

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held June 18, 2012

Mayor Seibold called the meeting to order at 6:00 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Goebel, Graham, Johnson, Miller and Mayor Seibold

Absent: Commissioners Skaggs

Also Present: City Manager Donovan; City Attorney Huff; Public Works Director Feldt; Finance Director Dood; Zoning Administrator Faasse; City Clerk Brower

2012-78. Peter MacGregor, 73rd District Representative, reported the House of Representatives would be taking testimony in July on proposed new laws concerning pension funding. He hoped the legislation would be voted on later this summer.

2012-79. Commissioner Dills reminded everyone to vote for the EGR Community Foundation's cupola project in the Erhardt Construction contest.

Commissioner Miller urged everyone to participate in the 3rd Annual Reeds Lake Trail Blazer on Wednesday, July 4th.

Commissioner Graham spoke of all the family-friendly activities in East Grand Rapids on the 4th of July.

Mayor Seibold congratulated the entire staff of the Parks & Recreation Department on a well run Reeds Lake Run on June 30th and for all their work on the upcoming 4th of July activities.

2012-80. Election of President for FY 2012-13.

A. Johnson-Goebel. That Commissioner Graham be elected President of the East Grand Rapids City Commission to assume leadership duties in the absence of the Mayor for FY 2012-13.

Yeas: Dills, Goebel, Graham, Johnson, Miller and Seibold – 6

Nays: -0-

2012-81. Consider request to approve the division of land at 2801 Lake Drive.

Zoning Administrator Faasse explained the request and noted that once the existing home was relocated, the resulting three lots would conform to ordinance standards. He recommended any approval given be subject to the conditions contained in his report.

Commissioner Graham questioned the size and shape of the drainage easement proposed in the drawings. Public Works Director Feldt explained the applicants would be filling in an existing pond and then creating contours in the land and storm drains to direct excess water into the city's storm drain system. Mr. Feldt noted the drainage area would allow the water into the system slowly instead of all at once, and that the plans called for a secondary route to the street if the pump to the storm sewer lost power. He stated a maintenance agreement would be worked out between the owners and the city so that future property owners know what they are responsible for and what can and cannot be built in the drainage area.

Commissioner Johnson questioned how close to the street new homes would be built. Mr. Faasse stated the front of new homes would likely be between 55' and 65' from the street depending on which lot was developed first. He noted that the curve of the street would make it difficult to perfectly align homes.

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

- Joel Peterson of Insignia Homes Representing Fritz Kruer. Stated the existing pond was 12-18” deep, so it would not be a drastic change to eliminate. Noted all requirements of the A-1 district were met by the proposal.
- Gail Nowak, 2831 Woodcliff Circle Opposed because of the change it would create in the neighborhood. She stated the pond currently retains water for long periods of time. Felt moving the existing home and adding two more houses was too much for the neighborhood; asked that the homes on Hall Street not be considered for this request as they were not the same size. She questioned whether staff was representing the developers and was suspicious of the hearing being scheduled during a holiday week when many people were gone.
- Richard Raubolt, 2735 Woodcliff Circle Opposed to the change in the character of the neighborhood. Questioned whether Mr. Kruer actually owns the property, whether such a large home could be successfully moved without damage, and what would happen if the project were stopped before completion or left to sit for months. Concerned about drainage questions. Felt city measurements for many properties in the area were incorrect and questioned the Kruer property lines. Asked that these questions be answered before the proposal was voted upon.
- John Marvin, 2841 Woodcliff Circle Also felt homes on Hall should not be considered; concerned about setting precedent with spot-zoning decisions in small areas.
- Kevin Wilson, 2814 Woodcliff Circle Opposed. May meet standards, but don’t want to see this type of thing start. New homes don’t usually fit into established areas.
- Joel Mitchell, 2830 Woodcliff Circle Bought his home because of large lots in the area; wants to see subjective factors considered. Upset information was not made available earlier and wanted time to review plans.
- John Nowak, 2831 Woodcliff Circle Stated the current owner had made this property one of the signature homes in EGR and doesn’t want to see it changed. Felt the neighborhood was being short changed for the addition of property taxes. Unconvinced the drainage plan would work correctly. Asked whether there were any deed restrictions on the property that would prohibit division or development.
- Linda Raubolt, 2735 Woodcliff Circle Very worried about drainage as they had to install their own drainage system years ago to prevent damage. Did not want to see neighborhood changed; don’t set precedent.
- Joel Peterson, Insignia Homes Stated Mr. Kruer owns the property on land contract and that deeded owners are aware of the proposal and have signed papers acknowledging the application.

