rules and regulations prohibiting delivery of loads consisting primarily of unacceptable waste as solely determined by the board of public works acting through its designated representatives) and other disposal sites of the Kent County refuse disposal system."

Section 5. This ordinance shall be effective on September \_\_\_\_\_, 1991.

Section 6. 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.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held September 3, 1991

The meeting was called to order by Mayor Deems.

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

Absent: Com. Swain.

Also Present: City Manager Allard; City Attorney Huff; Public  
Safety Director Gallagher; Public Safety Officers  
Gadbois, Edington, VanPopering, and Public Safety  
Sargeant VanderWerf; Engineering Services Director  
Baragar; Civil Engineer Kocsis; and Controller-  
Clerk-Treasurer Chase.

92-73. The minutes of the regular meeting held August 19,  
1991 were approved as submitted.

92-74. Mayor Deems advised the City Commission of  
correspondence received, as follows:

- (a) Memorandum to Sgt. Russel VanderWerf from  
Public Safety Director Gallagher regarding  
numerous citizen contacts received about the  
Duivan Family's appreciation for his  
professional and tactful manner in notifying  
the family of their son's death.

92-75. Edison-Walton. That disbursement vouchers in the  
amount of \$235,773.81, payroll disbursements in the amount of  
\$120,516.08, and disbursements to County and Schools in the  
amount of \$4,930,962.71, 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-

92-76. Presentation of service awards to Public Safety  
Department employees acknowledging each for their 25 years of  
dedicated service to the City. The following employees were  
presented with watches from the City:

PSO Ron Edington  
PSO Bruce VanPopering  
PSO Dan Gadbois  
PSO Larry Gingrich (not present at meeting)  
Sgt. Russ VanderWerf

Commissioner Mehney arrived.

92-77. A zoning variance hearing was held to consider the request of Roy Fredricksen, 951 Lakeside Drive SE, to allow the reconstruction of a two-stall garage to be located on the south side-yard property line, rather than set back three feet as required in the zoning ordinance.

Roy Fredricksen was present and spoke in favor of the variance.

Mr. and Mrs. Robert Twilling, 957 Lakeside Drive SE, were also present. They expressed their objection to the zoning variance.

92-77-A. Mehney-Frakie. That this Commission, acting as the Board of Zoning Appeals, approve the zoning variance request of Roy Fredricksen, 951 Lakeside Drive SE, to allow the reconstruction of a two-stall garage to be located on the south side-yard property line, rather than set back three feet as required in the zoning ordinance.

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

92-78. Consideration of a request of Grace Episcopal Church, 1815 Hall Street SE, to waive the tree burning regulation within the City of East Grand Rapids as it pertains to the annual Feast of Lights activity held in the church's parking lot.

Robert D. Brower, of Miller, Johnson, Snell & Cumiskey representing Grace Episcopal Church, was present and spoke in favor of the variance. He advised that the church would be willing to obtain liability insurance in the amount of \$1 million naming the City of East Grand Rapids as an additional insured. He further addressed the safety measures taken by the church and expressed his belief that there was no difference between this religious activity and that of the secular activities which are permitted to take place within the City, namely the annual bon fire held by the East Grand Rapids Public Schools.

Reverend Richard Mason of Grace Episcopal Church was also present and spoke in favor of the regulation waiver.

92-78-A. Williamson-Edison. That the request of Grace Episcopal Church to waive the tree burning regulation within the City of East Grand Rapids as it pertains to the annual Feast of Lights be approved as a one-time variance. This approval is contingent upon the acceptance by Grace Episcopal Church of City-developed conditions to be determined by City staff.

92-78-B. Mehney-Walton. That the motion be amended to reflect that a maximum of ten trees be allowed for burning and that proper documentation be provided evidencing insurance coverage in the amount of \$1 million naming the City of East Grand Rapids as an additional insured.

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

92-78-C. Frakie-Edison. That the motion be amended to require evidence of insurance coverage in the amount of \$1 million naming the City of East Grand Rapids as an additional insured.

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

92-78-D. Walton-Frakie. That the motion also be amended to waive the \$50 filing fee for future variance continuance applications regarding this activity.

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

Vote on motion 92-78-A as amended.

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

92-79. Williamson-Edison. Final reading of an ordinance amending Sections 2.1, 2.6 and 2.7 and adding a new Section 2.5A to Chapter 21 of Title II of the Code of the City of East Grand Rapids pertaining to combustible waste and the Mass Burn Incinerator.

92-79-A. Williamson-Edison. That an ordinance amending Sections 2.1, 2.6 and 2.7 and adding a new Section 2.5A to Chapter 21 of Title II of the Code of the City of East Grand Rapids, pertaining to combustible waste and the Mass Burn Incinerator, be adopted as set forth on Exhibit "A" attached hereto.

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

92-80. Consideration of a request to amend the Deferred Sidewalk Agreement, dated April 16, 1990, between the City of East Grand Rapids and Breton Village Shopping Center, Inc. and Albert Builders, Inc.

92-80-A. Edison-Frakie. That the Deferred Sidewalk Agreement, dated April 16, 1990, between the City of East Grand Rapids and Breton Village Shopping Center, Inc. and Albert Builders, Inc. be amended to require construction of sidewalks at such time as a structure is constructed on adjacent property within the Arundel Road Plat No. 1, or until September 1, 1993, whichever event occurs first, or at the direction of the City of East Grand Rapids.

A roll call vote was taken.

Yeas: Edison, Frakie and Deems -- 3.  
Nays: Mehney, Walton and Williamson -- 3.

The motion failed due to lack of majority vote.

92-81. Consideration of a request to award a contract for Public Service Department parking lot resurfacing and related improvements.

92-81-A. Williamson-Edison. That a contract in the amount of \$82,819.60 be awarded to Velting Contractors of Grand Rapids, Michigan, for the resurfacing of the Public Service Department parking lot and related improvements.

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

92-82. Consideration of a request to award a purchase order to Shults Equipment of Ithaca, the low bidder, in the amount of \$5,629 for the purchase of one material spreader and one automatic spreader control.

92-82-A. Edison-Frakie. That a purchase order be awarded to Shults Equipment of Ithaca, the low bidder, in the amount of \$5,629 for the purchase of one material spreader and one automatic spreader control.

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

92-83. Consideration of a request to award a purchase order to Motorola, the low bidder, in the amount of \$5,358 for the purchase of two multi-scan radios to be used by the Public Safety Department.

92-83-A. Williamson-Edison. That a purchase order be awarded to Motorola, the low bidder, in the amount of \$5,358 for the purchase of two multi-scan radios to be used by the Public Safety Department.

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

92-84. Consideration of a recommendation to appoint City Manager Allard as the City's voting delegate at the Michigan Municipal Liability & Property Pool business meeting on November 14 and 15, 1991, and that Controller-Clerk-Treasurer Chase serve as the alternate.

92-84-A. Mehney-Walton. That City Manager Allard be designated the City's voting delegate at the Michigan Municipal Liability & Property Pool business meeting on November 14 and 15, 1991, and that Controller-Clerk-Treasurer Chase be designated as the alternate delegate.

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

92-85. The Public Safety Department Annual Report for calendar year 1990 was received.

92-86. The preliminary minutes of the Recreation Commission meeting of July 8, 1991 were received.

92-87. The preliminary minutes of the Planning Commission meeting of August 13, 1991 were received.

92-88. The preliminary minutes of the Traffic Commission meeting of August 15, 1991 were received.

92-89. The meeting was adjourned subject to the call of the Mayor until September 16, 1991.

  
James H. Cross  
city clerk

c:\wp51\files\1085

UNOFFICIAL  
Reference Only

AN ORDINANCE TO AMEND SECTIONS 2.1, 2.6 and 2.7  
AND TO ADD A NEW SECTION 2.5A  
OF CHAPTER 21 OF TITLE II  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Subsection (5) of Section 2.1 of Chapter 21 of Title II of the Code of the City of East Grand Rapids is amended to read as follows:

"(5) 'Combustible waste' means solid waste that is combustible in the MBI as shall be determined solely by the board of public works. 'Combustible waste' shall include: (a) garbage; (b) combustible rubbish, such as paper; cardboard; cartons; wood; boxes; rags; cloth; bedding; leather; grass; leaves and brush; yard trimmings; tree limbs; timber; logs, and stumps six (6) inches in diameter or less; carpeting; and combustible construction and demolition debris; and (c) any other solid waste that is combustible in the MBI as shall be determined solely by the board of public works. Combustible waste shall exclude: (a) noncombustible solid waste, such as ashes; noncombustible rubbish; incinerator ash; incinerator residue; municipal and industrial sludges; animal waste; pathological and biological waste; asbestos and asbestos waste products; explosives; radioactive materials; appliances; concrete rubble; noncombustible construction and demolition debris; rock; gravel and earth materials; automobiles; trailers; equipment wire and cable; (b) all waste other than solid waste (such as hazardous waste, site-separated materials, and source-separated materials), and (c) any other type of waste that is noncombustible in the MBI as shall be determined solely by the board of public works."

Section 2. A new section 2.5A is added to Chapter 21 of Title II of the Code of the City of East Grand Rapids to read as follows:

Sec. 2.5A. Identification of solid waste containers.

(a) A solid waste container having a capacity of at least one-half (1/2) cubic yard shall be plainly marked with the name and current street address or the name and current telephone number of the waste hauler which collects solid waste from or transports

Exh. A

(1) Commencing on the commercial operation date and at all times thereafter, waste haulers shall (a) deliver to the MBI all combustible waste collected or transported from a site of generation within the city and (b) pay the tipping fee for delivery of such waste at the MBI (unless otherwise provided by contract between the city and the waste hauler). Commencing on the commercial operation date and at all times thereafter, no waste hauler shall deliver combustible waste collected or transported from a site of generation to the MBI.

"Sec. 2.6. Delivery of combustible waste; Commercial operation date.

Section 3. Section 2.6 of Chapter 21 of Title II of the Code of the City of East Grand Rapids is amended to read as follows:

(d) This section shall become effective on January 1, 1991.

(c) For purposes of this section, "solid waste container" means a container or receptacle designed or used for depositing, storing, or accumulating solid waste for collection or transportation by a waste hauler. Without limitation, this definition shall include dumpsters, packer boxes, and roll-offs or other receptacles designed or used to store solid waste or to transport solid waste from a site of generation.

(b) The waste hauler collecting solid waste from or transporting the solid waste container having a capacity of at least one-half (1/2) cubic yard shall be responsible for complying with this section. It shall be a violation of this section from any waste hauler to collect solid waste for or to transport such a solid waste container unless the solid waste container has been marked in compliance with this section.

(3) The name and current street address or the name and current telephone number of the waste hauler shall be plainly marked on at least three (3) sides of the solid waste container in letters and figures not less than three (3) inches in height.

eration within the city to any disposal site other than the MBI.

(2) Waste haulers shall deliver to the MBI all combustible waste regardless of whether the combustible waste is transported in the same load or vehicle as solid waste which is not combustible waste. This requirement shall be absolute and unconditional unless the board of public works, acting through its designated representatives, has made a prior written determination that a specific load of waste consists primarily of waste which would not be accepted for delivery at the MBI. Such a written determination of the board of public works shall not be applicable to waste collected from any site of generation, any load or vehicle, any waste hauler or any facts or circumstances, other than those expressly identified in the written determination. This subsection shall become effective on January 1, 1992.

(3) Waste haulers shall not deliver combustible waste to a site for site separation of recyclable materials unless the board of public works, acting through its designated representatives, after request of the waste hauler, has made a prior written determination that such delivery does not violate this ordinance. Such a written determination shall not be applicable to waste collected from any site of generation, any load or vehicle, any waste hauler, or any facts or circumstances other than those expressly identified in the written determination. A written determination pursuant to this section shall not relieve the waste hauler from the obligation to deliver to the MBI all combustible waste remaining in a load after site separation of recyclable materials. This subsection shall become effective on January 1, 1992.

(4) Waste haulers shall not deliver hazardous waste to the MBI."

Section 4. Section 2.7 of Chapter 21 of Title II of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 2.7. Compliance with laws, rules, and regulations.

Waste haulers shall comply with the Act 641 plan and all applicable federal and state laws, statutes, rules, and regulations (including, but not limited to, Act 641 and administrative rules promulgated pursuant to Act 641) in the collection, transportation, delivery, and disposal of combustible waste. Waste haulers shall also comply with all rules and regulations of the board of public works for the administration and operation of the MBI (including, without limitation, rules and regulations prohibiting delivery of loads consisting primarily of unacceptable waste as solely determined by the board of public works acting through its designated representatives) and other disposal sites of the Kent County refuse disposal system."

Section 5. This ordinance shall be effective on September 14, 1991.

Section 6. 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.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held September 16, 1991

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; Public  
Safety Director Gallagher; Engineering Services  
Director Baragar; Public Service Superintendent  
Sterkenburg, and Controller-Clerk-Treasurer Chase.

92-90. The minutes of the regular meeting held  
September 3, 1991 were approved as submitted.

92-91. Mayor Deems advised the City Commission of  
communications received, as follows:

- (a) Communication from a new resident expressing  
appreciation for the "new resident package"  
sent out by the Mayor's office welcoming  
residents to the City.
- (b) Certificate from the Michigan Section  
American Water Works Association awarding the  
City of East Grand Rapids with Water Utility  
Continuing Education (C.E.) Award,  
representing the highest number of C.E. units  
per water utility employee for a water  
distribution utility with 4-15 employees.

92-92. Frakie-Edison. That disbursement vouchers in the  
amount of \$213,803.26, payroll disbursements in the amount of  
\$99,045.60, and disbursements to County and Schools in the amount  
of \$108,366.11, 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-

92-93. Consideration of a request to award a purchase  
order to Van Manen Oil Company, the low bidder, in the amount of  
\$3,515 for the purchase of one 1,000-gallon above-ground fuel  
storage tank at the Public Service Department site.

92-93-A. Edison-Swain. That a purchase order in the amount of \$3,515 be awarded to Van Manen Oil Company, the low bidder, for the purchase of one 1,000-gallon above-ground fuel storage tank at the Public Service Department site.

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

92-94. Consideration of a request to award a purchase order to Hammersmith Equipment Company, the low bidder, in the amount, net of trade-in, of \$8,500 for the purchase of one Sullair air compressor to be used by the Public Service Department.

92-94-A. Edison-Frakie. That a purchase order be awarded to Hammersmith Equipment Company, the low bidder, in the amount, net of trade-in, of \$8,500 for the purchase of one Sullair air compressor at the Public Service building.

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

92-95. Consideration of a request to approve the Fire Service Mutual Aid Protection Agreement between the City of East Grand Rapids and various metropolitan governments in Kent County.

92-95-A. Williamson-Edison. That the Fire Service Mutual Aid Protection Agreement be approved.

