

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held January 2, 1990

The meeting was called to order by Mayor Deems.

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

Also Present: City Manager Allard, Controller-Clerk-Treas. Chase, Director of Public Safety Gallagher, Engineer Kocsis, City Attorney Huff and County Commissioner Lorch.

589. The minutes of the meeting held December 18, 1989 were approved as submitted.

590. Swain-Edison. That disbursement vouchers in the amount of \$261,087.51, disbursements to forward taxes in the amount of \$1,004,783.37 and payroll vouchers in the amount of \$85,456.41 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, and Deems --6
Nays: -0-

591. Recommendation to award televised training services contract for the Public Safety department from Federal Seizure Funds.

591-A. Walton-Edison. That the contract for televised training services for the Public Safety department with the Law Enforcement Television Network (LETN) be approved subject to Commission approval of a location for the network's satellite dish, and that an amendment be made to the Public Safety Department budget for \$2,000 to be allocated from fund balance designated for Public Safety (federal seizure funds).

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

592. Recommendation to contract with the City of Grand Rapids for the purchase and installation of traffic signals on Lake Drive at Breton Rd. and Plymouth Rd.

592-A. Edison-Walton. That the contract with the City of Grand Rapids for the purchase and installation of traffic signals on Lake Drive at Breton Rd. and Plymouth Rd. be approved from the major street fund street construction budget.

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

593. Update of 1989 construction program was received from the City Engineer's office.

594. Preliminary minutes of the Planning Commission meeting of December 12, 1989 were received.

595. Preliminary minutes of the Traffic Commission meeting of December 19, 1989 were received.

596. County Commissioner Lorch informed the City Commission of pertinent information from the County Commission meeting of January 2, 1990 regarding library funding and recycling.

597. The meeting was adjourned subject to the call of the Mayor until January 15, 1990.



City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held January 15, 1990

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, Asst. City Manager/City Engineer McMann, Superintendent of Public Service Smith, Controller-Clerk-Treas. Chase, Director of Public Safety Gallagher, City Assessor Norman, Engineer Kocsis, City Attorney Huff.

598. The minutes of the meeting held January 2, 1990 were approved as submitted.

599. Frakie-Swain. That disbursement vouchers in the amount of \$121,407.18, including a \$655.75 charge for facilities use for student programs to be paid to East Grand Rapids Public Schools and an invoice to be paid to Kent County Library System that includes a \$593.50 re-allocation of County Central Services charges, disbursements to forward taxes in the amount of \$1,295,837.39, and payroll vouchers in the amount of \$85,456.41, as approved by the Finance Committee, be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts.

599-A. Edison-Williamson. That the motion be amended to remove the \$655.75 payment to East Grand Rapids Schools until there is an approved Joint Facilities Agreement.

Vote on amendment:

Yeas: Edison, Williamson --2

Nays: Frakie, Swain, Walton, and Deems --4

Vote on original motion:

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

Nays: -0-

600. A Zoning Variance Hearing was held on the request of John and Kim Ervine, 611 Laurel Avenue SE, to permit the erection of a rear-yard wooden fence with the finished side facing their own property rather than their neighbor's as required by the Zoning Ordinance. Mr. Ervine was present. Charles Zimmerman, an attorney representing Mr. & Mrs. Walter C. Jones, 607 Laurel, and Michael Jones, their son, spoke against the variance being granted.

600-A. Edison-Swain. That the variance be denied.

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

Nays: Walton --1

601. Controller Chase presented the financial report for the period ending December 31, 1989.

602. City Assessor Norman presented a report concerning the operations of the City Assessor's office.

603. The City Manager presented a memorandum recommending the renewal of a contract with the City of Grand Rapids for fire dispatch services.

603-A. Williamson-Edison. That the Fire Dispatch Agreement with the City of Grand Rapids be approved.

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

Nays: -0-

604. The City Manager presented a memorandum recommending approval of changes to the employee benefit program for non-bargaining unit employees.

604-A. Williamson-Edison. That the changes to the employee benefit program as presented be approved.

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

Nays: -0-

605. The City Manager presented a report of de-icing methods available for use on roadways. Commissioner Swain will prepare supplemental materials to be considered by the Commission.

606. Preliminary minutes of the Recreation Commission meeting of December 20, 1989 were received.

607. The Building Inspection report for the month of December, 1989 was received.

608. The Public Safety report for the month of December, 1989 was received.

609. Garth Hillebrand, 1426 Lake Grove, introduced the Reeds Lake Referendum Task Force to the City Commission. Dr. Richard Rasmussen, 946 Bellclaire, addressed the City Commission with regard to de-icing methods, solid waste management and assessments.

610. Williamson-Edison. That the City Commission go into Executive Session upon adjournment pursuant to Sections 8 (e) and 8 (h) of the Open Meetings Act to discuss pending litigation and an opinion from the City Attorney.

A roll call vote was taken:

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

Nays: -0-

611. The meeting was adjourned subject to the call of the Mayor until February 5, 1990.



City Clerk

UNOFFICIAL Reference Only

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held February 5, 1990

The meeting was called to order by Mayor Deems.

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

Absent: None.

Also Present: City Manager Allard, Asst. City Manager/City Engineer McMann, Controller-Clerk-Treas. Chase, Director of Public Safety Gallagher, Director of Recreation Rhodes, Engineer Kocsis, City Attorney Huff and Mike Smith of M. C. Smith & Associates, Inc.

612. The minutes of the meeting held January 15, 1990 were approved as submitted.

613. Edison-Frakie. That disbursement vouchers in the amount of \$585,046.77, disbursements to forward taxes in the amount of \$1,323,934.98, and payroll vouchers in the amount of \$95,754.47 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-

614. A Zoning Variance Hearing was held on the request of David and Jane Munro, 20 Valley SW, to permit the construction of an attached garage at 1010 Lake Grove SE with a rear-yard setback of ten feet rather than twenty-five feet as required by the Zoning Ordinance. Dennis Dryer, of Dryer, Reckley & Gray Architects, represented Mr. & Mrs. Munro.

614-A. Mehney-Frakie. That this Commission, acting as the Board of Zoning Appeals, grant the variance requested by David and Jane Munro.

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

Nays: -0-

615. A Zoning Variance Hearing was held on the request of Frank & Virginia Fehsenfeld, 972 Plymouth SE, to permit the construction of a one-story addition to their residence with a rear-yard setback of fourteen feet rather than twenty-five feet as required by the Zoning Ordinance. Frank Fehsenfeld was present.

615-A. Williamson-Swain. That this Commission, acting as the Board of Zoning Appeals, grant the variance requested by Frank & Virginia Fehsenfeld.

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

Nays: -0-

616. Recommendation to authorize payment of the fees and expenses related to the development of the Manhattan recreation area. Mike Smith of M. C. Smith & Associates presented overall site development plans.

616-A. Edison-Mehney. That payment of \$17,880.50 for costs incurred through January, 1990 be authorized and drawn from the undesignated general fund fund balance as an appropriation for parks capital expenditures.

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

Nays: -0-

616-B. Williamson-Edison. That payment of \$15,500.00 upon development of the construction documents in February, 1990, be authorized and drawn from the undesignated general fund fund balance as an appropriation for parks capital expenditures.

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

Nays: Swain --1

617. Final reading of proposed ordinance amendments to modify Sections 3.43, 3.46 and 5.25 of the City Code.

617-A. Edison-Walton. That the proposed ordinance amendments to Sections 3.43, 3.46 and 5.25 of the City Code be approved.

AN ORDINANCE TO REPEAL SECTION 3.43 OF CHAPTER 32
OF TITLE III
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 3.43 of Chapter 32 of Title III of the Code of the City of East Grand Rapids is hereby repealed.

Section 2. This ordinance shall be effective on February 16, 1990.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

AN ORDINANCE TO AMEND SECTION 3.46
OF CHAPTER 32 OF TITLE III
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 3.46 of Chapter 32 of Title III of the Code of the City of East Grand Rapids is amended to read as follows:

Section 3.46 - Same - "Dutch elm" disease

Every elm tree, regardless of species or variety, infected with the fungus Ceratostomella ulmi, popularly called Dutch elm disease, shall be cut and destroyed by burning or burying under a minimum of two (2) feet of earth; if on public property, within ten (10) days after the director shall learn of the condition and, if on private property, within ten (10) days after notice is given by the director in the manner provided in Section 1.10 of this Code. No person shall possess, sell, give away or transport any tree afflicted with the fungus Ceratostomella ulmi nor any wood from, or parts of, any tree so afflicted, except that wood, branches and roots of any tree so afflicted may be transported to a place for burning or burial pursuant to regulations issued by the Michigan Department of Agriculture.

Section 2. This ordinance shall be effective on February 16, 1990.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

AN ORDINANCE TO AMEND SECTION 5.25
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 5.25 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended to read as follows:

Section 5.25 - Traffic visibility across corner lots

All shrubs, bushes, plantings and fences located on the triangle formed by two (2) right-of-way lines at the intersection of two (2) streets which extend for a distance of twenty (20) feet each way from the intersection of the right-of-way lines (see illustration) shall not be permitted to extend or grow to a height of more than thirty (30) inches from top of curb at street level, in order that the view of the driver of a vehicle approaching a street intersection shall not be obstructed. Trees may be planted and maintained on private property in this area so long as all branches are trimmed to maintain a clear vision for a vertical height of ten (10) feet above the roadway surface. Any property owner failing to trim or maintain any trees, shrubs, bushes, plantings or fences in conformity with Chapters 32 and 83 of this Code shall be notified by the director of the department of public service or the building inspector of the city, in the manner provided in Section 1.10 of this Code, to do so. Such notice shall require trimming or maintenance in conformity with Chapters 32 and 83 of this Code within ten (10) days after service of such notice or as otherwise provided in such Chapter. Upon the expiration of such period, the director of the department of public service or building inspector may cause the trimming or maintenance to be done and the cost thereof may be collected from the owner of said property as a single lot assessment in accordance with the City Charter and Section 1.306 of this Code.

Section 2. This ordinance shall be effective on February 16, 1990.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

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

618. Final reading of proposed ordinance amendment to modify Section 5.155 of the City Code.

618-A. Williamson-Walton. That the proposed ordinance amendment to Section 5.155 of the City Code be approved.

AN ORDINANCE TO AMEND SECTION 5.155
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 5.155 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended to read as follows:

Section 5.155 - Violations and penalty

Any building erected, altered, or converted, or any use carried on in violation of any provision of this chapter is hereby declared to be a nuisance per se. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this chapter shall be punished for each offense upon conviction by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), and costs of prosecution, or by imprisonment in the county jail for a period not exceeding ninety (90) days, or by both fine and imprisonment, in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 2. This ordinance shall be effective on February 16, 1990.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

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

619. Controller-Clerk-Treas. Chase presented a memorandum describing his department's functions and services.

620. A memo from Building Inspector Baragar was presented with a recommendation to approve satellite dish antenna location associated with the L.E.T.N. training program for the Public Safety department.

620-A. Walton-Mehney. That the proposed location of the satellite dish antenna on the roof of the Public Safety Building be approved.

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

621. Recommendation to purchase auxiliary equipment needed to outfit two police cruisers and E-Unit which are scheduled to be acquired March, 1990.

621-A. Williamson-Edison. That \$5,181.34 be authorized to Chapins Automotive Company for purchase of the Public Safety auxiliary equipment from the Motor Equipment Revolving Fund.

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

622. Recommendation was received to renew annual health care contract with Risk Control Inc.

622-A. Edison-Swain. To renew the City's annual health care administration and reinsurance contracts with Risk Control Inc., and Insurance Company of North America.

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

623. Notice was given of the Michigan Municipal League's Annual Legislative

Conference scheduled for March 28, 1990.

624. Minutes of the Planning Commission meetings of January 9 and 16, 1990 were received.

625. Minutes of the Traffic Commission meeting of January 16, 1990 were received. Item #5, in which the Traffic Commission recommended that three parking spaces on the north side of Lake Drive at the intersection of Lovett Ave. be removed, was discussed.

625-A. Williamson-Frskie. That the Traffic Commission action on removing the three parking spaces on the north side of Lake Drive at the intersection of Lovett Ave. be tabled and referred back to the Traffic Commission for further consideration.

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

626. Preliminary minutes of the Recreation Commission meeting of January 17, 1989 were received.

627. No public comment by persons in attendance.

628. Mayor Deems informed the City Commission of pertinent information with regard to the Metropolitan Council.

629. The meeting was adjourned subject to the call of the Mayor until February 19, 1990.

Thomas H. Chase
City Clerk

UNOFFICIAL
Reference Only

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held February 19, 1990

The meeting was called to order by Mayor Deems.

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

Absent: None.

Also Present: City Manager Allard, Asst. City Manager/City Engineer McMann, Controller-Clerk-Treas. Chase, Director of Public Safety Gallagher, Plant Engineer Baragar, Engineer Kocsis, and City Attorney Huff.

630. The minutes of the meeting held February 5, 1990 were approved as submitted.

631. Swain-Edison. That disbursement vouchers in the amount of \$61,826.42, disbursements to forward taxes in the amount of \$150,991.29, and payroll vouchers in the amount of \$82,484.64 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-

632. The City Engineer presented a memorandum describing his department's functions and services.

633. Staff recommendation to develop a grant application for the northwest five acre parcel of the Manhattan recreation area was discussed.

633-A. Frakie-Walton. That staff be directed to prepare a grant application for the development of the five-acre portion of the Manhattan Recreation area for review and approval by the City Commission.

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

634. The City Manager presented a memorandum recommending that the City enter into contracts for youth athletic equipment and t-shirts for spring recreation programs.

634-A. Edison-Swain. That the recommended bids of R. T. Brown, \$3,137.92, for the athletic equipment and Versatility Inc., \$2,929.00, for the t-shirts, the low bidders, be approved and that contracts be awarded to them.

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

635. Staff recommendation to award grounds maintenance contract for City properties was discussed.

635-A. Edison-Frakie. That the award of a grounds maintenance contract be tabled until the City Commission meeting of March 5, 1990.

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

636. The City Manager presented a memorandum recommending authorization of payment for communication system enhancements in the Public Safety department.

636-A. Williamson-Edison. That \$4,033 be authorized to Van Belkum & Faulkner for communications system enhancements in the Public Safety Department.

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

637. Commissioner Williamson presented a memorandum regarding City sidewalk maintenance.

637-A. Williamson-Frakie. That the City assume the sidewalk maintenance program.

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

638. Final report of 1989 construction projects was received.

639. The City Engineer presented recommendations concerning the Spring, 1990 construction program.

639-A. Edison-Williamson. To solicit bids for street construction projects on the Engineer's list down through Breton Road estimated to cost \$526,790, the Municipal Complex parking lot resurfacing project estimated to cost \$55,000, and water main and valve installation at the Municipal Complex parking lot estimated to cost \$26,000.

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

640. U A Cablevision representatives, Victoria Milner and Steven Johnson, informed the Commission of changes in U A Cablevision services effective March 1, and April 1, 1990.

641. The Building Inspection report for January, 1990 was received.

642. The Public Safety report for January, 1990 was received.

643. Keary W. Sawyer informed the Commission of his candidacy for 63rd District Court Judge.

City Clerk Chase presented the results of the special election held on February 13, 1990.

644. Williamson-Edison. That the City Commission go into Executive Session upon adjournment pursuant to Sections 8 (e) and 8 (h) of the Open Meetings Act to discuss pending litigation and a City Attorney legal opinion.

A roll call vote was taken.

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

645. The meeting was adjourned subject to the call of the Mayor until March 5, 1990.


Thomas H. Chase
City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held March 5, 1990

The meeting was called to order by President of the Commission, Dave Mehney.

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

Also Present: City Manager Allard, Asst. City Manager/City Engineer McMann, Controller-Clerk-Treas. Chase, Director of Public Safety Gallagher, Plant Engineer Baragar, Superintendent of Public Service Sterkenburg, City Attorney Huff and Priscilla Frakie, Chairperson of the Traffic Commission.

646. The minutes of the meeting held February 19, 1990 were approved as submitted.

647. Swain-Frakie. That disbursement vouchers in the amount of \$214,995.33 disbursements to forward taxes in the amount of \$258,255.89 and payroll vouchers in the amount of \$92,613.29 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, and Williamson --6
Nays: -0-

648. A zoning variance hearing was held on the request of Mr. & Mrs. Steve A. Erickson, 1608 Wealthy Street SE, to construct a new garage to be located two feet from the south property line rather than three feet as required by the Zoning Ordinance. Mrs. Steven Erickson was present.

648-A. Williamson-Frakie. That this Commission, acting as the Board of Zoning Appeals, grant the variance requested by Mr. & Mrs. Erickson.

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

649. William Sterkenburg was introduced as the new Public Service Superintendent.

650. Plant Engineer/Building Inspector Baragar presented a memorandum describing his department's functions and services.

650. The Commission considered the staff recommendation to award grounds maintenance contract for City properties.

651-A. Edison-Swain. That the recommended bids of Larry's Lawn Service, Sec. A-1 \$74,000, and Tru Green, Sec. A-2 \$6,992 and Sec. A-3 \$20,220, the low bidders, totaling \$101,212 for two years, be approved and that contracts be awarded to them.

Commissioner Walton requested that City Manager Allard prepare a more in-depth analysis of the possibility of using community service workers to assist in lawn maintenance when these contracts expire.

Yeas: Edison, Mehney, Swain, Walton and Williamson --5
Nays: Frakie --1

652. The staff recommendation to amend the budget for contribution to the West Michigan Regional Planning Commission and GRETS was considered.

652-A. Williamson-Swain. To amend the budget in the amount of \$1,500 for contributions to West Michigan Regional Planning Commission and GRETS.

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

653. Staff recommendation to approve the special event application for the Reeds Lake Run, scheduled for June 30, 1990.

653-A. Williamson-Edison. That the special event application for Reeds Lake Run, scheduled for June 30, 1990, be approved.

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

654. Preliminary minutes of the Traffic Commission meeting of February 20, 1990 were received. Commissioner Williamson and Chairperson of the Traffic Commission, Priscilla Frakie, addressed the City Commission regarding action the Traffic Commission is taking to remove three parking spaces on Lake Drive at Lovett.

655. Preliminary minutes of the Recreation Commission meeting of February 21, 1990 were received. Commissioner Edison announced that a public hearing is scheduled for 7:00 pm, March 14, 1990 to go over the Manhattan Recreation area Phase II plan.

656. City Attorney Huff informed the City Commission of meetings he is involved with in regard to Metropolitan Council.

657. Commissioner Williamson informed the City Commission of a meeting that will be held with regard to the Waste to Energy Facility.

Commissioner Frakie asked the City Attorney to look into a multi-city effort to share in liability insurance costs for Community Service workers.

658. The meeting was adjourned subject to the call of the Mayor until March 19, 1990.



City Clerk

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Reference Only

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held March 19, 1990

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, Controller-Clerk-Treas. Chase, Director of Public Safety Gallagher, Director of Recreation Rhodes, City Attorney Huff and Chairperson of the Recreation Commission Janyce Huff.

659. The minutes of the meeting held March 5, 1990 were approved as submitted.

660. Edison-Frakie. That disbursement vouchers in the amount of \$154,256.30, disbursements to forward taxes in the amount of \$1,123,038.18 and payroll vouchers in the amount of \$90,434.68 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-

661. A zoning variance hearing was held on the request of Mr. Gordon R. Lewis, 323 Gracewood SE, to construct an addition with deck in the northwest corner of his residence with a chimney located 6 foot, ten inches from the north property line rather than ten foot, ten inches as required by the Zoning Ordinance. Approval was also requested to construct an accessory building to be located two feet from the north property line rather than three feet as required by the Zoning Ordinance. Mr. Lewis was present.

661-A. Frakie-Mehney. That this Commission, acting as the Board of Zoning Appeals, grant the variances requested by Mr. Lewis.

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

Nays: Swain --1

662. Introduction of proposed ordinance amendment to Section 5.173 of the City Code.

662-A. Williamson-Walton. That the proposed ordinance amendment of Section 5.173 of the City Code be introduced.

AN ORDINANCE TO AMEND SECTION 5.173
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 5.173 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended to read as follows:

Section 5.173 - Decisions of the board

The board shall decide all applications and appeals within thirty (30) days after the final hearing thereon. A copy of the board's decision shall be transmitted to the applicant or the board's decision shall be transmitted to the applicant or appellant, and to the building inspector. Such decision shall be binding upon the building inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the board. The decision of the board shall be final.

Section 2. This ordinance shall be effective on _____, 1990.

Section 3. This Ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

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

Nays: -0-

663. City Manager Allard presented the staff recommendation to file a grant application with the Michigan Department of Natural Resources for the northwest five acres of the Manhattan recreation area.

663-A. Edison-Mehney. That staff be directed to file a grant application with the Michigan Department of Natural Resources for the northwest five acres of the Manhattan recreation area and that the following resolution be adopted.

RESOLUTION

WHEREAS the East Grand Rapids Recreation Commission has recommended to the city commission that the city improve the northwest five acres of the Manhattan Recreation Area; and

WHEREAS the Recreation Commission has informed the city commission that state and/or federal grants may be available to assist in the development of this project.

NOW, THEREFORE, BE IT RESOLVED that the East Grand Rapids City Commission supports the recommendation from the Recreation Commission of February 21, 1990 to pursue funding for the Manhattan Recreation Area Phase 2; and

FURTHER RESOLVED that the City of East Grand Rapids would be willing to undertake the development of this project if a grant is awarded for its construction, subject to final review and approval by the city of the terms and conditions of the grant.

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

Nays: -0-

664. City Manager Allard presented a memorandum recommending that the City submit two project proposals for a Community Development Block Grant, one for a traffic study in the area of the Gaslight Village business district and for restrooms in Collins Park, and to delete a \$500 proposal which was included in a previous City CDBG application for the study of the Manhattan recreation area.

664-A. Williamson-Edison. That the two project proposals be submitted for a Community Development Block Grant and that the \$500 proposal be deleted from the City's previous CDBG application.

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

Nays: -0-

665. Mayor Deems addressed the Commission recommending approval of a resolution amending the GRATA inter-local agreement to allow contracting townships to become full members.

665-A. Swain-Walton. That the Second Amendment to Interlocal Agreement to Establish the Grand Rapids Area Transit Authority be approved.

SECOND AMENDMENT TO

INTERLOCAL AGREEMENT TO ESTABLISH THE

GRAND RAPIDS AREA TRANSIT AUTHORITY

THIS IS AN AMENDMENT to the Interlocal Agreement entered into as of the 1st day of July, 1977, by and among the cities of EAST GRAND RAPIDS, GRAND RAPIDS, GRANDVILLE, KENTWOOD, WALKER, and WYOMING.

WHEREAS, the Board of the Grand Rapids Area Transit Authority has recommended that the Townships of Alpine Byron, Gaines, and Plainfield be admitted as members of the Authority.

WHEREAS, the governmental units which are members of the Authority have, by vote of the elected body of each member, approved the amendments necessary to allow these townships to become members of this Authority.

WHEREAS, each township desiring to become a member of this Authority has, by majority vote of the elected body, bound itself to the terms and conditions of

the Interlocal Agreement of the Grand Rapids Area Transit Authority Board by execution of this amendment to that agreement.

The parties have determined that the aforesaid Interlocal Agreement shall be amended in certain particulars. Accordingly, the parties agree as follows:

1. The following sentence is added to ARTICLE IV - PARTIES:

The following townships may be added as parties to this agreement upon approval of the Interlocal Agreement, this amendment, and a majority vote of the Authority Board of Directors:

Alpine
 Byron
 Gaines
 Plainfield

2. The third paragraph of ARTICLE VIII - MEMBERSHIP, Section 2. Representation of Members, is amended as follows:

Each township becoming a member of the Authority under Article IV above shall have one representative on the Board of Directors.

3. The following statement is added to ARTICLE VIII - MEMBERSHIP, Section 3, Appointment and Term of Representatives:

Each township admitted to membership in the Authority will appoint one Board member to serve for a term of three (3) years.

4. The second paragraph of ARTICLE XI - SHARING OF COSTS, is amended to read as follows:

Financial contributions for the fiscal year 1990 are:

**EXHIBIT A
 BOARD REPRESENTATION**

<u>MEMBER UNITS</u> <u>CITIES:</u>	<u>1980 POPULATION</u>	<u>BOARD MEMBERS</u>	<u>% OF POPULATION</u>	<u>% OF BOARD REPRESENTATION</u>
East Grand Rapids	10,914	1	3.2	5
Grand Rapids	181,843	9	53.7	45
Grandville	12,412	1	3.7	5
Kentwood	30,438	1	9.0	5
Walker	15,088	1	4.5	5
Wyoming	59,616	3	17.6	15
TOTAL CITIES	310,311	16	91.7	80
<u>TOWNSHIPS:</u>				
Alpine	4,515	1	1.3	5
Byron	3,091	1	0.9	5
Gaines	6,414	1	1.9	5
Plainfield	14,390	1	4.2	5
TOTAL TOWNSHIPS	28,410	4	8.3	20
TOTAL	338,721	20	100.0	100

EXHIBIT B

PERCENT SHARE OF FINANCIAL SUPPORT

<u>MEMBER UNITS</u>	<u>1980 POPULATION</u>	<u>PERCENT OF TOTAL</u>	<u>ESTIMATED WEEKLY VEHICLE MILES</u>	<u>PERCENT OF TOTAL</u>	<u>PERCENT SHARE OF FINANCIAL SUPPORT</u>
CITIES:					
East Grand Rapids	10,914	3.2	805	2.0	2.6
Grand Rapids	181,843	53.7	28,721	70.0	61.9
Grandville	12,412	3.7	1,100	2.7	3.2
Kentwood	30,438	9.0	1,113	2.7	5.8
Walker	15,088	4.5	791	1.9	3.2
Wyoming	<u>59,616</u>	<u>17.6</u>	<u>5,938</u>	<u>14.4</u>	<u>16.0</u>
TOTAL CITIES	310,311	91.7	38,468	93.7	92.7
TOWNSHIPS:					
Alpine	4,515	1.3	261	0.6	1.0
Byron	3,091	0.9	433	1.1	1.0
Gaines	6,414	1.9	433	1.1	1.5
Plainfield	<u>14,390</u>	<u>4.2</u>	<u>1,456</u>	<u>3.5</u>	<u>3.8</u>
TOTAL TOWNSHIPS	28,410	8.3	2,583	6.3	7.3
TOTAL	338,721	100.0	41,051	100.00	100.0

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

666. City Manager Allard presented a memorandum recommending award of a contract for the seasonal rental of portable toilets in the amount of \$4,150 to Plummer's Septic Tank, Inc. The City and East Grand Rapids Public Schools would share the cost of the toilets at all jointly-used sports fields resulting in a City contribution of \$2,810 and a school contribution of \$1,340.

666-A. Edison-Williamson. That a contract be awarded to Plummer's Septic Tank, Inc. in the amount of \$4,150. The City's portion is to be \$2,810 and the Schools' portion is to be \$1,340.

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

667. The Public Safety Report for the month of February, 1990 was received.

668. The Building Inspection Report for the month of February, 1990 was received.

669. Preliminary minutes of the Joint Facilities Committee meeting of February 16, 1990 were received.

670. Preliminary minutes of the Recreation Commission meeting of February 21, 1990 were received.

* 671. There was no comment by persons in attendance.

672. Williamson-Edison. That the City Commission go into Executive Session upon adjournment pursuant to Section 8 (e) of the Open Meetings Act to discuss pending litigation with the City Attorney.

A roll call vote was taken.

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

673. The meeting was adjourned subject to the call of the Mayor until
April 2, 1990.

Thomas H. Chase
City Clerk

UNOFFICIAL
Reference Only

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held April 2, 1990

The meeting was called to order by Mayor Deems.

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

Absent: Coms. Mehney.

Also Present: Controller-Clerk-Treas. Chase, City Engineer McMann, Plant Eng./Bldg. Inspector Baragar, Superintendent of Public Service Sterkenburg, Engineer Kocsis and Mary Jane Rhoades, from the City Attorney's Office.

674. The minutes of the meeting held March 19, 1990 were approved as submitted.

675. Swain-Edison. That disbursement vouchers in the amount of \$65,824.46, and payroll vouchers in the amount of \$91,650.50 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-

676. Final reading of proposed ordinance amendment to Section 5.173 of the City Code.

676-A. Williamson-Walton That the proposed ordinance amendment of Section 5.173 of the City Code be approved.

AN ORDINANCE TO AMEND SECTION 5.173
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 5.173 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended to read as follows:

Section 5.173 - Decisions of the board

The board shall decide all applications and appeals within thirty (30) days after the final hearing thereon. A copy of the board's decision shall be transmitted to the applicant or appellant, and to the building inspector. Such decision shall be binding upon the building inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the board. The decision of the board shall be final.

Section 2. This ordinance shall be effective on April 13, 1990.

Section 3. This Ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

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

Nays: -0-

677. Commissioner Walton presented a report on the Board of Review.

678. Resolution to set public hearing date concerning the vacation of right-of-ways in Arundel Road Plat No. 1.

678-A. Williamson-Swain. That the following resolution be adopted.

RESOLUTION

RESOLVED, that this Commission deems it advisable to consider a proposal to abandon, vacate, abolish and discontinue portions of MELROSE DRIVE, ARUNDEL ROAD, YORK DRIVE AND NORFOLK ROAD in the City of

East Grand Rapids, Kent County, Michigan described as follows:

Parcel 1 (Melrose Drive):

A portion of Melrose Drive that exists within the plat of Paris Road Uplands, as recorded in Book 30 of Plats, Page 39, Kent County Records, and being specifically described as: BEGINNING at the Northeast corner of Lot 13, said plat (said place of beginning being North 81 48'25" East 119.16 feet from the Northwest corner of said Lot 13); thence Southerly along the West line of Melrose Drive to its intersection with extended South line of Lot 7, said plat; thence Southeasterly along the Northerly line of previously vacated Melrose Drive to the Easterly line of Melrose Drive (and Southerly line of Arundel Road); thence Northerly along the Easterly line of Melrose Drive to a point being North 84 31'12" East 60.29 feet from the Northeast corner of Lot 13, said plat; thence South 84 31'12" West 60.29 feet to beginning.

Parcel 2 (Arundel Road):

A portion of Arundel Road that exists within the plat of Paris Road Uplands as recorded in Book 30 of Plats, Page 39, Kent County Records and being specifically described as being all that part of Arundel Road lying Easterly of the Easterly right of way line of Melrose Drive (as platted in the aforementioned plat) and Westerly of the West line of Albert-Realtors Hampshire Replat as recorded in Book 55 of Plats, Pages 8 and 9, Kent County Records.

Parcel 3 (York Drive):

A portion of York Drive that exists within the plat of Paris Road Uplands as recorded in Book 30 of Plats, Page 39, Kent County Records and being specifically described as: BEGINNING at the most westerly corner of Lot 56, said plat (said place of beginning being North 52 11'07" West 89.97 feet from the most Southerly corner of aforementioned Lot 56); thence North 45 14'56" West 30.04 feet, thence Southwesterly 42.54 feet along the centerline of York Drive on a 650.04 foot radius curve to the right, the chord of which bears South 46 37'33" West 42.53 feet; thence North 41 29'58" West 30.04 feet; thence Southwesterly along the Northwest right of way line of York Drive to its intersection with the North right of way line of Arundel Road; thence Easterly along the North right of way line of Arundel Road to the most Southerly point on Lot 55 of aforementioned plat; thence Northerly along Westerly line of said Lot 55 to beginning.