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

- Kevin & Betsy Wilson, 2814 Woodcliff Circle Opposed.
- Anita Carter, 2856 Woodcliff Circle Opposed.
- Joel & Melissa Mitchell, 2830 Woodcliff Circle Opposed.
- Mary Davis, 2740 Lake Drive Opposed.
- Larry Robson, 2765 Woodcliff Circle Opposed.
- John & Ruth Marvin, 2841 Woodcliff Circle Opposed.
- Sherry & Doug Singer, 2875 Woodcliff Circle Opposed.

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

- A. Dills-Graham. That the request of Frederick Kruer, 2801 Lake Drive, to divide the property into three parcels as outlined on the submitted applications materials, be approved with the following conditions:
1. Relocation of the home on Parcel A as shown on the survey attached to the application;
 2. The relocation of the home on Parcel A must be completed before any building permit will be approved for parcels B or C;
 3. Relocation of utility services for the home on Parcel A or recorded easements for the same, as appropriate, must be completed before the City will issue a certificate of occupancy for the home relocation;
 4. Construction of the proposed storm water management and drainage facility must be complete before the City will issue a certificate of occupancy for the relocated home on Parcel A, or new homes on Parcels B or C;
 5. The split complies with the surveys presented in the land division application;
 6. The relevant deed(s) or land contract(s) be recorded with the Kent County Registrar of Deeds within 90 days of approval; and
 7. Any and all easements that are proposed as a part of this land division must be created and recorded before or at the time of any property transfer.

Commissioner Dills questioned whether there were any known deed restrictions, whether the property could be divided under the land contract, and what other provisions State law contained about these requests. City Attorney Huff stated any deed restrictions would need to be enforced by private property owners. He stated the land contract was sufficient ownership to file for the land division, and that the deeded owners of the property had filed a consent acknowledging the request. Mr. Huff reported State law gives property owners the right to divide their property, and that the city is compelled to grant the request if minimum requirements are met. If the local ordinance requirements are met, the City Commission is compelled to approve the request or risk legal action for taking away property owners rights. He acknowledged there were many issues raised that should be addressed, but stated the owner had a right to have their request voted upon when these questions are answered.

Mayor Seibold noted the City's ordinance state the City Commission must look at all properties within 500' of the subject property—even if the properties are in a different zoning district. Therefore, the homes on Hall Street cannot be excluded as requested by the neighbors.

Commissioner Dills stated moving a home this size was a big undertaking and wanted assurance the project would be completed correctly. He also favored requiring the moving of the house be completed and a new certificate of occupancy granted before the development of parcels B and C go forward.

Commissioner Miller questioned whether the past Riahi lot split request affected the current request. City Attorney Huff stated the Riahi request was similar but there were differences that required a variance from city ordinance provisions. Mr. Huff noted the subjective requirements of the ordinance can be used, but caution should be exercised because of varying interpretations.

Commissioner Goebel questioned whether the pond was a recognized wetland. Public Works Director Feldt stated that while a final written report has not been received by the City, he has been verbally told by a consultant retained by Mr. Kruer that the property is not a regulated wetland.

Commissioner Graham also expressed concern about moving the home and asked that additional conditions be placed on the approval to insure funding is available to complete the work, and a condition that the relocation be completed to the City's satisfaction prior to the sale of the other two lots. Commissioner Johnson agreed and suggested the applicant be required to submit a bond for the completion of the relocation.

Commissioner Dills suggested waiting to vote on this issue until Mr. Kruer could be present and to give staff time to address the questions raised. Commissioner Johnson agreed this would give neighbors time to research the issues and look at the submitted materials.