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

92-96. Consideration of a request to award a contract to J.W.K. Construction, the low bidder, in the amount of \$3,515 for the remodeling of the Public Safety Department bunk room, and that a budget amendment authorizing that \$10,000 be taken from the General Fund fund balance for this remodeling, instead of the fund balance designated for drug seizure proceeds.

92-96-A. Edison-Swain. That a contract be awarded to J.W.K. Construction, the low bidder, in the amount of \$3,515 for the remodeling of the Public Safety Department bunk room, and that a budget amendment authorizing that \$10,000 be taken from the General Fund fund balance for this remodeling, instead of the fund balance designated for drug seizure proceeds.

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

92-97. Discussion was held regarding a possible special use permit of the Brookby Estate (formerly known as Blodgett Estate), located at 250 Plymouth Road SE.

Mike Campbell, attorney for Corky Paul (owner of Brookby) presented a preliminary plan to seek a special use permit for commercial use of Brookby. He stated that it was impractical for the property to be used as a single-family residence and advised the Commission that Blodgett Memorial Medical Center (Blodgett) was a prospective purchaser of the property. In order for Blodgett to consider the purchase, it was necessary that a special use permit be obtained from the City. At this stage, Blodgett plans on using the first floor of Brookby as a meeting place, and the second floor for administrative offices.

The Commission expressed their desire to have the property remain on the City's tax roll. They advised that the use of the property could affect this status.

Corky Paul stated that he had approached Blodgett with suggested uses, such as a day care center for its employees to be located on the property. He felt that this would be a taxable use of a portion of the property.

Commissioner Williamson requested that traffic issues be addressed if a day care center was considered for location on the property.

Commissioner Edison stated he is in favor of the plan as long as it remains a tax base for the City. He is not opposed to converting the property from single-family use to commercial use. In addition, Commissioner Edison requested a

description of any parking-space construction that might take place and whether a greenbelt was being considered. He also requested to be provided with information pertaining to the impact on Fisk Lake of surface water runoff from the parking area.

Mike Campbell pointed out that the proposed parking area on the northwest property line would be shielded by a brick wall, and the parking area on the southeast property line would be shielded by a substantially-wooded area. He did not anticipate any problems in this area. Mr. Campbell will provide the Commission with information relating the surface water runoff.

Corky Paul stated that any questions or concerns the City Commission addresses will be directed to Blodgett prior to applying for a special use permit.

Finally, The Commission advised Mr. Campbell that it could not make a decision on any aspect of the proposal until the full scope of the project was known. Mr. Campbell was directed to present the request for a special use permit to the City Commission and the Commission would then forward it on to the Planning Commission, if necessary.

92-98. The preliminary minutes of the Library Commission meeting held June 6, 1991 were received.

92-99. The Building Inspection Report for the month of August, 1991 was received.

92-100. Public Service Superintendent Sterkenburg advised the Commission of the renovations underway at the Public Service site. He stated that the recycle bins are temporarily relocated to the front of the building in order to eliminate congestion.

92-101. Commissioner Mehney asked for clarification on the status of the Ramona Beach Club Development. Mayor Deems advised that the project had been cancelled and the City had received no further explanation from the parties involved.

Mayor Deems commended the Recreation Department and the Public Safety Department for their efforts in the successful running of the Reeds Lake Triathlon.

92-102. Williamson-Edison. Motion to add to the agenda the consideration of an executive session to follow the meeting.

A roll call vote was taken.

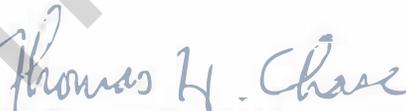
Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson  
and Deems -- 7.  
Nays: -0-

92-103. Williamson-Edison. 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-

92-104. The meeting was adjourned subject to the call of the Mayor until October 7, 1991.



City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held October 7, 1991

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; Public Safety Director  
Gallagher; Engineering Services Director Baragar;  
Civil Engineer Kocsis; Engineering Assistant  
Kadzban; and Controller-Clerk-Treasurer Chase.

92-105. The minutes of the regular meeting held  
September 16, 1991 were approved as submitted.

92-106. Mayor Deems advised the City Commission of  
communications received, as follows:

- (a) Communication from Virgil Johanningsmeier,  
917 Princeton, expressing his appreciation  
for the services offered by Public Safety  
Officers Gadbois, Weertman, Donker and  
Edington relating to Mrs. Johanningsmeier's  
health condition.
- (b) Plaque from the East Grand Rapids Public  
Schools acknowledging the City of East Grand  
Rapids for its continued support of the  
interscholastic athletic programs and  
facilities at East Grand Rapids Middle  
School.

92-107. Swain-Edison. That disbursement vouchers in the  
amount of \$620,103.57, payroll disbursements in the amount of  
\$209,686.40, and disbursements to County and Schools in the  
amount of \$70,844.46, 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-

92-108. A zoning variance hearing was held to consider the request of Bob and Grace VanTimmeran, 1355 Cornell Avenue SE, to construct an accessory building in the rear of their residence 16 feet tall rather than 12 feet tall, and to be located 6 feet from the residence rather than 10 feet, as required in the zoning ordinance.

Charles Posthumus, architect for the VanTimmerans, presented the variance request to the City Commission and requested approval of the variance.

Bob VanTimmeran was also present and presented to the City Commission letters signed by three neighborhood residents in favor of the variance, as follows:

Mary R. Apkarian, 1354 Cornell Avenue, SE  
Sam Riccobono, 1348 Hutchinson, SE  
Gordon VanHarn, 1403 Cornell, SE

92-108-A. Walton-Edison. That this Commission, acting as the Board of Zoning Appeals, approve the zoning variance request of Bob and Grace VanTimmeran, 1355 Cornell Avenue SE, to construct an accessory building in the rear of their residence 16 feet tall rather than 12 feet tall, and to be located 6 feet from the residence rather than 10 feet, as required in the zoning ordinance.

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

92-109. Consideration of a request of Lloyd C. Paul, 250 Plymouth Road SE, for a special use permit of the Brookby Estate (formerly Blodgett Estate).

Michael Campbell, attorney for Mr. Paul, was present and presented the special use permit request to the City Commission. He expressed the owner's desire to sell the Brookby Estate to Blodgett Hospital and that it was necessary for the permit to be granted in order to finalize negotiations with the Hospital. On behalf of his client, Mr. Campbell requested that a public hearing be held before the City Commission relating this issue. He advised that, due to the amount of money involved in the upkeep of the Brookby Estate, time is of the essence and it is desirable that the matter not be referred to the Planning Commission.

Mr. Paul was also present and outlined his improvements to the estate. He stated that, at the time of purchase, the house was uninhabitable. After restoration by Mr. and Mrs. Paul, the estate was offered for sale and marketed as a single-family dwelling. The size of the property has made it unlikely that the property could be sold for use in this manner. He advised that he then approached two corporate prospects, but did not succeed in selling the property. After discussion with Blodgett Hospital, the Hospital advised that, if the special use permit was granted, it would consider purchasing the property for use as administrative offices and community and youth programs.

Mr. Paul further stated that if the permit was not granted and the sale of the property was not finalized, another course of action could be for him to dismantle the estate and replat the property for sale as lots.

The Commission expressed their desire to have the property remain on the City's tax roll. They advised that the use of the property could affect this status and that not enough information had been provided to the Commission to make a responsible decision on the use of the property.

92-109-A. Williamson-\_\_\_\_\_. That this Commission table the request for a special use permit until such time as Blodgett Hospital presents further information as to its intended use of the Brookby Estate.

The motion failed due to lack of support.

92-109-B. Walton-Mehney. That this matter be referred to the Planning Commission for further investigation and development of conditions, if appropriate.

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

92-109-C. Edison-Walton. That a public hearing be scheduled to allow for input from the community relating this matter.

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

92-109-D. Walton-Swain. That a public hearing be scheduled for November 4, 1991 contingent upon whether there is adequate information provided by Blodgett Hospital, for distribution at the October 21, 1991 City Commission meeting, to allow the City Commission to deliberate on its intended use of the property.

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

92-110. Consideration of a request to authorize the purchase of 12 Self-Contained Breath Apparatuses and 15 fitted face masks for the Public Safety Department, at a total cost of \$18,547.60.

92-110-A. Williamson-Frakie. That the purchase from West Shore Services, the sole supplier, of 12 Self-Contained Breath Apparatuses and 15 fitted face masks for the Public Safety Department, at a total cost of \$18,547.60, be approved.

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

92-111. Consideration of a request to award a purchase order in the amount of \$9,006 to General Electric, the successful bidder for the five radios purchased in FY 91 and sole supplier of radios compatible with the prior purchase, for the purchase of five portable scanning radios, a rapid charger, and external microphones/speakers for use by the Public Safety Department.

92-111-A. Edison-Williamson. That a purchase order in the amount of \$9,006 be awarded to General Electric, the successful bidder for the five radios purchased in FY 91 and sole supplier of radios compatible with the prior purchase, for the purchase of five portable scanning radios, a rapid charger, and external microphones/speakers, using drug seizure funds.

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

92-112. Consideration of a request to authorize the purchase, using drug seizure funds, of a Dictaphone Model #5082 dispatch voice recorder in the amount of \$8,034, for use by the Public Safety Department.

92-112-A. Swain-Edison. That the purchase, using drug seizure funds, of a Dictaphone Model #5082 dispatch voice recorder in the amount of \$8,034, for use by the Public Safety Department, be approved.

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

92-113. Consideration of a request to award a purchase order to Doubleday Brothers and Co., the low bidder, in the amount of \$7,900, for the purchase and installation of a space saver file system in the first floor vault in the Municipal Offices Building for use by the Controller-Clerk-Treasurer department.

92-113-A. Williamson-Edison. That a purchase order be awarded to Doubleday Brothers and Co., the low bidder, in the amount of \$7,900, for the purchase and installation of a space saver file system in the first floor vault in the Municipal Offices Building for use by the Controller-Clerk-Treasurer department.

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

92-114. Consideration of a request to award a purchase order to Customeaze Communications, the low bidder, in the amount of \$5,568, for the purchase and installation of an Emergency Uninterrupted Power Supply (U.P.S.) battery back-up system for the System 36 mini-computer, and necessary wiring to connect the System 36 to the auxiliary generator.

92-114-A. Williamson-Edison. That a purchase order be awarded to Customeaze Communications, the low bidder, in the amount of \$5,568, for the purchase and installation of an Emergency Uninterrupted Power Supply (U.P.S.) battery back-up system for the System 36 mini-computer, and necessary wiring to connect the System 36 to the auxiliary generator.

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

92-115. Consideration of a request to award a purchase order to Windemuller Electric, the low bidder, for the installation of new traffic signals at the intersection of Lake Drive and Plymouth Road, in the amount of \$3,550, and that the City staff be authorized to purchase the signal heads and other appropriate material from the City of Grand Rapids in an amount estimated at \$12,000. It is further requested that a budget amendment be approved in the Major Street Fund transferring \$15,550 from the street construction appropriation to traffic services - capital expenditure account.

92-115-A. Williamson-Frakie. That a purchase order be awarded to Windemuller Electric for the installation of new traffic signals at the intersection of Lake Drive and Plymouth Road, in the amount of \$3,550, that City staff be authorized to purchase the signal heads and other appropriate material from the City of Grand Rapids in an amount estimated at \$12,000, and that a budget amendment be approved in the Major Street Fund transferring \$15,550 from the street construction appropriation to traffic services - capital expenditure account.

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

92-116. Consideration of a recommendation to appoint Mayor Deems as the City's representative to the Grand Valley Metropolitan Council for a one-year term effective October 1, 1991.

92-116-A. Mehney-Williamson. That Mayor Deems be appointed as the City's representative to the Grand Valley Metropolitan Council for a one-year term effective October 1, 1991.

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

92-117. The Public Safety Report for the month of August, 1991 was received.

92-118. The preliminary minutes of the Recreation Commission meeting held September 9, 1991 were received.

92-119. The preliminary minutes of the Planning Commission meeting held September 10, 1991 were received.

92-120. The preliminary minutes of the Library Commission held September 19, 1991 were received.

92-121. Commissioner Williamson referenced his letter to the City Commission dated October 2, 1991 related to Rose's Popcorn Shop, and requested that this matter be placed on a future agenda for discussion purposes.

Commissioner Edison inquired as to the status of City Manager Allard's knee surgery. He was informed that Mr. Allard was recovering nicely.

92-122. Williamson-Edison. 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-

92-123. The meeting was adjourned subject to the call of the Mayor until October 21, 1991.

*Thomas H. Chase*

City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held October 21, 1991

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; Public Safety Director  
Gallagher; Engineering Services Director Baragar;  
Civil Engineer Kocsis; and Controller-  
Clerk-Treasurer Chase.

92-124. The minutes of the regular meeting held  
October 7, 1991 were approved as submitted.

92-125. Mayor Deems advised the City Commission of  
communications received, as follows:

- (a) Communications from Linda Dudley and second  
grade students from Breton Downs thanking  
Mayor Deems, City Manager Allard and other  
City staff involved for the presentation and  
tour of City Hall in September.

92-126. Edison-Swain. That disbursement vouchers in the  
amount of \$277,356.78, payroll disbursements in the amount of  
\$118,934.61, and disbursements to County and Schools in the  
amount of \$93,026.76, 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-

92-127. A zoning variance hearing was held to consider the  
request of Michael Salhaney, Jr., 2326 Brighton SE, for the  
purpose of designating the property at 1639 Exeter SE as a  
buildable lot.

Michael Salhaney, Jr., was present and spoke in  
favor of the variance. He stated that the lot has been  
classified as a buildable lot by the City Assessor, and that he  
has been paying taxes on the property under that classification  
when, in fact, it is a non-buildable lot.

William Graham, 1645 Exeter SE, expressed opposition to the zoning variance due to the probability of further zoning variances being needed in order for a residence to be built on the property. He also expressed concern over the distance between such a building and his property.

Herman Meilinger, 1634 Exeter SE, was also present and expressed his concerns over granting the variance. He wanted it noted that if this lot should ever be developed, the City should address drainage problems that may occur due to construction at this site. He also expressed his support that Mr. Salhaney should receive a tax refund on the property for overpaid taxes on the lot due to its not being classified as a buildable lot.

Martin Coffield, 2341 Englewood SE, was present and stated how he sympathized with Mr. Salhaney and Mr. Graham, and felt it appropriate that the City investigate this matter further.

92-127-A. Walton-Williamson. That this Commission, acting as the Board of Zoning Appeals, approve the zoning variance request of Michael Salhaney, Jr., 2326 Brighton SE, for the purpose of designating the property at 1639 Exeter SE as a buildable lot.

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

Nays: -0-

92-128. Consideration of a request to award a purchase order to West Shore Services, Inc., in the amount of \$15,139, for the purchase and installation of a siren warning system, and that a budget amendment in the amount of \$17,600 be authorized through a transfer from the General Fund undesignated fund balance to the Public Safety capital expenditures account to pay for this purchase.