Parcel 4 (Norfolk Road and Melrose Drive):

A portion of Melrose Drive and Norfolk Road that exists within the plat of Paris Road Uplands as recorded in Book 30 of Plats, Page 39, Kent County Records and being specifically described as: BEGINNING on the South line of said plat at a point being South 85 34'08" East 87.90 feet from the Southwest corner thereof; thence North 4 25'52" East 29.64 feet; thence North 45 38'00" East 40.35 feet to a line being 60.00 feet Northerly of (perpendicular measurement) the South line of said plat; thence South 85 34'08" East 23.0 feet more or less to the Westerly line of Lot 85, said plat; thence Southerly and Easterly along the Easterly right of way line of Melrose Drive and Northerly right of way line of Norfolk Road to a point being South 85 34'08" East 659.60 feet (as measured along the South line of said plat) and North 1 38'15" West 33.21 feet from the Southwest corner of Paris Road Uplands; thence South 1 38'15" East 33.21 feet; thence 85 34'08" West 571.70 feet along aforementioned South plat line to the place of beginning.

BE IT FURTHER RESOLVED that this Commission shall hold a public hearing on the 7th. day of May, 1990, at 7:30 p.m. in the Commission Room in the City Hall of said City to hear and consider any and all objections and reasons why the above mentioned portion of MELROSE DRIVE, ARUNDEL ROAD, YORK DRIVE, and NORFOLK ROAD, described as aforesaid should not be abandoned, vacated, abolished and discontinued, and it is

ORDERED that the City Clerk give written or printed notice of the time and place when and where the Commission of said City will meet to hear and consider objections to the abandoning, vacating, abolishing, and discontinuing of said portions of the above described by any persons interested therein and desiring to be heard by publishing the notice of

such meeting with a copy of this resolution once not less than two weeks before said meeting in a newspaper of general circulation in the City of East Grand Rapids.

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

679. City Engineer McMann presented a memorandum recommending award of a contract for the Spring, 1990 Construction program in the amount of \$341,791.72 to Rieth-Riley Construction Co., the low bidder.

679-A. Frakie-Swain. That a contract be awarded to Rieth-Riley Construction Co. in the amount of \$341,791.72, for the Spring, 1990 Construction program.

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

680. Recommendation to purchase an automatic transfer switch for installation on the auxiliary generator used for the Public Safety department.

680-A. Williamson-Edison. That a contract be awarded to West Michigan Electric, the low bidder, in the amount of \$5,856 for purchase of an automatic transfer switch.

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

681. Preliminary minutes of the Recreation Commission meeting of March 14, 1990 were received.

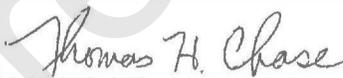
682. Harriet and Don Freeman of 2032 Lake Drive spoke in regard to the use of portable toilets in the City.

683. Commissioner Williamson informed the Commission of the schedule of various Earth Day activities.

Commissioner Swain commended the Engineering Department for their very successful efforts related to the Spring, 1990 Construction program.

Commissioner Walton commended and thanked Tom Molesta and George Samra for serving on the Board of Review.

684. The meeting was adjourned subject to the call of the Mayor until April 16, 1990.



City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held April 16, 1990

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, Controller-Clerk-Treas. Chase, City Engineer/ACM McMann, Superintendent of Public Service Sterkenburg, Engineer Kocsis, City Attorney Huff, County Commissioner Lorch and William Sterk of Able Sanitation, Inc.

685. The minutes of the meeting held April 2, 1990 were approved as submitted.

686. Edison-Frakie. That disbursement vouchers in the amount of \$62,052.43, and payroll disbursements in the amount of \$88,262.58 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-

687. A zoning variance hearing was held on the request of Larry and Kathy Vandevoren, 1009 Breton Road SE, to modify the corner clearance regulations under Section 5.25 of the City Code to allow the relocation of a hedge row on the northeast corner of their property to be located 9 ft. west of the corner rather than the required 20 ft. Mr. Vandevoren was present.

687-A. Mehney-Edison. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

687-B. Williamson-Swain. That the motion be amended to add that the variance be conditional upon this adjustment in the location of the hedge row taking care of the vehicular and pedestrian traffic safety problem which exists at this corner.

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

Nays: Edison and Mehney --2

Vote on original motion as amended.

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

Nays: Edison --1

687-C. Edison-Frakie. That the variance fee be waived for 1009 Breton Road SE if a future variance is required in regard to the hedge row.

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

Nays: Swain --1

688. Mayor Deems presented twenty-five year service awards to Lieutenants Wayne Stone and Gary Bowman.

689. Mayor Deems presented a proposed Earth Day resolution for adoption.

689-A. Walton-Swain. That the following resolution be adopted.

RESOLUTION

for Earth Day 1990

Purpose:

Public concern about protecting the Earth is increasing as we realize our failure to protect our environment and as new scientific information about the environment becomes available;

Citizens, government and business leaders are now recognizing environmental protection and resource conservation to be essential prerequisites to sustained prosperity and economic development;

Almost twenty years ago, millions of Americans joined together on the first Earth Day to express concern for the environment, and their collective action resulted in the passage of laws to protect our air, water, and land; and

Citizens and their governments must again renew their commitment to meet the global environmental challenge and stand together for collective action to declare a shared resolve

Proposed Resolution:

Resolved that April 22, 1990 is designated and proclaimed as Earth Day in East Grand Rapids, and citizens are encouraged to use that day and subsequent days for activities promoting the preservation of our global environment; and

East Grand Rapids endorses and joins in the Global Cities Project of Earth Day 1990.

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

690. City Attorney Huff presented a proposed ordinance amendment with regard to Sections 4.46 through 4.49 of the City Code concerning sidewalk repair responsibilities for introduction.

690-A. Williamson-Walton. That the proposed ordinance amendment with regard to Sections 4.46 through 4.49 of the City Code be introduced.

AN ORDINANCE TO AMEND SECTIONS 4.46, 4.47, 4.48 AND 4.49
OF CHAPTER 42 OF TITLE IV
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 4.46 of Chapter 42 of Title IV of the Code of the City of East Grand Rapids is hereby amended to read as follows:

Section 4.46 - Ordering Construction

The Director and City Engineer shall consult not less than once in each year for the purpose of determining which new sidewalks should be constructed during the year and which existing sidewalks shall be rebuilt or repaired. It shall be the duty of the Director, on or before June first of each year, to give the owner of the premises adjacent to where a sidewalk is to be constructed, rebuilt or repaired by the owner, written notice to construct, rebuild, or repair the same within thirty (30) days after the service of said notice. Initial construction shall be the responsibility of the property owner of the property adjacent to where the sidewalk is to be placed. Repair or replacement shall be the responsibility of the property owner of the property adjacent to where the sidewalk is located if the actions or inactions of the owner, occupant, or agents or contractors hired by the owner or occupant damage the sidewalk. In all other instances, repair or replacement shall be the responsibility of the City.

Section 2. Section 4.47 of Chapter 42 of Title IV of the Code of the City of East Grand Rapids is amended to read as follows:

Section 4.47 - Construction By City

If a sidewalk is not constructed, rebuilt or repaired within the time fixed by a notice issued pursuant to Section 4.46, the Director shall make a written report to the Commission of the neglect or the refusal of the owner to comply with said notice. The Commission may then establish a Special Assessment District for the purpose of constructing, rebuilding or repairing such sidewalks upon receiving a recommendation of the City Engineer that a reasonable grouping of a number of individual sidewalk projects may be established to permit the taking of bids for construction under a single

contract. In the event that any of such sidewalks are not suitable for grouping with other sidewalks in a Special Assessment District as herein provided, the Commission may then order the Director to cause such sidewalks to be constructed, rebuilt or repaired, and make report to the Commission of such activity. At the same time, the Director shall prepare an account for the expense of labor, material and services incurred thereby, and report the same, together with a correct description of the premises adjacent to where such work shall have been done and the name of the owner thereof, to the Commission as required by the provisions of Section 1.306 of this Code.

Section 3. Section 4.48 of Chapter 42 of Title IV of the Code of the City of East Grand Rapids is hereby amended to read as follows:

Section 4.48 - Levy of Assessments

In any case where the Commission orders the Director to cause any sidewalk to be constructed, rebuilt or repaired and receives the report from the Director required by Section 4.47, the Commission shall determine what amount or part of such expense shall be charged and the person against whom and the premises upon which the same shall be levied as a special assessment, and shall cause such amount so determined to be charged, together with an administration charge of ten percent (10%) in addition thereto. Such action shall be treated as a single-lot assessment in accordance with the provisions of Section 1.306 of this Code.

Section 4. Section 4.49 of Chapter 42 Title IV of the Code of the City of East Grand Rapids is hereby amended to read as follows:

Section 4.49 - Emergency Repair

Whenever the Director shall determine that a sidewalk is unsafe for use because of the actions or inactions of an owner, occupant or agents or contractors of such owner or occupant, notice shall be given to the owner of the premises adjacent to where the sidewalk is located in accordance with Section 1.10 of this Code, requiring the owner to place the sidewalk in a safe condition. Such notice shall specify a reasonable time, not less than seven (7) days from the date of the notice, within which such work shall be commenced and shall further provide that the work shall be completed with due diligence. If the owner of such lot or premises shall refuse or neglect to repair such sidewalk within the time required, the Director shall have the sidewalk repaired. If the Director determines that the condition of the sidewalk is such that immediate repair is necessary to protect the public, he may dispense with said notice. The cost of repairs shall be charged against the premises adjacent to the sidewalk and the owner of said premises, and the same shall be billed to said owner upon completion of repairs. Any such charges 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 5. This Ordinance shall be effective May _____, 1990.

Section 6. This Ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

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

691. Controller-Clerk-Treas. Chase presented financial reports for the period ending March 31, 1990.

692. Staff recommendation to approve the preliminary plat in connection with the Arundel Road Plat #1. Mr. Jim Albert of 2720 Berwyck and Mr. M. D. Lewis addressed the Commission with regard to the plat.

692-A. Walton-Swain. To approve the preliminary Arundel Road Plat No. 1.

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

692-B. Williamson-Mehney. To accept the property deeds corresponding with the right-of-way requirements of the new plat, the general easement and right-of-way grant to allow the necessary improvements, and a deferred sidewalk agreement.

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

Nays: -0-

693. City Manager Allard presented a memorandum recommending an amendment of the existing yard debris disposal and transportation contracts, and a five-year contract extension with Able Sanitation, Inc.

693-A. Frakie-Edison. To approve amendments of the existing yard debris disposal and transport agreements, and a five year yard debris disposal agreement with Able Sanitation, Inc. for the transportation and disposal of compostable and noncompostable waste.

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

Nays: -0-

694. City Controller Chase presented a memorandum recommending an amendment to the Public Service department budget for waste collection activities.

694-A. Williamson-Edison. That the Public Service Department budget be amended in the amount of \$30,000 for waste collection expenses.

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

Nays: Walton --1

695. City Manager Allard presented a memorandum recommending award of a contract for spring, 1990 construction water material in the amount of \$7103.38 to Etna Supply, the low bidder.

695-A. Edison-Swain. That a contract be awarded to Etna Supply in the amount of \$7103.38 for spring, 1990 construction water material.

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

Nays: -0-

696. City Manager Allard presented a memorandum recommending award of a contract for tree stump removal in the amount of \$4,485 to Ken Poortenga, the low bidder.

696-A. Edison-Williamson. That a contract be awarded to Ken Poortenga in the amount of \$4,485 for tree stump removal.

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

Nays: -0-

697. City Manager Allard presented a memorandum recommending the replacement of the City-owned vehicle furnished to the Public Service Superintendent, Bill Sterkenburg.

697-A. Williamson-Edison. To approve the purchase of a 1990 Chevrolet Caprice automobile to Berger Chevrolet through the State of Michigan bid list in the amount of \$14,102.11.

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

Nays: -0-

698. Staff recommendation regarding disposition of the net proceeds of the 1989 Reeds Lake Run and 1989 Reeds Lake Triathlon.

698-A. Edison-Walton. To approve the disbursements of net proceeds from the 1989 Reeds Lake Run and 1989 Reeds Lake Triathlon in accordance with the City Controller memo of April 4, 1990.

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

Nays: -0-

699. The Building Inspection report for the month of March, 1990 was received.

700. There was no public comment from persons in attendance.

701. Mayor Deems updated the City Commission regarding the Manhattan Site Improvements.

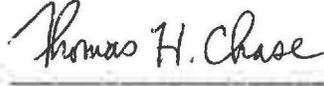
702. Edison-Walton. That the City Commission go into Executive Session

upon adjournment pursuant to Section 8 (c) of the Open Meetings Act to discuss strategy connected with the negotiation of a collective bargaining agreement.

A roll call vote was taken.

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

703. The meeting was adjourned subject to the call of the Mayor until May 7, 1990.



City Clerk

UNOFFICIAL
Reference Only

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Special Meeting Held April 25, 1990

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, Controller-Clerk-Treas. Chase, Director of Recreation Rhodes, Chairperson of the Recreation Commission, Janyce Huff and City Attorney Huff.

704. City Manager Allard updated the City Commission with regard to the Manhattan Site Improvement project. A Development Project Agreement and a resolution required by the State were presented for approval.

704-A. Walton-Frakie. That approval of the Development Project Agreement and resolution for the Manhattan Site Improvement be tabled until the next regularly scheduled City Commission meeting, May 7, 1990.

A roll call vote was taken:

Yeas: Frakie, Swain, Walton and Deems --4

Nays: Williamson, Mehney and Edison --3

705. The meeting was adjourned subject to the call of the Mayor until May 7, 1990.



City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held May 7, 1990

The meeting was called to order by Mayor Deems.

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

Also Present: City Manager Allard, Controller-Clerk-Treas. Chase, City Engineer/ACM McMann, Public Safety Director Gallagher, Director of Recreation Rhodes, Plant Eng./Bldg. Inspector Baragar, Superintendent of Public Service Sterkenburg, Engineer Kocsis, City Attorney Huff, Dan Hula of Moore & Bruggink, Birgit Klohs and Tom Pilot of the Right Place Program.

704. The minutes of the meetings held April 16 and April 25, 1990 were approved as submitted.

705. A zoning variance hearing was held on the request of John & Connie Houts, 2015 Wild Cherry Lane, Kalamazoo, MI to allow the installation of one unisex, handicap restroom at 2153 Wealthy SE, Flamingo's Frozen Yogurt Shop. The variance is a deviation from the Plumbing Code, Section P.1202.0, which requires separate facilities for each sex in accordance with the occupancy load. Mr. Houts was present.

705-A. Mehney-Swain. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

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

706. A zoning variance hearing was held on the request of John & Janyce Huff, 2310 Anderson SE, to construct an addition which will be located three feet from the northeast property line rather than seven feet as required by the Zoning Ordinance. Mr. & Mrs. Huff were present.

706-A. Walton-Mehney. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

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

707. A hearing was held to consider the vacation of right-of-ways in Paris Road Uplands Plat. Mr. Donald Hondorp, 2221 Burton, Grand Rapids, and Mr. Thomas Deroseau, 1758 Breton, East Grand Rapids were present and addressed the Commission with regard to the vacation of streets in the Paris Roads Uplands Plat.

707-A. Williamson-Walton. To approve the following resolution regarding the vacation of right-of-ways in Paris Road Uplands Plat.

RESOLUTION

WHEREAS a majority of the owners of land and premises abutting on MELROSE DRIVE from Berwyck Road to Norfolk Road, ARUNDEL ROAD from Melrose Drive to Conlon Avenue, YORK DRIVE from Berwyck Road to Arundel Road, and NORFOLK ROAD and MELROSE DRIVE from Breton Road to vacated Conlon Avenue located in the City of East Grand Rapids Michigan, have petitioned for the vacation of those portions of MELROSE DRIVE, ARUNDEL ROAD, YORK DRIVE and NORFOLK ROAD described below; and

WHEREAS this Commission at a regular meeting of said Commission held in said City on the 7th day of May, 1990, has held a public hearing and has determined that it is advisable to vacate those portions of Melrose Drive, Arundel Road, York Drive, and Norfolk Road described below; and

WHEREAS in the opinion of this Commission the abandoning,

vacating, abolishing, and discontinuing of those portions of Melrose Drive, Arundel Road, York Drive, and Norfolk Road as described below is a necessary public improvement and a necessary public convenience, the City, however, reserving an easement for public utilities over said street as noted below,

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of East Grand Rapids, Michigan, that those portions of Melrose Drive, Arundel Road, York Drive, and Norfolk Road described as:

Parcel 1 (Melrose Drive):

A portion of Melrose Drive that exists within the plat of Paris Road Uplands, as recorded in Book 30 of Plats, Page 39, Kent County Records, and being specifically described as: BEGINNING at the Southwest corner of Lot 28, said plat (said place of beginning being South 84 26'18" West 89.73 feet from the Southeast corner of said Lot 28); thence South 86 53'11" West 60.00 feet; thence Southerly along the West line of Melrose Drive to its intersection with extended South line of Lot 7, said plat; thence Southeasterly along the Northerly line of previously vacated Melrose Drive to the Easterly line of Melrose Drive (and Southerly line of Arundel Road); thence Northerly along the Easterly line of Melrose Drive to the Southwest corner of aforementioned Lot 28 and place of beginning, subject to a reservation of an easement for public utilities over the full width of a portion of the above parcel described as:

BEGINNING South 11 58'03" West 90.04 feet (as measured along the East line and extended East line of Lot 6) and South 54 09'37" East 94.44 feet from the Northeast corner of Lot 6, Paris Road uplands as recorded in Book 30 of Plats, Page 39, Kent County Records; thence Southerly along the West right of way line of Melrose Drive (as platted) to its intersection with the extended South line of Lot 7, said plat; thence Southeasterly along the Northerly line of previously vacated Melrose Drive to the centerline of Melrose Drive (as platted); thence Northerly along said centerline to a point being South 54 56'25" East 30.00 feet from the place of beginning; thence North 54 56'25" West 30.00 feet to the place of beginning.

Parcel 2 (Arundel Road):

A portion of Arundel Road that exists within the plat of Paris Road Uplands as recorded in Book 30 of Plats, Page 39, Kent County Records and being specifically described as being all that part of Arundel Road lying Easterly of the Easterly right of way line of Melrose Drive (as platted in the aforementioned plat) and Westerly of the West line of Albert-Realtors Hampshire Replat as recorded in Book 55 of Plats, Pages 8 and 9, Kent County Records.

Parcel 3 (York Drive):

A portion of York Drive that exists within the plat of Paris Road Uplands as recorded in Book 30 of Plats, Page 39, Kent County Records and being specifically described as: BEGINNING at the most westerly corner of Lot 56, said plat (said place of beginning being North 52 11'07" West 89.97 feet from the most Southerly corner of aforementioned Lot 56); thence North 45 14'56" West 30.04 feet, thence Southwesterly 42.54 feet along the centerline of York Drive on a 650.04 foot radius curve to the right, the chord of which bears South 46 37'33" West 42.53 feet; thence North 41 29'58" West 30.04 feet; thence Southwesterly along the Northwest right of way line of York Drive to its intersection with the North right of way line of Arundel Road; thence Easterly along the North right of way line of Arundel Road to the most Southerly point on Lot 55 of aforementioned plat; thence Northerly along Westerly line of said Lot 55 to beginning. Also, A portion of York Drive that exists within the plat of Paris Road Uplands as recorded in Book 30 of Plats, Page 39, Kent County Records and being specifically described as: BEGINNING at the most westerly corner of Lot 56, said plat (said place of beginning being North 52 11'07" West 89.97 feet from the most Southerly corner of aforementioned Lot 56); thence North 45 14'56" West 30.04 feet, thence Southwesterly 42.54 feet along the centerline of York Drive on a

650.04 foot radius curve to the right, the chord of which bears South 46 37'33" West 42.53 feet; thence North 41 29'58" West 30.04 feet; thence Northeasterly along the Northwest right of way line of York Drive to its intersection with the South right of way line of Berwyck Road; thence Easterly along the South right of way line of Berwyck Road to its intersection with the Easterly right of way line of York Drive; thence Southerly along Easterly right of way line of York Drive to beginning, subject to a reservation of an easement for public utilities over the full width of the northerly 105 feet thereof.

Parcel 4 (Norfolk Road and Melrose Drive):

A portion of Melrose Drive and Norfolk Road that exists within the plat of Paris Road Uplands as recorded in Book 30 of Plats, Page 39, Kent County Records and being specifically described as: BEGINNING on the South line of said plat at a point being South 85 34'08" East 87.90 feet from the Southwest corner thereof; thence North 4 25'52" East 29.64 feet; thence North 45 38'00" East 40.35 feet to a line being 60.00 feet Northerly of (perpendicular measurement) the South line of said plat; thence South 85 34'08" East 23.0 feet more or less to the Westerly line of Lot 85, said plat; thence Southerly and Easterly along the Easterly right of way line of Melrose Drive and Northerly right of way line of Norfolk Road to a point being South 85 34'08" East 659.60 feet (as measured along the South line of said plat) and North 1 38'15" West 33.21 feet from the Southwest corner of Paris Road Uplands; thence South 1 38'15" East 33.21 feet; thence North 85 34'08" West 571.70 feet along aforementioned South plat line to the place of beginning, subject to the reservation of an easement for public utilities over the full width thereof,

be and is hereby abandoned, vacated, abolished and discontinued except that the City of East Grand Rapids reserves an easement over the vacated parcels as noted above for the purpose of constructing, maintaining and servicing public utilities therein.

FURTHER RESOLVED that the Clerk of this City be and he is hereby directed to record a certified copy of this resolution with the Register of Deeds of Kent County, Michigan, and to send a copy to the State Treasurer, together with his certificates giving the name of the plat or plats affected by this resolution.

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

708. Birgit Klohs and Tom Pilot of the Right Place Program addressed the Commission with regard to the City's five-year pledge to support the Right Place Program.

708-A. Williamson-Walton. That the City of East Grand Rapids commit \$20,000 in a five-year pledge to the Right Place Program with payments to begin in fiscal year 1990-91.

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

709. Frakie-Swain. That disbursement vouchers in the amount of \$157,859.16, disbursements to forward taxes in the amount of \$4,517.05, and payroll disbursements in the amount of \$167,731.09 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-

710. Final reading of proposed ordinance amendment to Sections 4.46 through 4.49 of the City Code.

710-A. Walton-Frakie. That the proposed ordinance amendment of Sections 4.46 through 4.49 of the City Code be approved.

AN ORDINANCE TO AMEND SECTIONS 4.46, 4.47, 4.48 AND 4.49
OF CHAPTER 42 OF TITLE IV
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 4.46 of Chapter 42 of Title IV of the Code of the City of East Grand Rapids is hereby amended to read as follows:

Section 4.46 - Ordering Construction

The Director and City Engineer shall consult not less than once in each year for the purpose of determining which new sidewalks should be constructed during the year and which existing sidewalks shall be rebuilt or repaired. It shall be the duty of the Director, on or before June first of each year, to give the owner of the premises adjacent to where a sidewalk is to be constructed, rebuilt or repaired by the owner, written notice to construct, rebuild, or repair the same within thirty (30) days after the service of said notice. Initial construction shall be the responsibility of the property owner of the property adjacent to where the sidewalk is to be placed. Repair or replacement shall be the responsibility of the property owner of the property adjacent to where the sidewalk is located if the actions or inactions of the owner, occupant, or agents or contractors hired by the owner or occupant damage the sidewalk. In all other instances, repair or replacement shall be the responsibility of the City.

Section 2. Section 4.47 of Chapter 42 of Title IV of the Code of the City of East Grand Rapids is amended to read as follows:

Section 4.47 - Construction By City

If a sidewalk is not constructed, rebuilt or repaired within the time fixed by a notice issued pursuant to Section 4.46, the Director shall make a written report to the Commission of the neglect or the refusal of the owner to comply with said notice. The Commission may then establish a Special Assessment District for the purpose of constructing, rebuilding or repairing such sidewalks upon receiving a recommendation of the City Engineer that a reasonable grouping of a number of individual sidewalk projects may be established to permit the taking of bids for construction under a single contract. In the event that any of such sidewalks are not suitable for grouping with other sidewalks in a Special Assessment District as herein provided, the Commission may then order the Director to cause such sidewalks to be constructed, rebuilt or repaired, and make report to the Commission of such activity. At the same time, the Director shall prepare an account for the expense of labor, material and services incurred thereby, and report the same, together with a correct description of the premises adjacent to where such work shall have been done and the name of the owner thereof, to the Commission as required by the provisions of Section 1.306 of this Code.

Section 3. Section 4.48 of Chapter 42 of Title IV of the Code of the City of East Grand Rapids is hereby amended to read as follows:

Section 4.48 - Levy of Assessments

In any case where the Commission orders the Director to cause any sidewalk to be constructed, rebuilt or repaired and receives the report from the Director required by Section 4.47, the Commission shall determine what amount or part of such expense shall be charged and the person against whom and the premises upon which the same shall be levied as a special assessment, and shall cause such amount so determined to be charged, together with an administration charge of ten percent (10%) in addition thereto. Such action shall be treated as a single-lot assessment in accordance with the provisions of Section 1.306 of this Code.

Section 4. Section 4.49 of Chapter 42 Title IV of the Code of the City of East Grand Rapids is hereby amended to read as follows:

Section 4.49 - Emergency Repair

Whenever the Director shall determine that a sidewalk is unsafe for use

because of the actions or inactions of an owner, occupant or agents or contractors of such owner or occupant, notice shall be given to the owner of the premises adjacent to where the sidewalk is located in accordance with Section 1.10 of this Code, requiring the owner to place the sidewalk in a safe condition. Such notice shall specify a reasonable time, not less than seven (7) days from the date of the notice, within which such work shall be commenced and shall further provide that the work shall be completed with due diligence. If the owner of such lot or premises shall refuse or neglect to repair such sidewalk within the time required, the Director shall have the sidewalk repaired. If the Director determines that the condition of the sidewalk is such that immediate repair is necessary to protect the public, he may dispense with said notice. The cost of repairs shall be charged against the premises adjacent to the sidewalk and the owner of said premises, and the same shall be billed to said owner upon completion of repairs. Any such charges 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 5. This Ordinance shall be effective May 18, 1990.

Section 6. This Ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

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

711. Resolution to approve the Project Agreement with the Michigan Department of Natural Resources (MDNR) relative to the Manhattan Recreation Site Improvements.

711-A. Mehney-Williamson. That the proposed resolution to approve the Project Agreement with the MDNR relative to the Manhattan Recreation Site Improvements be adopted.

RESOLUTION

"RESOLVED, that the City of East Grand Rapids, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City of East Grand Rapids does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate the sum of One hundred thirty-three thousand four hundred dollars (\$133,400) dollars to match the grant authorized by the DEPARTMENT and to appropriate such additional funds as shall be necessary to complete the project.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times.
3. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.
4. To authorize Nyal D. Deems, Mayor to be the local Authorized Representative to sign documents in behalf of City of East Grand Rapids, Michigan.
5. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution."

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

712. Staff recommendation to authorize the placement of underground wiring through Consumers Power Co. in conjunction with the Manhattan Recreation project.

712-A. Williamson-Mehney. To approve the placement of underground wiring at the Manhattan Recreation area through Consumers Power in the amount of \$3,445.

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

713. City Manager Allard presented a memorandum recommending the award of a contract for fireworks for the July 4, 1990 celebration in the amount of \$8,750 to Trident Pyrotechnic Displays, Inc., the low bidder.

713-A. Williamson-Walton. That a contract be awarded to Trident Pyrotechnic Displays, Inc. in the amount of \$8,750 to provide the City fireworks display on July 4, 1990.

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

714. Staff recommendation to award a bid for construction of a storage building at the Public Service area on Reeds Lake Blvd. in the amount of \$85,520.03 to Mo-Gar Construction, the low bidder.

714-A. Mehney-Frakie. That contract be awarded to Mo-Gar Construction in the amount of \$85,520.03 to construct new storage building at the Public Service area on Reeds Lake Blvd.

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

715. City Manager Allard presented a memorandum recommending reclassification of the Municipal Offices Secretary position from part-time to regular, full-time at a starting annual salary of \$17,599.

715-A. Williamson-Walton. That the Municipal Offices Secretary position be reclassified from part-time to regular, full-time effective May 8, 1990 starting at an annual salary of \$17,599.

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

716. City Manager Allard presented a memorandum recommending award of a contract for physicals and wellness evaluations in the Public Safety department with Blodgett Medical Center at \$265 per individual.

716-A. Williamson-Mehney. That the City contract with Blodgett Medical Center to conduct physicals for Public Safety employees.

716-B. Swain-Frakie. That the treadmill stress EKG portion of the physicals only be administered when recommended by the attending physician.

716-C. Mehney-Walton. To table award of a contract for Public Safety department physicals.

A roll call vote on motion to table was taken.

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

717. Minutes of the Library Commission meeting of February 1, 1990 and the 1989 Annual Report were received.

718. Preliminary minutes of the Traffic Commission meeting of April 17, 1990 were received.

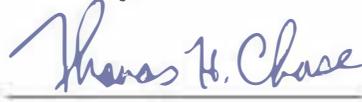
719. Preliminary Recreation Commission meeting minutes of April 18, 1990 were received.

720. The Public Safety report for the month of March, 1990 was received.

721. Mr. Don Freeman, 2032 Lake Drive addressed the Commission in regard to the portable toilet located at Wealthy School.

722. Commissioner Frakie thanked Dr. Alfred B. Swanson and Dr. Genevieve DeGroot-Swanson for the donation of fifty trees to the City for planting on public grounds.

720. The meeting was adjourned subject to the call of the Mayor until May 21, 1990.



City Clerk

UNOFFICIAL
Reference Only

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held May 21, 1990

The meeting was called to order by Mayor Deems.

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

Also Present: City Manager Allard, Controller-Clerk-Treas. Chase, Public Safety Director Gallagher, Engineer Kocsis, City Attorney Huff.

721. The minutes of the meetings held May 7, 1990 were approved as submitted.

722. Swain-Walton. That disbursement vouchers in the amount of \$171,240.73, disbursements to forward taxes in the amount of \$196.04, and payroll disbursements in the amount of \$85,821.47 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: Swain, Walton, Williamson and Deems --4
Nays: -0-

723. The zoning variance request for 664 Croswell SE was withdrawn by David and Phyllis Jones. Ernest Boorsma, 716 Croswell and Mary Macie, 715 Croswell addressed the Commission with regard to granting variances for retail businesses in their neighborhood.

724. Public hearing on special assessment rolls.

724-A. Williamson-Walton. That the following special assessments be placed upon the 1990 tax roll in accordance with the provisions of the City Code.