Mayor Seibold stated she was a resident on this street, and as much as she loved the large home and surrounding green space, she was compelled to try to balance the rights of the owners with the ordinances and the concerns of the neighbors. She agreed there were issues to be addressed, and that additional conditions may need to be placed on the split.

- B. Dills-Johnson. That the request of Frederick Kruer, 2801 Lake Drive, to divide the property into three parcels as outlined on the submitted applications materials, be tabled until a future meeting when the above issues can be addressed. A roll call vote was taken.

Yeas: Dills, Goebel, Graham, Johnson, Miller and Seibold – 6
Nays: -0-

Mayor Seibold asked staff to send notices to everyone within the 500' radius when this request is scheduled for an upcoming agenda.

- 2012-82. Final Reading of an ordinance amendment to amend Section 9.57E of Chapter 93 of Title IX of the City Code pertaining to the sale or possession of fireworks.

Commissioner Miller questioned whether the city could enact temporary bans on fireworks if dry conditions create elevated fire danger. City Attorney Huff reported the State law specifically prohibit any local regulation of fireworks during the three days around each national holiday.

- A. Graham-Miller. That an ordinance amendment to amend Section 9.57E of Chapter 93 of Title IX of the City Code pertaining to the sale or possession of fireworks be adopted introduced as set forth in Exhibit "A" attached hereto.

Commissioner Graham stated he did not understand why State legislators put the safety of residents and the peace of local neighborhoods in jeopardy by enacting the law allowing larger fireworks in Michigan in exchange for the sales tax revenue.

Yeas: Dills, Goebel, Graham, Johnson, Miller and Seibold – 6
Nays: -0-

- 2012-83. Johnson-Miller. Motion to approve the consent agenda as follows:

- A. Minutes of the regular meeting held June 18, 2012.
- B. Payroll disbursements of \$200,728.90; county and school disbursements of \$-0-, and total remaining disbursements of \$211,342.08.
- C. Advisory board appointments as follows:

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| Planning Commission | Dan DeVol, 1045 Conlon Becky Touchett, 1507 Pinecrest | Three-year terms ending 6/30/15 |
| Parks & Recreation Comm. | Brad Andrzejewski, 3105 Bonnell Judith Baxter, 3060 Hall Dirk Buth, 1900 San Lu Rae Richard Sprague, Jr., 2332 Burchard Jim Weiss, 2127 Wilshire Pam Witting, 1019 Floral Stacey Wykoski, 2311 El Dorado | One-year terms ending 6/30/13 |
| Library Commission | Carol Donovan, 2944 Hall Micki Benz, 817 Gladstone Jennifer Khorey, 2656 Boston Ellen Schendel, 429 Briarwood Joel Schultze, 933 Pinecrest Mark Tourek, 1705 Oxford | One-year terms ending 6/30/2013 |
| Board of Review | Patsy Dodgson, 1045 Conlon Martin Green, 2463 Oakwood Sam Helmrick, 984 Gladstone Paul Howland, 2809 Woodcliff Circle | One-year terms ending 6/30/2013 |

Traffic Commission

Janyce Huff, 2310 Anderson One-year terms ending 6/30/2013
Bob Saltsman, 2905 Reeds Lake Blvd
Todd Avis, 532 Gladstone
Camille Donnelly, 854 Lakeside
Hunter Meriwether, 526 Lovett
Laura Roy, 1119 Lakeside

Construction Board of Appeals Nick Nicola, 2721 Darby Three-year terms ending 6/30/2015

- D. The disposal of decommissioned equipment through Miedema Auctioneers.
- E. The purchase of two 2012 Chevrolet Impalas from Garber Chevrolet of Midland in the amount of \$34,834.00.
- F. The purchase of a Caterpillar Backhoe Loader from Michigan Cat of Byron Center in the amount of \$114,341.00.
- G. The replacement of the flag pole at Lakeside and Wealthy through City Sign Erectors of Grand Rapids in the amount of \$7,990.00.

Yeas: Dills, Goebel, Graham, Johnson, Miller and Seibold – 6
Nays: -0-

The meeting adjourned at 7:31 p.m., subject to the call of the Mayor until July 16, 2012.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section 9.57E of Chapter 93 pertaining to fireworks.

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