92-128-A. Williamson-Edison. That a purchase order be awarded to West Shore Services, Inc., the sole supplier, in the amount of \$15,139, for the purchase and installation of a siren warning system, and that a budget amendment in the amount of \$17,600 through a transfer from the General Fund undesignated fund balance to the Public Safety capital expenditures account be approved.

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

Nays: -0-

92-129. Consideration of a request to authorize remodeling and relocation of a storage closet at the Public Safety building to provide for a changing area and shower facility for female Public Safety officers, and that a budget amendment increasing the Public Safety Capital expenditures account by \$6,000 be taken from drug seizure funds for this remodeling project.

92-129-A. Edison-Frskie. That the request for remodeling and relocation of a storage closet at the Public Safety building to provide for a changing area and shower facility for female Public Safety officers, and that a budget amendment increasing the Public Safety Capital expenditures account by \$6,000, to be taken from drug seizure funds, be approved.

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

92-130. Consideration of a request to authorize Hepatitis B vaccinations for Public Safety Department employees and Public Service Department employees, through Blodgett Hospital, in the approximate amount of \$3,500.

92-130-A. Williamson-Edison. That the request to authorize Hepatitis B vaccinations, through Blodgett Hospital, for Public Safety Department employees and Public Service Department employees, in the approximate amount of \$3,500 to be paid from the Health Care Fund, be approved.

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

92-131. Consideration of a request to award a contract to Tepper Nursery, the low bidder, to plant 162 trees in the City of East Grand Rapids at a cost of \$11,720, and that, for trees ordered by individuals, the property owner's share be set at \$27 per tree.

92-131-A. Edison-Frskie. That a contract be awarded to Tepper Nursery, the low bidder, to plant 162 trees in the City of East Grand Rapids at a cost of \$11,720, and that, for trees ordered by individuals, the property owner's share be set at \$27 per tree.

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

92-132. The financial reports for the period ending September 30, 1991 were received.

92-133. The 1991 construction program progress report was received.

92-134. The Building Inspection Report for the month of September, 1991 was received.

92-135. The Public Safety Report for the month of September, 1991 was received.

92-136. The Traffic Commission minutes for the meetings held September 19, 1991 and October 17, 1991 were received.

The Traffic Commission action to remove parking on the south side of Greenwood, at the triangular property at Lovett, to allow for a 25 mile-per-hour sight distance, was discussed.

Harold Childs, co-owner of office facilities located at 529, 531 and 535 Greenwood Avenue SE, was present. He presented a petition to the City Commission, signed by 76 owners, tenants and neighbors of the office facilities at 529, 531 and 535 Greenwood Avenue requesting that the present parking on Greenwood Avenue be retained.

Free Frakie, Traffic Commission Chairperson, was also present and explained that, in order to achieve a 25 mpg sight distance at this location, parking would have to be prohibited.

As the City Commission took no action on the Traffic Commission's adopted motions, these motions were enacted.

92-137. The Planning Commission minutes for the work session held September 24, 1991 were received. An updated copy of the Planning Commission's final recommendation regarding the proposed Reeds Lake Place project was distributed at the meeting.

92-138. Colleen Jarvis, 900 San Lucia SE, expressed her support for the development of a restaurant at the Rose's Popcorn Shop site. She stated that having a development at this site would be a good tax base for the City, and also an asset for the residents of the community. She expressed her indignity that the owners of the Lakeside Condominiums, non-residents, could affect

the outcome of any future development, and she urged the City Commission to do what they could not to allow such influence to occur. Ms. Jarvis also expressed her views regarding the development of Gilmore property. Ms. Jarvis also advised that the City should use the Cadence newspaper when communicating to its residents, instead of the East Press.

Michael Campbell, attorney for Lloyd C. Paul (Brookby Estate) presented the City Commission with a letter from Blodgett Hospital summarizing its intended use of the Brookby Estate property, if purchased by the hospital. Mr. Campbell requested that a public hearing be scheduled before the City Commission. The City Commission advised that it would review the materials before it, and would contact Mr. Campbell, upon review, to advise him if and when a public hearing will be scheduled.

Lloyd C. Paul extended an invitation to the City Commission to view Brookby at any time in the future. He encouraged the Commissioners that had not already seen the estate to do so.

92-139. Commissioner Walton commended Public Safety Director Gallagher and the Public Safety Department for their conscientious work, in connection with the breakings and enterings and assaults during the past few weeks.

Commissioner Edison commented that the Public Safety Department would be informing residents of its suggested safety guidelines for Halloween.

92-140. The meeting was adjourned subject to the call of the Mayor until November 4, 1991.



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City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held November 4, 1991

The meeting was called to order by Commissioner Mehney.

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

Absent: Com. Frakie and Mayor Deems.

Also Present: City Manager Allard; City Attorney Huff;  
Engineering Services Director Baragar; Civil  
Engineer Kocsis; Public Service Superintendent  
Sterkenburg; and Controller-Clerk-Treasurer Chase.

92-141. The minutes of the regular meeting held  
October 21, 1991 were approved as submitted.

92-142. Commissioner Mehney advised the City Commission of  
communications received, as follows:

- (a) Correspondence from Mary Forcia of Kent  
County Emergency Medical Services, Inc.,  
thanking Public Safety Officers Edington and  
Gingrich for the care and attention they gave  
her nephew after he injured himself at a  
school dance.
- (b) Receipt of a Certificate of Achievement from  
the Michigan Municipal League recognizing the  
City of East Grand Rapids for its outstanding  
commitment to improve the quality of life for  
the citizens in the community through its  
composting program.

92-143. Swain-Edison. That disbursement vouchers in the  
amount of \$153,887.29, and payroll disbursements in the amount of  
\$161,243.68, 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 and Williamson -- 5.  
Nays: -0-

92-144. A zoning variance hearing was held to consider the  
permit request of D&W Shopping Centers, 3001 Orchard Vista Drive  
SE, to install a MUZAK D.B.S. satellite antenna on the roof of  
their Gaslight Village store at 2181 Wealthy Street SE.

Ronald L. Cox, representing D&W Shopping Centers,  
was present and spoke in favor of the variance and permit  
approval.

92-144-A. Williamson-Edison. That this Commission, acting as the Board of Zoning Appeals, approve the zoning variance and permit request of D&W Shopping Centers to install a MUZAK D.B.S. satellite antenna on the roof of their Gaslight Village store at 2181 Wealthy Street SE.

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

92-145. Introduction of an ordinance amendment to add Section 1.140 of Chapter 3 of Title I of the Code of the City of East Grand Rapids pertaining to tax collection fees.

92-145-A. Williamson-Walton. That an ordinance amendment to add Section 1.140 of Chapter 3 of Title I of the Code of the City of East Grand Rapids be introduced, as follows:

AN ORDINANCE TO AMEND CHAPTER 3 OF TITLE I  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS  
BY ADDING A NEW SECTION 1.140

The City of East Grand Rapids ordains:

Section 1. Chapter 3 of Title I of the Code of the City of East Grand Rapids is amended by adding a new Section 1.140 to read as follows:

Sec. 1.140 - Tax Collection Fees.

The City shall impose a late penalty charge upon winter taxes paid after February 14 in accordance with Public Act 206 of 1893, as amended, of the Michigan Compiled Laws. The City shall impose an additional charge upon summer taxes paid after August 14 of one percent per month, on the 15th day of each month until said taxes are paid, from August 15 through January 15th.

Section 2. This ordinance shall be effective on November \_\_\_\_, 1991.

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, Mehney, Swain, Walton and Williamson -- 5.  
Nays: -0-

92-146. Introduction of an ordinance amendment to Sections 2.20, 2.21, 2.32 and 2.34 of Chapter 22 of Title II, and Section 2.41 of Chapter 23 of Title II, and Sections 8.603 and 8.605 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids pertaining to plumbing, and water and sewer utility codes.

92-146-A. Walton-Edison. That an ordinance amending Sections 2.20, 2.21, 2.32 and 2.34 of Chapter 22 of Title II, and Section 2.41 of Chapter 23 of Title II, and Sections 8.603 and 8.605 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids pertaining to plumbing, and water and sewer utility codes be introduced, as set forth on Exhibit "A" attached hereto.

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

92-147. Consideration of a request by City Signal, Inc. to amend the right-of-way agreement.

92-147-A. Edison-Williamson. That the request of City Signal, Inc. to amend the right-of-way agreement to include the installation of additional fiber optic cable along Plymouth Road, Sherman Street and Wealthy Street, and to remove its right-of-way along Lakeside Drive from Robinson Road to Greenwood Avenue, then west to 535 Greenwood SE (Break-Thru Surveys), be approved.

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

92-148. Presentation of the Public Service Winter Operations Plan by City Manager Allard and Public Service Superintendent Sterkenburg.

92-149. Consideration of a request to approve the purchase of road salt under a joint bid arrangement with area municipalities.

92-149-A. Williamson-Edison. That a purchase order be awarded to North American Salt Company for the purchase and delivery of rock salt for the 1991-92 winter season, at a cost of \$23.21 per ton.

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

92-150. Consideration of a request to approve payment for emergency repairs to a transformer and electrical service at the Public Service building.

92-150-A. Walton-Edison. That the request to approve payment in the amount of \$8,335 to West Michigan Electric, to grant approval to West Michigan Electric to complete the necessary rewiring of the Public Service garage, on a time and material basis not to exceed \$6,500, and that a budget amendment be approved for \$14,835 transferring funds from the undesignated General Fund Balance to the City Building R&M Account, be approved.

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

92-151. Consideration of a request to amend the Water and Sewer Service Agreement between the City of Grand Rapids and the City of East Grand Rapids revising the water integrated connection fee schedule for fees charged to new customers of the Grand Rapids water system.

92-151-A. Edison-Williamson. That the request to amend the Water and Sewer Service Agreement between the City of Grand Rapids and the City of East Grand Rapids be approved.

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

92-152. Acceptance of an informational report from the Engineering Services Director regarding a water monitoring program with the City of Grand Rapids. City Manager Allard provided the City Commission with a verbal status report of the water valve turning and main flushing program within the Public Service Department.

92-153. Consideration of a request to approve the Joint Facilities Capital Project List for FY 1991-92, a related budget amendment and the commencement of Breton and Lakeside Schools storm drainage improvement projects.

92-153-A. Edison-Walton. That the Joint Facilities Capital Project List for FY 1991-92, a budget amendment transferring \$31,500 from the contingency appropriation to the Recreation Department - Joint Facilities Capital account and the commencement of the Breton and Lakeside Schools storm drainage improvement projects with a total cost to the City, net of East Grand Rapids Public Schools reimbursement, of \$17,135, be approved.

92-154. Consideration of a request to support the nomination of City Manager Allard to serve on the Municipal Liability & Property Pool Board of Directors, and that the City's ballot be cast, in addition to City Manager Allard, for the following nominees:

Charles Graham, City Manager of City of Frankenmuth  
W. Bryce McGinnis, Treasurer of Davison Township  
Thomas W. Boritzki, Mayor of City of Trenton

92-154-A. Walton-Edison. That the request to support the nomination of City Manager Allard to serve on the Municipal Liability & Property Pool Board of Directors, and that the City's ballot be cast for the recommended candidates, be approved.

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

92-155. Preliminary minutes of the Recreation Commission meeting held October 14, 1991 were received.

92-156. Commissioners Williamson and Mehney commented on the November 5, 1991 City General Election and urged City residents to exercise their right to vote.

92-157. Williamson-Edison. To enter into executive session to discuss the acquisition of real estate and to discuss pending litigation in accordance with Sections 8(d) and (e) of the Open Meetings Act.

A roll call vote was taken.

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

92-158. The meeting was adjourned subject to the call of the Mayor until November 18, 1991.

  
\_\_\_\_\_  
City Clerk

AN ORDINANCE TO AMEND SECTIONS 2.20, 2.21, 2.32  
AND 2.34 OF CHAPTER 22 OF TITLE II, AND SECTION  
2.41 OF CHAPTER 23 OF TITLE II AND TO AMEND  
SECTIONS 8.603 AND 8.605 OF CHAPTER 86 OF TITLE VIII  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 2.20 of Chapter 22 of Title II of the Code of the City of East Grand Rapids is amended to read as follows:

Sec. 2.20. Definitions.

The following definitions shall apply in the interpretation of this chapter:

(1) Water main shall mean that part of the city water distribution system located within easement lines or streets designated to supply more than one water connection, excluding any and all portions of the water service pipe located between the shut-off box and the meter on the private premises regardless of whether portions of such water service pipe are located within the city's easement lines or not.

(2) Water connection shall mean that part of the city water distribution system connecting the water main to the shut-off box.

(3) Department shall mean the department of public service.

(4) Superintendent shall mean the superintendent of the division of water supply of the department.

(5) Meter shall mean the measuring device which measures or records the flow of water through the device and shall not include any portion of the water service pipe connected to the device.

Section 2. Section 2.21 of Chapter 22 of Title II of the Code of the City of East Grand Rapids is amended to read as follows:

Sec. 2.21. Meter connections.

Water meters shall be installed in accordance with rules and regulations of the department and upon payment of the required meter installation fee. All meters shall be the property of the City. Meter installation charges shall not be less than the cost of the materials, installation and overhead attributable to such installation. Such fees and charges shall be established by resolution of the City Commission from time to time, in accordance with the above factors.

Section 3. Section 2.32 of Chapter 22 of Title II of the Code of the City of East Grand Rapids is amended to read as follows:

Sec. 2.32. Additional regulations.

The City's manager may make and issue additional rules and regulations concerning this Chapter. Such rules and regulations shall be effective upon approval by the City Commission. The rules and regulations now in effect shall continue until changed in accordance with this section.

Section 4. Subsection (3) of Section 2.34 of Chapter 22 of Title II of the Code of the City of East Grand Rapids is amended to read as follows:

(3) Solely for the purpose of protecting the public's health, safety and welfare, a representative of the city shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the city for the limited purpose of inspecting the plumbing systems thereof for cross-connections and safe connection to the city's water connection. On request the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding such connections of the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections and/or unsafe connections to the city's water connection and shall be sufficient cause for discontinuance of water service as provided in subsection (4) below.

Section 5. Subsection (12) of Section 2.41 of Chapter 23 of Title II of the Code of the City of East Grand Rapids is amended to read as follows:

(12) Building sewer shall mean the extension from the building to the public sewer or other place of disposal regardless of whether portions of such extension are located within the City's easement lines or not.

Section 6. Subsections P-201.2, P-303.2, P-303.3, P-308.3, P-402.4 and P-1502.1 of Section 8.603 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids are amended to read as follows:

P-201.2. Additional definitions.

(1) Authorized master plumber means a person who has been licensed as a plumber by the State of Michigan and has registered his license with the department.