DELINQUENT WATER LEDGER A

PARCEL #	ADDRESS	AMOUNT
14-28-351-015	351 Gladstone SE	\$335.36
14-28-352-004	293 Rosewood SE	71.63
14-28-352-011	320 Gladstone SE	223.19
14-28-352-014	332 Gladstone SE	239.38
14-28-352-030	357 Rosewood SE	273.60
14-28-353-007	300 Rosewood SE	208.88
14-33-101-003	1602 Wealthy SE	236.96
14-33-103-019	421 Briarwood SE	101.23
14-33-103-027	455 Briarwood SE	459.97
14-33-151-002	1608 Sherman SE	318.70
14-33-151-006	627 Gladstone SE	233.31
14-33-151-028	1603 Franklin SE	142.25
14-33-154-015	706 Rosewood SE	136.36
14-33-203-027	2053 Wealthy SE	426.22
14-33-252-009	662 Lovett SE	174.73
14-33-253-007	652 Croswell SE	341.37
14-33-255-013	2121 San Lu Rae SE	139.39
14-33-302-001	802 Gladstone SE	257.64
14-33-426-023	839 Ross Ct SE	351.47
14-33-428-032	953 Maxwell SE	185.79
14-33-452-001	1010 San Juan SE	71.49
14-34-378-002	2648 Lake Dr SE	51.29
18-03-204-001	2885 Lake Dr SE	231.29

Total Ledger A \$5,211.50
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DELINQUENT WATER LEDGER B

PARCEL #	ADDRESS	AMOUNT
14-27-377-010	222 El Centro SE	\$132.86
14-27-482-003	3060 Cascade SE	374.34
14-28-352-003	1626 Robinson SE	134.33
14-33-403-023	913 Pinecrest SE	252.23
14-33-427-019	923 Lakeside SE	243.31
14-33-430-019	957 Breton SE	314.31
14-33-478-005	1058 Lakeside SE	270.26
14-33-478-009	2310 El Dorado SE	169.79
14-33-480-016	1133 Lakeside SE	120.42
14-33-481-015	2320 Burchard SE	256.41
14-34-302-023	941 Bellclaire SE	166.08
14-34-303-014	2419 Gilmour SE	247.50
14-34-353-010	1120 Breton SE	254.04
14-34-355-002	1046 Kenesaw SE	234.89
14-34-378-006	2643 Manor SE	112.39
18-03-226-006	1300 Woodcliff SE	225.02
18-03-257-013	1563 Sherwood SE	325.82
18-03-259-011	1525 Edgewood SE	300.30
18-03-260-011	1525 Woodcliff SE	304.60
18-04-254-013	1411 Pinecrest SE	126.25
18-04-255-009	1506 Pinecrest SE	444.92
18-04-434-013	1739 Breton SE	315.89
18-04-434-020	1761 Breton SE	171.17
Total Ledger B		\$5,497.13

DELINQUENT WATER LEDGER C

PARCEL #	ADDRESS	AMOUNT
18-03-177-014	2711 Maplewood SE	\$384.06
18-03-180-011	2600 Richards SE	364.65
18-03-181-009	2718 Richards SE	212.26
18-03-182-005	2540 Albert SE	255.48
18-03-204-022	3009 Oakwood SE	279.78
18-03-258-010	2910 Maplewood SE	136.59
18-03-328-006	2611 Norfolk SE	251.61
18-04-206-009	2048 Wilshire SE	126.18
18-04-228-025	2335 Wilshire SE	367.27
18-04-230-006	2238 Wilshire SE	271.63
18-04-254-002	1406 Laurel SE	263.96
18-04-277-018	2223 Audobon SE	119.43
18-04-402-006	2110 Boston SE	181.77
18-04-406-027	2056 Englewood SE	278.71
Total Ledger C		\$3,493.38 =====

DELINQUENTS

On 1990 Tax Roll

PARCEL NO. FALSE ALARMS:	AMOUNT
41-14-33-309-013	\$125.00
41-14-33-308-001	75.00
41-14-34-428-005	75.00
41-14-34-477-003	75.00
41-14-34-453-001	250.00
Total	\$600.00

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Yeas: Swain, Walton, Williamson and Deems --4
Nays: -0-

Commissioner Mehney arrived.

725. Staff recommendation to award bids relative to the Manhattan Recreation Project - Phase I.

725-A. Williamson-Walton. That contracts be awarded to the following low bidders in the specified amounts:

<u>Category</u>	<u>Low Bidder</u>	<u>Amount</u>
Public Restroom Facility	Cycon Enterprises, Inc.	\$ 52,300.00
Site Construction	Diversco Construction Co.	345,541.35
Irrigation System	Cascade Lawn Sprinkling Co.	36,600.00
Site Lighting Equipment	Wesco	5,313.90
Site Equipment:		
A. fitness equipment, litter receptacles	Jack Golden & Associates	4,622.00
B. bleachers	Seavey Corporation	3,300.00
C. benches	Seavey Corporation	640.00
D. soccer goals & nets	Engan-Tooley	2,030.00
E. pitchers plate, home plate	Seavey Corporation	480.00
F. bases	Engan-Tooley	716.00
G. picnic tables	Jennings	840.00

Yeas: Mehney, Swain, Walton, Williamson, and Deems --5
Nays: -0-

726. Staff recommendation to appoint a Street Administrator to represent the City in transactions with the Michigan Department of Transportation.

726-A. Walton-Swain. That Jeffrie Kocsis be appointed Street Administrator.

Yeas: Mehney, Swain, Walton, Williamson and Deems --5
Nays: -0-

727. Staff recommendation to award a purchase order for weed harvesting services to be performed during the weeks of June 17 and August 19, 1990 at the rate of \$85 per hour to Mid West Weed Control, the low bidder.

727-A. Williamson-Mehney. That a purchase order be awarded to Mid West Weed Control in the amount of \$85 per hour to provide Reeds Lake Weed Harvesting services.

Yeas: Mehney, Swain, Walton, Williamson and Deems --5
Nays: -0-

728. Staff recommendation to approve a resolution in support of Kent Count Solid Waste Plan.

728-A. Swain-Mehney. That the following resolution with regard to the Kent County Solid Waste Plan be approved.

ACT 641 PLAN RESOLUTION

WHEREAS, Act 641 of the Public Acts of 1978 requires all Michigan counties to have a solid waste management plan, and

WHEREAS, the Kent County Board of Commissioners on May 2, 1979, indicated the County's intent to prepare a county solid waste management plan in accordance with the requirements of Act 641, and

WHEREAS, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare

the solid waste management plan, and

WHEREAS, the Kent County Board of Commissioners on September 3, 1980, appointed a solid waste planning committee to assist in the preparation of the solid waste management plan, and

WHEREAS, Kent County approved the first Act 641 Plan March 6, 1985, and

WHEREAS, Michigan State law requires that all Act 641 plans be revised every five years, and

WHEREAS, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

WHEREAS, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan and the Board of Public Works has recommended that the Kent County Board of Commissioners approve the updated Plan, and

WHEREAS, the Kent County Board of Commissioners has carefully reviewed the details of the plan.

NOW, THEREFORE, BE IT RESOLVED that the East Grand Rapids City Commission hereby approves the Solid Waste Management Plan for Kent County, Michigan, prepared pursuant to Act 641 of 1978, as amended, and the rules promulgated thereunder on May 21, 1990.

Yeas: Mehney, Swain, Walton, Williamson and Deems --5
Nays: -0-

729. Controller-Clerk-Treas. Chase presented a memorandum recommending that the City contract for employee wellness evaluations with Blodgett Medical Center at a cost of \$265 per participating Public Safety Department employee and \$210 per other participating City employee.

729-A. Williamson-Walton. That a contract for a wellness evaluation program for City employees be entered into with Blodgett Hospital not to exceed the amount of \$16,140.

Yeas: Mehney, Swain, Walton, Williamson and Deems --5
Nays: -0-

730. Minutes of the Joint Facilities Committee meeting of April 24, 1990 were received.

731. Minutes of the Library Commission meeting of April 26, 1990 were received.

732. The Public Safety report of April, 1990 was received.

733. The Building Inspection report of April, 1990 was received.

734. A 1990 street construction progress report dated May 21, 1990 was received.

735. Mehney-Walton. To add to the agenda an item regarding a resolution establishing the maximum City tax rate for the fiscal year July 1, 1990 to June 30, 1991.

A roll call vote was taken:

Yeas: Mehney, Swain, Walton, Williamson and Deems --5
Nays: -0-

736. Proposed resolution establishing the maximum City tax rate for the fiscal year July 1, 1990 to June 30, 1991.

736-A. Williamson Walton. That the following resolution be adopted:

RESOLUTION OF THE CITY COMMISSION

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

as defined by state law, can be levied by the City Commission; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Commission of the City of East Grand Rapids hereby establishes 16.8560 per \$1,000.00 of valuation as the proposed millage rate for the fiscal year July 1, 1990 to June 30, 1991.

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

Nays: -0-

737. The meeting was adjourned subject to the call of the Mayor until June 4, 1990.

Thomas H. Chase
City Clerk

UNOFFICIAL
Reference Only

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held June 4, 1990

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, Controller-Clerk-Treas. Chase, Public Safety Director Gallagher, Engineer Kocsis, Sara Smolenski, County Commissioner Lorch and Deputy City Attorney Rhoades.

738. The minutes of the meetings held May 21, 1990 were approved as submitted.

739. Edison-Frakie. That disbursement vouchers in the amount of \$151,742.44, and payroll disbursements in the amount of \$90,862.22 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-

740. A zoning variance hearing was held on the request of Peter & Debra Walworth, 1138 Lakeside Dr. SE to erect a fence to a height of 9 feet along the south property line, instead of the required 6 feet in accordance with the City Ordinance Section 8.61.

740-A. Williamson-Mehney. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

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

Nays: -0-

741. Truth in Taxation public hearing to establish a maximum property tax levy for FY 1990-91.

742. Staff recommendation to issue purchase order for acquisition of a replacement motorcycle in the Public Safety department.

742-A. Edison-Mehney. That a purchase order for a Harley-Davidson, model Pursuit Glide be approved in the amount of \$6,500 through Kelly's Harley-Davidson.

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

Nays: Frakie, and Walton --2

743. Staff recommendation to amend Health Care Fund budget for FY 90.

743-A. Edison-Walton. That the Health Care Fund revenue and expenditure budgets be amended in the amount of \$68,700 and that the following funds' budgeted contributions be increased:

General Fund \$56,700, Major Street Fund \$2,500, Local Street Fund \$3,100, Water and Sewer Fund \$4,500, Motor Equipment Revolving Fund \$1,900.

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

Nays: -0-

744. Distribution of final Metropolitan Council proposal.

745. Minutes of the Planning Commission meeting of May 8, 1990 were received.

746. Minutes of the Traffic Commission meeting of May 15, 1990 were received.

747. A 1990 street construction report dated June 4, 1990 was distributed.

748. Sara Smolenski introduced herself as candidate for 63rd District Court Judge.

County Commissioner Lorch solicited questions or comments for the County.

749. Commissioner Williamson commended city staff on the manner in which they handled the windstorm.

750. Williamson-Edison. That the City Commission go into Executive Session for the purpose of discussing collective bargaining.

A roll call vote was taken.

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

Nays: -0-

751. The meeting was adjourned subject to the call of the Mayor until June 18, 1990.

Thomas H. Chase
City Clerk

UNOFFICIAL
Reference Only

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held June 18, 1990

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, Controller-Clerk-Treas. Chase, Deputy Public Safety Director Ditmar, Engineer Kocsis, Asst. City Manager/City Engineer McMann, City Attorney Huff, Superintendent of Public Service Sterkenburg, Harold Marks of the Grand Rapids Area Chamber of Commerce, and Steve Amon of the Gaslight Village Merchant's Association.

752. The minutes of the meetings held June 4, 1990 were approved as submitted.

753. Swain-Edison. That disbursement vouchers in the amount of \$123,423.5 and payroll disbursements in the amount of \$158,742.23 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 --7
Nays: -0-

754. A hearing was held on a zoning variance requested by Peter and Maria Hledin, 1349 Eastlawn S. E. to allow a six foot fence located approximately two feet from the property line abutting Elmwood Drive rather than fifteen feet as required in Section 8.61 of the City Code.

754-A. Frakie-Walton. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

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

755. Consideration of a resolution to approve East Grand Rapids participation in the Grand Valley Metropolitan Council and to approve the Articles of Incorporation thereof.

755-A. Mehney-Williamson. That the resolution regarding the Articles of Incorporation of the Grand Valley Metropolitan Council and East Grand Rapids' participation therein approved.

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

756. Informational presentation by the Gaslight Village Merchants' Association regarding a downtown development authority and streetscape project (not on agenda).

756-A. Williamson-Frakie. To add an informational presentation by Gaslight Village Merchant's Association regarding a downtown development authority and streetscape project.

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

756-B. Presentation by Steve Amon.

757. Public hearing on the General Fund Budget for Fiscal Year 1990-91.

758. Consideration of the Controller's request to amend General Fund budget for the Manhattan Recreation project.

758-A. Edison-Walton. That the General Fund-Parks-Capital Expenditures

budget be amended from \$33,381 to \$41,000 to cover the additional fiscal year 1990 costs of the Manhattan Recreation Project and to take all the fiscal year 1990 Manhattan Recreation Area Phase I expenditures from funds designated for Parks and Recreation Capital Improvement.

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

759. Consideration of staff recommendation to award the contract for joint and crack repair.

759-A. Williamson-Frakie. That the recommendation to award the contract for joint and crack repair to Thompson Asphalt Products, Inc. for \$12,445.00 be approved.

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

760. Consideration of staff recommendation to purchase two vehicles for the Public Service Department.

760-A. Williamson-Mehney. That the purchase of a Ford 4x2 Compact pickup for \$9,697.50 and a 1/2 ton pickup for \$10,722.50 from Keller Ford be approved.

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

761. Update concerning ongoing street construction program was received.

762. Schedule of regular City Commission meetings for Fiscal Year 1991 was received.

763. Preliminary minutes of the Joint Facilities Committee meeting of May 9, 1990 were received.

764. Building Inspection Report for May, 1990 was received.

765. Public Safety Report for the month of May, 1990 was received.

766. Commissioner Edison commended Recreation Department employee David Lee for assisting an injured citizen.

Commissioner Williamson commended the Plant Engineering and Public Service Departments for their performance on emergency repairs in the municipal parking lot.

Mayor Deems stated that the 40th employment anniversary of Assistant City Manager/City Engineer McMann would be June 19, 1990.

767. The meeting was adjourned subject to the call of the Mayor until July 2, 1990.



City Clerk

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Special Meeting held June 18, 1990

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, Controller-Clerk-Treas.
Chase.

768. Edison-Williamson. 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, 1990 to June 30, 1991.

BUDGETED REVENUES:

City Taxes and Penalties	\$ 3,772,500
Licenses and Permits	21,500
State Programs	935,200
Charges for Current Services	331,800
Other Revenues	35,600
Fines and Forfeits	40,000
Interest and Rents	<u>197,000</u>
Total Budgeted Revenues	\$ <u>5,333,600</u>

BUDGETED APPROPRIATIONS:

General Government	\$ 2,024,700
Public Safety	1,706,300
Public Service	709,600
General Administration	399,800
Transfer Out	<u>859,700</u>
Total Budgeted Appropriations	\$ <u>5,700,100</u>

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 \$5,700,100, of which the sum of
\$3,752,500 is to be raised by such levy; and that the tax
rate per \$1,000 valuation is hereby determined to be 15.8560.

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

Nays: -0-

The meeting was adjourned, subject to the call of the
Mayor, July 2, 1990.



City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS
Regular Meeting Held July 2, 1990

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-Treasurer Chase, Public Safety Director Gallagher, Engineer Kocsis, City Attorney Huff, Charter Commission Chairman Neff, and Gary Wallin, candidate for 63rd District Court judgeship.

1. The minutes of the meeting held June 18, 1990 were approved as submitted.

2. Swain-Williamson. That disbursement vouchers in the amount of \$334,172.65 and payroll disbursements in the amount of \$90,703.56 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: Mehney, Swain, Walton, Williamson and Deems---5
Nays: -0-

3. A hearing was held on a zoning variance requested by Casey and Cindy Bartman, 2817 Reeds Lake Blvd. S. E., to install a central air conditioner condensing unit on the west side of their residence, rather than in the rear yard as required by the Zoning Ordinance.

3-A.Mehney-Swain. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

Yeas: Mehney, Swain, Walton, Williamson and Deems---5
Nays: -0-

4. A hearing was held on a zoning variance requested by Jim and Karen Thomas, 330 Plymouth S. E., to construct an attached garage to be placed not closer than four feet, two inches from the north property line, rather than the required ten feet as required by the Zoning Ordinance.

4-A.Mehney-Walton. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

Yeas: Mehney, Swain, Walton, Williamson and Deems---5
Nays: -0-

5. A hearing was held on a zoning variance requested by Carol Roberts, 2738 Elmwood Drive S. E., to construct an attached garage to be placed six feet from the west property line, rather than the required seven feet as required by the Zoning Ordinance.

5-A.Walton-Mehney. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

Yeas: Mehney, Swain, Walton, Williamson and Deems---5
Nays: -0-

6. Nominations for the President of the City Commission for FY 1990-1992 were accepted.

6-A.Walton-Swain. That David Mehney be appointed President of the City Commission for FY 1990-1991.

Yeas: Mehney, Swain, Walton, Williamson and Deems---5
Nays: -0-

7. The Public Safety Annual Report for 1989 was received. Commissioner Walton commended the Director of Public Safety for a job well done.

8. Consideration of staff recommendation to award the bid for publication of legal notices.

8-A.Swain-Walton. That a three-year arrangement, effective July 1, 1990, for publication of the City's public notices be awarded to the Grand Rapids Press at a rate of \$1.75 per column inch for the period from July 1, 1990 to June

30, 1991 and \$1.95 per column inch for the period from July 1, 1991 to June 30, 1993.

Yeas: Mehney, Swain, Walton, Williamson and Deems—5
Nays: -0-

9. Consideration of staff recommendation to renew Animal Control Services agreement with Kent County.

9-A.Williamson-Walton. That the agreement between the Kent County Health Department and the City of East Grand Rapids for Animal Control Services 1990-1991 be approved.

Yeas: Mehney, Swain, Walton, Williamson and Deems—5
Nays: -0-

10. Consideration of a resolution to renew penalty provisions associated with delinquent property tax payments.

10-A.Walton-Williamson. That the following resolution be adopted.

RESOLUTION

WHEREAS MCL 211.44(3) allows the governing body of a city to impose a late penalty charge on taxes paid after February 14 in an amount equal to three percent (3%) of the tax; and

WHEREAS the City of East Grand Rapids has traditionally elected to impose this late penalty charge.

NOW, THEREFORE, BE IT RESOLVED That the City of East Grand Rapids will continue to impose a late penalty charge on all taxes paid after February 14 in an amount equal to three percent (3%) percent of the tax due in accordance with the provisions of MCL 211.44(3).

Yeas: Mehney, Swain, Walton, Williamson and Deems—5
Nays: -0-

Commissioner Edison arrived.

11. Informational update concerning the status of the Charter Commission's revision of the City Charter Commission Neff. Commissioner Neff also thanked City Manager Allard, City Attorney Huff, Deputy City Clerk Mulder, and Controller-Clerk-Treasurer Chase for their service to the Charter Commission. Commissioner Williamson complimented the Charter Commission regarding the quality of the proposed Charter document.

12. Preliminary minutes of the Traffic Commission meeting of June 19, 1990 were received. No action being taken, the decisions of the Traffic Commission became final.

13. Gary Wallin, candidate for 63rd District Court judgeship, introduced himself and discussed his qualifications.

14. Addition of agenda item for motion to go into executive session to discuss property acquisition.

14-A.Williamson-Walton. To add an agenda item and to go into executive session to consider the purchase of real property as allowed under Section 8(d) of the Open Meeting Act.

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

15. The meeting was adjourned subject to the call of the Mayor until July 16, 1990.



City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held July 16, 1990

The meeting was called to order by Mayor Deems.

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

Also Present: City Manager Allard, Controller-Clerk-Treas. Chase, Public Safety Director Gallagher, Engineer Kocsis, City Attorney Huff, City Engineer/ACM McMann, Engineer Kocsis, Engineer Kadzban, Public Service Director Sterkenberg, Plant Engineer/Building Inspector Baragar, Asst. Plant Engineer Turcotte, County Commissioner Bud Lorch, Recreation Director Rhodes, Recreation Supervisor Kline, City Assessor Norman, Kent County Undersheriff James Dugan, and Judge Paul Solomon, 61st District Court, and Steve Amon, representative of the Gaslight Village Merchants' Association.

16. The minutes of the meeting held July 16, 1990 were approved as submitted.

17. Edison-Frakie. That disbursement vouchers in the amount of \$118,923.33 and payroll disbursements in the amount of \$9,386.08 for FY 89-90, and disbursement vouchers in the amount of \$53,647.68 and payroll disbursements in the amount of 91,943.44 for FY 90-91, 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: Mehney, Swain, Walton, Williamson, Frakie, Edison, and Deems---7
Nays: -0-

18. A hearing was held on a zoning variance requested by John and Judith Schneider, 2900 Woodcliff Circle, S. E. to install a central air conditioner condensing unit in the front yard of their residence, rather than in the rear or side yard as required by the Zoning Ordinance.

18-A.Mehney-Walton. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

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

19. Presentations were made by 61st District Court Judge Paul Solomon, Undersheriff James Dugan and County Commissioner Bud Lorch regarding the Kent County Jail Expansion.

19-A.Williamson-Edison. That the City of East Grand Rapids expresses it's support of the proposed expansion of the Kent County Jail.

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

20. Consideration of a resolution of intent to explore the feasibility of establishing a water/sewer planning agency.

20-A.Mehney-Williamson. That the following resolution be adopted.

RESOLUTION OF INTENT

The mayors of the cities of Grand Rapids and Wyoming formed a study committee in July, 1988 to explore the feasibility of establishing a Metropolitan Water and Sewer Planning Agency.

The Metropolitan Water and Sewer Study Committee has completed its study and concluded that the development and implementation of a water/sewer planning agency would be in the best interest of the entire metropolitan community by assisting in the organized planning and development of the area.

Michigan's Department of Commerce and Department of Natural Resources have authorized a grant through the Michigan Department of Commerce in the amount

of \$140,000 to develop a master plan for water and sewer in the metropolitan area.

The Metropolitan Water and Sewer Study Committee has developed a conceptual proposal for a Metropolitan Water and Sewer Planning Agency.

Metropolitan units of government are invited to join in an effort to create a Metropolitan Water and Sewer Agency.

In furtherance of those efforts, the City of East Grand Rapids adopts the following resolution.

RESOLVED that the City of East Grand Rapids expresses its support for the development of a Metropolitan Water and Sewer Agency as outlined in the attached proposal, dated May 7, 1990, and pledges its support to bring such an agency to fruition under the Grand Valley Metropolitan Council.

The City of East Grand Rapids further agrees to participate in a process with other customer communities to appoint a member to an interim planning agency whose purpose will be to:

1. Develop proposed Articles of Incorporation and bylaws to present to participating governmental units and the Grand Valley Metropolitan Council for final approval.
2. Initiate the development of a master plan for water and sewer development for Kent and Ottawa Counties with the matching grant funding from the State of Michigan.
3. Devise a proposal for providing the local matching funds necessary for the implementation of the State grant.

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

21. Consideration of staff recommendation to award proposal for a traffic study in Gaslight Village Business District area.

21-A.Edison-Walton. That the firm of Savage Traffic Engineering be selected to perform the traffic study services in Gaslight Village.

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

22. Consideration of staff recommendation, along with a representative of the Merchant's Association, to approve funding and to award a proposal for a preliminary streetscape plan for Gaslight Village.

22-A.Edison-Walton. That M. C. Smith & Associates be awarded the proposal to proceed with a preliminary streetscape plan for Gaslight Village, an 80-20 split between the City and the Merchant's Association.

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

23. Consideration of staff recommendation to award bid for sidewalk removal and replacement.

23-A.Williamson-Edison. That the bid for sidewalk repair and sidewalk removal be awarded to Remodel Bujild Design Inc.

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

24. Consideration of staff recommendation to approve the Fire Dispatch Agreement between the cities of Grand Rapids and East Grand Rapids and a budget increase of \$2,700 for FY 91 to cover the cost of this service.

24-A.Swain-Mehney. That the agreement between the city of East Grand Rapids and Grand Rapids for fire dispatching services for a period of five years beginning July 1, 1990 and ending June 30, 1995 and the budget amendment of \$2,700 be approved.

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

25. Consideration of staff recommendation to investigate alternatives to the Grand Rapids Fire Dispatch Agreement between the City of Grand Rapids and the City of East Grand Rapids.

25-A.Edison-Frakie. That the motion to direct Chief Gallagher and City Manager to investigate alternatives to the Grand Rapids Fire Dispatch Service be approved.

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

26. Consideration of staff recommendation to postpone sidewalk construction on Andover Lane.

26-A.Walton-Edison. That the deferment of sidewalk construction on Andover Lane be approved.

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

27. Consideration of staff recommendation that the Andover Lane Special Assessment Roll be amended and that the surplus funds be refunded.

27-A.Williamson-Walton. That the amended Andover Special Assesment Roll be and the refunding of surplus funds be approved.

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

28. Consideration of staff recommendation to ammend the FY '91 Joint Capital Budget.

28-A.Mehney-Edison. That the motion to amend the FY '91 Joint Facilities Capital Budget be approved.

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

29. Consideration of staff recommendation to reorganize the Middle School recreation program and the request for additional staffing.

29-A.Edison-Swain. That the motion to reorganize the Middle School recreation program and to hire additional staff be approved

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

30. Consideration of staff recommendation to adopt the non-General Fund budgets for FY 1991.

31-A.That the non-General Fund budgets for FY 1991 as stated in the City Controller's memo of July 8, 1990 be approved.

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

32. Consideration of a resolution to amend the water and sewer rates as requested in the City Controller's memo of July 8, 1990 amd the first reading of the following ordinance:

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 Chaptter 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 21/100 Dollars (\$1.21) per one thousand (1,000) gallons and the following quarterly meter service charge depending upon meter size:

Meter Size (inches)	Charge
1/2 - 3/4	\$ 18.30
1	30.27
1-1/4	45.66
1-1/2	64.47
2	112.35
3	249.15
4	440.67
6 & over	987.87

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 seventy-three cents (\$0.73) 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:

Meter Size (inches)	Charge
1/2 - 3/4	\$ 11.85
1	18.93
1-1/4	28.05
1-1/2	39.21
2	67.59
3	148.65
4	262.14
6 & over	586.41

For purposes of this section, the winter quarter shall mean the three-month period ending, as to each user, on either the last day of January, February, or March preceding 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 1990.

Section 4: This ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

32-A. That the resolution to amend the water and sewer rates be adopted.

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

33. Consideration of a request for a special event application covering a walkathon sponsored by the Juvenile Diabetes Foundation scheduled for October 6, 1990.

33-A. Frakie-Williamson. That the request for a special event application requested for the Walkathon on October 6, 1990, sponsored by the Juvenile Diabetes Foundation, be approved.

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

33. Consideration of mayoral committee appointments for FY 1990-91.

33-A. Edison-Williamson. That the candidates as presented by the Mayor for committee appointments be approved.

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

34. Preliminary minutes of the Recreation Commission meeting of June 20, 1990 were received.

35. The Building Inspection Report for the month of June, 1990 was received.

36. The Public Safety Report for the month of June, 1990 was received.

37. The 1990 Construction Progress report dated July 16, 1990 was received.

38. Mayor Deems presented City Engineer/ACM with a plaque for 40 years service (1950-1990).

15. The meeting was adjourned subject to the call of the Mayor until August 6, 1990.



City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held August 6, 1990

The meeting was called to order by David Mehney, President of the Commission.

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

Also Present: City Manager Allard, City Attorney Huff, Public Safety Director Gallagher, Civil Engineer Kocsis, Engineering Services Director Baragar, Controller-Clerk-Treas. Chase and Craig Cushman of City Signal, Inc.

39. The minutes of the meeting held July 16, 1990 were approved as submitted.

40. Edison-Swain. That disbursement vouchers in the amount of \$263,125.71, disbursements to Schools in the amount of \$561,951.37 and payroll disbursements in the amount of \$98,278.22, 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: Mehney, Swain, Walton, Williamson, and Edison---5.
Nays: -0-

41. A hearing was held on a zoning variance requested by Gary and Jean Hopkins, 959 San Lucia Dr., S. E., to construct an addition to the rear of the residence to within nineteen feet from the rear property line rather than twenty-five feet as required by the Zoning Ordinance.

41-A. Williamson-Edison. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

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

42. Final reading of proposed 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.

42-A. Walton-Swain. That the following proposed ordinance amendment Sections 2.83 and 2.83-1 of the City Code be approved.

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 30/100 Dollars (\$1.30) per one thousand (1,000) gallons and the following quarterly meter service charge depending upon meter size:

Meter Size (inches)	Charge
1/2 - 3/4	\$ 18.30
1	30.27
1-1/4	45.66
1-1/2	64.47
2	112.35
3	249.15
4	440.67
6 & over	987.87

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 seventy-five cents (\$0.75) 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:

Meter Size (inches)	Charge
1/2 - 3/4	\$ 11.85
1	18.93
1-1/4	28.05
1-1/2	39.21
2	67.59
3	148.65
4	262.14
6 & over	586.41

For purposes of this section, the winter quarter shall mean the three-month period ending, as to each user, on either the last day of January, February, or March preceding 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 17, 1990.

Section 4: This ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

Yeas: Walton, Mehney, and Swain---3.
Nays: Williamson and Edison---2.

43. Consideration of staff recommendation to approve street lights Eastwood Avenue, S. E., and Tenway Drive and Oxford Road, S. E.

43-A. Williamson-Edison. That the request for installation of three lights near 1035, 1117, and 1149 Eastwood Avenue, S. E. be approved.

Walton-Swain. To amend the original motion to approve installation of one street light near 1117 Eastwood Avenue, S. E.

Yeas: Walton and Swain---2.
Nays: Williamson, Mehney and Edison---3.

Motion to amend the original motion defeated.

Vote on original motion.

Yeas: Williamson, Mehney and Edison---3.
Nays: Swain and Walton---2.

43-B. Williamson-Walton. That the request for installation of three lights near 2145 Tenway Drive, S.E. and near 1778 Oxford Road, S.E. be approved.

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

44. The Financial Reports for the period ended June 30, 1990 received.

45. Consideration of staff recommendation to renew cooperative agreements with Kent County concerning the community development block grant program.

45-A. Williamson-Walton. That the Cooperative Agreement and the Annual Subrecipient Agreement between the City of East Grand Rapids and Kent County in connection with the Kent County Community Development Block Grant Program be approved.

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

46. Consideration of staff recommendation to adopt right-of-way agreement between City Signal, Inc. and the City of East Grand Rapids permitting fiber optic cable on the Consumer Power Company's utility poles.

46-A. Edison-Williamson. That the Right of Way Agreement between City Signal, Inc. and the City of East Grand Rapids be approved.

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

47. Consideration of staff recommendation to accept the warranty deed for property adjacent to vacated Melrose, south of Berwyck.

47-A. Williamson-Swain. That the warranty deed from Breton Village Shopping Center, Inc. to the City of East Grand Rapids for the property adjacent to vacated Melrose, south of Berwyck be accepted.

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

48. Consideration of staff recommendation that civil engineer Jeff Kocsis be appointed as the City's traffic engineer.

48-A. Edison-Walton. To appoint civil engineer Jeff Kocsis as traffic engineer of the City of East Grand Rapids.

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

50. Consideration of staff recommendation to purchase a photocopier in the City Controller's department.

50-A. Edison-Walton. That the purchase of a Konica 5590 photocopier from Commercial Equipment Company at a cost of \$12,000 be authorized.

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

51. Consideration of staff recommendation to amend the Public Safety budget for joint upgrade of Kent County Sheriff's law enforcement computer system.

51-A. Edison-Williamson. That the City of East Grand Rapids authorize support of the joint upgrade of the Kent County Sheriff's Law Enforcement Computer System to a maximum of \$6,446 and to increase the General Fund-Public Safety-Contractual Services budget by \$6,446, to be taken from drug seizure monies.

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

52. Consideration of a request to approve a special event application cover the New Year's Resolution Run, sponsored by Classic Race Management, scheduled for January 1, 1991.

52-A. Williamson-Edison. That the New Year's Resolution Run on January 1, 1991, sponsored by Classic Race Management, be approved subject to receipt of evidence of appropriate insurance coverage.

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

53. Consideration of appointment of a voting delegate and alternate to the business meeting at the Michigan Municipal League annual convention scheduled for September 12-14, 1990 in Muskegon, Michigan.

53-A. Edison-Swain. That Commissioner James B. Frakie be appointed as the voting delegate for the business meeting at the Michigan Municipal League annual convention and City Manager Timothy T. Allard be approved as alternate delegate.

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

54. The 1990 street construction progress report dated August 6, 1990 was received.

55. The preliminary minutes of the Joint Facilities Committee meeting of July 9, 1990 were received.

56. Consideration of an addition to the agenda for ratification of the Public Safety Department Labor Agreement.

56-A. Williamson-Edison. That the East Grand Rapids Public Safety Department Labor Agreement be placed on the agenda for consideration.

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

57. Consideration of the East Grand Rapids Public Safety Department Labor Agreement.

57-A. Williamson-Edison. That the labor agreement between the bargaining-unit of the East Grand Rapids Public Safety Department and the City of East Grand Rapids for the period from July 1, 1990 to June 30, 1993 be ratified.

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

58. Mr. Edward W. Gray, 1115 Lakeside, commented on the recent flooding at Lakeside Dr., S.E. and Burchard Street, S.E. during the rainstorm of July 19, 1990.

