

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held February 4, 2019

Mayor Seibold called the meeting to order at 6:01 p.m. in the City Commission Chambers at the East Grand Rapids Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Duncan, Favale, Hamrick, Walters, Zagel and Mayor Seibold

Absent: Commissioner Miller

Also Present: City Manager Donovan; City Attorney Huff; Finance Director Mushong, Assistant City Manager LaFave; Public Safety Director Herald; Parks & Recreation Director Bunn; Zoning Administrator Mizikar; City Clerk Brower; Communications Specialist Licari; Captain Buikema; Sgt. Metternich; Sgt. Kolster; Public Safety Officers Lindner, Hollis, Katje and Good

2019-19. Peter Dimitriou, 2621 Inverness (GR), spoke about middle school climate change curriculum and the recent bitter cold weather being caused by disruptions to the ocean currents.

Richard Stevens, 2920 Beechwood, thanked the snowplow drivers for all their work last week during the winter weather events.

2019-20. Commissioners Walters, Duncan and Zagel thanked the Public Works crews and Public Safety officers for all their work keeping the streets clear and traffic moving last week during the winter storm and extremely cold weather.

Mayor Seibold also thanked the Public Works crew members for the long hours they worked last week and thanked the citizens who helped bring food to those who worked so hard to keep the streets open.

Mayor Seibold announced that tonight was Brian Donovan's final city commission meeting as he would be retiring on February 15 and thanked him for his 25 years of service and leadership.

2019-21. Public Safety Director Herald presented Meritorious Service Awards to Public Safety Officers Andrew Good and Dave Katje for their actions in September 2018 detecting the smell of smoke at a house located in the 2700 block of Richards and then calling in additional personnel to extinguish the fire before significant damage was done to the home.

2019-22. A zoning variance hearing was held regarding the request of William Pearl of 2912 Beechwood to allow the construction of an addition to the front of the home creating a front yard setback of 28.5' instead of the required 39.'

Zoning Administrator Mizikar outlined the new request submitted by the applicants that requests a front-yard setback of 28.5' but meets all other ordinance requirements. He noted the irregular shape of the lot and the drainage easement limit the amount of land available for a garage addition.

William Pearl, 2912 Beechwood, explained the home addition had been reduced in size and pushed further back on the lot to better fit the land available and the neighborhood. He showed comparisons of other lots with the same shape and noted he had posted information for neighbors but had not heard from any of them.

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

- Richard Stevens, 2920 Beechwood

Supported this reasonable request that would benefit the neighborhood.

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

- David Whitehouse, 2942 Beechwood Opposed.
- Timothy Allard, 2931 Beechwood Opposed.
- Amanda Whitehouse, 2942 Beechwood Opposed.

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

- 2019-022-A. Duncan-Hamrick. That the request of William Pearl of 2912 Beechwood to allow the construction of an addition to the front of the home creating a front yard setback of 28.5' instead of the required 39' be approved.

Commissioner Duncan acknowledged that the applicants had reduced the request to fit better on the property, and while they aren't getting everything they originally wanted, they've come as close as they can to meeting the ordinance.

Commissioner Favale stated the easement complicates this situation but felt the applicants should be able to have a two-car garage.

Commissioner Hamrick supported the request as she felt it was well designed and would look balanced with the house. She further noted the garage would be behind the setback of the neighboring garage and the new garage will look much better than the current situation.

Commissioner Walters agreed there were unique circumstances that were not a result of the applicant's plans. He felt the prior remodel should have been done differently to eliminate the need for this variance but did not feel the current plans would be a substantial detriment to the surrounding homes.

Commissioner Zagel agreed the shape of the lot and the easement were not caused by the applicant but noted that both were existing when the applicant purchased the lot.

Mayor Seibold stated that while the easement does complicate the issue, sometimes there just isn't enough land to do everything that homeowners wish to add to their homes. She appreciated the applicant's efforts to reduce the size of the addition, but still felt this was too large for the lot.