(2) Licensed water service and drainage system contractor means a person so licensed by the City of Grand Rapids.

(3) Drainage system permit means a permit for a drainage system exclusive of the building drain.

(4) Plumbing permit means a permit for plumbing as defined herein.

(5) Homeowner means the owner of a single-family residence in which he resides.

P-303.2. Public systems available. A public water supply and/or public sewer system shall be deemed available to premises used for human occupancy if such premises are within two hundred (200) feet measured along a street, alley, easement or public easement of the public water supply or the sewer system.

P-303.3. Independent building sewer and water service. Every building shall have independent, owner-maintained and controlled building sewer and water service pipes.

P-308.3. Freezing. Sewers shall be installed below recorded frost penetration but not less below grade than five (5) feet for water piping. Plumbing piping in exterior building walls shall be adequately protected against freezing by insulation or heat or both. The State of Michigan regulates the installation of water service pipes. The City of East Grand Rapids has no control, ownership or responsibility for water pipes.

P-402.4. Water service pipe. Water service pipes are regulated by the State of Michigan. The City of East Grand Rapids has no control, ownership or responsibility for water service pipes.

P-1502.1. Size of water service. Water service pipe sizes are regulated by the State of Michigan. The City of East Grand Rapids has no control, ownership or responsibility for water service pipes.

Section 7. Subsection P-303.4 of Section 8.603 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids is deleted.

Section 8. Section 8.605 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids is amended to read as follows:

Sec. 8.605. Permits; application for same.

Plumbing permits for all plumbing work to be performed inside of exterior building walls shall be issued only to authorized master plumbers or single-family occupancy homeowners on forms provided by the department of community improvement and inspection services of the City of Grand Rapids, herein referred to as the "department." Plumbing permits for all plumbing work to be performed outside of exterior building walls, excluding all plumbing concerning installation, maintenance or modification of water service pipes shall be issued only to authorized master plumbers or single-family occupancy homeowners on forms provided by the director of public works of the City of East Grand Rapids.

Section 9. This ordinance shall be effective on November \_\_\_\_, 1991.

Section 10. 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.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held November 18, 1991

The meeting was called to order by Mayor Deems.

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

Absent: Com. Mehney

Also Present: City Manager Allard; City Attorney Huff; Recreation Supervisor Kline; Engineering Services Director Baragar; Public Service Superintendent Sterkenburg; Public Safety Director Gallagher; and Controller-Clerk-Treasurer Chase.

92-159. The minutes of the regular meeting held November 4, 1991 were approved as submitted.

92-160. Mayor Deems advised the City Commission of communications received, as follows:

- (a) Correspondence from the Lakeside PTA thanking Public Safety Director Gallagher and the entire Public Safety Department for their dedication while investigating the recent burglaries in the City.
- (b) Correspondence from Mary Wilson, 2543 Boston Street SE, expressing her appreciation and thanking the Public Safety Department for its quick apprehension of the suspect in the recent assaults and burglaries in the City.
- (d) Memorandum recognizing the dedication of Deputy Chief Ditmar, Lt. Darzniek and Sgt. Salois in their cooperative effort with Grand Rapids Police to apprehend two subjects involved in burglaries in the City of Grand Rapids.
- (e) Receipt of award from National Night Out to the City of East Grand Rapids recognizing the City as the 5th place recipient of this award nationwide. The efforts of Chris Cameron and PSO Pullen were acknowledged.

- (f) Receipt of AAA Special Citation for Outstanding Pedestrian Accident Record for the City of East Grand Rapids. The City has been the recipient of this award for the tenth year in a row, and for the thirty-fifth time since 1951.

92-161. Swain-Edison. That disbursement vouchers in the amount of \$142,734.86, payroll disbursements in the amount of \$115,135.87, and disbursements to County and Schools in the amount of \$54,189.54, 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-

92-162. A zoning variance hearing was held to consider the request of Victor and Rosemary Leslie, 1550 Andover Lane SE, to allow the north lot adjacent to their residence to be split off as a buildable lot, with a reduced frontage of 65.5 feet and a square footage of 6,550 feet, rather than 72 feet of frontage and 7,200 square feet within the first 100 feet of lot depth, as required for A-2 residentially zoned properties.

Victor Leslie was present and spoke in favor of the variance. He advised that he was willing to put in place a deed restriction specifying footage and quality requirements for any prospective home which may be built on the undeveloped lot.

Edward Cox, 1539 Woodlawn SE, was also present and stated his support for the variance as long as there was some assurance made that any home built on this lot would be similar in cost and quality to the surrounding homes in the area.

Beth Hamm, 1530 Andover, stated her concerns that any home which might possibly be built on the lot would not be large enough, and this would result in a lower property value for her home.

Correspondence was received from Leo DeYoung, 1606 Andover SE, stating his opposition to the granting of the variance.

92-162-A. Walton-Edison. That the Commission, acting as the Zoning Board of Appeals, approve the zoning variance of Victor and Rosemary Leslie, 1550 Andover Lane SE, to allow the north lot adjacent to their residence to be split off as a buildable lot.

92-162-B. Frakie-Edison. That this Commission table the request for a zoning variance until such time as Mr. and Mrs. Leslie present a modified application requesting either a 2-foot variance to bring the lots more substantially into compliance with City Code, or some other proposal addressing the concerns of the neighbors and Commission.

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

92-163. Final reading of an ordinance amendment to add Section 1.140 of Chapter 3 of Title I of the Code of the City of East Grand Rapids pertaining to tax collection fees.

92-163-A. Walton-Frakie. That an ordinance amendment adding a Section 1.140 of Chapter 3 of Title I of the Code of the City of East Grand Rapids be adopted, as follows:

AN ORDINANCE TO AMEND CHAPTER 3 OF TITLE I  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS  
BY ADDING A NEW SECTION 1.140

The City of East Grand Rapids ordains:

Section 1. Chapter 3 of Title I of the Code of the City of East Grand Rapids is amended by adding a new Section 1.140 to read as follows:

Sec. 1.140 - Tax Collection Fees.

The City shall impose a late penalty charge upon winter taxes paid after February 14 in accordance with Public Act 206 of 1893, as amended, of the Michigan Compiled Laws. The City shall impose an additional charge upon summer taxes paid after August 14 of one percent per month, on the 15th day of each month until said taxes are paid, from August 15 through January 15th.

Section 2. This ordinance shall be effective on November 29, 1991.

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

92-164. Final reading of an ordinance amendment to Sections 2.20, 2.21, 2.32 and 2.34 of Chapter 22 of Title II, and Section 2.41 of Chapter 23 of Title II, and Sections 8.603 and 8.605 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids pertaining to plumbing, and water and sewer utility codes.

92-164-A. Williamson-Edison. That an ordinance amending Sections 2.20, 2.21, 2.32 and 2.34 of Chapter 22 of Title II, and Section 2.41 of Chapter 23 of Title II, and Sections 8.603 and 8.605 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids pertaining to plumbing, and water and sewer utility codes be introduced, as set forth on Exhibit "A" attached hereto.

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

92-165. Consideration of a request to approve a Pressure Points Control Defensive Tactics Program for the Public Safety Department, and that a budget amendment of \$2,700 to increase the Public Safety Professional Development Account, to be taken from drug seizure funds.

92-165-A. Edison-Williamson. That the Pressure Points Control Defensive Tactics Program for Public Safety be approved, and that \$2,700 be transferred from drug seizure funds to the Public Safety Professional Development Account to pay for this program.

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

92-166. Consideration of a request to approve a release of storm drainage easement pertaining to property at 2965 Bonnell Avenue SE.

92-166-A. Frakie-Swain. That the request to approve a release of storm drainage easement for property located at 2965 Bonnell Avenue SE, as set forth on Exhibit "B" attached hereto, be approved.

Yeas: Edison, Frakie, Swain, Walton and Williamson - 5.  
Nays: -0-  
Abstains: Deems - 1.

92-167. Consideration of a recommendation to appoint the following individuals to the Assessor's Board of Review for FY 1991-92, as follows:

Harriet Engbers  
Patsy Dodgson  
George Samra  
Geordie Ralston  
Commissioner James Frakie  
Commissioner Robert Swain

92-167-A. Williamson-Walton. That the above-named individuals be appointed to the Assessor's Board of Review for FY 1991-92.

Yeas: Edison, Swain, Walton, Williamson and Deems - 5.  
Nays: Frakie - 1.

92-168. Introduction of an ordinance amendment adding a new Chapter 35 to Title III of the Code of the City of East Grand Rapids pertaining to tree conservation.

92-168-A. Edison-Walton. That an ordinance amendment adding a new Chapter 35 to Title III of the Code of the City of East Grand Rapids pertaining to tree conservation be introduced, as set forth on Exhibit "C" attached hereto.

Yeas: Edison, Frakie, Swain, Walton and Deems - 5.  
Nays: Williamson - 1.

92-169. Discussion was held by the City Commission regarding the City's possible acquisition of property located at 540 and 550 Lakeside Drive SE, (the Rose property).

Commissioner Williamson presented a proposal for the City to purchase the property located at 540 and 550 Lakeside Drive in order for the City to refurbish or replace Rose's Popcorn Shop and manage a restaurant and marina on the premises.

Commissioner Frakie expressed his belief that the venture was too large of a financial undertaking for the City and, in addition, there were no City personnel qualified to manage a restaurant and marina. He did express, however, that he thought the possibility of the City acquiring the property and then leasing it to an individual experienced in the operation of a restaurant and marina would be worth looking into.

Commissioner Walton agreed with Commissioner Frakie that the City's purchase and running of a restaurant and marina on the Rose property is too expensive, and stated that he sees no purpose in acquiring the land.

Commissioner Edison advised that he was in favor of the Commission's consideration of a possible lease agreement for operation of the restaurant and marina, although he felt there was not a big market for such an endeavor and such a project may be a gamble.

Commissioner Swain felt that City staff should first approach the owner of the property to accumulate information before further Commission consideration is given to the purchase of the property.

92-170. Building Inspection Report for the month of October, 1991 was received.  
92-171. Public Safety Report for the month of October, 1991 was received.  
92-172. Preliminary minutes of the Planning Commission meeting held October 8, 1991 were received.

92-173. Preliminary minutes of the Joint Facilities Committee meeting held October 18, 1991 were received.

92-174. Preliminary minutes of the Library Commission meeting held October 22, 1991 were received.

92-175. Williamson-Edison. To add consideration of a motion to enter into executive session to discuss the acquisition of real estate in accordance with Section 8(d) of the open Meetings Act.

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

92-176. Williamson-Edison. To enter into executive session to discuss the acquisition of real estate in accordance with Section 8(d) of the Open Meetings Act.

A roll call vote was taken.

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

92-177. Commissioner Edison advised that the Recreation Commission will be holding a public meeting on December 7, 1991, at 9:00 a.m., to discuss the goals and objectives of the Commission. All comments and suggestions are welcome.

92-178. The meeting was adjourned subject to the call of the Mayor until December 2, 1991.



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City Clerk

AN ORDINANCE TO AMEND SECTIONS 2.20, 2.21, 2.32  
AND 2.34 OF CHAPTER 22 OF TITLE II, AND SECTION  
2.41 OF CHAPTER 23 OF TITLE II AND TO AMEND  
SECTIONS 8.603 AND 8.605 OF CHAPTER 86 OF TITLE VIII  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 2.20 of Chapter 22 of Title II of the Code of the City of East Grand Rapids is amended to read as follows:

Sec. 2.20. Definitions.

The following definitions shall apply in the interpretation of this chapter:

- (1) Water main shall mean that part of the city water distribution system located within easement lines or streets designated to supply more than one water connection, excluding any and all portions of the water service pipe located between the shut-off box and the meter on the private premises regardless of whether portions of such water service pipe are located within the City's easement lines or not.
  - (2) Water connection shall mean that part of the city water distribution system connecting the water main to the shut-off box.
  - (3) Department shall mean the department of public service.
  - (4) Superintendent shall mean the superintendent of the division of water supply of the department.
  - (5) Meter shall mean the measuring device which measures or records the flow of water through the device and shall not include any portion of the water service pipe connected to the device.
- Section 2. Section 2.21 of Chapter 22 of Title II of the Code of the City of East Grand Rapids is amended to read as follows:
- Sec. 2.21. Meter connections.

Water meters shall be installed in accordance with rules and regulations of the department and upon payment of the required meter installation fee. All meters shall be the property of the City. Meter installation charges shall not be less than the cost of the materials, installation and overhead attributable to such installation. Such fees and charges shall be established by resolution of the City Commission from time to time, in accordance with the above factors.

Exh. A

Section 3. Section 2.32 of Chapter 22 of Title II of the Code of the City of East Grand Rapids is amended to read as follows:

Sec. 2.32. Additional regulations.

The City's manager may make and issue additional rules and regulations concerning this Chapter. Such rules and regulations shall be effective upon approval by the City Commission. The rules and regulations now in effect shall continue until changed in accordance with this section.

Section 4. Subsection (3) of Section 2.34 of Chapter 22 of Title II of the Code of the City of East Grand Rapids is amended to read as follows:

(3) Solely for the purpose of protecting the public's health, safety and welfare, a representative of the city shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the city for the limited purpose of inspecting the plumbing systems thereof for cross-connections and safe connection to the city's water connection. On request the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding such connections of the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections and/or unsafe connections to the city's water connection and shall be sufficient cause for discontinuance of water service as provided in subsection (4) below.

Section 5. Subsection (12) of Section 2.41 of Chapter 23 of Title II of the Code of the City of East Grand Rapids is amended to read as follows:

(12) Building sewer shall mean the extension from the building to the public sewer or other place of disposal regardless of whether portions of such extension are located within the City's easement lines or not.

Section 6. Subsections P-201.2, P-303.2, P-303.3, P-308.3, P-402.4 and P-1502.1 of Section 8.603 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids are amended to read as follows:

P-201.2. Additional definitions.

(1) Authorized master plumber means a person who has been licensed as a plumber by the State of Michigan and has registered his license with the department.

(2) Licensed water service and drainage system contractor means a person so licensed by the City of Grand Rapids.

(3) Drainage system permit means a permit for a drainage system exclusive of the building drain.

(4) Plumbing permit means a permit for plumbing as defined herein.

(5) Homeowner means the owner of a single-family residence in which he resides.

P-303.2. Public systems available. A public water supply and/or public sewer system shall be deemed available to premises used for human occupancy if such premises are within two hundred (200) feet measured along a street, alley, easement or public easement of the public water supply or the sewer system.

P-303.3. Independent building sewer and water service. Every building shall have independent, owner-maintained and controlled building sewer and water service pipes.

P-308.3. Freezing. Sewers shall be installed below recorded frost penetration but not less below grade than five (5) feet for water piping. Plumbing piping in exterior building walls shall be adequately protected against freezing by insulation or heat or both. The State of Michigan regulates the installation of water service pipes. The City of East Grand Rapids has no control, ownership or responsibility for water pipes.

