

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held August 16, 2021

Mayor Favale called the meeting to order at 6:00 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 Arendshorst, Hamrick, Hecksel, Pachla, Walters and Mayor Favale

Absent: Commissioner Duncan

Also Present: City Manager Charles, Deputy City Manager LaFave, Finance Director Seath, Zoning Administrator Gianotti, City Attorney Huff, Communications Specialist Licari and Recording Secretary Taylor

2021-150. The agenda was approved as published.

2021-151. No public comment was received.

2021-152. Commissioner Hecksel expressed concern about bike safety and the increased use of personal electric vehicles as there are no specific guidelines in place for safety requirements. Citizens should be diligent in educating their children about traffic safety and making sure that their helmets are DOT approved.

Commissioner Pachla stated that the East Grand Rapids vaccination rate for those eligible is at 95%. It is important that the community is following CDC guidelines and that the schools had adopted those guidelines. He said that he is appreciative for the community being a great steward of public health.

Commissioner Arendshorst echoed Commissioner Hecksel's comment on electric vehicle safety on sidewalks. Not all states allow adults to ride bikes on sidewalks; Michigan does, but cyclists must always yield right of way to pedestrians and signal when they are passing pedestrians. This becomes more difficult the faster you are moving which leads to the concern that was brought up. He looks forward to discussing the subject at some point in the future.

Commissioner Hamrick would like to see a clear and understandable policy on electric bikes and scooters. She stated she was relieved and appreciated the school's adoption of the CDC policy today and the community being so diligent about getting their vaccines.

Mayor Favale welcomed Chris Wessely, the next 2nd ward commissioner, who was in the audience.

City Manager Charles reported that Hall Street paving will start tomorrow. Electric vehicle regulations are being looked at by staff and the findings will be reported back to the Commission. The Planning Commission discussed multi-family residential district focusing on what might be a future draft ordinance.

2021-153 Introduction of an ordinance to amend Section 8.24 and 8.25 of Chapter 81 of Title VIII of the City Code pertaining to sign variance procedures.

City Manager Charles reported that at the August 10, 2021, Planning Commission meeting, the Commissioners voted to approve recommendation and approval of the amendment by the City Commission. Mr. Charles noted that sign and fence variances would be assigned to the Zoning Board of Appeals.

2021-153A Walters-Pachla. That an ordinance to amend Sections 8.24 and 8.25 of Chapter 81 of Title VIII of the City Code pertaining to sign variance procedures be introduced as attached in Exhibit "A"

Yeas: Arendshorst, Hamrick, Hecksel, Pachla, Walters and Favale – 6
Nays: -0-

- 2021-154 Introduction of an ordinance to amend Sections 8.61(L), 8.62(A) and 8.62(B) of Article I of Chapter 83 of Title VIII of the City Code pertaining to fence variance procedures.

City Manager Charles reported that at the August 10, 2021 Planning Commission meeting, the Commissioners voted to approve recommendation of approval of the amendment by the City Commission.

- 2021-154-A. Pachla/Hamrick. That an ordinance to amend Sections 8.61(L), 8.62(A) and 8.62(B) of Article I of Chapter 83 of Title VIII of the City Code pertaining to fence variance procedures be introduced as attached in Exhibit "B".

Yeas: Arendshorst, Hamrick, Hecksel, Pachla, Walters and Favale – 6
Nays: -0-

- 2021-155 Appointment to Grand Valley Metro Council Board of Directors

- 2021-155-A Hamrick-Arendshorst. That the City Manager Shea Charles be appointed as the City's representative to the Grand Valley Metro Council Board of Directors.

Yeas: Arendshorst, Hamrick, Hecksel, Pachla, Walters and Favale – 6
Nays: -0-

- 2021-156. Walters-Arendshorst. To approve the consent agenda as follows:

2021-156-A. Minutes of the regular meeting held August 2, 2021

2021-156-B. Payroll disbursements of \$253,036.87; county and school disbursements of \$12,074,759.72, and total remaining disbursements of \$722,720.10.