Yeas: Duncan, Favale, Hamrick, Walters and Zagel – 5
Nays: Seibold – 1

- 2019-23. Introduction of an ordinance to amend Section 9.57E of Chapter 93 of Title IX of the City Code pertaining to fireworks regulations.

City Attorney Huff explained the State legislature had recently made changes to the dates and times people can use consumer fireworks. The proposed ordinance amendment changes our local regulations to match the new state rules.

- 2019-023-A. Zagel-Favale. That an ordinance to amend Section 9.57E of Chapter 93 of Title IX of the City Code pertaining to fireworks regulations be introduced as attached in Exhibit "A."

Yeas: Duncan, Favale, Hamrick, Walters, Zagel and Seibold – 6
Nays: -0-

- 2019-24. Resolution approving budget amendments for the quarter ending December 31, 2018.

Finance Director Mushong noted the Finance Committee had recommended changes to the resolution due to questions and corrections on one of the line items in the Public Safety budget.

2019-024-A. Zagel-Favale. That the revised resolution approving budget amendments for the quarter ending December 31, 2018 be adopted as attached in Exhibit "B."

Yeas: Duncan, Favale, Hamrick, Walters, Zagel and Seibold – 6
Nays: -0-

2019-25. Duncan-Favale. To approve the consent agenda as follows:

2019-025-A. Minutes of the rescheduled regular meeting held January 22, 2019.

2019-025-B. Payroll disbursements of \$217,276.50; county and school disbursements of \$357,811.67, and total remaining disbursements of \$798,865.66.

2019-025-C. A contract for tree maintenance work with CHOP of Grand Rapids in the amount not-to-exceed \$20,000 for FY2018-19 and authorizing staff to extend the contract for up to two additional years upon satisfactory completion.

2019-025-D. Quarterly financial statements for the quarter ending December 31, 2018.

2019-025-E. Termination of the lawn maintenance contract with 20/20 Lawncare and Landscape LLC as outlined in the Parks & Recreation Director memo dated January 25, 2019.

2019-025-F. A contract with Kushner & Company in the amount of \$47,500 for consulting services to study and bid components of the employee healthcare benefit plan.

2019-025-G. Planning Commission 2018 Annual Report.

Yeas: Duncan, Favale, Hamrick, Walters, Zagel and Seibold – 6
Nays: -0-

2019-26. Mayor Seibold announced that contract terms had been reached with Emmanuel Toribio for the city manager position and asked the city commission to add approval of the contract and the appointment of an acting city manager to the agenda for consideration.

2019-27. Walters-Zagel. Motion to add to the agenda the approval of an employment contract for the city manager position. A roll call vote was taken.

Yeas: Duncan, Favale, Hamrick, Walters, Zagel and Seibold – 6
Nays: -0-

2019-28. Employment contract for the city manager position.

City Attorney Huff outlined the contract provisions for the new city manager, including the term of the contract, renewal options, and the salary and benefits that will be provided.

2019-028-A. Walters-Zagel. That an employment contract with Emmanuel Toribio for the position of city manager be approved as attached in Exhibit "C."

Yeas: Duncan, Favale, Hamrick, Walters, Zagel and Seibold – 6
Nays: -0-

2019-29. Hamrick-Favale. Motion to add to the agenda the appointment of an acting city manager. A roll call vote was taken.

Yeas: Duncan, Favale, Hamrick, Walters, Zagel and Seibold – 6
Nays: -0-

2019-30. Appointment of an Acting City Manager.

2019-030-A. Walters-Zagel. That Doug LaFave be appointed as the Acting City Manager effective beginning February 16, 2019 continuing until the new city manager is sworn in, and to approve a salary adjustment for the acting city manager for the extra duties assumed during the transition period.

Yeas: Duncan, Favale, Hamrick, Walters, Zagel and Seibold – 6

Nays: -0-

The meeting adjourned at 6:50 p.m., subject to the call of the Mayor until February 18, 2019.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section 9.57E regarding fireworks regulations.
B – Resolution adopting budget amendments
C – Employment contract

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