P-402.4. Water service pipe. Water service pipes are regulated by the State of Michigan. The City of East Grand Rapids has no control, ownership or responsibility for water service pipes.

P-1502.1. Size of water service. Water service pipe sizes are regulated by the State of Michigan. The City of East Grand Rapids has no control, ownership or responsibility for water service pipes.

Section 7. Subsection P-303.4 of Section 8.603 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids is deleted.

Section 8. Section 8.605 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids is amended to read as follows:

**Sec. 8.605. Permits; application for same.**

Plumbing permits for all plumbing work to be performed inside of exterior building walls shall be issued only to authorized master plumbers or single-family occupancy homeowners on forms provided by the department of community improvement and inspection services of the City of Grand Rapids, herein referred to as the "department." Plumbing permits for all plumbing work to be performed outside of exterior building walls, excluding all plumbing concerning installation, maintenance or modification of water service pipes shall be issued only to authorized master plumbers or single-family occupancy homeowners on forms provided by the director of public works of the City of East Grand Rapids.

Section 9. This ordinance shall be effective on November 29, 1991.

Section 10. 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.

RELEASE OF EASEMENT

THIS INDENTURE, made this \_\_\_\_ day of \_\_\_\_\_, 1991, by and between the CITY OF EAST GRAND RAPIDS, a municipal corporation, whose address is 750 Lakeside Drive, S.E., East Grand Rapids, Michigan 49506, hereinafter referred to as Grantor, and James N. DeBoer and wife, Joy DeBoer, whose address is 2965 Bonnell Avenue, S.E., East Grand Rapids, Michigan 49506, hereinafter referred to as Grantees;

WHEREAS Grantor is the owner of an easement recorded in Liber 2219, Page 291, Kent County records; and

WHEREAS Grantees have built a garage and other improvements over a portion of said easement; and

WHEREAS Grantor wishes to correct this encroachment by releasing that portion of the easement described below;

NOW, THEREFORE, for a valuable consideration the receipt of which is acknowledged, Grantor hereby releases from the easement recorded in Liber 2219, Page 291, that portion of said easement shown on the attached sketch marked Exhibit A and described as follows:

That part of Lot 40 Woodcliff Park described as: Commencing at the Southwest corner of Lot 40 of Woodcliff Park (recorded in Liber 2219, Page 291); thence Southeasterly 23.48 feet along the North line of Bonnell Avenue on a 2504 foot radius curve to the right, the long chord of which bears South 63°30'15" East 23.48 feet to the true place of beginning; thence North 05°06'53" West 78.12 feet parallel with the West line of Lot 40; thence South 20°59'00" West 22.05 feet; thence North 71°52'00" West 2.01 feet; thence South 08°24'42" West 19.78 feet; thence South 19°51'43" East 18.67 feet; thence South 18°32'00" West 15.78 feet; thence Southeasterly 19.22 feet along the North line of Bonnell Avenue on a 2504 foot radius curve to the right, the long chord of which bears South 72°33'25" East 19.22 feet to the place of beginning.

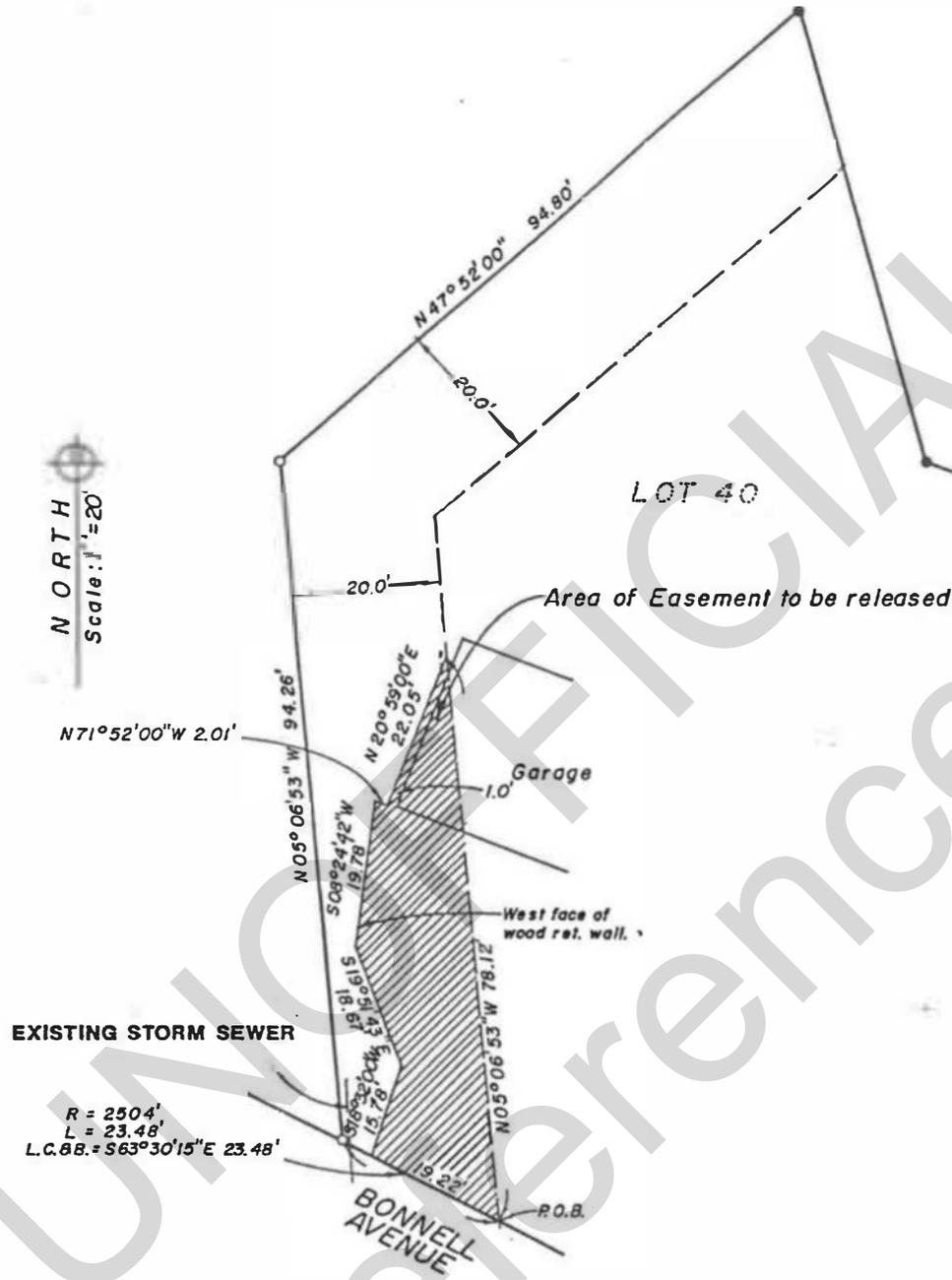
IN WITNESS WHEREOF, Grantor, by a resolution of the City Commission adopted on \_\_\_\_\_, 1991, has caused this Release to be executed the day and year first above written.

Exh. B



Project No. 01995  
 Date: Nov. 1, 1991  
 For: East Grand Rapids  
 750 Lakeside Drive S.E.  
 East Grand Rapids, Michigan

# EXHIBIT A



This survey was made from the above legal description which was given to us as a complete description of the property. Both map and description should be compared with Abstract of Title or Title Policy for any exceptions, omissions or differences in description.

## LEGEND

- - IRON STAKE (Found)
- - IRON STAKE (Set)
- x-x - FENCE LINE
- R - RECORDED DIMENSION
- D - DEED DIMENSION
- M - MEASURED DIMENSION
- L - CENTER LINE
- - WOOD STAKE



omm engineering, inc.  
 civil engineers/surveyors  
 1550 e. beltline s.e.  
 grand rapids, mi. 49506



*Douglas J. Tobin*  
**DOUGLAS J. TOBIN**  
 Registered Land Surveyor  
 No. 25876

RELEASE OF CLAIM

WHEREAS the CITY OF EAST GRAND RAPIDS, Michigan is the owner of an easement recorded in Liber 2219, Page 291, Kent County records, which easement affects the Westerly 20 feet of Lot 40 of Woodcliff Park, and

WHEREAS the undersigned, JAMES N. DeBOER and wife, JOY DeBOER, are the record title holders of said Lot 40 of Woodcliff Park and have erected a garage and other improvements which encroach on said easement as shown on the survey dated November 1, 1991, attached hereto and marked Exhibit A, and

WHEREAS the CITY OF EAST GRAND RAPIDS has agreed to release from said easement the area shown on Exhibit A as "Area of Easement to be Released" in consideration of the undersigneds' releasing and waiving any claim against the CITY OF EAST GRAND RAPIDS with respect to or arising out of any damage from whatever cause with respect to the garage and other improvements referred to above, and the undersigneds' construction of an enclosed storm water pipe in this area,

NOW, THEREFORE, in consideration of the foregoing and the payment by the CITY OF EAST GRAND RAPIDS to the undersigned of the sum of Two Thousand Five Hundred Dollars (\$2,500.00), the receipt of which is acknowledged, the undersigned hereby release the CITY OF EAST GRAND RAPIDS, its officers, employees and agents from all claims whatsoever with respect to any damage which may have heretofore occurred or may hereafter occur with respect to said garage and other improvements, including any damage which may have been or which may be caused by the act or negligence of the CITY OF EAST GRAND RAPIDS, its officers, employees or agents, or otherwise, it being the intention of the undersigned to hereby waive all claims whatsoever with respect to damage to said structures.

IN WITNESS WHEREOF, the undersigned have executed this instrument this 18<sup>th</sup> day of November, 1991.

WITNESSES:

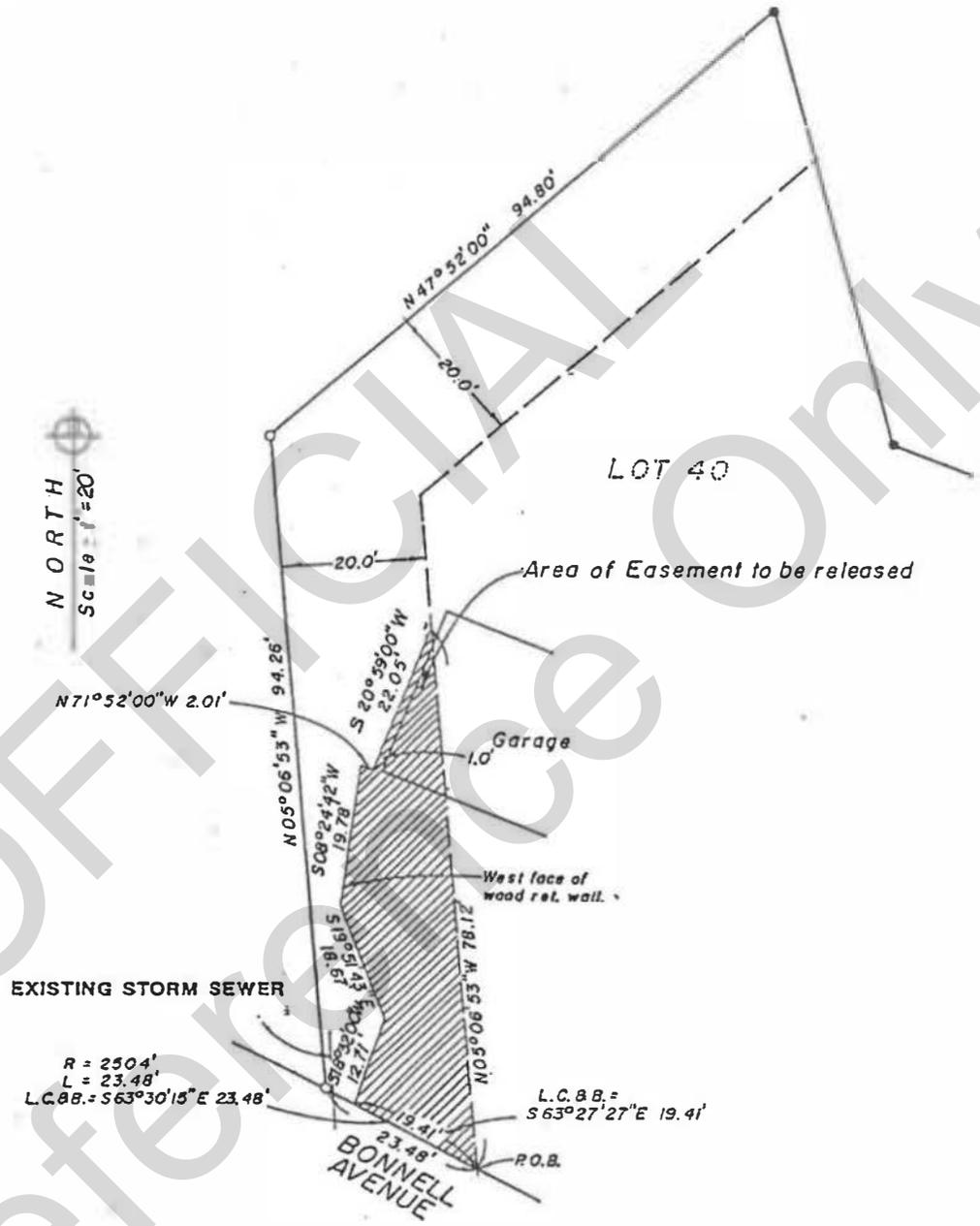
Patricia J. Simpson  
Lucille B. Hill

James N. DeBoer  
Joy DeBoer



Project No. 01995  
 Date: Nov. 1, 1991  
 For: East Grand Rapids  
 750 Lakeside Drive S.E.  
 East Grand Rapids, Michigan

# EXHIBIT A



This survey was made from the above legal description which was given to us as a complete description of the property. Both map and description should be compared with Abstract of Title or Title Policy for any exceptions, easements or differences in description.

### LEGEND

- - IRON STAKE (Found)
- o - IRON STAKE (Set)
- x-x - FENCE LINE
- R - RECORDED DIMENSION
- D - DEED DIMENSION
- M - MEASURED DIMENSION
- L - CENTER LINE
- σ - WOOD STAKE



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 1550 e. beltline s.e.  
 grand rapids, mi. 49506



*Douglas J. Tobin*  
**DOUGLAS J. TOBIN**  
 Registered Land Surveyor  
 No. 25876

AN ORDINANCE TO AMEND THE CODE  
OF THE CITY OF EAST GRAND RAPIDS BY ADDING  
A NEW CHAPTER 35 TO TITLE III OF SAID CODE

The City of East Grand Rapids ordains:

Section 1. A new Chapter 35 is added to Title III of the Code of the City of East Grand Rapids to read as follows:

"TREE CONSERVATION

Sec. 3.225. Purpose.