Mrs. Helen Chmielewski, 3050 Cascade Road, protested the six foot fence which has been placed by her neighbor on his property near her lot line.

59. The meeting was adjourned subject to the call of the Mayor until August 20, 1990.



City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held August 20, 1990

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, Public Safety Director Gallagher, Civil Engineer Kocsis, Engineering Services Director Baragar, Controller-Clerk-Treas. Chase, and Emmet Yukon,

60. The minutes of the meeting held August 6, 1990 were approved as submitted.

61. Swain-Edison. That disbursement vouchers in the amount of \$308,724.04, disbursements to Schools in the amount of \$811,116.83 and payroll disbursements in the amount of \$103,635.44, 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: Mehney, Swain, Frakie, Williamson, Edison and Deems--6.
Nays: -0-

62. A hearing was held on a zoning variance requested by Dan Porter, 1118 1118 San Jose, S. E., to construct a detached garage one foot from the north property line rather than three feet as required by the Zoning Ordinance.

62-A. Williamson-Frakie. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

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

63. A hearing was held on a zoning variance requested by Craig and Chris Hondorp, 2509 Hall Street, S. E., to construct a two-stall garage ten feet from the east property line rather than twenty feet as required by the Zoning Ordinance.

63-A. Edison-Mehney. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

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

64. Introduction of proposed ordinance amendments with regard to the new BOCA codes and the proposed permit fee revisions for building and electrical permits.

64-A. Williamson-Edison. That the proposed ordinance amendments to update the BOCA codes and to adjust related fees be introduced as follows:

AN ORDINANCE TO AMEND SECTIONS 8.1, 8.2 AND 8.4
OF CHAPTER 80 OF TITLE VIII
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 8.1 of Chapter 80 of Title VIII of the Code of the City of East Grand Rapids is amended to read as follows:

Sec. 8.1. Adoption of code by reference.

Pursuant to the provisions of Section 8 of the State Construction Code Act (Act 230 of 1972, Compiled Laws 1948, Sec. 125.1501 et seq.) and pursuant to Section 3(k) of Act 279 of 1909, State of Michigan, as amended, the National Building Code, 1990 edition, as promulgated and published by the Building Officials and Code Administrators International, Inc. (BOCA), is hereby adopted by reference by the city as in this chapter modified, for the purpose of regulating the erection, construction, enlargement, equipment, alteration, repair,

moving, removal, demolition, conversion, use, heights, area and maintenance of all buildings and structures in the city.

Section 2. Section 8.2 of Chapter 80 of Title VIII of the Code of the City of East Grand Rapids is amended to read as follows:

Sec. 8.2. Code on file.

Complete copies of the National Building Code, 1990, herein adopted are available for public use and inspection at the office of the city clerk.

Section 3.

Section 8.4 of Chapter 80 of Title VIII of the East Grand Rapids City Code is amended to read as follows:

Sec. 8.4. Changes in code.

The following sections and subsections of the National Building Code are hereby amended, added, or deleted as indicated below. Subsequent section numbers used in the chapter shall refer to the like numbered sections of the National Building Code as amended:

Subsection 104.1 is amended to read as follows:

104.1. Ordinary Repairs, general. Ordinary repairs to buildings costing less than five hundred dollars (\$500.00) may be made without application or notice to the building official, but such repairs shall not include the cutting away of any wall, partition, or portion thereof, the removal or cutting of any structural beam or support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit requirements; nor shall ordinary repairs include additions to or alterations of any room or space, nor shall it include additions to, alterations of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste vent or similar piping, electric wiring or mechanical equipment or other work affecting public health or general safety.

Subsection 104.4 is added to read as follows:

104.4. Condemnation. No permit shall be issued for any building or other structure upon any land which has been condemned for any public improvement, or on any land ordered condemned by the city commission for any public improvement until a notice of such proposed condemnation has been fixed to the plans, application and permit. Nor shall a permit be issued for a building or structure upon which a notice of violation of any pertinent laws or ordinances has been issued, unless there shall be included in the application proposed work to correct the violation at the same time.

Subsection 104.5 is added to read as follows:

104.5. Exterior surfaces. All structures, including foundations, walls, roofs, doors and windows shall be so maintained that the building shall be weathertight, watertight and rodent proof and shall be kept in good repair and structurally sound by the owner. Exterior attachments including, but not limited to, gutters, downspouts, screening, windows, storm windows, vents, antennae, awnings and utility connections shall be maintained in good repair. All exterior wood surfaces shall be protected from the elements and against deterioration by paint or other protective coatings. All exterior painted surfaces shall be maintained in good condition without exposure of the underlying surface or previous finishes. Exterior surfaces not protected by paint or other protective coatings shall not be permitted to deteriorate and shall be maintained in a sound and slightly condition. Subsection 104.6 is added to read as follows:

104.6. Structures: Maintenance of exterior openings. Every window, exterior door and basement hatchway shall be kept weathertight, watertight and rodent proof; and shall be kept in sound working condition and in good repair.

Section 108 and all subsections thereunder are deleted.

Subsection 109.1 is amended to read as follows:

109.1. Code official. References in this chapter to department of building inspection or to the code official shall mean the building inspector of the city or his duly authorized representative.

Subsection 111.1 is amended to read as follows:

111.1. When permit is required. No building or structure or part thereof shall hereafter be erected, converted, repaired, altered or enlarged, moved or demolished except as permitted by subsection 104.1 hereof until a building permit has been obtained by the owner or his agent. The application for a permit shall be made in writing on approved forms; and shall be accompanied by the site plan required by subsection 111.6 and two (2) complete sets of dimensional plans showing all habitable floors, basement, cellar, foundations and sections, and by specifications describing the kind, size, quality and grade of all construction materials and service equipment. The code official may waive the requirement for filing plans when the work involved is of a minor nature and the building operation is adequately described in the application. All plans submitted for filing shall be prepared and signed as required by the statutes governing building construction. Where compliance with state statutes governing building construction is required, the application shall be accompanied by a set of the plans approved by the designated authority. Applications for a building permit to move any building shall show the width and cubical content of the building to be moved, its location and address and the location and address to which it is being moved and the route to be traversed in the course of such movement, in addition to the information required by this section for building permits for other types of operations. No permit to move or demolish a building shall be granted except upon compliance with Section 4.26 of Chapter 41 and Section 8.501 of Chapter 85 of the East Grand Rapids City Code and Section 105 of this National Building Code.

Subsection 112.9 is deleted.

Subsection 114.3 is amended to read as follows:

114.3. Fee computation. The fee for the building permit shall be based on the cost of the building as estimated by the code official, who shall determine such costs on the basis of current standard prices.

Subsection 114.3.1 is amended to read as follows:

114.3.1.a. Fee schedule. A fee for each plan examination and building permit shall be paid in accordance with the following schedule:

Cost of work	Fee
Up to \$1,000.00	\$14.00
\$1,001.00 and over	14.00

Plus for each additional \$1,000.00 of valuation or part thereof	5.00
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Reinspection Fee (payable before inspection)	10.00
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b. Failure to acquire permit; penalty. In addition to any remedies available under subsection 117.1, any person who has failed to acquire a required building permit prior to the commencement of construction shall pay an amount equal to Fifty Dollars (\$50.00) or twice the appropriate fee, whichever is greater, which shall be due immediately upon assessment and before a permit is issued. In addition to the amount assessed against the owner, any licensed contractor who is performing construction 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.

Subsection 114.3.2 is added to read as follows:

114.3.2. Moving and demolition permits. With respect to a

building which is ten (10) feet wide and does not contain over two thousand five hundred (2,500) cubic feet, the fee for a moving permit shall be twenty-five dollars (\$25.00); with respect to a building which is over ten (10) feet wide or contains more than two thousand five hundred (2,500) cubic feet, the fee shall be one hundred dollars (\$100.00). The fee for a demolition permit shall be twenty dollars (\$20.00) for a building having a value in excess of one thousand dollars (\$1,000.00).

Subsection 114.3.3 is added to read as follows:

114.3.3. Other fees. For fee schedules for plumbing installations, see Chapter 86 of the Code of the City of East Grand Rapids; for electrical installation and heating installations see subsections 1511.2 and 2700.6 as added in this chapter.

Subsection 114.3.4 is added to read as follows:

114.3.4. Deposits. Before receiving a building permit, the owner or his agent shall deposit with the city an amount determined by the code official to be adequate to protect the city against the cost of any expenses which the city may incur as the result of the work covered by the permit, including (but not by way of limitation) the cost of further permits, removal of debris, restoration of ground levels, use of unmetered water, repair of damaged sidewalks and other property and charges in connection with establishing and discontinuing water connections.

Subsection 115.3 is deleted.

Subsection 117.1 is amended to read as follows:

117.1. Unlawful acts. Any person erecting, repairing, using, moving, demolishing, occupying or maintaining any building or structure in violation of this building code or causing, permitting or suffering any such violation to be committed, shall be punished as provided in section 1.13 of the East Grand Rapids City Code. Any building or structure erected, repaired, used, moved, demolished, occupied or maintained in violation of this chapter is hereby declared to be a nuisance per se. Upon application to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation, or threatened violation, restrained and enjoined.

Subsection 117.4 is deleted.

Subsection 118.2 is amended to read as follows:

118.2. Unlawful Continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be subject to the penalties set forth in Section 1.13 of the East Grand Rapids City Code.

Subsections 119.1 through 119.6 are deleted.

Subsections 122.1 through 122.4 are deleted.

Section 123 and all subsections thereunder are deleted.

Subsection 124.1 is amended to read as follows:

124.1. Appeals. Appeals from the decision of administrative officials under the provisions of this code shall be heard and determined by the city commission which shall act as the board of appeals under this code and shall have the power to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this chapter. Appeals from the decisions of administrative officials charged with the enforcement of the provisions of this chapter shall be taken to said board under the provisions of such rules and regulations as it may prescribe. The board shall render all decisions by majority vote of its members elect. All decisions shall be made in writing to the code official charged with the enforcement of this chapter and shall provide the appellant with a duplicate copy of such decision. The board shall have such other powers and duties as may be stipulated in this chapter and elsewhere in this code.

Subsection 124.2 and all subsections thereunder are deleted.

Subsection 124.6 and all subsections thereunder are deleted.

Subsection 2700.4 is amended to read as follows:

2700.4. Electric equipment standards. It shall be unlawful to install or use any electrical device, apparatus, or equipment designed for attachment to, or installation on any electrical circuit or system for heating, light or power that is not of good design and construction and safe and adequate for its intended use. The building official shall have power to disapprove the use or installation of devices not fulfilling these requirements. Devices, apparatus and equipment approved by such generally recognized authorities as United States Bureau of Standards, Electrical Testing Laboratories of New York, or Underwriters' Laboratories shall be held to have the approval of the code official unless explicitly disapproved by said code official for reasons of faulty design and poor construction involving danger to persons and/or property. It shall be the duty of the code official from time to time to inspect devices, apparatus and equipment offered to the public for use in installation to see that such items conform to the above requirements. The person designated as city electrical inspector shall be a deputy code official.

Subsection 2700.5 is added to read as follows:

2700.5. Exceptions. Nothing contained in this code shall be deemed to prohibit any person from installing, altering, or repairing electrical wiring and apparatus in the residence owned and occupied by him, in conformity with the requirements of this code, but all such work shall be subject to the permit requirements and inspection requirements of this code.

Subsection 2700.6 is added to read as follows:

2700.6. Fees for inspection. When an application is made for a permit to equip any building with electric fixtures or wiring or heating or air conditioning or plumbing installations or other fixtures enumerated in this section, a fee shall be paid in an amount as prescribed in the following schedule, but in no event shall the total fee paid be less than twelve dollars (\$12.00). If a reinspection is required, a fee of ten dollars (\$10.00) is payable before inspection.

SCHEDULE OF FEES

Permanent Services

100 ampere 120, 240, and 480 volts	\$10.00
200 ampere 120, 240, and 480 volts	10.00
400 ampere 120, 240, and 480 volts	20.00
Over 400 amperes	30.00
Temporary service, each location	10.00

The first service installed shall be at the above rate, all others at the same address and voltage shall be one-half the above rate.

Wiring

Installing or altering wiring for lights, switches and/or receptacles:

1 or 2 outlets	\$ 2.00
3 or 4 outlets	4.00
5 to 6 outlets	5.00
7 to 12 outlets	6.00

The above fees are based on wiring which does not equal one circuit. When wiring does not require the installation of new circuits, all outlets over twelve (12) will be two dollars (\$2.00) for each additional twelve (12) or major part thereof.

1 circuit.	\$ 7.00
Each additional circuit	3.00

Fixtures

Schedule same as wiring.

Where one contractor installs or alters both wiring and fixtures at the same time, and it does not equal one circuit, no charge will be made for the following fixtures: drop cords, light receptacles and/or weatherproof sockets.

Residential Installations

Range	\$ 6.00
Water heater	6.00
Dryer	6.00
Dishwasher	6.00
Disposal or garbage grinder	6.00
Gas furnace	10.00
Oil furnace	10.00
Trailer service (one meter and one circuit).	10.00

Motor Schedule

Fractional hp	\$10.00
1 to 30 hp incl.	10.00
Over 30 hp	20.00

Where motors are moved more than two (2) feet a permit shall be required.

Heating Devices

Up to 1.0 kw, incl.	\$ 2.00
1.1 to 5 kw, incl.	4.00
5.1 to 10 kw, incl.	6.00
10.1 kw and over	8.00

Transformers

Up to 1/2 kva, incl.	\$ 2.00
.6 to 1 kva, incl.	4.00
1.1 to 5 kva, incl.	6.00
5.1 to 10 kva, incl.	8.00
10.1 kva and over	10.00

Outside Antennas or Towers

(Pre-wired or manufactured units may be installed by contractor) \$10.00

Illuminated Signs

Single-faced signs:	
Per square foot	\$ 0.25
Minimum	2.00
Double-faced signs:	
Per square foot	0.35
Minimum	2.00

Air Conditioners

1 hp or less	\$10.00
Over 1.1 hp through 5 hp	25.00
Over 5.1 hp through 50 hp	25.00
Plus per hp over 5.	6.00
Plus per hp over 50	2.00
Window units up to 24,000 Btu/hr	7.00
New installation of an air conditioning cooling tower, per unit	8.00

If any job or work covered by this chapter is commenced before a permit is obtained from the building inspector, an amount equivalent to Fifty Dollars (\$50.00) or twice the appropriate fee set forth herein whichever is greater, shall be paid by the owner before a permit is issued. In addition to the amount assessed against the owner, any licensed contractor who is performing electrical 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.

Subsection 2700.7 is added to read as follows:

2700.7. Access to building. The code official shall have the right during reasonable hours to enter any building in the discharge of his official duties or for the purpose of making an inspection or test of the installation of electric wiring, electric devices and/or electric material contained therein, and shall have the authority to cause the turning off of all electrical supply and cut or disconnect, in cases of emergency, any wire where such electrical currents are dangerous to life or property or may interfere with the work of the public safety department.

Subsection 2700.8 is added to read as follows:

2700.8. Permits. No alterations or additions shall be made in the existing wiring of any buildings, nor shall any building be wired for the placing of any electric lights, motors, heating devices, or any apparatus requiring the use of electrical current at a potential over thirty (30) volts, nor shall any alterations be made in the wiring in any building after inspection, without first notifying the code official and securing a permit therefore. Applications for such permit, describing such work, shall be made by the person installing same, and the permit, when issued, shall be to such applicant. This section shall not apply to maintenance and repairs on the premises of a person regularly employing qualified electricians for that purpose, nor to such minor repair work as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints or repairing drop cords.

Subsection 2700.9 is added to read as follows:

2007.9 Inspection. Upon completion of the wiring of any building, it shall be the duty of the person installing the same to notify the code official, who shall inspect the installations as soon as possible, and, if it is found to be fully in compliance with this code and does not constitute a hazard to life and property, he shall issue to such person, for delivery to the owner, a certificate of inspection, authorizing connection to the electrical service and the turning on of the current. All wires which are to be hidden from view shall be inspected before concealment, and any person installing such wires shall notify the code official, giving him sufficient time in which to make the required inspection before such wires are concealed.

Subsection 2700.10 is added to read as

2700.10. Reinspection. The code official shall make periodically a thorough reinspection of the installation in buildings of all electrical wiring, electric devices and electric material now installed or that may hereafter be installed, within the city, and when the installation of any such wiring, devices, and/or material is found to be in a dangerous or unsafe condition, the person, owning, using, or operating the same shall be notified and shall make the necessary repairs or changes required to place such wiring, devices and material in a safe condition, and have such work completed within fifteen (15) days, or any longer period specified by the code official in said action. The code official is hereby empowered to disconnect or order the discontinuance of electrical service to such wiring devices and/or material so found to be defectively installed until the installation of such wiring, devices and material has been made safe as directed by him.

Subsection 2700.11 is added to read as follows:

2700.11. Review. When the code official condemns all or part of any electrical installation, the owner may, within five (5) days after receiving written notice thereof, file a petition in writing for review of said action with the board of examiners, upon receipt of which the said board of examiners shall at once proceed to determine whether said electrical installation complies with this code, and within three (3) days shall make a decision in accordance with its

Section 2704.0, including all subsections, is deleted.

Section 2708.0 is added to read as follows:

SECTION 2708.0 CONTRACTOR'S LICENSE

2708.1. License required. It shall be unlawful for any person to engage as an independent contractor in the installation, alteration, maintenance or repair of electrical wiring, equipment, apparatus or fixtures for light, heat or power purposes where the electromotive force exceeds thirty (30) volts, in or about buildings and/or structures located within the city without first having procured a license in the manner prescribed in this chapter.

2708.2. Qualifications for license. Persons making application for a contractor's license must be twenty-one (21) years of age or over, and must have a license as a journeyman electrician, and pass a suitable examination. Persons applying for a contractor's license must have at least one member of the firm with the above qualifications and experience, or have one or more persons employed with the above qualifications and experience, and this shall be a continuing requirement and condition to the validity of all such licenses.

2708.3. Journeyman's license. It shall be unlawful for any person to engage in the occupation or trade of journeyman electrician in the installation, alteration, maintenance or repair of electrical wiring equipment, apparatus or fixtures for light, heat, power or medical purposes where the electromotive force exceeds thirty (30) volts in or about buildings and/or structures within the city without having first taken the examination and obtained a license as herein provided. This provision shall not apply to helpers and apprentices, provided such work as they may do is performed under the direction supervision of a licensed journeyman electrician who shall be on premises at all times when such helpers or apprentices are performing such work on the premises.

2708.4. Qualifications. Minimum qualifications for examination for journeyman electricians shall be four (4) years of practical experience. Time spent in trade school attendance shall be credited as apprentice experience; four (4) years in technical school and one year practical experience shall also qualify for examination.

2708.5. Board of examiners. A board of examiners is hereby created which shall consist of the city manager or his deputy, a representative of the company furnishing the electricity supply and a licensed electrical contractor. The members of this board shall be appointed by the city commission to serve during the pleasure of the city commission and shall hold office without receipt of remuneration from the city. The board shall prepare the application blanks, prescribe the examination and hold meetings whenever necessary to hold examinations. Due notice shall be given applicants of the date of examinations. Applicants failing to pass will not be eligible for reexamination for a period of thirty (30) days in reciprocal municipalities. The appointment of said board shall be deferred until such time as the city commission determines by resolution that the appointment of such board is appropriate to the volume of business. Pending such determination, the functions and duties of the board of examiners shall be carried out by an examining board of a reciprocating municipality selected by the code official for the purpose of administering examinations.

2708.6. Fees for licenses. Fees for licenses shall be as prescribed in Chapter 72 of the East Grand Rapids City Code. The issuance, expiration, renewal and transfer of such licenses shall be in accordance with Chapter 71 of the East Grand Rapids City Code, except as otherwise provided in this chapter. After March first of any year, all licenses not renewed shall be considered and may not be renewed except upon approval by the examining board. No license shall be issued except upon recommendation of the examining board. No electrical contractor licensed under the provisions of this chapter shall secure permits for any electrical work to be done by any person not employed by such electrical contractor.

2708.7. Reciprocal provisions. The city shall permit electrical contractors and journeymen electricians lawfully licensed by other municipalities of the State of Michigan or by the state electrical administrative board to install, alter or repair electrical wiring, equipment, apparatus or fixtures for light, heat, power or medical purposes within the corporate limits of the city upon registration with the city clerk, which registration shall expire concurrently with the license presented for registration. No municipal license shall be recognized for registration unless the issuing municipality reciprocates in recognizing electrical contractors and journeymen who

are duly licensed under the provisions of this code, by granting them the same privilege and charging the same uniform license and registration fees and unless the licensing ordinance is substantially equal to the requirements of this code. A fee of five dollars (\$5.00) shall be charged registration of contractors and journeymen electricians licensed by other municipalities.

2708.8. Foreign corporations; penal bond. Corporations applying for electrical contractor licenses, whose principal place of business is in the State of Michigan, may obtain such license from the city upon approval by the examining board and the payment of the prescribed fee. Provided, that the applicant shall file a duly executed bond in the penal sum of one thousand dollars (\$1,000.00), running to the city, conditioned for the faithful performance and observance of the provisions of this code, and rules and regulations made and approved as hereinafter provided, controlling the installation of electrical wiring and equipment. Such bond shall be a surety bond from a recognized and approved surety company authorized to transact business in the State of Michigan.

2708.9. License suspension and revocation. Any electrical contractor's or journeymen electrician's license may, after a hearing, of which hearing the licensee is given not less than five (5) days' notice, which notice shall inform the licensee of the charges to be heard against him, be suspended or revoked by the examining board having issued such license when it shall appear to the satisfaction of the examining board that such licensee falsified his application in any particular or that such licensee has violated any rule or regulation related to the installation, inspection, maintenance, alteration or repair of electrical wiring, devices, appliances or equipment or has violated any of the provisions of this code or any rule or regulation issued by the board pursuant hereto. The examining board shall also have the power, upon cause shown, to rescind the reciprocal privileges within the city of any registered electrical contractor or journeyman electrician otherwise permitted by the terms of this chapter to do business or perform services in the city.

Section 2709.0 is added to read as follows:

SECTION 2709.0 MISCELLANEOUS

2709.1 Rules and regulations. The board of examiners is hereby empowered and it shall be their duty to make such rules and regulations concerning electrical work in the city as may be required to properly provide for the situation therein. The rules and regulations so made shall be approved by the city commission and shall take precedence over plans, specifications and National Electrical Code rules.

2709.2. Liability. This code shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electrical wiring, electric devices and/or electric material for damages to person or property caused by any defect therein nor shall the city be held as assuming any such liability by reason of the inspection authorized herein or certificate of issued herein provided.

Section 2808.0 is added to read as follows:

SECTION 2808.0. PLUMBER LICENSE REQUIRED

2808.1. General. The installation, alteration, maintenance, extension or replacement of any plumbing, including domestic water heating equipment, as defined by the plumbing laws of the State of Michigan and the plumbing code of the city, is not permitted to be done by any heating contractor or installer, unless he is licensed as a master plumber under the said plumbing laws of the State of Michigan.

Subsection 2901.2 is amended to read as follows:

2901.2. Other sign ordinances have precedence. Where more restrictive in respect to location, use, size or height of signs, the limitations of the city zoning ordinance and other ordinances regulating signs shall be enforced when in conflict with or in addition to provisions of this code.

Section 3300.0 is added to read as follows:

SECTION 3300.0 HEATING EQUIPMENT

3300.1 Adoption of mechanical code by reference. Pursuant to the provisions of Section 3(k) Act 279 of 1909, State of Michigan, as amended, the BOCA National Mechanical Code/1990, as promulgated by the Building Officials and Code Administrators International, Inc., is hereby adopted by reference by the city for the purpose of regulating the installation and inspection of heating and mechanical systems. In the event of conflict between the provisions of said mechanical code and the provisions of this chapter, the provisions of this chapter shall prevail. Complete printed copies of the BOCA National Mechanical Code, herein adopted, are available for public use and inspection at the office of the city clerk.

Section 4. This ordinance shall be effective on _____, 1990.

Section 5. This ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

AN ORDINANCE TO AMEND SECTIONS
8.91, 8.92, 8.93, 8.94 AND 8.99
OF CHAPTER 84 OF TITLE VIII OF THE CODE
OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Sections 8.91, 8.92, 8.93 and 8.94, of Chapter 84 of Title VIII of the East Grand Rapids City Code are repealed and replaced in their entirety to read as follows:

Sec. 8.91. Adoption of code by reference.

Pursuant to Section 3(k) of Act 279 of 1909, State of Michigan, as amended, the BOCA National Property Maintenance Code/1990, Third Edition, as promulgated and published by the Building Officials and Code Administrators International, Inc. (BOCA), is hereby adopted by reference by the city as in this chapter modified for the control of buildings and structures as herein provided; and each and all of the regulations of the BOCA National Property Maintenance Code/1990, Third Edition, are hereby adopted and made a part hereof, as fully set forth herein, except as specifically modified.

Sec. 8.92. Code on file.

Complete printed copies of the BOCA National Property Maintenance Code/1990, Third Edition, herein adopted, are and shall be maintained and are available for public use and inspection at the office of the city clerk.

Sec. 8.93. References in code.

Reference in the BOCA National Property Maintenance Code/1990, Third Edition, to "jurisdiction" shall mean the City of East Grand Rapids and reference to "code official" or "building official" shall mean the building inspector of the City of East Grand Rapids, or a designated assistant, or the city manager, or the city engineer or the fire chief in the event that such persons shall at any time assume responsibility as the "code official" or "building official" under the provisions of this chapter.

Sec. 8.94. Changes in code.

The following sections and subsections of the BOCA National Property Maintenance Code/1990, Third Edition, are hereby amended or deleted and additional sections are added hereinafter as set forth. Subsequent section numbers used in this section 8.94 shall refer to the like numbered sections of the BOCA National Property Maintenance Code/1990, Third Edition:

Subsection PM-104.8.1 is added to read as follows:

PM-104.8.1. Approval of rules. The rules and regulations promulgated under PM-104.8.1 shall become effective upon approval by the East Grand Rapids City Commission.

Subsection PM-109.2 is amended to read as follows:

PM-109.2. Penalty. Any person, firm or corporation, who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed ninety (90) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

Subsection PM-110.6 is added to read as follows:

PM-110.6. Restraining actions. Anyone affected by any such order may within fifteen (15) days after service of such order apply to a court of record for an order restraining the code official from razing and removing such structure or parts thereof. If the court issues such order and if the court shall later determine that the order of the code official is reasonable, the court shall dissolve the restraining order, and if the court shall determine that the order of the code official is not reasonable, the court shall continue the restraining order or modify it as the circumstances may require.

Subsection PM-110.7 is added to read as follows:

PM-110.7. Recovery of expenses of demolition. In the event of expense being incurred by the city in the work of demolishing or removing any dwelling or building, the building official shall report the amount thereof to the comptroller, who shall collect the amount from the owner or owners. If the bill is not paid, it shall be assessed against the property involved and shall be collected as provided for assessments on single lots pursuant to the provisions of section 1.306 of the City Code.

Subsection PM-111.2 is amended to read as follows:

PM-111.2. Appeals board. The East Grand Rapids City Commission shall serve as the property maintenance code appeals board, hereafter referred to as the board, for all purposes under this chapter. Such board shall so act as to protect existing structures in the city by vigorous enforcement of the provisions of this code.

Subsection PM-111.2.1 is deleted.

Section PM-201.0 is amended as follows:

The definitions of "family" and "rooming house" set forth in PM-201.0 are amended to read as follows: (All other definitions remain the same.)

Family: A single individual or a married couple together with his, her or their children, or a collective body of persons living together upon the premises as a single housekeeping unit, utilizing a single common cooking and dining facility, in a domestic relationship based upon birth, marriage or other relationship based upon a distinct domestic character. This definition shall not include any society, club, fraternity, sorority or other student group, association, lodge, organization or group of persons, which does not constitute a recognized religious order, nor shall it include a group of individuals whose association is temporary or seasonal in character or nature. Additional persons may be housed with a family in a dwelling unit only in compliance with all provisions of Article II of this chapter except as provided below.

Rooming house (including lodging or boarding house): A dwelling having one kitchen and used either primarily or incidentally for the purpose of providing meals or lodging or both meals and lodging to persons other than members of the family occupying such dwelling. In the case of a family related by blood, marriage or legal adoption, not to exceed two (2) persons not so related may be provided with meals or lodging or both without compliance with the provisions of sections 8.95 to 8.102 inclusive of this chapter; provided, that as a result thereof the number of persons so provided with meals or lodging in such dwelling, including members of the family, shall not exceed a total of five (5).

Subsection PM-302.1 is amended to read as follows:

PM-302.1. General. The exterior of a structure shall be maintained structurally sound and sanitary so as not to pose a threat

to the health and safety of the occupants and so as to protect the occupants from the environment. The exterior surfaces of all buildings, including foundations, walls, roofs, doors and windows shall be so maintained that the building shall be weathertight, watertight, and rodentproof and shall be kept in good repair. Exterior attachments including, but not limited to, gutters, downspouts, screening, storm windows, vents, antennae, awnings, and utility connections shall be maintained in good repair. All exterior wood surfaces shall be protected from the elements and against deterioration by paint or other protective coatings. All painted surfaces shall be maintained in good condition without exposure of the underlying surface or previous finishes. Exterior surfaces not protected by paint or other protective coatings shall not be permitted to deteriorate and shall be maintained in a sound and sightly condition.

Subsection PM-303.9 is added to read as follows:

PM-303.9. Exit doors. Every door which serves as an exit shall be capable of being opened easily from the inside and shall not be so obstructed either on the inside or outside so as to prevent its use in case of emergency. Every door available as an exit except in the case of a single-family residential unit shall be capable of being opened easily from the inside without the use of a key.

Subsection PM-701.2 is amended to read as follows:

PM-701.2. Locked doors. All doors serving as a required means of egress, except with respect to single-family dwelling units, shall be readily openable from the inside without the use of keys. Exits from dwelling units, hotel units, lodging units, and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms. In addition, the provisions of PM-303.9 shall be complied with.

Section PM-803.0 is added to read as follows:

SECTION PM-803.0. ENFORCEMENT

The failure of a person who has responsibility for any condition or action under this code to fulfill such responsibility in accordance with the provisions of this code shall constitute a violation which shall make such persons subject to prosecution and penalty as provided in PM-109.0.

Section 2. Section 8.99 of Chapter 84 of Title VIII of the East Grand Rapids City Code is amended to read as follows:

Sec. 8.99. Minimum basic facilities.

In addition to the requirements of Subsection PM-501.2 of the BOCA National Property Maintenance Code/1990, Third Edition, at least one flush water closet, lavatory basin, and bathtub or shower, connected to a water and sewerage system and in good working condition, shall be supplied for each eight (8) persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities. Provided, that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling as to be accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. No such facilities shall be located in a basement except by written approval of the building official. Any rooming house where food is served shall comply with all requirements of the state and county health departments.

Section 3. This ordinance shall be effective on _____, 1990.

Section 4. This ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

AN ORDINANCE TO AMEND SECTIONS 8.602 AND 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. Section 8.602 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids is amended to read as follows:

Sec. 8.602. Adoption of plumbing code by reference.

Pursuant to the provisions of Section 3(k) of Act 279 of 1909 of the Public Acts of the State of Michigan, as amended, the BOCA Basic Plumbing Code, 1990 Edition, as promulgated by the Building Officials and Code Administrators International, Incorporated, is hereby adopted by reference by the city, as modified in this chapter, for the purpose of regulating the design and installation of plumbing systems, drainage systems and water services.

Section 2. Section 8.603 of Chapter 86 of Title VIII of the code of the City of East Grand Rapids is amended to read as follows:

Sec. 8.603. Changes in code.

The following sections and subsections of the plumbing code are hereby amended or deleted as set forth herein and additional sections and subsections added as indicated. Subsequent section numbers used in this chapter shall refer to like numbered sections of the BOCA National Plumbing Code.