2021-156-C. Contracts for pavement marking services with M&M Pavement Marking Inc. of Grand Blanc, Michigan and P.K. Contracting Inc. of Troy, Michigan up to the approved budgeted or amended budgeted amounts through December 31, 2023.

2021-156D. A contract for winter maintenance road salt through the Kent County Road Commission contract for FY2021-22 and optional renewal for FY22-23 with Compass Minerals of Overland Park, Kansas at \$68.04 per ton up to budgeted or amended budgeted amounts.

2021-156-E. Preliminary minutes of the Planning Commission meeting held July 13, 2021

Yeas: Arendshorst, Hamrick, Hecksel, Pachla, Walters and Favale – 6
Nays: -0-

- 2021-157. Review of Chapter 79C – Marijuana Establishment Ordinance

City Manager Charles reported the Michigan Regulation and Taxation of Marihuana Act (MRTMA) approved by statewide referendum in 2018. The City of East Grand Rapids had chosen to opt out in 2019. In April of 2020 the Commission requested an update from staff in the summer of 2021. Since the last discussion, the State has released its first revenue sharing under the MRTMA. The Federal Drug Free zone of 1,000 feet has not changed. The City of Grand Rapids has added nine operations in the last year and the City of Lowell continues to add facilities. In some communities the operations have been very successful in bringing some vibrancy to their commercial areas.

Commissioner Arendshorst suggested monitoring potential changes to the law and potential changes to East Grand Rapids itself. He noted that it seems overall legalization in the Michigan communities that have opted in seems to be going well with no significant effects on crime, traffic safety or any other things that people may have been worried about. He suggested revisiting this when there is more information on the East Grand Rapids' city plans even if there have been no changes to Federal law.

Commissioner Hecksel asked if there are any municipalities that had reduced the buffer zone. Mr. Charles responded that he had not seen anything in Michigan. Mayor Favale added that nationally there were a handful of communities that had reduced the buffer zone, the lowest being 600 feet.

Commissioner Arendshorst said he would be interested to see if other communities have taken a different approach in defining the 1000-foot buffer zone. City Attorney Huff responded that it was decided on several different factors they were going to look at and they have a number of different measurements whether it's a church, a community center or a school. They kept the schools at 1000 feet, but they did lesser distance for some of the other facilities.

Commissioner Hamrick asked for clarity of the Federal drug-free zone law and how it works with respect to the municipality opting in and what could happen at the federal level if there was a problem. Attorney Huff responded that it is still illegal at the federal level, however, it has never been enforced anywhere in any state in the union. It's been clear that it is not a priority item. He added that the 1000-foot radius on drug-free zone from schools has been universally respected and accepted as appropriately researched and developed.

Commissioner Arendshorst asked if there was any federal guidance similar to the school zone radius that would apply to parks and churches. Attorney Huff was not aware of any.

Commissioner Hecksel suggested a tiered system where other options would be available for facility locations. He added that the drug-free zone law was written in 1986 with an intent to increase penalties for drug related activities in the school zones to deter illegal drug sales near schools and to reduce violence. He expressed concern about alcohol sales next to school property and added that facilities selling cannabis are much more secure than the bars that are selling alcohol on the same street. He said he would support looking at all options.

Commissioner Arendshorst stated the reasoning behind the required 1000-foot distance should be addressed.

Commissioner Pachla asked if there were any commercial entities that had expressed interest. Mr. Charles responded that no serious inquiries had been received.

The Commission decided not to make any changes and will revisit this ordinance again next year in late summer.

The meeting adjourned at 6:43 p.m., subject to the call of the Mayor until September 7, 2021.

Lynda S. Taylor, Recording Secretary

Attachments: A – Ordinance Amendment to Chapter 81 regarding sign variances.
B – Ordinance Amendment to Chapter 83 regarding fence variances.

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