The spread of development and increasing demands upon natural resources have had the effect of encroaching upon, despoiling, or eliminating many trees and other forms of vegetation and natural resources which, if preserved and maintained in a natural condition, constitute important physical, aesthetic, recreation and economic assets to the existing and future residents of the City of East Grand Rapids. The city finds that woodland growth protects public health through the absorption of air pollutants and contamination, through the reduction of excessive noise and damage related to noise pollution, and through its cooling effect in the summer months and insulating effects in the winter. In addition, woodlands provide for public safety through the prevention of erosion, siltation, and flooding. Trees and woodland growth are an essential component of the general welfare of the city.

Sec. 3.226. Definitions.

A. Cutting - means felling or removal of a tree or any procedure the result of which is to cause the death or substantial destruction of a tree. Cutting does not include normal pruning, trimming or topping of trees.

B. Department - means the Engineering Services Department of the city.

C. Developed Land - all land except land which meets the definition of Undeveloped Land.

D. Diameter Breast Height (dbh) - a tree's diameter in inches measured at four and one-half (4-1/2) feet above the ground. On multi-stemmed trees, the largest diameter stem shall be measured.

Exh. C

E. Drip Line - an imaginary vertical line extending downward from the outermost tips of the tree branches to the ground.

F. Person - an individual, partnership, corporation, association or other legal entity.

G. Remove or Removal - the actual physical removal by digging up or cutting down or the effective removal through damaging, poisoning or other direct or indirect action resulting in, or likely to result in, the death of a tree.

H. Transplant - the relocation of a tree from one place to another on the same property.

I. Tree - any self-supporting woody plant of a species which normally grows to an overall height of fifteen (15) feet or more.

J. Undeveloped Land - a parcel of land which does not contain a residence or commercial building. With respect to a parcel of land which is greater than one (1) acre in size and partially improved on the effective date of this Chapter by virtue of a building or other improvements located on a portion of the land, any portion of the land which is greater than one (1) acre in size and does not contain the buildings or improvements shall be considered Undeveloped.

Sec. 3.227. Requirements for Removal of Trees from Developed Land.

A. No trees of six (6) inches dbh or greater dbh shall be removed from Developed Land without a permit issued by the Department. Permits authorizing removal of trees in excess of six (6) inches dbh from Developed Land shall be issued without charge upon the request of the property owner. Prior to issuing a permit, the owner shall be encouraged by the Department to consider ways to preserve the tree unless:

1. The tree is dead or dying;
2. The tree is diseased;
3. The tree is damaged or injured to the extent that it is likely to die or become diseased;

4. The removal of the tree will enhance the health of remaining trees;

5. The removal of the tree will avoid or alleviate an economic hardship or a hardship of another nature on the property or residence; or

6. The removal of the tree is consistent with good forestry practices.

In all cases where a property owner shall request information with regard to tree preservation or removal, the city shall try to provide that information.

B. When issuing a permit for removal from Developed Land, the property owner shall be encouraged by the Department to replace each tree removed so as to minimize the visual impact from the loss of each tree as observed from adjacent properties.

C. It shall not be a violation of this ordinance if a property owner removes a tree from Developed Land without a permit in order to avoid immediate danger or hazard to persons or residences.

Sec. 3.228. Removal of Trees from Undeveloped Land.

No trees of six (6) inches or greater dbh shall be removed from Undeveloped Land without a permit issued by the Department.

Sec. 3.229. Application for Removal of Trees From Undeveloped Land.

A. Application. A person seeking a tree removal permit for Undeveloped Land must submit a written application to the Department.

B. Time of Application. Application for a tree removal permit shall be made before removing trees. Where the site proposed for development requires site plan or plat review, the trees which are to be removed and any replanting of trees shall be part of the site plan or plat review procedure, with the intent of minimizing the removal of trees currently on the property and,

to the extent trees are to be removed, to review the proposed replacement plan.

C. Contents of Application. The permit application shall provide the following information:

1. Property dimensions - the shape and dimensions of the property and the location of any existing and proposed structures or improvements.

2. Tree survey - location of all existing trees having six (6) inches or greater dbh identified by common or botanical name. Trees proposed to remain, to be transplanted, or to be removed shall be so designated.

3. Tree protection - a statement describing how trees to remain will be protected during development.

4. Tree replacement - a proposed tree replacement program with an explanation including the number, size and species of trees.

D. Departmental Review. The Department shall review the tree removal permit application to verify compliance with this ordinance. The Department shall either approve or deny the tree removal permit. Whenever an application for a tree removal permit is granted, the Department may attach reasonable conditions to ensure that the intent of this Chapter is fulfilled, may fix a reasonable time to complete tree removal operations, and may require the permit grantee to file a cash or corporate surety bond or irrevocable bank letter of credit in the amount necessary to ensure compliance with the tree removal permit conditions.

Sec. 3.230. Review Standards for Undeveloped Land.

The following standards shall govern the granting or denial of an application for a tree removal permit on Undeveloped Land.

A. Land Clearing. Where the proposed activity consists of land clearing, it shall be limited to designated street rights-of-way,

drainage and utilities areas, and areas necessary for the construction of buildings, structures or other site improvements.

B. Limitation. The owner shall be encouraged to limit tree removal or transplanting to instances where removal or transplanting is necessary for construction or the removal of the tree is in accordance with one of the standards set forth in Section 3.227A.

C. Replacement Trees on Undeveloped Land. A tree removal permit grantee shall be required to replace or relocate each removed tree having six (6) inches or greater dbh and shall be encouraged to relocate or replace all removed trees on a one-for-one basis. All replacement trees must measure two (2) inches dbh or greater. Replacement trees should have the shade potential and other characteristics comparable to the removed trees. To the extent feasible, trees shall be relocated or replaced on-site and within the same general area as trees removed. Where it is not feasible or desirable to locate or replace trees on-site, relocation or replacement may be made at another approved location in the city. Where it is not feasible or desirable to relocate or replace trees on-site or at another approved location, the tree removal permit grantee shall be encouraged to pay into the tree fund an amount of money approximating the current market value of replacement trees. The city shall use the tree fund only for the purpose of maintaining and preserving wooded areas and for planting and maintaining trees within the city.

Sec. 3.231. Tree Protection During Construction on both Developed and Undeveloped Land.

A. Placing Materials Near a Tree. Persons involved in construction shall seek to avoid conducting any activity within the drip line of any tree designated to remain, including but not limited to, placing solvents, building materials, construction equipment or soil deposits within the drip line.

B. Attachments to Trees. During construction, devices, signs, nails or wires shall not be physically attached to any remaining tree.

C. Protective Barrier. Before development, land clearing, filling or any land alteration for which a tree removal permit is granted, the developer shall erect and maintain suitable barriers to protect remaining trees. Protective barriers shall remain in place for the duration of the construction activity.

Sec. 3.232. Variance and Appeals.

The City Commission may grant a variance from the provisions of this Chapter when a hardship may result from compliance. In granting a variance, the City Commission may prescribe conditions that it deems necessary to protect the public welfare. Any person denied a Tree Removal Permit may appeal to the City Commission in writing within ten (10) days following the denial of a permit. The City Commission may affirm, reverse or modify the decision.

Sec. 3.233. Enforcement.

Any person who violates any provision of this ordinance shall be punishable by a fine of not more than \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) per tree removed or damaged. In addition, any activity conducted in violation of this Chapter is declared to be a nuisance per se, and the city may commence a civil suit in any court of competent jurisdiction for an order abating or enjoining the violation."

Sec. 3.234. Expiration of Ordinance.

The provisions of Chapter 35 shall expire two years after the effective date unless the City Commission affirmatively extends the duration of the Ordinance.

Section 2. This ordinance shall be effective on November \_\_\_\_\_, 1991.

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

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held December 2, 1991

The meeting was called to order by Mayor Deems.

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

Absent: None

Also Present: City Manager Allard; City Attorney Huff; Recreation Director Rhodes; Recreation Supervisor Bunn; Engineering Services Director Baragar; Civil Engineer Kocsis; Public Service Superintendent Sterkenburg; Public Safety Director Gallagher; Deputy Chief Ditmar; and Controller-Clerk-Treasurer Chase.

92-179. The minutes of the regular meeting held November 18, 1991 were approved as submitted.

92-180. Mayor Deems advised the City Commission of communications received, as follows:

- (a) Correspondence from the Salt Institute awarding Public Service Superintendent Sterkenburg and the Public Service Department with a Certificate of Recognition for their operation of an outstanding salt storage facility and salt storage operation. East Grand Rapids was one of twenty-one facilities throughout North America honored with this formal recognition.

92-181. Edison-Frakie. That disbursement vouchers in the amount of \$229,800.29, and payroll disbursements in the amount of \$105,098.10, 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-

92-182. A zoning variance hearing was held to consider the request of Victor and Rosemary Leslie, 1550 Andover Lane SE, to allow the north lot adjacent to their residence to be split off as a buildable lot, moving the south line of this lot north by 3 feet, resulting in a lot of 70.75 feet by 110 feet.

Victor Leslie was present and spoke in favor of the variance. He advised that, reluctantly, he was willing to put in place a deed restriction specifying footage and quality requirements for any prospective home which may be built on the undeveloped lot. Mr. Leslie stated that, as requested by the City Commission, he will provide a copy of the deed restriction to the City, once enacted.

City Attorney Huff advised the Commission that any deed restriction put in place would be voluntary on the part of the owner, and that this restriction could not be enforced by the City Commission as a condition of approval.

92-182-A. Edison-Walton. That the Commission, acting as the Zoning Board of Appeals, approve the zoning variance of Victor and Rosemary Leslie, 1550 Andover Lane SE, to allow the north lot adjacent to their residence to be split off as a buildable lot, moving the south line of this lot north by 3 feet, resulting in a lot of 70.75 feet by 110 feet.

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

92-183. A public hearing was held to consider the Reeds Lake Place planned unit development application.

Attorney Richard Rankin, attorney for the developer, was present and spoke in favor of the variance. Mr. Rankin then introduced Mr. John Gilmore's sons, Gregory and Scott, as co-developers with their father. Marvin DeWinter, architect for the developer, presented a condominium project proposal. He detailed the physical aspects of the buildings and expressed that the developer worked very hard to develop a design that was compatible with East Grand Rapids.

The following individuals were present and presented their specific questions and concerns to the developer as to the sufficiency of building foundations, gradation of the property, ingress and egress, fencing, trees, distance of parking lots from street, roofing, greenbelts, and the period of time needed for completion of project:

William Rice, 1042 Floral SE  
Marianne Vidal, 2151 Durant SE  
Bruce Nicola, 324 Arlington SE  
Tim Tock, 435 Lakeside SE  
Donald Fochtman, 417 Lakeside SE  
Charles Doner, 309 Lakeside SE  
Jeff Hughes, 260 Hodenpyl SE  
Cathleen Meriwether, 526 Lovett SE

The following persons were present and stated their support for the PUD:

Nancy Turcotte, 2932 Pioneer Club Road SE  
Colleen Jarvis, 900 San Lucia Drive SE

The following persons were present and stated their opposition to the PUD:

Mary Swain, 514 Lakeside SE  
Julie Stoneman, of WMEAC  
Hildie Wendt, 1620 Andover Road SE  
Willard Wolf, 2127 Durant SE  
Garth Hillebrand, 1426 Lake Grove SE  
Gordon Jones, 325 Rosewood SE

Correspondence was received from the following persons relating the PUD:

Anne Copps, 1637 Laurel SE (opposed)  
Larry Heintzelman, representing the Grand Rapids Audobon Club, (opposed)  
Paul Weirich, 1145 Cambridge SE (opposed)  
John Levings, 864 Bellclaire SE (opposed)  
John E. McPhee, 1135 Cambridge SE (opposed)  
Mr. and Mrs. James Lee, 1155 Plymouth SE (opposed)  
Dick Norton, 651 Cardinal Drive SE (phone call received by Commissioner Williamson - opposed)

Mayor Deems closed the public hearing.

92-184. Consideration of a request to extend the City commitment to shared funding of the Middle School athletic program through FY 1992-93.

The following persons were present and spoke in favor of the City's continued financial support for the Middle School athletic program:

Jim Ogilvie, EGR Middle School Principal  
Colleen Jarvis, 900 San Lucia Drive SE  
Barbara Ewald, 205 Morningside SE

92-184-A. Edison-Mehney. That the City Commission support the continuation of the Middle School athletic program through FY 1992-93, to be equally funded by the City and the East Grand Rapids Public School District.

92-184-B. Williamson-Frakie. That the motion be amended to reduce the City's funding for the program to 25% of the overall cost.

A roll call vote was taken.

Yeas: Frakie and Williamson - 2.  
Nays: Edison, Mehney, Swain, Walton and Deems - 5.

Vote on motion 92-184-A as originally presented.

A roll call vote was taken.

Yeas: Edison, Mehney, Walton and Deems - 4.  
Nays: Frakie, Swain and Williamson - 3.

92-185. Consideration of a request to approve a budget transfer in the Recreation Department for joint facilities expenditure.

92-185-A. Edison-Mehney. That a budget reclassification of \$30,000 from the contingency appropriation account to the Recreation - Joint Facilities Agreement account be approved.

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

92-185-B. Swain-Edison. That the East Grand Rapids Public Schools' billings received to date, totalling approximately \$10,400, be authorized for payment.

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

92-186. Final reading of an ordinance amendment adding a new Chapter 35 to Title III of the Code of the City of East Grand Rapids pertaining to tree conservation.

James Albert, 2727 Berwyck, representing the Homebuilders Association, expressed his opposition to the ordinance.

Karen McCarthy, representing Consumers Power, stated Consumers Power's concerns over ambiguous language in the ordinance. They requested clarification on removal of trees by Consumers in cases of emergency or general maintenance.

A letter in favor of the proposed tree ordinance was received from Estelle Leven, 3174 Bonnell SE. A letter opposed to the ordinance was received from Maureen Gruel, 235 Gracewood SE.

92-186-A. Swain-Mehney. That an ordinance amendment adding a new Chapter 35 to Title III of the Code of the City of East Grand Rapids pertaining to tree conservation be approved, which amendment shall be modified to include the removal of the sunset provision and to make review standards apply to developed land as well as undeveloped land.

92-186-B. Frakie-Walton. That consideration of approval of the ordinance amendment adding a new Chapter 35 to Title III of the City Code be tabled until such time as the City Attorney modifies the proposed ordinance by incorporating suggested changes of the City Commission, consideration of comments made through public comment and by Consumers Power Company and West Michigan Environmental Action Council.

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

92-187. Introduction of an ordinance amending Section 10.6 of Chapter 101 of Title X of the Code of the City of East Grand Rapids pertaining to drunk driving provisions.

92-187-A. Walton-Williamson. That an ordinance amending Section 10.6 of Chapter 101 of Title X of the Code of the City of East Grand Rapids pertaining to drunk driving provisions be introduced, as set forth on Exhibit "A" attached hereto.