Subsection P-100.1 is amended to read as follows:

P-100.1. Title. This part shall be known as the East Grand Rapids Plumbing Code and is hereinafter referred to as the plumbing code or this code.

Subsection P-114.2 is 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 processes, reinspections 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 twice the fee set forth herein shall be paid before a permit is issued. In addition to the amount assessed against the owner, any licensed contractor who is performing plumbing work on a job where a required permit has not been obtained shall be subject to a civil fine of three times the permit fee, which shall be due immediately upon assessment.

Subsection P-117.1 is amended to read as follows:

P-117.1. Violations. Any person who violates the provisions of this chapter or the rules and regulations which may be adopted hereunder or shall operate a water system valve located within the public right-of-way or easement or shall enclose, cover up or put into operation work regulated by this code before it has been inspected and approved, may have his license and permit revoked and shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) and/or imprisonment for not more than ninety (90) days. Any person who has commenced work other than during an emergency as herein provided without securing a permit to do so, shall upon conviction thereof be subject to a fine of not more than five hundred dollars (\$500.00) and/or imprisonment for not more than ninety (90) days.

Subsection P-117.2 through P-117.5 are deleted.

Subsection P-201.1 is added as follows:

P-201.1. Definition of terms--Administrative authority. With reference to permits and inspections to be made by the department (City of Grand Rapids), administrative authority shall mean the assistant director of the department of community improvement and inspection services or the chief plumbing inspector under his direction, except

that approval of materials and/or equipment shall be by the state administrative authority. With reference to permits and inspections to be made by the director of public service (City of East Grand Rapids), administrative authority shall mean the director of public service of the City of East Grand Rapids or a designated representative under his direction except that approval of materials and/or equipment shall be by the state administrative authority.

Subsection P-201.2 is added 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) Water service permit means a permit for installing a water service pipe.
- (5) Plumbing permit means a permit for plumbing as defined herein.
- (6) Homeowner means the owner of a single-family residence in which he resides.

Subsection P-303.2 is amended to read as follows:

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, and a connection conforming with the standards set forth in this code may be made thereto.

Subsection P-303.3 is added as follows:

P-303.3. Independent building sewer and water service. Every building shall have an independent owner-maintained building sewer and water service connected to the curb cock.

Subsection P-303.4 is added as follows:

P-303.4. Easements for water service and or drainage systems. It shall be unlawful to install a water service pipe or drainage system from any building or premises across any adjacent property or premises, even though at the time of the proposed installation the adjacent properties are under common ownership, unless a right-of-way or easement is submitted to the department and the city engineer's office for approval and recorded with the Kent County Register of Deeds.

Any plumbing permits hereafter issued without such record of easement for installation as indicated in the previous paragraph shall be null and void and installations made without such record of easement shall be removed in case of inability on the part of the person desiring right-of-way to secure any easement or right-of-way within thirty (30) days after notice of violation.

Subsection P-304.3 is added as follows:

P-304.3. Industrial-commercial chemical waste information. When plans of plumbing installations that involve industrial or commercial type wastes are submitted for approval, complete process information shall accompany the plans. The information shall include without limitation the following:

- (a) Description of process yielding the waste.
- (b) Composition and concentration of chemical mixtures in the

process.

- (c) Composition of wastes and concentration of constituents.
- (d) Quantities of wastes to be treated and rates of discharge to treatment equipment.
- (e) Capacity of largest process tank or tanks that will be simultaneously discharged.
- (f) Water demands of the industrial waste producing process.
- (g) Description of waste treatment equipment to be used, including capacities, methods of treatment, quality of effluent, nature and disposition of products resulting from treatment. Such information shall be accompanied by the recommendations of the environmental protection director as provided in Chapter 27 of the Grand Rapids City Code.

Subsection P-308.3 is amended to read as follows:

P-308.3. Freezing. Water service piping and 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.

Subsection P-402.4 is amended to read as follows:

P-402.4. Water service pipe. Water service pipe on private property shall be made of copper pipe or copper tube. Copper tube, when used underground, shall have a weight not less than copper water tube type L. When used underground in corrosive soil or fill, the piping material or protective coating or covering shall be as approved by the state plumbing board. Water service in public property shall be in accordance with standards of the water department.

Subsection P-601.4 is added as follows:

P-601.4. Minimum size of building sewer. No part of the building sewer, including required cleanouts, shall be less than four (4) inches in diameter.

Subsection P-802.1 is amended to read as follows:

P-802.1. Storm water drainage to sewer prohibited. Storm water and/or subsoil drains shall not be drained into sewers intended for sewage only.

Subsection P-805.2 is added as follows:

P-805.2. Subsoil drains. In new installations, subsoil drains shall be connected to a storm sewer when available. If a storm sewer is not available, the administrative authority shall determine how to dispose of the water. In the case of one- and two-family dwellings, when approved by the administrative authority and the discharge does not constitute a nuisance to neighbors and/or the public, it may be discharged on flat areas of lawn on the premises.

Subsection P-807.3 is amended to read as follows:

P-807.3. Combining storm with sanitary drainage. The sanitary and storm drainage systems of a building shall be entirely separate.

Subsection P-1218.3 is amended to read as follows:

P-1218.3. Urinals, stall-type, watertight pans required. Urinals of stall-type shall be constructed so as to have a watertight pan of lead or other approved materials by the state plumbing board installed beneath them. The drain for the urinal shall be made with a drainage clamping ring assembly to the watertight pan.

Subsection P-1502.1 is amended to read as follows:

P-1502.1. Size of water service. The water service pipe shall be of sufficient size to furnish water to the building in the quantities and at the pressures required elsewhere in this code. It shall in no

case be less than one inch nominal diameter. The methods for sizing the water service pipe are described in Appendix "C."

Subsection P-1505.11.4 is added to read as follows:

P-1505.11.4. Approval of devices. Before any device for the prevention of backflow or backsiphonage is installed, it shall have first been certified by a recognized testing laboratory acceptable to the administrative authority. Devices installed in a building potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system. In order to insure proper operation of the device, the person responsible for maintenance shall periodically, but in no case less than annually, test the device or have a qualified person test the device and submit a report to the water department.

Subsection P-1506.4.3 is added as follows:

P-1506.4.3. Pressure relief valves. The valves shall have a relief rating adequate to meet the pressure conditions in the equipment served. They shall be installed in the cold water supply line to the heating equipment served except where scale formation from hard water may be encountered, in which case they may be installed in the hot water supply line from the heating equipment served. There shall be no shutoff valve between the pressure relief valve and the tank. The pressure relief valve shall be set to open at not less than twenty-five (25) psi above the street pressure or not less than twenty-five (25) psi above the setting of any house water pressure regulating valve. The setting shall not exceed the tank working pressure. The minimum size of both the inlet and discharge connections shall be three-quarter-inch pipe size, except that relief valves protecting water heating systems with input of not more than fifteen thousand (15,000) Btu per hour may have inlet and discharge connections of one-half-inch pipe size.

Subsection P-1506.4.4 is added to read as follows:

P-1506.4.4. Combination pressure-temperature relief valves. Combination pressure-temperature relief valves shall comply with the applicable requirements for individual pressure and individual temperature relief valves and shall be installed so that the temperature sensing element is immersed in the hottest water within the top six (6) inches of the tank. The minimum size of both the inlet and the discharge connections shall be three-quarter-inch pipe size except that relief valves protecting water heating systems with input of not more than fifteen thousand (15,000) Btu may have inlet and discharge connections of one-half-inch pipe size.

Section P-1600.0 through Subsection P-1605.2 are deleted.

Section 3. This ordinance shall be effective on _____, 1990.

Section 4. This ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

AN ORDINANCE
TO AMEND SECTION 8.701 OF CHAPTER 87
OF TITLE VIII OF THE CODE OF THE
CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 8.701 of Chapter 87 of Title VIII of the East Grand Rapids City Code is amended to read as follows:

Sec. 8.701. Electrical code.

The electrical code of the City of East Grand Rapids is contained in the following:

- (1) Article 27 of the BOCA National Building Code, 1990 edition, which is adopted for use in East Grand Rapids by section 8.1 of this Code; and
- (2) The National Electrical Code which is

adopted and incorporated by Article 27
of said BOCA National Building Code; and

- (3) The amendments to the BOCA National Building Code which are adopted by Chapter 80, section 8.4, subsections 2700.4 through 2709.2 of this Code.

Section 2. This ordinance shall be effective on _____, 1990.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

AN ORDINANCE
TO AMEND SECTION 9.102 OF CHAPTER 95
OF TITLE IX OF THE CODE
OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 9.102 of Chapter 95 of Title IX of the the East Grand Rapids City Code is amended to read as follows:

Section 9.102. Adoption of fire prevention code by reference.

Pursuant to the provisions of Section 3(k) of Act 279 of the Public Acts of the State of Michigan, 1909, as amended, the BOCA National Fire Prevention Code/1990 Edition, as promulgated by the Building Officials and Code Administrators, International, Inc., is hereby adopted by reference by the city for the purpose of safeguarding life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises. In the event of conflict between the provisions of said fire prevention code and the provisions of this chapter, the provisions of this chapter shall prevail. Complete printed copies of the BOCA National Fire Prevention Code, herein adopted, are available for public use and inspection at the office of the city clerk.

Section 2. This ordinance shall be effective on _____, 1990.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

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

65. Consideration of officer delegates to the Michigan Employees Retirement System Annual Business Meeting.

65-A. Edison-Frakie. That City Controller-Clerk-Treasurer Chase be designated as the officer delegate to the MERS Annual Business Meeting and that City Assessor Norman be designated as alternate delegate.

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

66. Consideration of staff recommendation to award bid for improvements to Remington Baseball Field.

66-A. Edison-Williamson. To award the contract for Remington Field improvements to Twin Lakes Nursery for \$13,198.33 and to limit the City-paid portion of the improvements to no more than \$3,950.

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

67. Consideration of staff recommendation to ratify the amendment to the Manhattan Recreation Area construction contract with Diversco Construction Company to include drainage and backfill work in the amount of \$16,500.

67-A. Mehney-Swain. To ratify the \$16,500 amendment to the Manhattan Recreation Area construction contract with Diversco Construction Company to include drainage and backfill work.

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

68. Consideration of a request to approve a special event application covering the W-Light Dog Parade, sponsored by WLHT Radio Station, scheduled for September 22, 1990.

68-A.Edison-Frskie. To approve the W-Light Dog Parade on September 22, 1990, sponsored by WLHT Radio.

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

69. Consideration of a request to approve a special event application covering the Run Through Apple Country, sponsored by the YMCA of Grand Rapids, scheduled for October 27, 1990.

69-A.Edison-Williamson. To approve the Run Through Apple Country, sponsored by the Grand Rapids YMCA, on October 27, 1990.

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

70. Information presented by City Attorney Huff regarding alternatives for the funding of a downtown development project was received.

71. Building Inspection Report for the month of July, 1990 was received.

72. The Public Safety Report for the month of July, 1990 was received.

73. Mayor Deems commended the Public Safety Department for a job well done in maintaining the safety and well-being of the residents of East Grand Rapids which has been recognized as having the lowest crime rate for a city of 10,000 in the State of Michigan.

74. The meeting was adjourned subject to the call of the Mayor until September 4, 1990.



City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held September 4, 1990

The meeting was called to order by Mayor Deems.

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

Also Present: City Manager Allard, City Attorney Huff, Public Safety Director Gallagher, Public Services Director Sterkenberg, Engineering Services Director Baragar, Civil Engineer Kocsis, Controller-Clerk-Treas. Chase, Lois Moseley, Chairman of the Grand Rapids Area Transit Authority (GRATA) Board, and Keary Sawyer, judicial candidate for the 63rd District Court.

74. The minutes of the meeting held August 20, 1990 were approved as submitted.

75. Frakie-Swain. That disbursement vouchers in the amount of \$177,902.17, disbursements to Schools in the amount of \$3,370,525.40 and payroll disbursements in the amount of \$90,128.21, 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: Walton, Swain, Frakie, Williamson, and Deems—5.
Nays: -0-

76. A hearing was held on a zoning variance requested by Everett Marsman, 6035 - 28th St. S. E., to allow the property at 1602 Wealthy, S. E., a non-conforming lot of record, to be further reduced in size from 44 feet wide by 120 feet long to 44 feet wide by 72 feet long.

76-A. Williamson-Frakie. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

Yeas: Walton, Swain, Frakie, Williamson, and Deems—5.
Nays: -0-

77. A hearing was held on a zoning variance requested by Cathleen and Hunter Meriwether, 526 Lovett, S. E., to allow the non-conforming shrubbery on the northwest corner of their residence to remain in its present state rather than the three foot maximum height as required by the Zoning Ordinance.

77-A. Frakie-Walton. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

Yeas: Walton, Swain, Frakie, Williamson, and Deems—5.
Nays: -0-

78. A hearing was held on a zoning variance requested by Gunther and Ilse Jacoby, 2053 Anderson, S. E., to allow the non-conforming shrubbery on the northeast corner of their residence to remain in its present state rather than the three foot maximum height as required by the Zoning Ordinance.

78-A. Walton- . That this Commission, acting as the Board of Zoning Appeals, grant the variance.

The motion failed for lack of a second.

78-B. Swain-Williamson. That this Commission, acting as the Board of Zoning Appeals, deny the variance.

Yeas: Williamson, Frakie, Swain, and Deems—4.
Nays: Walton—1.

Commissioner Mehney arrived.

79. Consideration of information presented by Lois Moseley, Board Chairman of Grand Rapids Area Transit Authority (GRATA), including the request for the adoption of the resolution admitting Gaines and Byron Townships to membership in Grand Rapids Area Transit Authority.

79-A. Williamson-Walton. To adopt the following resolution amending the Grand Rapids Area Transit Authority (GRATA) interlocal agreement admitting Gaines and Byron Townships to become members of Grand Rapids Area Transit Authority.

SECOND AMENDMENT TO
INTERLOCAL AGREEMENT TO ESTABLISH THE
GRAND RAPIDS AREA TRANSIT AUTHORITY BOARD

(Pursuant to Act 7 P. A. 1967)

THIS AGREEMENT, made this 17th day of September, 1990, by and among the governmental entities of EAST GRAND RAPIDS, GRAND RAPIDS, GRANDVILLE, KENTWOOD, WALKER, WYOMING, BYRON TOWNSHIP AND GAINES TOWNSHIP, (hereinafter referred to as the "governmental units").

WITNESSETH:

WHEREAS the governmental entities of East Grand Rapids, Grand Rapids, Grandville, Kentwood, Walker, Wyoming and the County of Kent entered into an interlocal agreement on July 1, 1976 which was subsequently amended by written agreement on October 1, 1976, and

WHEREAS the County of Kent has previously served the required notice of intent to withdraw from further participation in the activities envisioned within this agreement, and

WHEREAS the remaining governmental units have agreed to a further amendment authorizing the inclusion of BYRON TOWNSHIP AND GAINES TOWNSHIP as additional governmental units with all of the rights, privileges and responsibilities attached thereto.

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

1. Article IV - PARTIES is hereby amended in its entirety to read as follows:
"The parties to this Agreement shall be the Cities of East Grand Rapids, Grand Rapids, Grandville, Kentwood, Walker and Wyoming and the Townships of Byron and Gaines, all being signatories hereto, and any other governmental unit that is a "public agency", as defined in the Act, which may hereafter become a party to this Agreement and bound by the terms hereof and as amended. Additional public agencies may become parties to this Agreement pursuant to the unanimous agreement of the parties hereto, provided such public agencies elect to bind themselves to the terms and conditions herein stated."

2. Articles VIII - MEMBERSHIPS, Section 2. Representation of Members is hereby amended in its entirety to read as follows:

"Each participating member of the Board shall be represented on the Board of Directors. The number of representatives to the Board of Directors from each participating governmental unit shall be determined as nearly as possible based upon the population of each participating governmental unit as a percentage of the total population contained within the corporate limits of all of the participating governmental units, according to the last decennial census, except that each member shall have at least one representative on the Board of Directors.

Initial representatives, appointed to the Board of Directors, from the date of this amendment through and including September 30, 1991, shall be as defined in Exhibit A attached hereto.

From and after October 1, 1991, the number of representatives constituting the Board of Directors and allocation of appointment authority to each participating governmental unit, shall revert to the formula described in the first paragraph of Article VIII, Sec. 2."

3. Except as hereby specifically amended, the Interlocal Agreement shall continue in full force and effect according to its original term.

4. This amended agreement shall be effective from and after the date of execution.

INTERLOCAL AGREEMENT TO ESTABLISH THE
GRAND RAPIDS AREA TRANSIT AUTHORITY BOARD

Exhibit A

Authorized Number of Appointments to GRATA Board of Directors
From The Date Of This Agreement to September 30, 1991

GOVERNMENTAL ENTITY	NUMBER OF APPOINTED REPRESENTATIVES
Byron Township	1
East Grand Rapids	1
Gaines Township	1
Grand Rapids	9
Grandville	1
Kentwood	1
Walker	1
Wyoming	3
TOTAL - BOARD OF DIRECTORS	<u>18</u>

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

80. Final reading of proposed ordinance amendments to update BOCA codes and to adjust related fees.

80-A. Frakie-Swain. That the following proposed ordinance amendments to update the BOCA codes and the proposed fee revisions for building and electrical permits be approved as follows:

AN ORDINANCE TO AMEND SECTIONS 8.1, 8.2 AND 8.4
OF CHAPTER 80 OF TITLE VIII
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

Notice is hereby given that the City Commission of the City of East Grand Rapids adopted revisions to Section 8.1, 8.2, and 8.4 of Chapter 80 of Title VIII of the East Grand Rapids City Code entitled "National Building Code" on September 4, 1990. The purpose of the revised sections is to adopt the National Building Code, 1990 Edition, as promulgated and published by the Building Officials and Code Administrators International, Inc. (BOCA), with modifications, as the Building Code for the City of East Grand Rapids. The full text of the revised sections is available for inspection by and distribution to the public at the office of the City Clerk. No further or additional publication of the new sections is required or contemplated. This ordinance shall be effective on September 15, 1990.

AN ORDINANCE TO AMEND SECTIONS
8.91, 8.92, 8.93, 8.94 AND 8.99
OF CHAPTER 84 OF TITLE VIII OF THE CODE
OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Sections 8.91, 8.92, 8.93 and 8.94, of Chapter 84 of Title VIII of the East Grand Rapids City Code are repealed and replaced in their entirety to read as follows:

Sec. 8.91. Adoption of code by reference.

Pursuant to Section 3(k) of Act 279 of 1909, State of Michigan, as amended, the BOCA National Property Maintenance Code/1990, Third Edition, as promulgated and published by the Building Officials and Code Administrators International, Inc. (BOCA), is hereby adopted by reference by the city as in this chapter modified for the control of buildings and structures as herein provided; and each and all of the regulations of the BOCA National Property Maintenance Code/1990, Third Edition, are hereby adopted and made a part hereof, as fully set forth herein, except as specifically modified.

Sec. 8.92. Code on file.

Complete printed copies of the BOCA National Property Maintenance Code/1990, Third Edition, herein adopted, are and shall be maintained and are available for public use and inspection at the office of the city clerk.

Sec. 8.93. References in code.

Reference in the BOCA National Property Maintenance Code/1990, Third Edition, to "jurisdiction" shall mean the City of East Grand

Rapids and reference to "code official" or "building official" shall mean the building inspector of the City of East Grand Rapids, or a designated assistant, or the city manager, or the city engineer or the fire chief in the event that such persons shall at any time assume responsibility as the "code official" or "building official" under the provisions of this chapter.

Sec. 8.94. Changes in code.

The following sections and subsections of the BOCA National Property Maintenance Code/1990, Third Edition, are hereby amended or deleted and additional sections are added hereinafter as set forth. Subsequent section numbers used in this section 8.94 shall refer to the like numbered sections of the BOCA National Property Maintenance Code/1990, Third Edition:

Subsection PM-104.8.1 is added to read as follows:

PM-104.8.1. Approval of rules. The rules and regulations promulgated under PM-104.8.1 shall become effective upon approval by the East Grand Rapids City Commission.

Subsection PM-109.2 is amended to read as follows:

PM-109.2. Penalty. Any person, firm or corporation, who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed ninety (90) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

Subsection PM-110.6 is added to read as follows:

PM-110.6. Restraining actions. Anyone affected by any such order may within fifteen (15) days after service of such order apply to a court of record for an order restraining the code official from razing and removing such structure or parts thereof. If the court issues such order and if the court shall later determine that the order of the code official is reasonable, the court shall dissolve the restraining order, and if the court shall determine that the order of the code official is not reasonable, the court shall continue the restraining order or modify it as the circumstances may require.

Subsection PM-110.7 is added to read as follows:

PM-110.7. Recovery of expenses of demolition. In the event of expense being incurred by the city in the work of demolishing or removing any dwelling or building, the building official shall report the amount thereof to the comptroller, who shall collect the amount from the owner or owners. If the bill is not paid, it shall be assessed against the property involved and shall be collected as provided for assessments on single lots pursuant to the provisions of section 1.306 of the City Code.

Subsection PM-111.2 is amended to read as follows:

PM-111.2. Appeals board. The East Grand Rapids City Commission shall serve as the property maintenance code appeals board, hereafter referred to as the board, for all purposes under this chapter. Such board shall so act as to protect existing structures in the city by vigorous enforcement of the provisions of this code.

Subsection PM-111.2.1 is deleted.

Section PM-201.0 is amended as follows:

The definitions of "family" and "rooming house" set forth in PM-201.0 are amended to read as follows: (All other definitions remain the same.)

Family: A single individual or a married couple together with his, her or their children, or a collective body of persons living together upon the premises as a single housekeeping unit, utilizing a single common cooking and dining facility, in a domestic relationship based upon birth, marriage or other relationship based upon a distinct domestic character. This definition shall not include any society.

club, fraternity, sorority or other student group, association, lodge, organization or group of persons, which does not constitute a recognized religious order, nor shall it include a group of individuals whose association is temporary or seasonal in character or nature. Additional persons may be housed with a family in a dwelling unit only in compliance with all provisions of Article II of this chapter except as provided below.

Rooming house (including lodging or boarding house): A dwelling having one kitchen and used either primarily or incidentally for the purpose of providing meals or lodging or both meals and lodging to persons other than members of the family occupying such dwelling. In the case of a family related by blood, marriage or legal adoption, not to exceed two (2) persons not so related may be provided with meals or lodging or both without compliance with the provisions of sections 8.95 to 8.102 inclusive of this chapter; provided, that as a result thereof the number of persons so provided with meals or lodging in such dwelling, including members of the family, shall not exceed a total of five (5).

Subsection PM-302.1 is amended to read as follows:

PM-302.1. General. The exterior of a structure shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants and so as to protect the occupants from the environment. The exterior surfaces of all buildings, including foundations, walls, roofs, doors and windows shall be so maintained that the building shall be weathertight, watertight, and rodentproof and shall be kept in good repair. Exterior attachments including, but not limited to, gutters, downspouts, screening, storm windows, vents, antennae, awnings, and utility connections shall be maintained in good repair. All exterior wood surfaces shall be protected from the elements and against deterioration by paint or other protective coatings. All painted surfaces shall be maintained in good condition without exposure of the underlying surface or previous finishes. Exterior surfaces not protected by paint or other protective coatings shall not be permitted to deteriorate and shall be maintained in a sound and sightly condition.

Subsection PM-303.9 is added to read as follows:

PM-303.9. Exit doors. Every door which serves as an exit shall be capable of being opened easily from the inside and shall not be so obstructed either on the inside or outside so as to prevent its use in case of emergency. Every door available as an exit except in the case of a single-family residential unit shall be capable of being opened easily from the inside without the use of a key.

Subsection PM-701.2 is amended to read as follows:

PM-701.2. Locked doors. All doors serving as a required means of egress, except with respect to single-family dwelling units, shall be readily openable from the inside without the use of keys. Exits from dwelling units, hotel units, lodging units, and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms. In addition, the provisions of PM-303.9 shall be complied with.

Section PM-803.0 is added to read as follows:

SECTION PM-803.0. ENFORCEMENT

The failure of a person who has responsibility for any condition or action under this code to fulfill such responsibility in accordance with the provisions of this code shall constitute a violation which shall make such persons subject to prosecution and penalty as provided in PM-109.0.

Section 2. Section 8.99 of Chapter 84 of Title VIII of the East Grand Rapids City Code is amended to read as follows:

Sec. 8.99. Minimum basic facilities.

In addition to the requirements of Subsection PM-501.2 of the BOCA National Property Maintenance Code/1990, Third Edition, at least one flush water closet, lavatory basin, and bathtub or shower, connected to a water and sewerage system and in good working condition, shall be supplied for each eight (8) persons or fraction thereof residing

within a rooming house, including members of the operator's family wherever they share the use of the said facilities. Provided, that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling as to be accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. No such facilities shall be located in a basement except by written approval of the building official. Any rooming house where food is served shall comply with all requirements of the state and county health departments.

Section 3. This ordinance shall be effective on September 15, 1990.

Section 4. This ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

AN ORDINANCE TO AMEND SECTIONS 8.602 and 8.603
OF CHAPTER 86 OF TITLE VIII
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

Notice is hereby given that the City Commission of the City of East Grand Rapids adopted revisions to Sections 8.602 and 8.603 of Chapter 86 of Title VIII of the East Grand Rapids City Code entitled "Plumbing Code" on September 4, 1990. The purpose of the revised sections is to adopt the Basic Plumbing Code, 1990 edition, as promulgated and published by the Building Officials and Code Administrators International, Inc. (BOCA), with modifications, as the Plumbing Code for the City of East Grand Rapids. The full text of the revised sections is available for inspection by and distribution to the public at the office of the City Clerk. No further or additional publication of the new sections is required or contemplated. This ordinance shall be effective on September 15, 1990.

AN ORDINANCE
TO AMEND SECTION 8.701 OF CHAPTER 87
OF TITLE VIII OF THE CODE OF THE
CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 8.701 of Chapter 87 of Title VIII of the East Grand Rapids City Code is amended to read as follows:

Sec. 8.701. Electrical code.

The electrical code of the City of East Grand Rapids is contained in the following:

- (1) Article 27 of the BOCA National Building Code, 1990 edition, which is adopted for use in East Grand Rapids by section 8.1 of this Code; and
- (2) The National Electrical Code which is adopted and incorporated by Article 27 of said BOCA National Building Code; and
- (3) The amendments to the BOCA National Building Code which are adopted by Chapter 80, section 8.4, subsections 2700.4 through 2709.2 of this Code.

Section 2. This ordinance shall be effective on September 15, 1990.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

AN ORDINANCE
TO AMEND SECTION 9.102 OF CHAPTER 95
OF TITLE IX OF THE CODE
OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 9.102 of Chapter 95 of Title IX of the East Grand Rapids City

Section 9.102. Adoption of fire prevention code by reference.

Pursuant to the provisions of Section 3(k) of Act 279 of the Public Acts of the State of Michigan, 1909, as amended, the BOCA National Fire Prevention Code/1990 Edition, as promulgated by the Building Officials and Code Administrators, International, Inc., is hereby adopted by reference by the city for the purpose of safeguarding life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises. In the event of conflict between the provisions of said fire prevention code and the provisions of this chapter, the provisions of this chapter shall prevail. Complete printed copies of the BOCA National Fire Prevention Code, herein adopted, are available for public use and inspection at the office of the city clerk.

Section 2. This ordinance shall be effective on September 15, 1990.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

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

81. Introduction of proposed ordinance amendment to repeal subsection 8.10(u) of Section 10.4 of the City Code pertaining to the regulation of parked vehicles on local streets.

81-A. Williamson-Walton. That the proposed ordinance amendment to repeal subsection 8.10(u) of Section 10.4 of the East Grand Rapids Code be introduced as follows:

AN ORDINANCE TO REPEAL SUBSECTION 8.10(u) OF SECTION 10.4
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. Subsection 8.10(u) of Section 10.4 of Chapter 101 of Title X of the Code of the City of East Grand Rapids is hereby repealed.

Section 2. This ordinance shall be effective on _____, 1990.

Section 3. This Ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

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

82. Consideration of an amendment to the contract between the Michigan Department of Natural Resources and the City of East Grand Rapids regarding the Manhattan Site Improvement and the reimbursement of eligible engineering and associated fees incurred since November 1, 1989.

82-A. Walton-Frakie. That the amendment to the Michigan Department of Natural Resources Agreement relating to the Manhattan Site Improvement project allowing for the reimbursement of engineering costs incurred prior to the construction be approved.

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

83. Consideration of the request to renew property and liability insurance coverage with Michigan Municipal League Liability and Property Pool (MMLLPP) for the new policy year beginning August 13, 1990.

83-A. Mehney-Swain. That the Michigan Municipal League Liability and Property Pool (MMLLPP) premium of \$133,893 be approved along with budget amendments in the General and Motor Equipment Revolving Funds of \$28,100 and \$2,400, respectively.

Yeas: Frakie, Mehney, Swain, Walton, and Deems---5.
Nays: Williamson---1.

84. Consideration to purchase an engine replacement for the one of the

City's 1980 refuse packers.

84-A. Frakie-Mehney. That the purchase of an engine replacement for one of the City's 1980 refuse packers from Dee's Parts Specialists for \$4,000 be approved.

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

85. Consideration of a request to purchase a second 10KW portable standby generator for emergency situations.

85-A. Frakie-Swain. To approve the purchase of a 10KW gasoline powered portable generator from Coffman Electric, the low bidder, for \$8,515.

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

86. The minutes of the Traffic Commission meeting of August 22, 1990 were received.

87. Keary Sawyer reintroduced himself requesting support for election on November 6, 1990 as a judicial candidate for 63rd District Court.

88. Williamson-Walton. That the Commission go into Executive Session to consider potential real estate purchase in accordance with Section 8.d of the Open Meetings Act.

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

89. The meeting was adjourned subject to the call of the Mayor until September 17, 1990.



City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held September 4, 1990

The meeting was called to order by Mayor Deems.

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

Also Present: City Manager Allard, City Attorney Huff, Public Safety Director Gallagher, Public Services Director Sterkenberg, Engineering Services Director Baragar, Civil Engineer Kocsis, Controller-Clerk-Treas. Chase, Lois Moseley, Chairman of the Grand Rapids Area Transit Authority (GRATA) Board, and Keary Sawyer, judicial candidate for the 63rd District Court.

74. The minutes of the meeting held August 20, 1990 were approved as submitted.

75. Frakie-Swain. That disbursement vouchers in the amount of \$177,902.17, disbursements to Schools in the amount of \$3,370,525.40 and payroll disbursements in the amount of \$90,128.21, 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: Walton, Swain, Frakie, Williamson, and Deems--5.
Nays: -0-

76. A hearing was held on a zoning variance requested by Everett Marsman, 6035 - 28th St. S. E., to allow the property at 1602 Wealthy, S. E., a non-conforming lot of record, to be further reduced in size from 44 feet wide by 120 feet long to 44 feet wide by 72 feet long.

76-A. Williamson-Frakie. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

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

77. A hearing was held on a zoning variance requested by Cathleen and Hunter Meriwether, 526 Lovett, S. E., to allow the non-conforming shrubbery on the northwest corner of their residence to remain in its present state rather than the three foot maximum height as required by the Zoning Ordinance.

77-A. Frakie-Walton. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

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

78. A hearing was held on a zoning variance requested by Gunther and Ilse Jacoby, 2053 Anderson, S. E., to allow the non-conforming shrubbery on the northeast corner of their residence to remain in its present state rather than the three foot maximum height as required by the Zoning Ordinance.

78-A. Walton-. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

The motion failed for lack of a second.

78-B. Swain-Williamson. That this Commission, acting as the Board of Zoning Appeals, deny the variance.

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

Commissioner Mehney arrived.

79. Consideration of information presented by Lois Moseley, Board Chairman of Grand Rapids Area Transit Authority (GRATA), including the request for the adoption of the resolution admitting Gaines and Byron Townships to membership in Grand Rapids Area Transit Authority.