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

92-188. Consideration of a request to revoke the parking variance granted at the Ramona Medical Center to be effective concurrent with the expiration of the Ramona Beach Club site plan approved in connection with the PUD rezoning of 540 and 550 Lakeside Drive SE.

Correspondence was received from Arthur C. Spalding, attorney for Lakewood Hills Apartments, expressing his support for the revocation of the parking variance.

92-188-A. Williamson-Walton. That the parking variance granted at the Ramona Medical Center be revoked concurrent with the expiration of the Ramona Beach Club site plan approved in connection with the PUD rezoning of 540 and 550 Lakeside Drive SE.

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

92-189. Consideration of a request to approve the payment of the MMLPP insurance renewal premium in the amount of \$151,682, and to approve budget amendments in the General and Motor Equipment Revolving Funds of \$5,600 and \$1,500, respectively.

92-189-A. Edison-Walton. That payment of the MMLPP insurance renewal premium in the amount of \$151,682, and budget amendments in the General and Motor Equipment Revolving Funds of \$5,600 and \$1,500, respectively, be approved.

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

92-190. A report of proposed wholesale water and sewer rates to be implemented January 1, 1992 by the City of Grand Rapids was presented to the City Commission.

92-191. Consideration of a request to authorize the purchase of a radio/console from T&W Electronics in the amount of \$32,608, for use in the Public Safety Department, and that a budget increase of \$12,608 using drug seizure funds to the Public Safety Capital Expenditures account be approved for the purchase of the equipment.

92-191-A. Williamson-Edison. That the Commission authorize the purchase of a radio/console from T&W Electronics in the amount of \$32,608, and that a budget increase of \$12,608 using drug seizure funds to the Capital Expenditures account be approved for the purchase of the equipment.

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

Nays: -0-

92-192. Consideration of a request to authorize a \$12,000 budget increase in the General Fund, from Undesignated Fund Balance to the Public Safety Overtime account, and a \$10,000 budget increase from drug seizure funds for Public Safety investigations.

92-192-A. Williamson-Edison. That the Commission authorize a \$12,000 budget increase in the General Fund from Undesignated Fund Balance to the Public Safety Overtime account, and a \$10,000 budget increase from drug seizure funds for Public Safety investigations.

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

Nays: -0-

92-193. The preliminary minutes of the Planning Commission meeting held November 12, 1991 were received.

92-194. The preliminary minutes of the Recreation Commission meeting held November 18, 1991 were received.

92-195. The preliminary minutes of the Traffic Commission meetings held October 17, 1991 and November 21, 1991 were received.

92-196. Commissioner Williamson advised that he received five calls regarding the City's proposed purchase of the Rose properties. Three callers were in favor of the City's purchase, one caller was in favor of the City's purchase but was opposed to the City managing a commercial establishment on the property, and one caller stated his desire to manage a commercial venture on the property.

Commissioner Edison advised he received one comment in opposition to the City's purchase of the Rose properties.

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Commissioner Walton commended the Public Service Department for the excellent maintenance of East Grand Rapids streets during the winter weather recently experienced.

92-197. The meeting was adjourned subject to the call of the Mayor until December 16, 1991.

*Thomas H. Chase*

City Clerk

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UNOFFICIAL  
Reference Only

AN ORDINANCE TO AMEND SECTION 10.6  
OF CHAPTER 101 OF TITLE X OF THE CODE OF  
THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1: Section 10.6 of Chapter 101 of Title X of the Code of the City of East Grand Rapids is amended to read as follows:

**Sec. 10.6. Same-Additions, drinking and driving offenses.**

The following sections and subsections are hereby added to said Uniform Traffic Code:

5.15 (1) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if either of the following applies:

(a) The person is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance.

(b) The person has a blood alcohol content of 0.10% or more by weight of alcohol.

(2) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state by a person who is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, or who has a blood alcohol content of 0.10% or more by weight of alcohol.

(3) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state when, due to the consumption of an intoxicating liquor, a controlled substance, or a combination of an intoxicating liquor and a controlled substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty under this subsection may be rendered.

(4) If a person is convicted of violating subsection (1), the following shall apply:

(a) The person is guilty of a misdemeanor, and may be punished by one (1) or more of the following:

(i) Service to the community for a period of not more than 45 days.

(ii) Imprisonment for not more than 90 days.

(iii) A fine of not less than \$100.00 or more than \$500.00.

(b) A person sentenced to perform service to the community under this subsection shall not receive compensation, and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.

(c) In addition to imposing the sanctions prescribed under subsection (4), the court may, pursuant to the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 760.1 to 776.21 of the Michigan Compiled Laws, order the person to pay the costs of the prosecution.

(d) The court shall impose license sanctions pursuant to section 5.15b.

(5) A person who is convicted of violating subsection (2) is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than \$100.00 or more than \$500.00, or both.

(6) If a person is convicted of violating subsection (3), the following shall apply:

(a) The person is guilty of a misdemeanor punishable by 1 or more of the following:

(i) Service to the community for a period of not more than 45 days.

(ii) Imprisonment for not more than 90 days.

(iii) A fine of not more than \$300.00.

(b) In addition to imposing the sanctions prescribed in subdivision (a), the court may, pursuant to the code of criminal procedure, Act No. 175 of the Public

Acts of 1927, order the person to pay the costs of the prosecution.

(c) The court shall order the secretary of state to impose license sanctions pursuant to section 5.15b.

(d) A person sentenced to perform service to the community under this subsection shall not receive compensation, and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.

(7) A person who is convicted of an attempted violation of subsection (1) or (3) shall be punished as if the offense had been completed.

(8) When assessing points and taking licensing action under this ordinance, the secretary of state and the court shall treat a conviction of an attempted violation of subsection (1) or (3), the same as if the offense had been completed.

5.15a(1) A peace officer, without a warrant, may arrest a person when the peace officer has reasonable cause to believe that the person was, at the time of an accident, the operator of a vehicle involved in the accident in this state while in violation of section 5.15(1) or (3).

(2) A peace officer who has reasonable cause to believe that a person was operating a vehicle upon a public highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in this state, and that the person by the consumption of intoxicating liquor may have affected his or her ability to operate a vehicle, may require the person to submit to a preliminary chemical breath analysis. The following provisions shall apply with respect to a preliminary chemical breath analysis:

(a) A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis.

(b) The results of a preliminary chemical breath analysis are admissible in a criminal prosecution for a crime enumerated in section 5.15c(1) or in an administrative hearing solely to assist the court or hearing officer in determining a challenge to the validity of an arrest. This subdivision does not limit the introduction of other

competent evidence offered to establish the validity of an arrest.

(c) A person who submits to a preliminary chemical breath analysis shall remain subject to the requirements of sections 5.15c, 5.15d, and 5.15e for the purposes of chemical tests described in those sections.

(d) A person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a peace officer is responsible for a civil infraction.

(3) The following provisions apply with respect to chemical tests and analysis of a person's blood, urine, or breath, other than preliminary chemical breath analysis:

(a) The amount of alcohol or presence of a controlled substance or both in a driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine, or breath is admissible into evidence in any civil or criminal proceeding.

(b) A person arrested for a crime enumerated in section 5.15c(1) shall be advised of all of the following:

(i) That if he or she takes a chemical test of his or her blood, urine, or breath administered at the request of a peace officer, he or she has the right to demand that a person of his or her own choosing administer one of the chemical tests; that the results of the test are admissible in a judicial proceeding as provided under this act and shall be considered with other competent evidence in determining the innocence or guilt of the defendant; and that he or she is responsible for obtaining a chemical analysis of a test sample obtained pursuant to his or her own request.

(ii) That if he or she refuses the request of a peace officer to take a test described in subparagraph (i), a test shall not be given without a court order, but the peace officer may seek to obtain such a court order.

(iii) That his or her refusal of the request of a peace officer to take a test described in subparagraph (i) shall result in the suspension of his or her operator's or chauffeur's license or operating privilege, and in the addition of 6 points to his or her driver record.

(c) A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician, or a licensed nurse or medical technician under the direction of a licensed physician and qualified to withdraw blood acting in a medical environment, at the request of a peace officer, may withdraw blood for the purpose of determining the amount of alcohol or presence of a controlled substance or both in the person's blood, as provided in this subsection. Liability for a crime or civil damages predicated on the act of withdrawing or analyzing blood and related procedures shall not attach to a qualified person who withdraws or analyzes blood or assists in the withdrawal or analysis in accordance with this act unless the withdrawal or analysis is performed in a negligent manner.

(d) A chemical test described in this subsection shall be administered at the request of a peace officer having reasonable grounds to believe the person has committed a crime enumerated in section 5.15c(1). A person who takes a chemical test administered at the request of a peace officer, as provided in this section, shall be given a reasonable opportunity to have a person of his or her own choosing administer one of the chemical tests described in this subsection within a reasonable time after his or her detention, and the results of the test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant. If the person charged is administered a chemical test by a person of his or her own choosing, the person charged shall be responsible for obtaining a chemical analysis of the test sample.

(e) If, after an accident, the driver of a vehicle involved in the accident is transported to a medical facility and a sample of the driver's blood is withdrawn at that time for the purpose of medical treatment, the results of a chemical analysis of that sample shall be admissible in any civil or criminal proceeding to show the amount of alcohol or presence of a controlled substance or both in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to a prosecuting attorney who requests the results for use in a criminal prosecution as provided in this subdivision. A medical facility or person disclosing information in compliance with this subsection shall not be civilly or criminally liable for making the disclosure.

(f) If, after an accident, the driver of a vehicle involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn in a manner directed by the medical examiner for the purpose of determining the amount of alcohol or the presence of a controlled substance, or both, in the decedent's blood. The medical examiner shall give the results of the chemical analysis of the sample to the law enforcement agency investigating the accident, and that agency shall forward the results to the department of state police.

(g) The department of state police shall promulgate uniform rules for the administration of chemical tests for the purposes of this section.

(4) The provisions of subsection (3) relating to chemical testing do not limit the introduction of any other competent evidence bearing upon the question of whether or not a person was impaired by, or under the influence of, intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, or whether the person had a blood alcohol content of 0.10% or more by weight of alcohol.

(5) If a chemical test described in subsection (3) is administered, the results of the test shall be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the results at least two days before the day of the trial. The results of the test shall be offered as evidence by the prosecution in that trial. Failure to fully comply with the request shall bar the admission of the results into evidence by the prosecution.

(6) Except in a prosecution relating solely to a violation of section 5.15(1)(b), the amount of alcohol in the driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine, or breath shall give rise to the following presumptions:

(a) If there was at the time 0.07% or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a motor vehicle was not impaired due to the consumption of intoxicating liquor, and that the defendant was not under the influence of intoxicating liquor.

(b) If there was at the time in excess of 0.07% but less than 0.10% by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's

ability to operate a vehicle was impaired within the provisions of section 5.15(3) due to the consumption of intoxicating liquor.

(c) If there was at the time 0.10% or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(7) A person's refusal to submit to a chemical test as provided in subsection (3) shall be admissible in a criminal prosecution for a crime enumerated in section 5.15c(1) only for the purpose of showing that a test was offered to the defendant, but not as evidence in determining innocence or guilt of the defendant. The jury shall be instructed accordingly.

5.15b(1) A person arrested for a misdemeanor violation of section 5.15(1) or (3) shall be arraigned on the citation, complaint, or warrant not more than 14 days after the date of arrest or, if an arrest warrant is reissued, not more than 14 days after the reissued arrest warrant is served.

(2) The court shall schedule a pretrial conference between the prosecuting attorney, the defendant, and the defendant's attorney in each case in which the defendant is charged with a misdemeanor violation of section 5.15(1) or (3). The pretrial conference shall be held not more than 35 days after the date of the person's arrest for the violation or, if an arrest warrant is reissued, not more than 35 days after the date the reissued arrest warrant is served, unless the court has only one judge who sits in more than one location in that district, in which case the pretrial conference shall be held not more than 42 days after the date of the person's arrest for the violation or, if an arrest warrant is reissued, not more than 42 days after the date the reissued arrest warrant is served. The court shall order the defendant to attend the pretrial conference and may accept a plea by the defendant at the conclusion of the pretrial conference. The court may adjourn the pretrial conference upon the motion of a party for good cause shown. Not more than one adjournment shall be granted to a party, and the length of an adjournment shall not exceed 14 days. The court shall, except for delay attributable to the unavailability of the defendant, a witness, or material evidence, or due to an interlocutory appeal or exceptional circumstances, but not a delay caused by docket congestion, finally adjudicate, by a plea of guilty or nolo contendere, or the entry of a verdict, or by other final disposition, a case in which the defendant is

charged with a misdemeanor violation of section 5.15(1) or (3) within 77 days after the person is arrested for the violation or, if an arrest warrant is reissued, not more than 77 days after the date the reissued arrest warrant is served.

(3) Before accepting a plea of guilty or nolo contendere under section 5.15, the court shall advise the accused of the maximum possible term of imprisonment and the maximum possible fine that may be imposed for the violation, and shall advise the defendant that the maximum possible license sanctions that may be imposed will be based upon the master driving record maintained by the secretary of state pursuant to MCL 257.204a.

(4) Before imposing sentence, other than court-ordered license sanctions, for a violation of section 5.15(1) or (3), the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services, to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. As part of the sentence, the court may order the person to participate in and successfully complete one or more appropriate rehabilitative programs. The person shall pay for the costs of the screening, assessment, and rehabilitative services.

(5) Immediately upon acceptance by the court of a plea of guilty or nolo contendere or upon entry of a verdict of guilty for a violation of section 5.15(1) or (3), whether or not the person is eligible to be sentenced as a multiple offender, the court shall consider all prior convictions currently entered upon the Michigan driving record of the person, except those convictions which, upon motion by the defendant, are determined by the court to be constitutionally invalid, and shall impose the following licensing sanctions:

(a) For a conviction under section 5.15(1):

(i) If the court finds that the person has no prior convictions within 7 years for a violation of section 5.15(1) or (3), MCL 257.625(1), (3), (4), or (5), or former MCL 257.625(1) or (2), or former MCL 257.625b, a local ordinance substantially corresponding to MCL 257.625(1) or (3), or former MCL 257.625(1) or (2) or former MCL 257.625b, or a law of another state substantially corresponding to MCL 257.625(1), (3), (4), or (5), or former MCL 257.625(1) or (2), or former MCL 257.625b, the court shall order the secretary of state to suspend the operator's

or chauffeur's license of the person for a period of not less than 6 months or more than 2 years. The court may order the secretary of state to issue to the person a restricted license during all or a specified portion of the period of suspension, except that a restricted license shall not be issued during the first 30 days of the period of suspension.

(ii) If the court finds that the person has one prior conviction within 7 years for a violation of section 5.15(3), or MCL 257.625(3) or former MCL 257.625b, a local ordinance substantially corresponding to MCL 257.625(3) or former MCL 257.625b, or a law of another state substantially corresponding to MCL 257.625(3) or former MCL 257.625b, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for a period of not less than 6 months or more than 2 years. The court may order the secretary of state to issue to the person a restricted license during all or any portion of the period of suspension, except that a restricted license shall not be issued during the first 60 days of the period of suspension.

(iii) If the court finds that the person has one or more prior convictions within 7 years for a violation of section 5.15(1), or MCL 257.625(1), (4), or (5), or former MCL 257.625(1) or (2), a local ordinance substantially corresponding to MCL 257.625(1) or former MCL 257.625(1) or (2), or a law of another state substantially corresponding to MCL 257.625(1), (4), or (5), or former MCL 257.625(1) or (2), or that the person has 2 or more prior convictions within 10 years for a violation of section 5.15(1) or (3) or MCL 257.625(1), (3), (4), or (5), or former MCL 257.625(1) or (2), or former MCL 257.625b, a local ordinance substantially corresponding to MCL 257.625(1) or (3), or former MCL 257.625(1) or (2), or former MCL 257.625b, or a law of another state substantially corresponding to MCL 257.625(1), (3), (4), or (5), or former MCL 257.625(1) or (2), or former MCL 257.625b, the court shall order the secretary of state to revoke the operator's or chauffeur's license of the person and shall not order the secretary of state to issue a restricted license to the person.

(b) For a conviction under section 5.15(3):

(i) If the court finds that the convicted person has no prior conviction within 7 years for a violation of section 5.15(1) or (3), MCL 257.625(1), (3), (4), or (5), or former MCL 257.625(1) or (2), or former MCL 257.625b, a local ordinance substantially corresponding

to MCL 257.625(1) or (3), or former MCL 257.625(1) or (2), or former MCL 257.625b, or a law of another state substantially corresponding to MCL 257.625(1), (3), (4), or (5), or former MCL 257.625(1) or (2), or former MCL 257.625b, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for a period of not less than 90 days or more than 1 year. The court may order the secretary of state to issue to the person a restricted license during all or a specified portion of the period of suspension.

(ii) If the court finds that the person has one prior conviction within 7 years for a violation of 5.15(1) or (3), or MCL 257.625(1), (3), (4), or (5), or former MCL 257.625(1) or (2), or former MCL 257.625b, a local ordinance substantially corresponding to MCL 257.625(1) or (3), or former MCL 257.625(1) or (2), or former MCL 257.625b, or a law of another state substantially corresponding to MCL 257.625(1), (3), (4), or (5), or former MCL 257.625(1) or (2), or MCL 257.625b, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for a period of not less than 6 months or more than 2 years. The court may order the secretary of state to issue to the person a restricted license during all or any portion of the suspension period, except that a restricted license shall not be issued during the first 60 days of the period of suspension.

(iii) If the court finds that the person has 2 or more prior convictions within 10 years for a violation of section 5.15(1) or (3), or MCL 257.625(1), (3), (4), or (5), or former MCL 257.625(1) or (2), or former MCL 257.625b, a local ordinance substantially corresponding to MCL 257.625(1) or (3), or former MCL 257.625(1) or (2), or former MCL 257.625b, or a law of another state substantially corresponding to MCL 257.625(1), (3), (4), or (5), or former MCL 257.625(1) or (2), or former MCL 257.625b, the court shall order the secretary of state to revoke the operator's or chauffeur's license of the person and shall not order the secretary of state to issue a restricted license to the person.

(6) A restricted license issued pursuant to an order under subsection (5) shall permit the person to whom it is issued to do one or more of the following:

(a) Drive to and from the person's residence and work location.

(b) Drive in the course of the person's employment or occupation.

(c) Drive to and from the person's residence and an alcohol or drug education or treatment program as ordered by the court.

(d) Drive to and from the person's residence and the court probation department, or a court-ordered community service program, or both.

(e) Drive to and from the person's residence and an educational institution at which the person is enrolled as student.

(7) The court may order that the restricted license issued pursuant to subsection (5) include the requirement that the person shall not operate a motor vehicle unless the vehicle is equipped with a functioning ignition interlock device. The device shall be set to render the motor vehicle inoperable if the device detects a blood alcohol content of 0.02% or more by weight of alcohol in the person who offers a breath sample. The court may order installation of an ignition interlock device on any motor vehicle that the person owns or operates, the costs of which shall be borne by the person whose license is restricted.

(8) The court shall not order the secretary of state under subsection (5) to issue a restricted license that would permit a person to operate a truck or truck tractor, including a trailer, that hauls hazardous materials.

(9) The court shall not order the secretary of state to issue a restricted license unless the person states under oath, and the court finds pursuant to testimony taken in open court or pursuant to statements contained in a sworn affidavit on a form prescribed by the state court administrator, that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education treatment, court-ordered community service program, or educational institution, and does not have any family members or other individuals able to provide transportation.

(10) The court order issued under subsection (5) and the restricted license shall indicate the permitted destination of the person, the approved route or routes if specified by the court, and permitted times of travel.

(11) As used in this section, "work location" means, as applicable, either the specific place or places of employment, or the territory or territories regularly

visited by the person in pursuance of the person's occupation, or both.

(12) Immediately upon acceptance by the court of a plea of guilty or nolo contendere or upon entry of a verdict of guilty for a violation of section 5.15(1) or (3), the person shall surrender to the court his or her operator's or chauffeur's license or permit. The court shall immediately destroy the license or permit and forward an abstract of conviction with court-ordered license sanctions to the secretary of state. Upon receipt of, and pursuant to, the abstract of conviction with court-ordered license sanctions, the secretary of state shall suspend or revoke the person's license and, if ordered by the court and the person is otherwise eligible for a license, issue to the person a restricted license stating the limited driving privileges indicated on the abstract. If the judgment and sentence is appealed to circuit court, the court may, ex parte, order the secretary of state to stay the suspension, revocation, or restricted license issued pursuant to this section pending the outcome of the appeal.

5.15c(1) A person who operates a vehicle upon a public highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state is considered to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood if the person is arrested for a violation of Section 5.15(1) or (3).

(2) A person who is afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant under the direction of a physician shall not be considered to have given consent to the withdrawal of blood.

(3) The tests shall be administered as provided in Section 5.15a(3).

5.15d(1) If a person refuses the request of a peace officer to submit to a chemical test offered pursuant to Section 5.15a(3), a test shall not be given without a court order but the officer may seek to obtain the court order.

(2) A written report shall be immediately forwarded to the secretary of state by the peace officer. The report shall state that the officer had reasonable grounds to believe that the person had committed a crime enumerated in 5.15c(1), and that the person had refused to

submit to the test upon the request of the peace officer and had been advised of the consequences of the refusal. The form of the report shall be as prescribed and furnished by the secretary of state.

5.15e(1) If a person refuses to submit to a chemical test pursuant to section 5.15d, the peace officer shall immediately notify the person in writing that within 14 days of the date of the notice the person may request a hearing as provided in MCL 257.625f. The form of the notice shall be prescribed and furnished by the secretary of state.

(2) The notice shall specifically state that failure to request a hearing within 14 days will result in the suspension of the person's license or permit to drive. The notice shall also state that there is not a requirement that the person retain counsel for the hearing, though counsel would be permitted to represent the person at the hearing.

5.15f(1) If a person refuses a chemical test offered pursuant to section 5.15a(3), or submits to the chemical test and the test reveals a blood alcohol content of 0.10% or more by weight of alcohol, the peace officer who requested the person to submit to the test shall do all of the following:

(a) On behalf of the secretary of state, immediately confiscate the person's license or permit to operate a motor vehicle, and, if the person is otherwise eligible for a license or permit, issue a temporary license or permit to the person that is valid until the criminal charges against the person are dismissed, or until the person pleads guilty or nolo contendere to, or is found guilty of, those charges. The temporary license or permit shall be on a form provided by the secretary of state.

(b) Except as provided in subsection (2), immediately do all of the following:

(i) Forward a copy of the written report of the person's refusal to submit to a chemical test to the secretary of state.

(ii) Notify the secretary of state by means of the law enforcement information network that a temporary license or permit was issued to the person.

(iii) Except as provided in subsection (2), destroy the person's drivers' license or permit.

(2) If a person submits to a chemical test offered pursuant to section 5.15a(3) that requires the withdrawal of blood and a report of the results of that chemical test is not immediately available, the peace officer who requested the person to submit to the test shall comply with subsection (1)(a) pending receipt of the test report. If, upon receipt, the report reveals a blood alcohol content of 0.10% or more by weight of alcohol, the peace officer who requested the person to submit to the test shall immediately comply with subsection (1)(b). If, upon receipt, the report reveals a blood alcohol content of less than 0.10% by weight of alcohol, the peace officer who requested the person to submit to the test shall immediately notify the person of the test results, and immediately return the person's license or permit by first-class mail to the address given at the time of arrest.

Section 2: This Ordinance shall be effective on January 1, 1992.

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.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

Regular Meeting Held December 16, 1991

The meeting was called to order by Mayor Deems.

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

Absent: Com. Walton

Also Present: City Manager Allard; City Attorney Huff; City Assessor Norman; Recreation Director Rhodes; Engineering Services Director Baragar; Civil Engineer Kocsis; Public Safety Director Gallagher; and Controller-Clerk-Treasurer Chase.

92-198. The minutes of the regular meeting held December 2, 1991 were approved as submitted.

92-199. Frakie-Edison. That disbursement vouchers in the amount of \$388,929.93, payroll disbursements in the amount of \$111,820.50, and disbursements to County and Schools in the amount of \$31,349.41, 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-

92-200. A zoning variance hearing was held to consider the request of Michael R. Evans, 405 Cambridge Boulevard SE, to allow the installation of a 6-foot-high privacy fence in the rear yard to be installed with a setback of 1 foot from the side and rear property lines, rather than 15 feet as required in the zoning ordinance.

Michael Evans was present and spoke in favor of the variance. Bruce Courtade, 417 Briarwood SE, was also present and expressed his support for the variance. Correspondence was received at City Hall from Thomas and Jennifer Tabor, 1741 Wealthy Street SE, stating they were in favor of the variance.

92-200-A. Williamson-Frakie. That the Commission, acting as the Zoning Board of Appeals, approve the zoning variance of Michael R. Evans, 405 Cambridge Boulevard SE, allowing the installation of a 6-foot-high privacy fence in the rear yard to be installed with a setback of 3 feet along the north property line (along Wealthy Street), and a setback along the west property line (along Briarwood Street) to be located no closer to the right-of-way than existing fencing situated along the same right-of-way, and with the corner cuts shown on the application.

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

92-201. Consideration of a request to approve an amendment to the Consumers Power agreement for installation of street lights in the 2300 block of Englewood Drive, at a cost to the City of \$300.

Carl Christenson, 2340 Englewood SE, was present and expressed his support for the installation of the street lights.

92-201-A. Edison-Mehney. That the City Commission approve the amendment to the Consumers Power agreement for the installation of streetlights at 2334, 2350 and 2354 Englewood Drive at a cost to the City of \$300.

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

92-202. Consideration of a request to approve an amendment to the Consumers Power agreement for installation of a street light in the area of Gladstone and Mackinaw SE, at a cost to the City of \$100.

92-202-A. Williamson-Mehney. That the City Commission approve the amendment to the Consumers Power agreement for the installation of a streetlight at 1614/1620 Mackinaw SE, at a cost to the City of \$100.

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

92-203. Presentation by BDO-Seidman representative of audited financial statements for fiscal year ended June 30, 1991, along with a Management Recommendation letter and information related to the conduct of the audit.

92-204. Final reading of an ordinance amending Section 10.6 of Chapter 101 of Title X of the Code of the City of East Grand Rapids pertaining to drunk driving provisions.

92-204-A. Swain-Edison. That an ordinance amending Section 10.6 of Chapter 101 of Title X of the Code of the City of East Grand Rapids pertaining to drunk driving provisions be adopted, as set forth on Exhibit "A" attached hereto.

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

Nays: -0-

92-205. Consideration of a request to purchase a Sharp SF-7850 photocopier and coin operation device from Multi Line Business Systems, at a cost of \$3,455, for use at the East Grand Rapids Branch Library.

92-205-A. Frakie-Williamson. That the purchase of a Sharp SF-7850 photocopier and coin operation device from Multi Line Business Systems, at a cost of \$3,455, be approved.

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

Nays: -0-

92-206. Consideration of a resolution authorizing the acceptance of Board of Review assessment appeals by mail.

92-206-A. Williamson-Frakie. That this Commission adopt the following resolution authorizing the acceptance of Board of Review assessment appeals by mail.

#### RESOLUTION

BE IT RESOLVED, that the Board of Review is hereby authorized to accept appeals of assessed valuation by letter from resident and non-resident property owners.

Such appeals shall be on forms provided by the City and shall be received by the last Monday in March.

This resolution shall take immediate effect and shall remain in effect until such time as it is amended or rescinded.

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

92-207. Edison-Mehney. Motion to add to agenda consideration of a request to retain LTM Valuation Services to provide an appraisal of the Gilmore property, for a cost of \$2,500, and that a budget amendment be authorized transferring funds from the General Fund Undesignated Balance to the Parks Department-Contractual Service account.

A roll call vote was taken.

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

92-207-A. Frakie-Williamson. To enter into executive session to discuss the acquisition of real estate in accordance with Section 8(d) of the Open Meetings Act.

Yeas: Edison, Frakie, Mehney, Williamson and Deems - 5.  
Nays: Swain - 1.

The meeting resumed upon return of the City Commission from executive session.

92-207-B. Edison-Williamson. That the request to retain LTM Valuation Services to provide an appraisal of the Gilmore property, for a cost of \$2,500, be approved, and that a budget amendment transferring funds from the General Fund Undesignated Balance to the Parks Department-Contractual Service account be authorized.

Yeas: Edison, Mehney, Swain, Williamson and Deems - 5.  
Nays: Frakie - 1.

92-208. The Building Inspection Report for the month of November, 1991 was received.

92-209. The Public Safety Report for the month of November, 1991 was received.

92-210. "Santa Claus" appeared before the City Commission bearing gifts and made comment regarding the Commission's performance for the year.

Commissioners Mehney and Frakie made reference to a letter received from the City of Wyoming relating the Grand Valley Metropolitan Council, and inquired as to its meaning. Mayor Deems simply advised that the City of Wyoming joined the Metropolitan Council and, a short time later, decided to withdraw its membership.

Mayor Deems advised of a letter received by the City advising that a matching state grant in the amount of \$131,000 was approved for the Manhattan Phase II project. He stated that the City would have to determine if these funds should be used.

92-211. The meeting was adjourned subject to the call of the Mayor until January 6, 1992.

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City Clerk

*James H. Clark*

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