79-A. Williamson-Walton. To adopt the following resolution amending the Grand Rapids Area Transit Authority (GRATA) interlocal agreement admitting Gaines and Byron Townships to become members of Grand Rapids Area Transit Authority.

GRAND RAPIDS AREA TRANSIT AUTHORITY BOARD

(Pursuant to Act 7 P. A. 1967)

THIS AGREEMENT, made this 17th day of September, 1990, by and among the governmental entities of EAST GRAND RAPIDS, GRAND RAPIDS, GRANDVILLE, KENTWOOD, WALKER, WYOMING, BYRON TOWNSHIP AND GAINES TOWNSHIP, (hereinafter referred to as the "governmental units").

WITNESSETH:

WHEREAS the governmental entities of East Grand Rapids, Grand Rapids, Grandville, Kentwood, Walker, Wyoming and the County of Kent entered into an interlocal agreement on July 1, 1976 which was subsequently amended by written agreement on October 1, 1976, and

WHEREAS the County of Kent has previously served the required notice of intent to withdraw from further participation in the activities envisioned within this agreement, and

WHEREAS the remaining governmental units have agreed to a further amendment authorizing the inclusion of BYRON TOWNSHIP AND GAINES TOWNSHIP as additional governmental units with all of the rights, privileges and responsibilities attached thereto.

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

1. Article IV - PARTIES is hereby amended in its entirety to read as follows:

"The parties to this Agreement shall be the Cities of East Grand Rapids, Grand Rapids, Grandville, Kentwood, Walker and Wyoming and the Townships of Byron and Gaines, all being signatores hereto, and any other governmental unit that is a "public agency", as defined in the Act, which may hereafter become a party to this Agreement and bound by the terms hereof and as amended. Additional public agencies may become parties to this Agreement pursuant to the unanimous agreement of the parties hereto, provided such public agencies elect to bind themselves to the terms and conditions herein stated."

2. Articles VIII - MEMBERSHIPS, Section 2. Representation of Members is hereby amended in its entirety to read as follows:

"Each participating member of the Board shall be represented on the Board of Directors. The number of representatives to the Board of Directors from each participating governmental unit shall be determined as nearly as possible based upon the population of each participating governmental unit as a percentage of the total population contained within the corporate limits of all of the participating governmental units, according to the last decennial census, except that each member shall have at least one representative on the Board of Directors.

Initial representatives, appointed to the Board of Directors, from the date of this amendment through and including September 30, 1991, shall be as defined in Exhibit A attached hereto.

From and after October 1, 1991, the number of representatives constituting the Board of Directors and allocation of appointment authority to each participating governmental unit, shall revert to the formula described in the first paragraph of Article VIII, Sec. 2."

3. Except as hereby specifically amended, the Interlocal Agreement shall continue in full force and effect according to its original term.

4. This amended agreement shall be effective from and after the date of execution.

INTERLOCAL AGREEMENT TO ESTABLISH THE
GRAND RAPIDS AREA TRANSIT AUTHORITY BOARD

Exhibit A

Authorized Number of Appointments to GRATA Board of Directors
From The Date Of This Agreement to September 30, 1991

GOVERNMENTAL ENTITY	NUMBER OF APPOINTED REPRESENTATIVES
Byron Township	1
East Grand Rapids	1
Gaines Township	1
Grand Rapids	9
Grandville	1
Kentwood	1
Walker	1
Wyoming	3
TOTAL - BOARD OF DIRECTORS	<u>18</u>

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

80. Final reading of proposed ordinance amendments to update BOCA codes and to adjust related fees.

80-A. Frakie-Swain. That the following proposed ordinance amendments to update the BOCA codes and the proposed fee revisions for building and electrical permits be approved as follows:

AN ORDINANCE TO AMEND SECTIONS 8.1, 8.2 AND 8.4
OF CHAPTER 80 OF TITLE VIII
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 8.1 of Chapter 80 of Title VIII of the Code of the City of East Grand Rapids is amended to read as follows:

Sec. 8.1. Adoption of code by reference.

Pursuant to the provisions of Section 8 of the State Construction Code Act (Act 230 of 1972, Compiled Laws 1948, Sec. 125.1501 et seq.) and pursuant to Section 3(k) of Act 279 of 1909, State of Michigan, as amended, the National Building Code, 1990 edition, as promulgated and published by the Building Officials and Code Administrators International, Inc. (BOCA), is hereby adopted by reference by the city as in this chapter modified, for the purpose of regulating the erection, construction, enlargement, equipment, alteration, repair, moving, removal, demolition, conversion, use, heights, area and maintenance of all buildings and structures in the city.

Section 2. Section 8.2 of Chapter 80 of Title VIII of the Code of the City of East Grand Rapids is amended to read as follows:

Sec. 8.2. Code on file.

Complete copies of the National Building Code, 1990, herein adopted are available for public use and inspection at the office of the city clerk.

Section 3.

Section 8.4 of Chapter 80 of Title VIII of the East Grand Rapids City Code is amended to read as follows:

Sec. 8.4. Changes in code.

The following sections and subsections of the National Building Code are hereby amended, added, or deleted as indicated below. Subsequent section numbers used in the chapter shall refer to the like numbered sections of the National Building Code as amended:

Subsection 104.1 is amended to read as follows:

104.1. Ordinary Repairs, general. Ordinary repairs to buildings costing less than five hundred dollars (\$500.00) may be made without application or notice to the building official, but such repairs shall not include the cutting away of any wall, partition, or portion

thereof, the removal or cutting of any structural beam or support, or the removal or change of any required means of egress, or rearrangement

of parts of a structure affecting the exit requirements; nor shall ordinary repairs include additions to or alterations of any room or space, nor shall it include additions to, alterations of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste vent or similar piping, electric wiring or mechanical equipment or other work affecting public health or general safety.

Subsection 104.4 is added to read as follows:

104.4. Condemnation. No permit shall be issued for any building or other structure upon any land which has been condemned for any public improvement, or on any land ordered condemned by the city commission for any public improvement until a notice of such proposed condemnation has been fixed to the plans, application and permit. Nor shall a permit be issued for a building or structure upon which a notice of violation of any pertinent laws or ordinances has been issued, unless there shall be included in the application proposed work to correct the violation at the same time.

Subsection 104.5 is added to read as follows:

104.5. Exterior surfaces. All structures, including foundations, walls, roofs, doors and windows shall be so maintained that the building shall be weathertight, watertight and rodent proof and shall be kept in good repair and structurally sound by the owner. Exterior attachments including, but not limited to, gutters, downspouts, screening, windows, storm windows, vents, antennae, awnings and utility connections shall be maintained in good repair. All exterior wood surfaces shall be protected from the elements and against deterioration by paint or other protective coatings. All exterior painted surfaces shall be maintained in good condition without exposure of the underlying surface or previous finishes. Exterior surfaces not protected by paint or other protective coatings shall not be permitted to deteriorate and shall be maintained in a sound and slightly condition. Subsection 104.6 is added to read as follows:

104.6. Structures: Maintenance of exterior openings. Every window, exterior door and basement hatchway shall be kept weathertight, watertight and rodent proof; and shall be kept in sound working condition and in good repair.

Section 108 and all subsections thereunder are deleted.

Subsection 109.1 is amended to read as follows:

109.1. Code official. References in this chapter to department of building inspection or to the code official shall mean the building inspector of the city or his duly authorized representative.

Subsection 111.1 is amended to read as follows:

111.1. When permit is required. No building or structure or part thereof shall hereafter be erected, converted, repaired, altered or enlarged, moved or demolished except as permitted by subsection 104.1 hereof until a building permit has been obtained by the owner or his agent. The application for a permit shall be made in writing on approved forms; and shall be accompanied by the site plan required by subsection 111.6 and two (2) complete sets of dimensional plans showing all habitable floors, basement, cellar, foundations and sections, and by specifications describing the kind, size, quality and grade of all construction materials and service equipment. The code official may waive the requirement for filing plans when the work involved is of a minor nature and the building operation is adequately described in the application. All plans submitted for filing shall be prepared and signed as required by the statutes governing building construction. Where compliance with state statutes governing building construction is required, the application shall be accompanied by a set of the plans approved by the designated authority. Applications for a building permit to move any building shall show the width and cubical content of the building to be moved, its location and address and the location and address to which it is being moved and the route to be traversed in the course of such movement, in addition to the information required by this section for building permits for other types of operations. No permit to move or demolish a building shall be granted except upon compliance with Section 4.26 of Chapter 41 and Section 8.501 of Chapter 85 of the

East Grand Rapids City Code and Section 105 of this National Building Code.

Subsection 112.9 is deleted.

Subsection 114.3 is amended to read as follows:

114.3. Fee computation. The fee for the building permit shall be based on the cost of the building as estimated by the code official, who shall determine such costs on the basis of current standard prices.

Subsection 114.3.1 is amended to read as follows:

114.3.1.a. Fee schedule. A fee for each plan examination and building permit shall be paid in accordance with the following schedule:

Cost of work	Fee
Up to \$1,000.00	\$14.00
\$1,001.00 and over	14.00
Plus for each additional \$1,000.00 of valuation or part thereof	5.00
Reinspection Fee (payable before inspection)	10.00

b. Failure to acquire permit: penalty. In addition to any remedies available under subsection 117.1, any person who has failed to acquire a required building permit prior to the commencement of construction shall pay an amount equal to Fifty Dollars (\$50.00) or twice the appropriate fee, whichever is greater, which shall be due immediately upon assessment and before a permit is issued. In addition to the amount assessed against the owner, any licensed contractor who is performing construction 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.

Subsection 114.3.2 is added to read as follows:

114.3.2. Moving and demolition permits. With respect to a building which is ten (10) feet wide and does not contain over two thousand five hundred (2,500) cubic feet, the fee for a moving permit shall be twenty-five dollars (\$25.00); with respect to a building which is over ten (10) feet wide or contains more than two thousand five hundred (2,500) cubic feet, the fee shall be one hundred dollars (\$100.00). The fee for a demolition permit shall be twenty dollars (\$20.00) for a building having a value in excess of one thousand dollars (\$1,000.00).

Subsection 114.3.3 is added to read as follows:

114.3.3. Other fees. For fee schedules for plumbing installations, see Chapter 86 of the Code of the City of East Grand Rapids; for electrical installation and heating installations see subsections 1511.2 and 2700.6 as added in this chapter.

Subsection 114.3.4 is added to read as follows:

114.3.4. Deposits. Before receiving a building permit, the owner or his agent shall deposit with the city an amount determined by the code official to be adequate to protect the city against the cost of any expenses which the city may incur as the result of the work covered by the permit, including (but not by way of limitation) the cost of further permits, removal of debris, restoration of ground levels, use of unmetered water, repair of damaged sidewalks and other property and charges in connection with establishing and discontinuing water connections.

Subsection 115.3 is deleted.

Subsection 117.1 is amended to read as follows:

117.1. Unlawful acts. Any person erecting, repairing, using, moving, demolishing, occupying or maintaining any building or structure in violation of this building code or causing, permitting or suffering any such violation to be committed, shall be punished as provided in section 1.13 of the East Grand Rapids City Code. Any building or structure erected, repaired, used, moved, demolished, occupied or maintained in violation of this chapter is hereby declared to be a nuisance per se. Upon application to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation, or threatened violation, restrained and enjoined.

Subsection 117.4 is deleted.

Subsection 118.2 is amended to read as follows:

118.2. Unlawful Continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be subject to the penalties set forth in Section 1.13 of the East Grand Rapids City Code.

Subsections 119.1 through 119.6 are deleted.

Subsections 122.1 through 122.4 are deleted.

Section 123 and all subsections thereunder are deleted.

Subsection 124.1 is amended to read as follows:

124.1. Appeals. Appeals from the decision of administrative officials under the provisions of this code shall be heard and determined by the city commission which shall act as the board of appeals under this code and shall have the power to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this chapter. Appeals from the decisions of administrative officials charged with the enforcement of the provisions of this chapter shall be taken to said board under the provisions of such rules and regulations as it may prescribe. The board shall render all decisions by majority vote of its members elect. All decisions shall be made in writing to the code official charged with the enforcement of this chapter and shall provide the appellant with a duplicate copy of such decision. The board shall have such other powers and duties as may be stipulated in this chapter and elsewhere in this code.

Subsection 124.2 and all subsections thereunder are deleted.

Subsection 124.6 and all subsections thereunder are deleted.

Subsection 2700.4 is amended to read as follows:

2700.4. Electric equipment standards. It shall be unlawful to install or use any electrical device, apparatus, or equipment designed for attachment to, or installation on any electrical circuit or system for heating, light or power that is not of good design and construction and safe and adequate for its intended use. The building official shall have power to disapprove the use or installation of devices not fulfilling these requirements. Devices, apparatus and equipment approved by such generally recognized authorities as United States Bureau of Standards, Electrical Testing Laboratories of New York, or Underwriters' Laboratories shall be held to have the approval of the code official unless explicitly disapproved by said code official for reasons of faulty design and poor construction involving danger to persons and/or property. It shall be the duty of the code official from time to time to inspect devices, apparatus and equipment offered to the public for use in installation to see that such items conform to the above requirements. The person designated as city electrical inspector shall be a deputy code official.

Subsection 2700.5 is added to read as follows:

2700.5. Exceptions. Nothing contained in this code shall be deemed to prohibit any person from installing, altering, or repairing electrical wiring and apparatus in the residence owned and occupied by

him, in conformity with the requirements of this code, but all such

work shall be subject to the permit requirements and inspection requirements of this code.

Subsection 2700.6 is added to read as follows:

2700.6. Fees for inspection. When an application is made for a permit to equip any building with electric fixtures or wiring or heating or air conditioning or plumbing installations or other fixtures enumerated in this section, a fee shall be paid in an amount as prescribed in the following schedule, but in no event shall the total fee paid be less than twelve dollars (\$12.00). If a reinspection is required, a fee of ten dollars (\$10.00) is payable before inspection.

SCHEDULE OF FEES

Permanent Services

100 ampere 120, 240, and 480 volts	\$10.00
200 ampere 120, 240, and 480 volts	10.00
400 ampere 120, 240, and 480 volts	20.00
Over 400 amperes	30.00
Temporary service, each location	10.00

The first service installed shall be at the above rate, all others at the same address and voltage shall be one-half the above rate.

Wiring

Installing or altering wiring for lights, switches and/or receptacles:

1 or 2 outlets	\$ 2.00
3 or 4 outlets	4.00
5 to 6 outlets	5.00
7 to 12 outlets	6.00

The above fees are based on wiring which does not equal one circuit. When wiring does not require the installation of new circuits, all outlets over twelve (12) will be two dollars (\$2.00) for each additional twelve (12) or major part thereof.

1 circuit	\$ 7.00
Each additional circuit	3.00

Fixtures

Schedule same as wiring.

Where one contractor installs or alters both wiring and fixtures at the same time, and it does not equal one circuit, no charge will be made for the following fixtures: drop cords, light receptacles and/or weatherproof sockets.

Residential Installations

Range	\$ 6.00
Water heater	6.00
Dryer	6.00
Dishwasher	6.00
Disposal or garbage grinder	6.00
Gas furnace	10.00
Oil furnace	10.00
Trailer Service (one meter and one circuit).	10.00

Motor Schedule

Fractional hp	\$10.00
1 to 30 hp incl.	10.00
Over 30 hp	20.00

Where motors are moved more than two (2) feet a permit shall be required.

Heating Devices

Up to 1.0 kw, incl.	\$ 2.00
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Subsection 2700.9 is added to read as follows:

2007.9 Inspection. Upon completion of the wiring of any building, it shall be the duty of the person installing the same to notify the code official, who shall inspect the installations as soon as possible, and, if it is found to be fully in compliance with this code and does not constitute a hazard to life and property, he shall issue to such person, for delivery to the owner, a certificate of inspection, authorizing connection to the electrical service and the turning on of the current. All wires which are to be hidden from view shall be inspected before concealment, and any person installing such wires shall notify the code official, giving him sufficient time in which to make the required inspection before such wires are concealed.

Subsection 2700.10 is added to read as

2700.10. Reinspection. The code official shall make periodically a thorough reinspection of the installation in buildings of all electrical wiring, electric devices and electric material now installed or that may hereafter be installed, within the city, and when the installation of any such wiring, devices, and/or material is found to be in a dangerous or unsafe condition, the person, owning, using, or operating the same shall be notified and shall make the necessary repairs or changes required to place such wiring, devices and material in a safe condition, and have such work completed within fifteen (15) days, or any longer period specified by the code official in said action. The code official is hereby empowered to disconnect or order the discontinuance of electrical service to such wiring devices and/or material so found to be defectively installed until the installation of such wiring, devices and material has been made safe as directed by him.

Subsection 2700.11 is added to read as follows:

2700.11. Review. When the code official condemns all or part of any electrical installation, the owner may, within five (5) days after receiving written notice thereof, file a petition in writing for review of said action with the board of examiners, upon receipt of which the said board of examiners shall at once proceed to determine whether said electrical installation complies with this code, and within three (3) days shall make a decision in accordance with its

Section 2704.0, including all subsections, is deleted.

Section 2708.0 is added to read as follows:

SECTION 2708.0 CONTRACTOR'S LICENSE

2708.1. License required. It shall be unlawful for any person to engage as an independent contractor in the installation, alteration, maintenance or repair of electrical wiring, equipment, apparatus or fixtures for light, heat or power purposes where the electromotive force exceeds thirty (30) volts, in or about buildings and/or structures located within the city without first having procured a license in the manner prescribed in this chapter.

2708.2. Qualifications for license. Persons making application for a contractor's license must be twenty-one (21) years of age or over, and must have a license as a journeyman electrician, and pass a suitable examination. Persons applying for a contractor's license must have at least one member of the firm with the above qualifications and experience, or have one or more persons employed with the above qualifications and experience, and this shall be a continuing requirement and condition to the validity of all such licenses.

2708.3. Journeyman's license. It shall be unlawful for any person to engage in the occupation or trade of journeyman electrician in the installation, alteration, maintenance or repair of electrical wiring equipment, apparatus or fixtures for light, heat, power or medical purposes where the electromotive force exceeds thirty (30) volts in or about buildings and/or structures within the city without having first taken the examination and obtained a license as herein provided. This provision shall not apply to helpers and apprentices, provided such work as they may do is performed under the direction supervision of a licensed journeyman electrician who shall be on premises at all times when such helpers or apprentices are performing such work on the premises.

2708.4. Qualifications. Minimum qualifications for examination

for journeyman electricians shall be four (4) years of practical experience. Time spent in trade school attendance shall be credited as apprentice experience; four (4) years in technical school and one year practical experience shall also qualify for examination.

2708.5. Board of examiners. A board of examiners is hereby created which shall consist of the city manager or his deputy, a representative of the company furnishing the electricity supply and a licensed electrical contractor. The members of this board shall be appointed by the city commission to serve during the pleasure of the city commission and shall hold office without receipt of remuneration from the city. The board shall prepare the application blanks, prescribe the examination and hold meetings whenever necessary to hold examinations. Due notice shall be given applicants of the date of examinations. Applicants failing to pass will not be eligible for reexamination for a period of thirty (30) days in reciprocal municipalities. The appointment of said board shall be deferred until such time as the city commission determines by resolution that the appointment of such board is appropriate to the volume of business. Pending such determination, the functions and duties of the board of examiners shall be carried out by an examining board of a reciprocating municipality selected by the code official for the purpose of administering examinations.

2708.6. Fees for licenses. Fees for licenses shall be as prescribed in Chapter 72 of the East Grand Rapids City Code. The issuance, expiration, renewal and transfer of such licenses shall be in accordance with Chapter 71 of the East Grand Rapids City Code, except as otherwise provided in this chapter. After March first of any year, all licenses not renewed shall be considered and may not be renewed except upon approval by the examining board. No license shall be issued except upon recommendation of the examining board. No electrical contractor licensed under the provisions of this chapter shall secure permits for any electrical work to be done by any person not employed by such electrical contractor.

2708.7. Reciprocal provisions. The city shall permit electrical contractors and journeymen electricians lawfully licensed by other municipalities of the State of Michigan or by the state electrical administrative board to install, alter or repair electrical wiring, equipment, apparatus or fixtures for light, heat, power or medical purposes within the corporate limits of the city upon registration with the city clerk, which registration shall expire concurrently with the license presented for registration. No municipal license shall be recognized for registration unless the issuing municipality reciprocates in recognizing electrical contractors and journeymen who are duly licensed under the provisions of this code, by granting them the same privilege and charging the same uniform license and registration fees and unless the licensing ordinance is substantially equal to the requirements of this code. A fee of five dollars (\$5.00) shall be charged registration of contractors and journeymen electricians licensed by other municipalities.

2708.8. Foreign corporations; penal bond. Corporations applying for electrical contractor licenses, whose principal place of business is in the State of Michigan, may obtain such license from the city upon approval by the examining board and the payment of the prescribed fee. Provided, that the applicant shall file a duly executed bond in the penal sum of one thousand dollars (\$1,000.00), running to the city, conditioned for the faithful performance and observance of the provisions of this code, and rules and regulations made and approved as hereinafter provided, controlling the installation of electrical wiring and equipment. Such bond shall be a surety bond from a recognized and approved surety company authorized to transact business in the State of Michigan.

2708.9. License suspension and revocation. Any electrical contractor's or journeymen electrician's license may, after a hearing, of which hearing the licensee is given not less than five (5) days' notice, which notice shall inform the licensee of the charges to be heard against him, be suspended or revoked by the examining board having issued such license when it shall appear to the satisfaction of the examining board that such licensee falsified his application in any particular or that such licensee has violated any rule or regulation related to the installation, inspection, maintenance,

alteration or repair of electrical wiring, devices, appliances or equipment or has violated any of the provisions of this code or any

rule or regulation issued by the board pursuant hereto. The examining board shall also have the power, upon cause shown, to rescind the reciprocal privileges within the city of any registered electrical contractor or journeyman electrician otherwise permitted by the terms of this chapter to do business or perform services in the city.

Section 2709.0 is added to read as follows:

SECTION 2709.0 MISCELLANEOUS

2709.1 Rules and regulations. The board of examiners is hereby empowered and it shall be their duty to make such rules and regulations concerning electrical work in the city as may be required to properly provide for the situation therein. The rules and regulations so made shall be approved by the city commission and shall take precedence over plans, specifications and National Electrical Code rules.

2709.2. Liability. This code shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electrical wiring, electric devices and/or electric material for damages to person or property caused by any defect therein nor shall the city be held as assuming any such liability by reason of the inspection authorized herein or certificate of issued herein provided.

Section 2808.0 is added to read as follows:

SECTION 2808.0. PLUMBER LICENSE REQUIRED

2808.1. General. The installation, alteration, maintenance, extension or replacement of any plumbing, including domestic water heating equipment, as defined by the plumbing laws of the State of Michigan and the plumbing code of the city, is not permitted to be done by any heating contractor or installer, unless he is licensed as a master plumber under the said plumbing laws of the State of Michigan.

Subsection 2901.2 is amended to read as follows:

2901.2. Other sign ordinances have precedence. Where more restrictive in respect to location, use, size or height of signs, the limitations of the city zoning ordinance and other ordinances regulating signs shall be enforced when in conflict with or in addition to provisions of this code.

Section 3300.0 is added to read as follows:

SECTION 3300.0 HEATING EQUIPMENT

3300.1 Adoption of mechanical code by reference. Pursuant to the provisions of Section 3(k) Act 279 of 1909, State of Michigan, as amended, the BOCA National Mechanical Code/1990, as promulgated by the Building Officials and Code Administrators International, Inc., is hereby adopted by reference by the city for the purpose of regulating the installation and inspection of heating and mechanical systems. In the event of conflict between the provisions of said mechanical code and the provisions of this chapter, the provisions of this chapter shall prevail. Complete printed copies of the BOCA National Mechanical Code, herein adopted, are available for public use and inspection at the office of the city clerk.

Section 4. This ordinance shall be effective on September 15, 1990.

Section 5. Notice of adoption of this Ordinance shall be published within ten (10) days after its enactment by publication of the following digest, summary or statement of the purposes of the Ordinance as provided in Chapter VIII, Section 5(2) of the Charter of the City of East Grand Rapids:

Notice of Adoption of Ordinance by
the City of East Grand Rapids

Notice is hereby given that the City Commission of the City of East Grand Rapids adopted revisions to Section 8.1, 8.2, and 8.4 of Chapter 80 of Title VIII of the

East Grand Rapids City Code entitled "National Building Code" on September 4, 1990. The purpose of the revised sections is to adopt the National Building Code, 1990 Edition, as promulgated and published by the Building Officials and Code Administrators International, Inc. (BOCA), with modifications, as the Building Code of the City of East Grand Rapids. The full text of the revised sections is available for inspection by and distribution to the public at the office of the City Clerk. No further or additional publication of the new sections is required or contemplated.

AN ORDINANCE TO AMEND SECTIONS
8.91, 8.92, 8.93, 8.94 AND 8.99
OF CHAPTER 84 OF TITLE VIII OF THE CODE
OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Sections 8.91, 8.92, 8.93 and 8.94. of Chapter 84 of Title VIII of the East Grand Rapids City Code are repealed and replaced in their entirety to read as follows:

Sec. 8.91. Adoption of code by reference.

Pursuant to Section 3(k) of Act 279 of 1909, State of Michigan, as amended, the BOCA National Property Maintenance Code/1990, Third Edition, as promulgated and published by the Building Officials and Code Administrators International, Inc. (BOCA), is hereby adopted by reference by the city as in this chapter modified for the control of buildings and structures as herein provided; and each and all of the regulations of the BOCA National Property Maintenance Code/1990, Third Edition, are hereby adopted and made a part hereof, as fully set forth herein, except as specifically modified.

Sec. 8.92. Code on file.

Complete printed copies of the BOCA National Property Maintenance Code/1990, Third Edition, herein adopted, are and shall be maintained and are available for public use and inspection at the office of the city clerk.

Sec. 8.93. References in code.

Reference in the BOCA National Property Maintenance Code/1990, Third Edition, to "jurisdiction" shall mean the City of East Grand Rapids and reference to "code official" or "building official" shall mean the building inspector of the City of East Grand Rapids, or a designated assistant, or the city manager, or the city engineer or the fire chief in the event that such persons shall at any time assume responsibility as the "code official" or "building official" under the provisions of this chapter.

Sec. 8.94. Changes in code.

The following sections and subsections of the BOCA National Property Maintenance Code/1990, Third Edition, are hereby amended or deleted and additional sections are added hereinafter as set forth. Subsequent section numbers used in this section 8.94 shall refer to the like numbered sections of the BOCA National Property Maintenance Code/1990, Third Edition:

Subsection PM-104.8.1 is added to read as follows:

PM-104.8.1. Approval of rules. The rules and regulations promulgated under PM-104.8.1 shall become effective upon approval by the East Grand Rapids City Commission.

Subsection PM-109.2 is amended to read as follows:

PM-109.2. Penalty. Any person, firm or corporation, who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed ninety (90) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

Subsection PM-110.6 is added to read as follows:

PM-110.6. Restraining actions. Anyone affected by any such order may within fifteen (15) days after service of such order apply to a court of record for an order restraining the code official from razing and removing such structure or parts thereof. If the court issues such order and if the court shall later determine that the order of the code official is reasonable, the court shall dissolve the restraining order, and if the court shall determine that the order of the code official is not reasonable, the court shall continue the restraining order or modify it as the circumstances may require.

Subsection PM-110.7 is added to read as follows:

PM-110.7. Recovery of expenses of demolition. In the event of expense being incurred by the city in the work of demolishing or removing any dwelling or building, the building official shall report the amount thereof to the comptroller, who shall collect the amount

from the owner or owners. If the bill is not paid, it shall be assessed against the property involved and shall be collected as provided for assessments on single lots pursuant to the provisions of section 1.306 of the City Code.

Subsection PM-111.2 is amended to read as follows:

PM-111.2. Appeals board. The East Grand Rapids City Commission shall serve as the property maintenance code appeals board, hereafter referred to as the board, for all purposes under this chapter. Such board shall so act as to protect existing structures in the city by vigorous enforcement of the provisions of this code.

Subsection PM-111.2.1 is deleted.

Section PM-201.0 is amended as follows:

The definitions of "family" and "rooming house" set forth in PM-201.0 are amended to read as follows: (All other definitions remain the same.)

Family: A single individual or a married couple together with his, her or their children, or a collective body of persons living together upon the premises as a single housekeeping unit, utilizing a single common cooking and dining facility, in a domestic relationship based upon birth, marriage or other relationship based upon a distinct domestic character. This definition shall not include any society, club, fraternity, sorority or other student group, association, lodge, organization or group of persons, which does not constitute a recognized religious order, nor shall it include a group of individuals whose association is temporary or seasonal in character or nature. Additional persons may be housed with a family in a dwelling unit only in compliance with all provisions of Article II of this chapter except as provided below.

Rooming house (including lodging or boarding house): A dwelling having one kitchen and used either primarily or incidentally for the purpose of providing meals or lodging or both meals and lodging to persons other than members of the family occupying such dwelling. In the case of a family related by blood, marriage or legal adoption, not to exceed two (2) persons not so related may be provided with meals or lodging or both without compliance with the provisions of sections 8.95 to 8.102 inclusive of this chapter; provided, that as a result thereof the number of persons so provided with meals or lodging in such dwelling, including members of the family, shall not exceed a total of five (5).

Subsection PM-302.1 is amended to read as follows:

PM-302.1. General. The exterior of a structure shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants and so as to protect the occupants from the environment. The exterior surfaces of all buildings, including foundations, walls, roofs, doors and windows shall be so maintained that the building shall be weathertight, watertight, and rodentproof and shall be kept in good repair. Exterior attachments including, but not limited to, gutters, downspouts, screening, storm windows, vents, antennae, awnings, and utility connections shall be

maintained in good repair. All exterior wood surfaces shall be protected from the elements and against deterioration by paint or other protective coatings. All painted surfaces shall be maintained in good condition without exposure of the underlying surface or previous finishes. Exterior surfaces not protected by paint or other protective coatings shall not be permitted to deteriorate and shall be maintained in a sound and sightly condition.

Subsection PM-303.9 is added to read as follows:

PM-303.9. Exit doors. Every door which serves as an exit shall be capable of being opened easily from the inside and shall not be so obstructed either on the inside or outside so as to prevent its use in case of emergency. Every door available as an exit except in the case of a single-family residential unit shall be capable of being opened easily from the inside without the use of a key.

Subsection PM-701.2 is amended to read as follows:

PM-701.2. Locked doors. All doors serving as a required means of egress, except with respect to single-family dwelling units, shall be readily openable from the inside without the use of keys. Exits from dwelling units, hotel units, lodging units, and dormitory units shall not lead through other such units, or through toilet rooms or bath-rooms. In addition, the provisions of PM-303.9 shall be complied with.

Section PM-803.0 is added to read as follows:

SECTION PM-803.0. ENFORCEMENT

The failure of a person who has responsibility for any condition or action under this code to fulfill such responsibility in accordance with the provisions of this code shall constitute a violation which shall make such persons subject to prosecution and penalty as provided in PM-109.0.

Section 2. Section 8.99 of Chapter 84 of Title VIII of the East Grand Rapids City Code is amended to read as follows:

Sec. 8.99. Minimum basic facilities.

In addition to the requirements of Subsection PM-501.2 of the BOCA National Property Maintenance Code/1990, Third Edition, at least one flush water closet, lavatory basin, and bathtub or shower, connected to a water and sewerage system and in good working condition, shall be supplied for each eight (8) persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities. Provided, that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling as to be accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. No such facilities shall be located in a basement except by written approval of the building official. Any roofing house where food is served shall comply with all requirements of the state and county health departments.

Section 3. This ordinance shall be effective on September 15, 1990.

Section 4. This ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

AN ORDINANCE TO AMEND SECTIONS 8.602 AND 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. Section 8.602 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids is amended to read as follows:

Sec. 8.602. Adoption of plumbing code by reference.

Pursuant to the provisions of Section 3(k) of Act 279 of 1909 of

the Public Acts of the State of Michigan, as amended, the BOCA Basic Plumbing Code, 1990 Edition, as promulgated by the Building Officials and Code Administrators International, Incorporated, is hereby adopted by reference by the city, as modified in this chapter, for the purpose of regulating the design and installation of plumbing systems, drainage systems and water services.

Section 2. Section 8.603 of Chapter 86 of Title VIII of the code of the City of East Grand Rapids is amended to read as follows:

Sec. 8.603. Changes in code.

The following sections and subsections of the plumbing code are hereby amended or deleted as set forth herein and additional sections and subsections added as indicated. Subsequent section numbers used in this chapter shall refer to like numbered sections of the BOCA National Plumbing Code.

Subsection P-100.1 is amended to read as follows:

P-100.1. Title. This part shall be known as the East Grand Rapids Plumbing Code and is hereinafter referred to as the plumbing code or this code.

Subsection P-114.2 is 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 processes, reinspections 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 twice the fee set forth herein shall be paid before a permit is issued. In addition to the amount assessed against the owner, any licensed contractor who is performing plumbing work on a job where a required permit has not been obtained shall be subject to a civil fine of three times the permit fee, which shall be due immediately upon assessment.

Subsection P-117.1 is amended to read as follows:

P-117.1. Violations. Any person who violates the provisions of this chapter or the rules and regulations which may be adopted hereunder or shall operate a water system valve located within the public right-of-way or easement or shall enclose, cover up or put into operation work regulated by this code before it has been inspected and approved, may have his license and permit revoked and shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) and/or imprisonment for not more than ninety (90) days. Any person who has commenced work other than during an emergency as herein provided without securing a permit to do so, shall upon conviction thereof be subject to a fine of not more than five hundred dollars (\$500.00) and/or imprisonment for not more than ninety (90) days.

Subsection P-117.2 through P-117.5 are deleted.

Subsection P-201.1 is added as follows;

P-201.1. Definition of terms--Administrative authority. With reference to permits and inspections to be made by the department (City of Grand Rapids), administrative authority shall mean the assistant director of the department of community improvement and inspection services or the chief plumbing inspector under his direction, except that approval of materials and/or equipment shall be by the state administrative authority. With reference to permits and inspections to be made by the director of public service (City of East Grand Rapids), administrative authority shall mean the director of public service of the City of East Grand Rapids or a designated representative under his direction except that approval of materials and/or equipment shall

be by the state administrative authority.

Subsection P-201.2 is added 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) Water service permit means a permit for installing a water service pipe.
- (5) Plumbing permit means a permit for plumbing as defined herein.
- (6) Homeowner means the owner of a single-family residence in which he resides.

Subsection P-303.2 is amended to read as follows:

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, and a connection conforming with the standards set forth in this code may be made thereto.

Subsection P-303.3 is added as follows:

P-303.3. Independent building sewer and water service. Every building shall have an independent owner-maintained building sewer and water service connected to the curb cock.

Subsection P-303.4 is added as follows:

P-303.4. Easements for water service and or drainage systems. It shall be unlawful to install a water service pipe or drainage system from any building or premises across any adjacent property or premises, even though at the time of the proposed installation the adjacent properties are under common ownership, unless a right-of-way or easement is submitted to the department and the city engineer's office for approval and recorded with the Kent County Register of Deeds.

Any plumbing permits hereafter issued without such record of easement for installation as indicated in the previous paragraph shall be null and void and installations made without such record of easement shall be removed in case of inability on the part of the person desiring right-of-way to secure any easement or right-of-way within thirty (30) days after notice of violation.

Subsection P-304.3 is added as follows:

P-304.3. Industrial-commercial chemical waste information. When plans of plumbing installations that involve industrial or commercial type wastes are submitted for approval, complete process information shall accompany the plans. The information shall include without limitation the following:

- (a) Description of process yielding the waste.
- (b) Composition and concentration of chemical mixtures in the process.
- (c) Composition of wastes and concentration of constituents.
- (d) Quantities of wastes to be treated and rates of discharge to treatment equipment.

- (e) Capacity of largest process tank or tanks that will be simultaneously discharged.
- (f) Water demands of the industrial waste producing process.
- (g) Description of waste treatment equipment to be used, including capacities, methods of treatment, quality of effluent, nature and disposition of products resulting from treatment. Such information shall be accompanied by the recommendations of the environmental protection director as provided in Chapter 27 of the Grand Rapids City Code.

Subsection P-308.3 is amended to read as follows:

P-308.3. Freezing. Water service piping and 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.

Subsection P-402.4 is amended to read as follows:

P-402.4. Water service pipe. Water service pipe on private property shall be made of copper pipe or copper tube. Copper tube, when used underground, shall have a weight not less than copper water tube type L. When used underground in corrosive soil or fill, the piping material or protective coating or covering shall be as approved by the state plumbing board. Water service in public property shall be in accordance with standards of the water department.

Subsection P-601.4 is added as follows:

P-601.4. Minimum size of building sewer. No part of the building sewer, including required cleanouts, shall be less than four (4) inches in diameter.

Subsection P-802.1 is amended to read as follows:

P-802.1. Storm water drainage to sewer prohibited. Storm water and/or subsoil drains shall not be drained into sewers intended for sewage only.

Subsection P-805.2 is added as follows:

P-805.2. Subsoil drains. In new installations, subsoil drains shall be connected to a storm sewer when available. If a storm sewer is not available, the administrative authority shall determine how to dispose of the water. In the case of one- and two-family dwellings, when approved by the administrative authority and the discharge does not constitute a nuisance to neighbors and/or the public, it may be discharged on flat areas of lawn on the premises.

Subsection P-807.3 is amended to read as follows:

P-807.3. Combining storm with sanitary drainage. The sanitary and storm drainage systems of a building shall be entirely separate.

Subsection P-1218.3 is amended to read as follows:

P-1218.3. Urinals, stall-type, watertight pans required. Urinals of stall-type shall be constructed so as to have a watertight pan of lead or other approved materials by the state plumbing board installed beneath them. The drain for the urinal shall be made with a drainage clamping ring assembly to the watertight pan.

Subsection P-1502.1 is amended to read as follows:

P-1502.1. Size of water service. The water service pipe shall be of sufficient size to furnish water to the building in the quantities and at the pressures required elsewhere in this code. It shall in no case be less than one inch nominal diameter. The methods for sizing the water service pipe are described in Appendix "C."

Subsection P-1505.11.4 is added to read as follows:

P-1505.11.4. Approval of devices. Before any device for the prevention of backflow or backsiphonage is installed, it shall have

first been certified by a recognized testing laboratory acceptable to the administrative authority. Devices installed in a building potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system. In order to insure proper operation of the device, the person responsible for maintenance shall periodically, but in no case less than annually, test the device or have a qualified person test the device and submit a report to the water department.

Subsection P-1506.4.3 is added as follows:

P-1506.4.3. Pressure relief valves. The valves shall have a relief rating adequate to meet the pressure conditions in the equipment served. They shall be installed in the cold water supply line to the heating equipment served except where scale formation from hard water may be encountered, in which case they may be installed in the hot water supply line from the heating equipment served. There shall be no shutoff valve between the pressure relief valve and the tank. The pressure relief valve shall be set to open at not less than twenty-five (25) psi above the street pressure or not less than twenty-five (25) psi above the setting of any house water pressure regulating valve. The setting shall not exceed the tank working pressure. The minimum size of both the inlet and discharge connections shall be three-quarter-inch pipe size, except that relief valves protecting water heating systems with input of not more than fifteen thousand (15,000) Btu per hour may have inlet and discharge connections of one-half-inch pipe size.

Subsection P-1506.4.4 is added to read as follows:

P-1506.4.4. Combination pressure-temperature relief valves. Combination pressure-temperature relief valves shall comply with the applicable requirements for individual pressure and individual temperature relief valves and shall be installed so that the temperature sensing element is immersed in the hottest water within the top six (6) inches of the tank. The minimum size of both the inlet and the discharge connections shall be three-quarter-inch pipe size except that relief valves protecting water heating systems with input of not more than fifteen thousand (15,000) Btu may have inlet and discharge connections of one-half-inch pipe size.

Section P-1600.0 through Subsection P-1605.2 are deleted.

Section 3. This ordinance shall be effective on September 15, 1990.

Section 4. Notice of adoption of this Ordinance shall be published within ten (10) days after its enactment by publication of the following digest, summary or statement of the purposes of the Ordinance as provided in Chapter VIII, Section 5 (2), of the Charter of the City of East Grand Rapids:

Notice of Adoption of Ordinance by
the City of East Grand Rapids

Notice is hereby given that the City Commission of the City of East Grand Rapids adopted revisions to Sections 8.602 and 8.603 of Chapter 86 of Title VIII of the East Grand Rapids City Code entitled "Plumbing Code" on September 4, 1990. The purpose of the revised sections is to adopt the Basic Plumbing Code, 1990 edition, as promulgated and published by the Building Officials and Code Administrators International, Inc. (BOCA), with modifications, as the Plumbing Code for the City of East Grand Rapids. The full text of the revised sections is available for inspection by and distribution to the public at the office of the City Clerk. No further or additional publication of the new sections is required or contemplated.

AN ORDINANCE
TO AMEND SECTION 8.701 OF CHAPTER 87
OF TITLE VIII OF THE CODE OF THE
CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 8.701 of Chapter 87 of Title VIII of the East Grand Rapids City Code is amended to read as follows:

Sec. 8.701. Electrical code.

The electrical code of the City of East Grand Rapids is contained in the following:

- (1) Article 27 of the BOCA National Building Code, 1990 edition, which is adopted for use in East Grand Rapids by section 8.1 of this Code; and
- (2) The National Electrical Code which is adopted and incorporated by Article 27 of said BOCA National Building Code; and
- (3) The amendments to the BOCA National Building Code which are adopted by Chapter 80, section 8.4, subsections 2700.4 through 2709.2 of this Code.

Section 2. This ordinance shall be effective on September 15, 1990.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

AN ORDINANCE
TO AMEND SECTION 9.102 OF CHAPTER 95
OF TITLE IX OF THE CODE
OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 9.102 of Chapter 95 of Title IX of the the East Grand Rapids City Code is amended to read as follows:

Section 9.102. Adoption of fire prevention code by reference.

Pursuant to the provisions of Section 3(k) of Act 279 of the Public Acts of the State of Michigan, 1909, as amended, the BOCA National Fire Prevention Code/1990 Edition, as promulgated by the Building Officials and Code Administrators, International, Inc., is hereby adopted by reference by the city for the purpose of safeguarding life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises. In the event of conflict between the provisions of said fire prevention code and the provisions of this chapter, the provisions of this chapter shall prevail. Complete printed copies of the BOCA National Fire Prevention Code, herein adopted, are available for public use and inspection at the office of the city clerk.

Section 2. This ordinance shall be effective on September 15, 1990.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

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

Nays: -0-

81. Introduction of proposed ordinance amendment to repeal subsection 8.10(u) of Section 10.4 of the City Code pertaining to the regulation of parked vehicles on local streets.

81-A. Williamson-Walton. That the proposed ordinance amendment to repeal subsection 8.10(u) of Section 10.4 of the East Grand Rapids Code be introduced as follows:

AN ORDINANCE TO REPEAL SUBSECTION 8.10(u) OF SECTION 10.4
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. Subsection 8.10(u) of Section 10.4 of Chapter 101 of Title X of the

Code of the City of East Grand Rapids is hereby repealed.

Section 2. This ordinance shall be effective on _____, 1990.

Section 3. This Ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

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

82. Consideration of an amendment to the contract between the Michigan Department of Natural Resources and the City of East Grand Rapids regarding the Manhattan Site Improvement and the reimbursement of eligible engineering and associated fees incurred since November 1, 1989.

82-A. Walton-Frakie. That the amendment to the Michigan Department of Natural Resources Agreement relating to the Manhattan Site Improvement project allowing for the reimbursement of engineering costs incurred prior to the construction be approved.

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

83. Consideration of the request to renew property and liability insurance coverage with Michigan Municipal League Liability and Property Pool (MMLLPP) for the new policy year beginning August 13, 1990.

83-A. Mehney-Swain. That the Michigan Municipal League Liability and Property Pool (MMLLPP) premium of \$133,893 be approved along with budget amendments in the General and Motor Equipment Revolving Funds of \$28,100 and \$2,400, respectively.

Yeas: Frakie, Mehney, Swain, Walton, and Deems---5.
Nays: Williamson---1.

84. Consideration to purchase an engine replacement for the one of the City's 1980 refuse packers.

84-A. Frakie-Mehney. That the purchase of an engine replacement for one of the City's 1980 refuse packers from Dee's Parts Specialists for \$4,000 be approved.

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

85. Consideration of a request to purchase a second 10KW portable standby generator for emergency situations.

85-A. Frakie-Swain. To approve the purchase of a 10KW gasoline powered portable generator from Coffman Electric, the low bidder, for \$8,515.

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

86. The minutes of the Traffic Commission meeting of August 22, 1990 were received.

87. Keary Sawyer reintroduced himself requesting support for election on November 6, 1990 as a judicial candidate for 63rd District Court.

88. Williamson-Walton. That the Commission go into Executive Session to consider potential real estate purchase in accordance with Section 8.d of the Open Meetings Act.

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

89. The meeting was adjourned subject to the call of the Mayor until September 17, 1990.

Thomas H. Chase

City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held September 17, 1990

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, Civil Engineer Kocsis, Controller-
Clerk-Treas. Chase, and Elizabeth Banta
representing the Grand Rapids Association of
Realtors.

90. The minutes of the meeting held September 4, 1990
were approved as submitted.

91. Frakie-Edison. That disbursement vouchers in the
amount of \$275,485.66, disbursements to County and Schools in the
amount of \$696,465.23 and payroll disbursements in the amount of
\$79,578.66, 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, Swain, Walton, Williamson and
Deems -- 6.

Nays: -0-

Commissioner Mehney arrived.

92. A hearing was held on a zoning variance requested
by Michael J. McDonald, 2150 Argentina Drive S.E., to erect a
replacement fence along the north property line four feet in
height rather than the three foot maximum required by the Zoning
Ordinance.

92-A. Walton-Swain. That this Commission, Acting as the
Board of Zoning Appeals, table the request of Michael J.
McDonald to erect a replacement fence until such time as
Mr. McDonald or his representative appears before the Commission
to provide an explanation of the request.

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

Nays: -0-

93. Presentation by Mayor Deems of 1990 Home Improvement Awards, selected by the Building Inspection Division, to Linda McCleary, 2885 Lake Drive S.E., and Mary Spielbusch, 612 Gladstone S.E.

94. Consideration of the request to improve street lighting by placement of a light near 305 Arlington Road, S.E.

94-A. Williamson-Edison. That this Commission approve the placement of a street light near 305 Arlington Road, S.E.

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

95. Final reading of proposed ordinance amendment to repeal subsection 8.10(u) of Section 10.4 of the City Code pertaining to the regulation of parked vehicles on local streets.

95-A. Walton-Swain. That the following proposed ordinance amendment for the repeal of subsection 8.10(u) of Section 10.4 of the City Code be approved as follows:

AN ORDINANCE TO REPEAL SUBSECTION 8.10(u) OF
SECTION 10.4 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. Subsection 8.10(u) of Section 10.4 of Chapter 101 of Title X of the Code of the City of East Grand Rapids is hereby repealed.

Section 2. This ordinance shall be effective on September 28, 1990.

Section 3. This Ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

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

96. Consideration of the request for appointment of Mayor Nyal Deems as representative to the Grand Valley Metropolitan Council.

96-A. Mehney-Williamson. That the request for appointment of Mayor Nyal Deems as representative to the Grand Valley Metropolitan Council be approved.

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

97. Consideration of the request to award tree planting bids for Fall, 1990 to Tepper Nursery, as low bidder in the amount of \$9,365.00, and for trees ordered by individual residents that the property owner's share of the cost be set at \$27.00 per tree.

97-A. Williamson-Edison. That the request to award the tree planting bid to Tepper Nursery, as low bidder in the amount of \$9,365.00, and to offer trees to individual residents for a property owner's share of the cost of \$27.00 per tree be approved.

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

98. Consideration of the request to award a purchase order for a 1984 John Deere Backhoe/Loader and hydraulic hammer from AIS Equipment for \$83,700.

98-A. Frakie-Edison. That the purchase of a 1984 John Deere Backhoe/Loader and hydraulic hammer from AIS Equipment for \$83,700 be approved.

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

99. Consideration of a request that the East Grand Rapids Commission grant approval for an extension of sewer service area to allow construction of separate sewer laterals to property located at 3300 Hall Street S.E., and that the City Commission also grant approval to extend the 6" water main at the same location, contingent upon receipt and approval of required documentation.

99-A. Edison-Williamson. That the request for an extension of sewer service area to allow construction of separate sewer laterals and an extension of the 6" water main to the property at 3300 Hall Street S.E. be approved, contingent upon receipt of required documents.

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

100. Consideration of a request to approve a special event application for a walkathon sponsored by the Grand Rapids Association of Realtors.

100-A. Walton-Edison. That the request for a special event application for a walkathon scheduled for October 13, 1990 and sponsored by the Grand Rapids Association of Realtors be approved.

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

101. The preliminary minutes of Recreation Commission meeting of August 15, 1990 were received.

102. The Building Inspection Report for the month of August, 1990 was received.

103. The Public Safety Report for the month of August, 1990 was received.

104. Williamson-Swain. That the Commission go into Executive Session to discuss pending litigation with the City Attorney pursuant to section 8(e) of the Open Meetings Act.

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

Proceedings of City of East Grand Rapids Commission
Regular Meeting held September 17, 1990
Page 5

105. The meeting was adjourned subject to the call of the Mayor until October 1, 1990.

Thomas H. Chase

Thomas H. Chase, City Clerk

UNOFFICIAL
Reference Only

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held October 1, 1990

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, Public Service
Superintendent Sterkenburg, Civil Engineer Kocsis,
Assistant to Plant Engineer Turcotte, Controller-
Clerk-Treas. Chase.

106. The minutes of the meeting held September 17, 1990
were approved as submitted.

107. Swain-Edison. That disbursement vouchers in the
amount of \$196,682.82, disbursements to County and Schools in the
amount of \$97,227.31, and payroll disbursements in the amount of
\$87,412.14 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-

Commissioner Mehney arrived.

108. Consideration of a zoning variance requested by
Michael J. McDonald, 2150 Argentina Drive S.E., to erect a fence
along the north property line four feet in height rather than the
three foot maximum required by the Zoning Ordinance.

108-A. Frakie-Williamson. That this Commission, acting as
the Board of Zoning Appeals, table the request of Michael J.
McDonald to erect a fence until such time as Mr. McDonald meets
with Civil Engineer Kocsis to address the safety and lot line
issues.

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

Nays: -0-

109. A hearing was held on a zoning variance requested by the Engineering Services Director to allow the placement of a four foot high fence along the north property line of 3128 Hall Street SE rather than the three foot maximum required by the Zoning Ordinance.

109-A. Williamson-Walton. That this Commission, acting as the Board of Zoning Appeals, grant the variance within the City's easement and direct staff to consult with adjacent property owners in an effort to improve the appearance of the fence.

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

110. A hearing was held on a zoning variance requested by the Engineering Services Director to allow the placement of a four foot high fence along the south property line of 1741 Wealth Street SE rather than the three foot maximum required by the Zoning Ordinance.

110-A. Mehney-Walton. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

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

111. Consideration of staff recommendation to award a purchase order for two replacement sidewalk snow plows.

111-A. Edison-Williamson. That the purchase of two Bombardier BM-50 Municipal Tractors from Gregware Equipment Co., the low bidder, and the refurbishing of attachments at a total cost of \$66,180.00 be approved.

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

112. The preliminary minutes of Traffic Commission meeting of September 19, 1990 were received.

113. Controller-Clerk-Treasurer Chase introduced Joelle Kruse as the new Municipal Offices Secretary.

114. Com. Williamson commented on the City of East Grand Rapids being honored with a National Night Out award and commended Chris Cameron, Officer James Pullen and Chief Peter Gallagher for their hard work on the program.

Com. Walton commended Mayor Deems for his work on the Grand Valley Metropolitan Council.

Com. Edison reported that the curbside leaf pick-up commenced on October 1, 1990.

City Attorney Huff commented regarding distribution of the proposed Charter document to all East Grand Rapids households on October 3, 1990 and an informational public meeting scheduled by the Charter Commission for October 25, 1990 at 7:00 p.m.

Mayor Deems commended Assistant to Plant Engineer Dan Turcotte and assistants Emmet Yukon and Kevin Murphy for their assistance to the library regarding their recent art exhibit.

Mayor Deems distributed OUIL Investigation and Reference Manual prepared by Officer David Smith pertaining to alcohol driving offenses, and commended Officer Smith for his efforts in the preparation of the manual.

115. The meeting was adjourned subject to the call of the Mayor until October 15, 1990.



Thomas H. Chase, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held October 15, 1990

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, Public Service
Superintendent Sterkenburg, Engineering Services
Director Baragar, Civil Engineer Kocsis, Assistant
to Plant Engineer Turcotte, Controller-
Clerk-Treas. Chase, Board of Public Works Chairman
William R. Byl, and Board of Public Works Director
Curt A. Kempainen.

116. The minutes of the meeting held October 1, 1990
were approved as submitted.

117. Edison-Williamson. That disbursement vouchers in
the amount of \$451,112.77, and payroll disbursements in the
amount of \$88,125.84 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-

118. Consideration of a resolution to vacate a portion
of Argentina Drive S.E., as requested by Michael McDonald, 2150
Argentina Drive S.E.

118-A. Williamson-Frakie. That this Commission adopt the
following resolution:

RESOLUTION

IT IS HEREBY RESOLVED that this Commission deems it
advisable to consider a proposal to abandon, vacate, abolish and
discontinue a portion of Argentina Drive in the City of East
Grand Rapids ("City"), Kent County, Michigan, described as
follows:

That portion of Argentina Drive described as commencing at the NE corner of lot 1 of G.A. Hendricks Subdivision, thence westerly along the north property line of said lot 57.0 feet, thence northerly 6.7 feet, thence northeasterly to the NW corner of Lot 22 of Masonic Home 2nd Addition, thence southerly 10 feet to the place of beginning.

BE IT FURTHER RESOLVED that this Commission shall hold a public hearing on the 19th day of November, 1990, at 7:30 p.m., in the Commission chambers in the City Hall to hear and consider any and all objections and reasons why the above mentioned portion of Argentina Drive, described as aforesaid, should not be abandon, vacated, abolished and discontinued, reserving easements for sidewalk and public utilities purposes over and under said property.

IT IS ORDERED that the City Clerk shall give written or printed notice of the time and place when and where the City Commission will meet to hear and consider objections to the abandoning, vacating, abolishing, and discontinuing of said portions of the above described property by any persons interested therein and desiring to be heard by publishing the notice of such meeting with a copy of this resolution once not less than two weeks before said meeting in a newspaper of general circulation in the City of East Grand Rapids.

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

119. A hearing was held on a zoning variance requested by Donna K. Pipes, 2438 Berwyck S.E., to allow the continuance of a non-conforming attached gazebo with a seven-foot setback from the rear property line, rather than the twenty-five feet as required by the Zoning Ordinance. Donna K. Pipes was present and spoke in favor of the variance.

119-A. Edison-Mehney. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

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

120. A hearing was held on a zoning variance requested by David and Jane Munro, 1010 Lake Grove S.E., to erect a six-foot high fence along the west property line abutting Lake Grove Avenue, rather than the required three-foot high maximum height. David and Jane Munro were present and spoke in favor of the variance. Sharon Jensen of 1047 Lake Grove, and Dan Bartlett of 1018 Lake Grove were present and spoke in opposition to the variance.

120-A. Walton-Frakie. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

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

121. Presentation of an award to City of East Grand Rapids from Kent County Board of Public Works in recognition of the City's support and leadership relative to County's Waste To Energy Facility. The award was presented to Mayor Deems by Board of Public Works Chairman William R. Byl and Board of Public Works Director Curt A. Kempainen.

122. Consideration of introduction of a proposed ordinance amendment to Chapter 2 of the City Code pertaining to the creation of the Department of Engineering Services and deletion of the Department of Health.

122-A. Williamson-Edison. That the following proposed ordinance amendment to Chapter 2 of the City Code be introduced as follows:

AN ORDINANCE TO AMEND SECTIONS 1.31, 1.103, 1.104,
AND 1.105 AND TO REPEAL SECTIONS 1.111, 1.112 AND 1.113
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 1.31 of Chapter 2 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

Sec. 1.31. Division of administrative service.

The administrative service of the City shall be under the supervision and direction of the City Manager, except as otherwise provided by the City Charter, and shall be divided into the following offices and departments, each of which shall be the responsibility of and under the control of a department head as listed opposite such office or department:

<u>Office or Department</u>	<u>Department Head</u>
Office of Clerk	City Clerk
Office of Assessor	City Assessor
Department of Finance	City Treasurer
Department of Public Safety	Director of Public Safety
Department of Public Service	Director of Public Service
Department of Engineering Services	Director of Engineering Services
Department of Law	City Attorney

Section 2. Sections 1.103, 1.104, and 1.105 of Chapter 2 of Title I of the Code of the City of East Grand Rapids are deleted and are restated as provided below.

Section 3. A new Article VIII-A containing Sections 1.103, 1.104 and 1.105 of Chapter 2 of Title I of the Code of the City of East Grand Rapids is added to read as follows:

Article VIII-A. Department of Engineering Services.

Sec. 1.103. Director of Engineering Services.

The department of engineering services shall be headed by the director of engineering services. The director shall be responsible for all matters relating to construction of streets and sidewalks within the City and of all physical properties of the City, except as provided elsewhere in this Code. He shall also be responsible for planning in connection with such changes or improvements to the physical properties of the City as are consistent with and necessary to the future growth and development of the City. The department shall perform such engineering services for the City and for such other departments of the City as may be required.

Sec. 1.104. Division of Building Inspection.

The division of building inspection shall be a division of the department of engineering services and shall be headed by the building inspector who may be the director of engineering services. This division shall be responsible for the issuance of all permits and inspection of all work done under the provisions of the heating, electrical, plumbing and building codes of the City, the safety inspection of all premises, including structures thereon, and the enforcement of zoning and housing ordinances. The building inspector and the members of his staff shall be authorized to issue and serve appearance tickets with regard to violations of Chapters 50, 80, 81, 82, 83, 84, 85, 86, 87, 91, 96, and 97.

Sec. 1.105. Division of Water Supply.

The division of water supply shall be a division of the department of engineering services and shall be headed by the water superintendent who may be the director of engineering services. The superintendent shall be responsible for the operation and maintenance of the City water storage facilities and pumping of water into and through the City water distribution system.

Section 4. Article IX and Sections 1.111, 1.112 and 1.113 of Chapter 2 of Title I are repealed in their entirety.

Section 5. This Ordinance shall be effective on _____, 1990.

Section 6. This Ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5, of the Charter of the City of East Grand Rapids.

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

Nays: -0-

123. Consideration of introduction of a proposed ordinance amendment to Section 1.213(1) of the City Code.

123-A. Edison-Swain. That the following proposed ordinance amendment to Section 1.213(1) of the City Code be introduced as follows:

AN ORDINANCE TO AMEND SECTION 1.213
OF CHAPTER 5 OF TITLE I
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Subsection (1) of Section 1.213 of Chapter 5 of Title I of the East Grand Rapids City Code is hereby amended to read as follows:

- (1) Where the subject of the contract is other than a public work or improvement and the city commission declares by resolution that the product or material to be purchased or contracted for is not competitive in nature or no advantage to the city would result from requiring competitive bidding, and authorizes execution of a contract without competitive bidding.

Section 5. This Ordinance shall be effective _____, 1990.

Section 6. This Ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

124. Consideration of staff recommendation to award a purchase order for the replacement of a 1974 International Sewer Truck.

124-A. Williamson-Frakie. That the purchase of a Vac Con Model 390 TH-30 Sewer Truck from Bell Equipment, the low bidder, in the amount of \$125,520.50, be approved.

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

Nays: -0-

125. Consideration of a recommendation concerning Michigan Municipal Liability and Property Pool (MMLLPP) Board election.

125-A. Mehney-Swain. That the recommendation of City Manager Allard to cast the City's four votes for Darrell Baker, Harold Easton, Donald Geelhoed and James Wilhelm in connection with the MMLLPP Board election be approved.

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

Nays: -0-

126. The minutes of Library Commission meeting of June 28, 1990 were received.

127. The preliminary minutes of Library Commission meeting of September 27, 1990 were received.

128. The preliminary minutes of Recreation Commission meeting of September 19, 1990 were received.

129. The Building Inspection Report for the month of September 1990 was received.

130. The Public Safety Report for the month of September 1990 was received.

131. The meeting was adjourned subject to the call of the Mayor until November 5, 1990.



Thomas H. Chase, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held November 5, 1990

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; Civil Engineer Kocsis;
Controller-Clerk-Treas. Chase; Public Safety
Officer Bolen; Public Safety Lt. Stone; Kent
County EMS Director Jim Klock; Kent County
Commissioner Lorch; East Grand Rapids Library
Commissioner Richard Wayman; Tim Schab of BDO-
Seidman; and William Rice of the Grand Rapids
Breakfast Club.

132. The minutes of the meeting held October 15, 1990
were approved as submitted.

133. Frakie-Edison. That disbursement vouchers in the
amount of \$325,773.40, disbursements to County and Schools in the
amount of \$142,023.19, and payroll disbursements in the amount of
\$219,431.92, 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-

134. Presentation was made by Tim Schab of BDO-Seidman
and the audited financial statements for the fiscal year ended
June 30, 1990 were received.

135. The financial reports for the period ended
September 30, 1990, as presented by Controller-Clerk-Treasurer
Chase, were received.

136. Consideration of recommendation for enhancements to
the John A. Collins memorials located in Collins Park to be
funded by the City and the Grand Rapids Breakfast Club and for a
\$5,000 budget amendment for the City's portion of the costs.

136-A. Edison-Williamson. That the proposal and donation of the Grand Rapids Breakfast Club to replace the base of the John Collins memorial in Collins Park be accepted and that a budget amendment appropriating \$5,000 from fund balance of the General Fund for the capital expenditures account of the City Buildings Division be approved.

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

137. East Grand Rapids Library Commissioner Wayman and County Commissioner Lorch discussed the report of Kent County Board of Commissioners meeting concerning revision to the library formula which was received.

138. Demonstration by Public Safety Lt. Stone, Public Safety Officer Bolen and Kent County EMS Administrative Director Klock of an Automated Defibrillator.

139. Consideration of an ordinance amendment to Chapter 2 of the City Code pertaining to the creation of the Department of Engineering Services and deletion of the Department of Health.

139-A. Williamson-Swain. That the following ordinance amendment to Chapter 2 of the City Code be adopted:

AN ORDINANCE TO AMEND SECTIONS 1.31, 1.103, 1.104,
AND 1.105 AND TO REPEAL SECTIONS 1.111, 1.112 AND 1.113
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 1.31 of Chapter 2 of Title I of the Code of the City of East Grand Rapids is amended to read as follows:

Sec. 1.31. Division of administrative service.

The administrative service of the City shall be under the supervision and direction of the City Manager, except as otherwise provided by the City Charter, and shall be divided into the following offices and departments, each of which shall be the responsibility of and under the control of a department head as listed opposite such office or department:

<u>Office or Department</u>	<u>Department Head</u>
Office of Clerk	City Clerk
Office of Assessor	City Assessor
Department of Finance	City Treasurer
Department of Public Safety	Director of Public Safety
Department of Public Service	Director of Public Service
Department of Engineering Services	Director of Engineering Services
Department of Law	City Attorney

Section 2. Sections 1.103, 1.104, and 1.105 of Chapter 2 of Title I of the Code of the City of East Grand Rapids are deleted and are restated as provided below.

Section 3. A new Article VIII-A containing Sections 1.103, 1.104 and 1.105 of Chapter 2 of Title I of the Code of the City of East Grand Rapids is added to read as follows:

Article VIII-A. Department of Engineering Services.

Sec. 1.103. Director of Engineering Services.

The department of engineering services shall be headed by the director of engineering services. The director shall be responsible for all matters relating to construction of streets and sidewalks within the City and of all physical properties of the City, except as provided elsewhere in this Code. He shall also be responsible for planning in connection with such changes or improvements to the physical properties of the City as are consistent with and necessary to the future growth and development of the City. The department shall perform such engineering services for the City and for such other departments of the City as may be required.

Sec. 1.104. Division of Building Inspection.

The division of building inspection shall be a division of the department of engineering services and shall be headed by the building inspector who may be the director of engineering services. This division shall be responsible for the issuance of all permits and inspection of all work done under the provisions of the heating, electrical, plumbing and building codes of the City, the safety inspection of all premises, including structures thereon, and the enforcement of zoning and housing ordinances. The

building inspector and the members of his staff shall be authorized to issue and serve appearance tickets with regard to violations of Chapters 50, 80, 81, 82, 83, 84, 85, 86, 87, 91, 96, and 97.

Sec. 1.105. Division of Water Supply.

The division of water supply shall be a division of the department of engineering services and shall be headed by the water superintendent who may be the director of engineering services. The superintendent shall be responsible for the operation and maintenance of the City water storage facilities and pumping of water into and through the City water distribution system.

Section 4. Article IX and Sections 1.111, 1.112 and 1.113 of Chapter 2 of Title I are repealed in their entirety.

Section 5. This Ordinance shall be effective on November 16, 1990.

Section 6. This Ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5, of the Charter of the City of East Grand Rapids.

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

Nays: -0-

Commissioner Mehney arrives.

140. Consideration of an ordinance amendment to Section 1.213(1) of the City Code.

140-A. Edison-Frakie. That the following proposed ordinance amendment to Section 1.213(1) of the City Code be adopted as follows:

AN ORDINANCE TO AMEND SECTION 1.213
OF CHAPTER 5 OF TITLE I
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Subsection (1) of Section 1.213 of Chapter 5 of Title I of the East Grand Rapids City Code is hereby amended to read as follows:

- (1) Where the subject of the contact is other than a public work or improvement and the city commission declares by resolution that the product or material to be purchased or contracted for is not competitive in nature or no advantage to the city would result from requiring competitive bidding, and authorizes execution of a contract without competitive bidding.

Section 5. This Ordinance shall be effective November 16, 1990.

Section 6. This Ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

140-B. Williamson- . To table the motion under consideration. Motion failed for lack of a second.

Vote on original motion 140-A.

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

141. Consideration of recommendation that the City join area governments in group road salt purchase and authorize a purchase order to the American Salt Co. at \$22.32 per ton.

141-A. Edison-Walton. To authorize the purchase of road salt from American Salt Co. at a rate of \$22.32 per ton for a fiscal year 1990-91.

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

142. Consideration of a recommendation to amend budget for Manhattan Recreation project change orders.

142-A. Edison-Walton. That the General Fund budget be amended for a net appropriation from fund balance of \$7,100.00 and the revised estimate of total project costs (\$610,000.00) be approved.

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

143. Consideration of a resolution supporting the efforts of a group of local supporters to bring Triple AAA baseball to West Michigan.

143-A. Edison-Walton. That this commission adopt the following resolution:

RESOLUTION OF SUPPORT TO BRING PROFESSIONAL
BASEBALL TO WEST MICHIGAN

East Grand Rapids believes that the acquisition of a professional baseball team and construction of a stadium will provide social and economic development benefits which will have a positive impact on the quality of life in the West Michigan and especially the Greater Grand Rapids area.

The Byron Township Planning Commission has approved a Special Use permit allowing for the construction of a 10,000 seat Triple AAA baseball stadium located at 84th Street and US 131.

Through the efforts of local baseball development groups supported by local governments, we have the opportunity to bring a Triple AAA professional baseball team to West Michigan and the Greater Grand Rapids area.

West Michigan Baseball Development, Inc. must sell 2,500 season-ticket options by November 19, 1990 to illustrate to the Triple AAA Alliance of the Midwest Baseball League at the 1990 Winter Baseball meeting that a Triple AAA baseball team will be successful when a team is located in the Greater Grand Rapids area.

BE IT RESOLVED, that the East Grand Rapids City Commission supports a site in Byron Township or Grand Rapids for the proposed Triple AAA baseball stadium.

BE IT FURTHER RESOLVED, that the City Commission does hereby support the efforts to bring a Triple AAA baseball team to the Greater Grand Rapids.

BE IT FURTHER RESOLVED, that the City Commission urges the citizens of the Greater Grand Rapids area to purchase options on season tickets to show fan support in bringing a Triple AAA baseball team to the Greater Grand Rapids area.

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

Nays: -0-

144. Consideration of request by Mayor Deems to appoint Mary Reed Kelly of 1657 Alexander Road to the Planning Commission to fill existing vacancy.

144-A. Williamson-Mehney. To approve the appointment of Mary Reed Kelly to fill the existing vacancy on the City's Planning Commission.

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

Nays: -0-

145. County Commissioner Bud Lorch commented regarding the November 6, 1990 election. He advised that the 5th District County Commission race is taking place, although the Grand Rapids Press did not list recommendations regarding uncontested races in the newspaper.

Commissioner Williamson commended residents in the 500 block of Cambridge on their outstanding efforts with regard to their Halloween festivities.

Commissioner Williamson remarked on an upcoming County public hearing regarding County landfill rates of \$32 per ton and waste-to-energy facility rates of \$40 per ton.

Commissioner Walton voiced his support for the proposed City Charter placed on the November 6, 1990 ballot and encouraged an affirmative vote for the proposed Charter. He commended the Charter Commission and John Huff for the efforts they put into preparing the proposed Charter.

Commissioner Edison discussed a letter the Recreation Commission received from the Department of Natural Resources denying approval of the grant request for Manhattan Recreation Area Phase II.

Commissioner Edison commented that the grass infield at Remington Field has been completed.

Commissioner Edison requested of Mayor Deems to schedule a Joint Facilities Committee meeting regarding East Grand Rapids Middle School and pool maintenance.

Commissioner Swain directed comments to City Manager regarding the recycling clutter at the Public Service yard and the need for general clean-up, including the mud and standing water at the location.

Mayor Deems commented on the Metropolitan Council and advised that the Council's efforts are going very well. The Council is working to coordinate existing planning entities. The Department of Transportation and the Department of Commerce have already expressed interest in communication and cooperation.

146. Williamson-Walton. To enter executive session to review pending litigation and property acquisition in accordance with Section 8(e) and 8(d), respectively, of the Open Meetings Act.

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

147. The meeting was adjourned subject to the call of the Mayor until November 19, 1990.



Thomas H. Chase, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held November 19, 1990

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; Public Safety Director Gallagher; Deputy Public Safety Director Ditmar; Engineering Services Director Baragar; Civil Engineer Kocsis; Controller-Clerk-Treas. Chase; Public Safety Officer David Kirk; and Chris Cameron, Volunteer for National Night Out.

148. The minutes of the meeting held November 5, 1990 were approved as submitted.

149. Swain-Edison. That disbursement vouchers in the amount of \$568,463.64 and payroll disbursements in the amount of \$93,971.92, 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-

150. Introduction by Public Safety Director Gallagher of newly-hired Public Safety Officer David Kirk. Officer Kirk was sworn into office by Controller-Clerk-Treasurer Chase.

151. Award presentation to Mayor Deems was made by Public Safety Director Gallagher and Chris Cameron relating to the National Night Out celebrated by 8,000 communities nationwide. East Grand Rapids was ranked 7th in the nation for a city with a population of 40,000 or less, and was recognized for its achievement in educating the community on safety.

Mayor Deems commended Chris Cameron, City staff and others for their efforts in the National Night Out campaign.

152. A hearing was held to consider a resolution to vacate a portion of Argentina Drive S.E., as requested by Michael McDonald, 2150 Argentina Drive S.E.

152-A. Frakie-Williamson. That this Commission vacate a portion of Argentina Drive S.E., as requested by Michael McDonald, 2150 Argentina Drive S.E, and that the following resolution be adopted:

RESOLUTION

WHEREAS the owner of the land and premises abutting 2150 ARGENTINA DRIVE located within the City of East Grand Rapids, Michigan, has petitioned for the vacation of the portion of ARGENTINA DRIVE described below; and

WHEREAS this Commission at a regular meeting of said Commission held in said City on the 19th day of November, 1990, has held a public hearing and has determined that it is advisable to vacate that part of Argentina Drive; and

WHEREAS in the opinion of this Commission the vacating, closing, discontinuing and abolishing of said portion of Argentina Drive is a necessary public improvement and a necessary public convenience, the City, however, reserving an easement for public utilities over full width of said area as noted below;

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Commission of the City of East Grand Rapids, Michigan, that the portion of Argentina Drive described as:

That portion of Argentina Drive described as commencing at the NE corner of lot 1 of G.A. Hendricks Subdivision, thence westerly along the north property line of said lot 57.0 feet, thence northerly 6.7 feet, thence northeasterly to the NW corner of Lot 22 of Masonic Home 2nd Addition, thence southerly 10 feet to the place of beginning.

be and is hereby vacated, closed, discontinued and abolished except that the City of East Grand Rapids reserves an easement over the full width of said vacated parcel for the purpose of constructing, maintaining and servicing public utilities therein.

FURTHER RESOLVED that the Clerk of this City be and is hereby directed to record a certified copy of this resolution with the Register of Deeds of Kent County, Michigan, and to send a copy to the State Treasurer, together with his certificate giving the name of the plat or plats affected by this resolution.

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

153. A hearing was held on a zoning variance requested by Bruce and Laurel Young, 2760 Hall Street, S.E., to construct an attached garage on the north side of the residence at 2851 Reeds Lake Boulevard four feet from the north property line, rather than the ten-foot minimum as required by the Zoning Ordinance. Bruce Young was present and spoke in favor of the variance.

153-A. Edison-Frakie. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

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

154. A hearing was held on a zoning variance requested by Murry and Linda McMurry, 811 Rosewood Drive, S.E., to construct an attached garage in the rear of the residence 2 feet from the north property line, rather than the 7-foot minimum as required by the Zoning Ordinance. Linda McMurry was present and spoke in favor of the variance.

154-A. Williamson-Swain. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

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

155. A hearing was held on a zoning variance requested by Michael and Deecy Smith, 553 Greenwood Avenue, S.E., to construct a wooden fence along the north property line of the residence approximately forty feet of which is to be a height of 8 feet, rather than the 6-foot maximum as required by the Zoning Ordinance. Michael and Deecy Smith were present and spoke in favor of the variance.

155-A. Swain-Edison. That this Commission, acting as the Board of Zoning Appeals, grant the variance.

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

156. Consideration of a request by City Signal, Inc. to amend original agreement with City of East Grand Rapids to provide for additional fiber optic cable within the City.

156-A. Williamson-Walton. That the request of City Signal, Inc. to amend agreement to provide for the installation of 2,538 feet of additional fiber optic cable along the east side of Lakeside Drive to Greenwood Avenue, and then west along Greenwood Avenue to Break-Thru Surveys (see attached amended Exhibit A to contract) be approved.

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

157. Consideration of a request to introduce a drunk driving cost recovery ordinance to amend the Code of the City of East Grand Rapids by adding a new Chapter 104 to Title X of said Code.

157-A. Walton-Edison. That an ordinance to amend the Code of the City of East Grand Rapids by adding a new Chapter 104 to Title X of said Code be introduced as follows:

ORDINANCE TO AMEND THE CODE OF
THE CITY OF EAST GRAND RAPIDS BY ADDING
A NEW CHAPTER 104 TO TITLE X OF SAID CODE

The City of East Grand Rapids ordains:

Section 1. A new Chapter 104 is added to Title X of the East Grand Rapids City Code to read as follows:

CHAPTER 104
DRUNK DRIVING COST RECOVERY

Sec. 10.80. Title and Purpose.

(1) This Chapter shall be known as the "Drunk Driving Cost Recovery Ordinance of the City of East Grand Rapids."

(2) The City of East Grand Rapids finds that a significant number of the traffic arrests and traffic accidents in the City involve drivers operating a motor vehicle while under the influence of intoxicating liquor or a controlled substance, or a combination thereof. Furthermore, the City finds that there is a greater likelihood of personal injury or property damage in accidents involving a driver operating under the influence of an intoxicating liquor or a controlled substance, or combination thereof. As a result, the City finds that a greater operational and financial burden has been placed on the City's public safety services by persons operating a motor vehicle under the influence of intoxicating liquor or a controlled substance, and that it is necessary to recover these increased emergency response costs.

Sec. 10.81. Definitions.

For the purpose of this Chapter, the terms listed below shall have the following meanings:

(1) "Emergency response" shall mean providing or utilizing public safety officers, emergency medical or rescue personnel by the City, or by a private individual or corporation operating at the request or direction of the City, in connection with any incident involving a driver of a motor vehicle operating under the influence of an intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance. Such incidents shall include any accident involving a motor vehicle where one or more of the drivers was operating the motor vehicle while under the influence of an intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance; and any traffic stop and arrest by a public safety officer when the driver was operating the motor vehicle while under the influence of an intoxicating liquor or a controlled substance, or a combination thereof.

(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 of personnel responding to or investigating the incident, and all costs connected to the administration and processing of chemical tests of the blood, breath or urine of the driver.

Sec. 10.82. Liability for Expense of an Emergency Response.

(1) Person liable. Any person is liable for the expense of an emergency response if that person, while under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, proximately causes any incident resulting in an emergency response.

(2) Presumptions. For the purpose of this Chapter, a person is under the influence of an intoxicating liquor or a controlled substance, or the combination of an intoxicating liquor and a controlled substance, when his or her physical or mental abilities are impaired to a degree that he or she no longer has the ability to operate a motor vehicle with the caution characteristic of a sober person of ordinary prudence. Further, it shall be presumed that a person was operating a motor vehicle while under the influence of an intoxicating liquor if a chemical analysis of his or her blood, urine or breath indicates that the amount of alcohol in his or her blood was in excess of 7/100ths of 1% (0.07%).

(3) Charge against person. The expense of an emergency response shall be a charge against the person liable for the expense under this ordinance. The charge constitutes a debt of that person and is collectible by the City of East Grand Rapids for incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.

(4) Cost recovery schedule. The East Grand Rapids City Commission shall from time to time adopt resolution which set forth a schedule of the costs which are incurred in making an emergency response. It shall be presumed that the costs listed in this schedule are the true costs incurred by the City and represent the "expense of an emergency response." This schedule shall be available to the public from either the City Clerk or the Public Safety Department.

(5) Billing. The Director of Public Safety, or his or her designee, may, within ten (10) days of receiving itemized costs, or any part thereof, incurred for an emergency response, submit a bill for these costs by first class mail or personal service to the person liable for the expenses as enumerated pursuant to subsection (4) of this Section of this ordinance. The bill(s) shall require full payment in thirty (30) days from the date of service.

(6) Failure to pay; procedure to recover costs. Any failure by the person described in this ordinance as liable for the expense of an emergency response, to pay the bill within thirty (30) days of service shall be considered a default. In case of default, the City of East Grand Rapids may commence civil suit to recover the expenses and any costs allowed by law.

Sec. 10.83. Severability.

The phrases, sentences, sections and provisions of this ordinance are severable and a finding that any portion hereof is unconstitutional or otherwise unenforceable shall not detract from or affect the enforceability of the remainder of this ordinance.

Section 2. This ordinance shall be effective on _____, 1990.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

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

158. Consideration of a request by the Public Safety Department to authorize the purchase of 2 Scott Air-Paks from West Shore Services, the sole distributor for Scott in this area, at a cost of \$2,732.94.

158-A. Williamson-Edison. That the request by the Public Safety Department to award a purchase order to West Shore Services for the procurement of 2 Scott Air-Paks in the amount of \$2,732.94 and a waiver of the competitive bidding requirement in the instance where there is a sole supplier be approved.

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

159. Consideration of a request that a purchase order be authorized to Berger Chevrolet for the purchase of two replacement vehicles in the amount of \$28,405, and that a vehicle rotation policy be approved.

159-A. Edison-Swain. That a purchase order be authorized to Berger Chevrolet for the purchase of two replacement vehicles in the amount of \$28,405 and a waiver of the competitive bidding requirement to allow for acceptance of a vehicle purchase under the state bid award be approved.

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

159-B. Edison-Swain. That a vehicle rotation policy be approved, as follows:

CITY OF EAST GRAND RAPIDS

POLICIES AND GUIDELINES

TITLE: ROTATION OF CITY-OWNED VEHICLES

BACKGROUND

Since 1983, the City has had a policy of rotating the City Manager's car into the Public Safety Department resulting in a minimum of four years of service and 70,000 miles, under ordinary circumstances. The one exception in the rotation schedule since 1983 involved the assignment of the City Manager's vehicle to the City Assessor's Office. Given the variability in mileage accumulation, condition and usage fluctuation of City vehicles, a modification to the rotation policy is recommended.

Current guidelines for rotation of City-owned vehicles fail to take into consideration the condition and intended use of vehicles being rotated either in or out of service of a particular department. Some vehicles and body styles may have greater longevity than others. Also, the types of vehicles needed in a given department may change from time to time. Given these parameters, a flexible rotation policy is needed to maximize the use and longevity of the City's fleet.

VEHICLE ROTATION

Upon approval of budgeted funds by the City Commission, the City Manager shall determine the rotation of vehicles in conjunction with scheduled replacements and changing departmental needs. The Manager shall review all City-owned vehicles from time to time, and shall determine whether to rotate them within a department or to another department. The plan is to take into consideration the condition and intended purpose of each vehicle with the objective of maximizing the useful life and serviceability of the City's fleet. This policy will not increase the total number of City-owned vehicles. Any such increase could occur only after obtaining authorization from the City Commission for additional vehicles in connection with budgeted appropriations.

Yeas: Edison, Swain, Walton, Williamson and Deems -- 5.
Nays: Frakie -- 1.

160. Consideration of a request by the Public Safety Department to purchase a 1990 Chevrolet Suburban from Berger Chevrolet in the amount of \$20,000, with Drug Seizure funds, as a replacement surveillance vehicle.

160-A. Swain-Edison. That the request to purchase a replacement surveillance vehicle using Drug Seizure funds from Berger Chevrolet at a cost of \$20,000 and a corresponding budget increase to the General Fund - Public Safety Department - Capital Expenditures be approved.

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

161. Consideration of a request that the temporary Administrative Clerk I position in the Engineering Services Department be reclassified as a regular, full-time position effective November 20, 1990.

161-A. Williamson-Edison. That the request that the temporary Administrative Clerk I position in the Engineering Services Department be reclassified as a regular, full-time position effective November 20, 1990 be approved.

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

162. The minutes of Library Commission meeting of October 25, 1990 were received.

163. The minutes of Historical Commission meeting of October 30, 1990 were received.

164. The Building Inspection Report for the month of October 1990 was received.

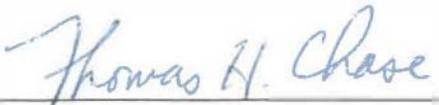
165. The Public Safety Report for the month of October 1990 was received.

166. Willis Nelson, 3128 Hall Street, expressed his concern regarding storm drain construction on Hall Street and the fence installed on his property. Mayor Deems stated that the City Commission would request staff to assemble information with regard to this project and the Commission would address this issue at a future meeting.

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

168. The meeting was adjourned subject to the call of the Mayor until December 3, 1990.



Thomas H. Chase, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held December 3, 1990

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; Civil Engineer Kocsis; Public
Service Superintendent Sterkenburg; Controller-
Clerk-Treas. Chase.

169. The minutes of the meeting held November 19, 1990
were approved upon correction of 159-B to reflect the proper vote
results.

170. Edison-Frakie. That disbursement vouchers in the
amount of \$134,386.92, payroll disbursements in the amount of
\$83,939.06, and disbursements to County and Schools in the amount
of \$94,311.85, 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-

171. Second reading of an ordinance to amend the Code
of the City of East Grand Rapids by adding a new Chapter 104 to
Title X of said Code, and adoption of the rate schedule as
relates to the OUIL.

171-A. Walton-Williamson. That an ordinance to amend the
Code of the City of East Grand Rapids by adding a new Chapter 104
to Title X of said Code be adopted, as follows:

ORDINANCE TO AMEND THE CODE OF
THE CITY OF EAST GRAND RAPIDS BY ADDING
A NEW CHAPTER 104 TO TITLE X OF SAID CODE

The City of East Grand Rapids ordains:

Section 1. A new Chapter 104 is added to Title X of the East
Grand Rapids City Code to read as follows:

CHAPTER 104
DRUNK DRIVING COST RECOVERY

Sec. 10.80. Title and Purpose.

(1) This Chapter shall be known as the "Drunk Driving Cost Recovery Ordinance of the City of East Grand Rapids."

(2) The City of East Grand Rapids finds that a significant number of the traffic arrests and traffic accidents in the City involve drivers operating a motor vehicle while under the influence of intoxicating liquor or a controlled substance, or a combination thereof. Furthermore, the City finds that there is a greater likelihood of personal injury or property damage in accidents involving a driver operating under the influence of an intoxicating liquor or a controlled substance, or combination thereof. As a result, the City finds that a greater operational and financial burden has been placed on the City's public safety services by persons operating a motor vehicle under the influence of intoxicating liquor or a controlled substance, and that it is necessary to recover these increased emergency response costs.

Sec. 10.81. Definitions.

For the purpose of this Chapter, the terms listed below shall have the following meanings:

(1) "Emergency response" shall mean providing or utilizing public safety officers, emergency medical or rescue personnel by the City, or by a private individual or corporation operating at the request or direction of the City, in connection with any incident involving a driver of a motor vehicle operating under the influence of an intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance. Such incidents shall include any accident involving a motor vehicle where one or more of the drivers was operating the motor vehicle while under the influence of an intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance; and any traffic stop and arrest by a public safety officer when the driver was operating the motor vehicle while under the influence of an intoxicating liquor or a controlled substance, or a combination thereof.

(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 of personnel responding to or investigating the incident, and all costs connected to the administration and processing of chemical tests of the blood, breath or urine of the driver.

Sec. 10.82. Liability for Expense of an Emergency Response.

(1) Person liable. Any person is liable for the expense of an emergency response if that person, while under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, proximately causes any incident resulting in an emergency response.

(2) Presumptions. For the purpose of this Chapter, a person is under the influence of an intoxicating liquor or a controlled substance, or the combination of an intoxicating liquor and a controlled substance, when his or her physical or mental abilities are impaired to a degree that he or she no longer has the ability to operate a motor vehicle with the caution characteristic of a sober person of ordinary prudence. Further, it shall be presumed that a person was operating a motor vehicle while under the influence of an intoxicating liquor if a chemical analysis of his or her blood, urine or breath indicates that the amount of alcohol in his or her blood was in excess of 7/100ths of 1% (0.07%).

(3) Charge against person. The expense of an emergency response shall be a charge against the person liable for the expense under this ordinance. The charge constitutes a debt of that person and is collectible by the City of East Grand Rapids for incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.

(4) Cost recovery schedule. The East Grand Rapids City Commission shall from time to time adopt resolution which set forth a schedule of the costs which are incurred in making an emergency response. It shall be presumed that the costs listed in this schedule are the true costs incurred by the City and represent the "expense of an emergency response." This schedule shall be available to the public from either the City Clerk or the Public Safety Department.

(5) Billing. The Director of Public Safety, or his or her designee, may, within ten (10) days of receiving itemized costs, or any part thereof, incurred for an emergency response, submit a bill for these costs by first class mail or personal service to the person liable for the expenses as enumerated pursuant to subsection (4) of this Section of this ordinance. The bill(s) shall require full payment in thirty (30) days from the date of service.

(6) Failure to pay; procedure to recover costs. Any failure by the person described in this ordinance as liable for the expense of an emergency response, to pay the bill within thirty (30) days of service shall be considered a default. In case of default, the City of East Grand Rapids may commence civil suit to recover the expenses and any costs allowed by law.

Sec. 10.83. Severability.

The phrases, sentences, sections and provisions of this ordinance are severable and a finding that any portion hereof is unconstitutional or otherwise unenforceable shall not detract from or affect the enforceability of the remainder of this ordinance.

Section 2. This ordinance shall be effective on December 14, 1990.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

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

Nays: -0-

171-B. Walton-Frakie. That the OUIL/OUID Arrest and Processing rate schedule be adopted, as follows:

Pay rates for a Public Safety Officer on straight time plus 25% fringe benefit are: $\$16.13/\text{hour} + 25\% = \$20.16/\text{hour}$.

Pay rates for a Public Safety Officer on overtime plus 10% fringe benefit are: $\$24.20/\text{hour} + 10\% = \$26.61/\text{hour}$.

Pay rates for a Public Safety Sergeant on straight time plus 25% fringe benefit are: $\$17.39/\text{hour} + 25\% = \$21.74/\text{hour}$.

Pay rates for a Public Safety Sergeant on overtime plus 10% fringe benefit are: $\$26.09/\text{hour} + 10\% = \$28.69/\text{hour}$.

Pay rates for a Public Safety Lieutenant on straight time plus 25% fringe benefit are: $\$18.19 + 25\% = \$22.74/\text{hour}$.

Pay rates for a Public Safety Lieutenant on overtime plus 10% fringe benefit are: $\$27.29 + 10\% = \$30.01/\text{hour}$.

Clerical rate is based upon clerical pay rate for 15 minutes of data entry, records, and filing. $\$3.47$ for 15 minutes.

Vehicle Rates

Patrol Vehicle, E-unit = $\$ 8.00/\text{hour}$
Fire Truck $\$50.00/\text{hour}$

Costs will be invoiced at time of conviction or plea.

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

Nays: -0-

172. Presentation by Public Service Superintendent Sterkenburg of informational report concerning the operations of the Public Service Department.

173. Presentation by Engineering Services Director Baragar and Public Service Superintendent Sterkenburg of preliminary plan of improvements at the Public Service Department site. The plan was referred to the Infrastructure Committee for review to return to City Commission for consideration following study by the Committee.

174. Consideration of a request to award purchase order in the amount of \$5,000 to West Michigan Ceiling for the replacement of metal ceiling tiles at Wealthy pool with Armstrong fiber pressed acoustical tile.

174-A. Williamson-Edison. That the request to award a purchase order in the amount of \$5,000 to West Michigan Ceiling, the low bidder, for the replacement of ceiling tiles at Wealthy pool be approved.

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

175. Discussion and consideration of a request for a budget amendment of \$8,500 to the Controller-Clerk-Treasurer department to allow for the establishment of a City newsletter.

175-A. Williamson-Edison. To approve a budget amendment of \$8,500 to the Controller-Clerk-Treasurer department to allow for the establishment of a City newsletter and to approve the retaining of Chris Cameron as editor on a contractual basis.

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

176. Consideration of a request for a General Fund budget amendment in the amount of \$142,000 to the Engineering Services department for the Public Service storage building and Municipal Complex parking lot construction projects.

176-A. Edison-Swain. To approve a General Fund budget amendment for \$142,000 to the Engineering Services department for Public Service storage building and Municipal Complex parking lot construction projects expenditures.

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

177. Consideration of nominations by Mayor Deems concerning appointments to the Assessor's Board of Review and consideration of a request that City Commissioners be included to serve on the Board of Review.

177-A. Walton-Swain. That City Commissioners be requested to serve on the Assessor's Board of Review be approved.

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

177-B. Walton-Frakie. That the nominations of the Mayor for appointment to the Assessor's Board of Review be approved.

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

178. The minutes of the Traffic Commission meeting of November 20, 1990 were received upon correction of street address from 437 Briarwood to 437 Rosewood in item no. 2 of the minutes.

179. Marvin Lewis, 1722 York Drive, S.E., expressed his concerns regarding Breton Village and the noncompliance of the Visser Brothers regarding the related consent judgment. He advised the Commission of his concerns with water drainage problems, lighting and parking.

J. Brock Albert, 2720 Berwyck, S.E., voiced his support of Mr. Lewis' complaint relating to Visser Brothers.

180. Commissioner Mehney extolled the virtues of the East Grand Rapids Team Boosters Christmas Trees which are for sale.

Commissioner Walton discussed PUD and parking issues that relate to the Ramona Beach Club and noted the public hearing before the Planning Commission scheduled for December 11, 1990 at 5:00 p.m.

Mayor Deems expressed his thanks to Blodgett Hospital for feeding the on-duty Public Safety Officers over the Thanksgiving holiday.

181. The meeting was adjourned subject to the call of the Mayor until December 17, 1990.



Thomas H. Chase, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held December 17, 1990

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; Controller-Clerk-Treas. Chase.

182. The minutes of the meeting held December 3, 1990
were approved as submitted.

183. Frakie-Edison. That disbursement vouchers in the
amount of \$194,327.29 and payroll disbursements in the amount of
\$84,345.76, 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-

184. Consideration of a request to approve a special
event application for the Hole-In-One on Ice, sponsored by the
Kentwood Jaycees, scheduled for February 23, 1991.

184-A. Williamson-Edison. That the special event
application for the Hole-In-One on Ice, sponsored by the Kentwood
Jaycees, scheduled for February 23, 1991, be approved.

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

Nays: -0-

185. Consideration of a request to approve a special
event application for the Great Strides Walk-A-Thon, sponsored by
the Cystic Fibrosis Foundation, scheduled for May 18, 1991.

185-A. Williamson-Frakie. That the special event
application for the Great Strides Walk-A-Thon, sponsored by the
Cystic Fibrosis Foundation, scheduled for May 18, 1991, be
approved.

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

Nays: -0-

186. Consideration of a request to award a purchase order in the amount of \$15,650 to Hammond Associates and to award a purchase order in the amount of \$20,345 to General Heating & Cooling for the purchase and installation of a Dry-O-Tron dehumidifier at Wealthy pool.

186-A. Edison-Swain. That the request to award a purchase order in the amount of \$15,650 to Hammond Associates and to award a purchase order in the amount of \$20,345 to General Heating & Cooling the low bidders, for the purchase and installation of a Dry-O-Tron dehumidifier at Wealthy pool be approved.

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

187. A report regarding the proposed wholesale water and sewer rates to be implemented January 1, 1991 by the City of Grand Rapids was discussed and received as submitted.

188. Consideration of request by Mayor Deems to adopt a resolution to withdraw from West Michigan Regional Planning Commission.

188-A. Mehney-Williamson. That the resolution to withdraw from West Michigan Regional Planning Commission be adopted, as follows:

RESOLUTION

RESOLVED, that the City of East Grand Rapids hereby withdraws as a member of the West Michigan Regional Planning Commission for the region known as Region 8. The withdrawal is effective October 1, 1990. The City officials are hereby directed to inform the Regional Planning Commission of this decision and to take any other appropriate steps to end our membership in that organization.

FURTHER RESOLVED, that the Grand Valley Metropolitan Council is hereby requested to fulfill the duties and obligations which were performed by the West Michigan Regional Planning Commission for this metropolitan area.

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

189. The minutes of the Recreation Commission meeting of November 12, 1990 were received.

190. The minutes of the Planning Commission meeting of November 27, 1990 were received.

191. The Building Inspection Report for the month of November, 1990 was received.

192. The Public Safety Report for the month of November, 1990 was received.

193. Commissioner Walton discussed the public work session of the Planning Commission scheduled for Wednesday, December 19, 1990. Commissioner Walton also complimented City Attorney Huff, City Manager Allard and Engineering Services Director Baragar for their diligent work in accumulating data for the Planning Commission with regard to the Ramona Beach Club development.

Commissioner Swain discussed Dr. Rasmussen's letter and encouraged staff to consider reducing road salt used during the winter season on a trial basis.

"Santa Claus" appeared before the City Commission bearing gifts and made comment regarding their performance for the year.

194. The meeting was adjourned subject to the call of the Mayor until January 7, 1991.



Thomas H. Chase, City Clerk