

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held November 4, 2013

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, Skaggs and Mayor Seibold

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Public Works Director Feldt; Finance Director Mushong; Public Safety Director Herald; Parks & Recreation Director Bunn; City Clerk Brower; Zoning Administrator Faasse; Planning Consultant LeBlanc

2013-118. No public comment was received.

2013-119. Commissioner Graham reported the GVMC meeting earlier in the day with Senator Carl Levin was very informative.

Commissioner Johnson thanked the Public Safety Department for their work keeping everyone safe on Halloween. She also thanked Grounds Maintenance Assistant Phil Weber for preparing the booklet explaining invasive plant species in the area.

Commissioner Dills and Mayor Seibold reminded everyone to vote in tomorrow's City Commission election.

Mayor Seibold announced that City Manager Donovan was celebrating 20 years as the City Manager of East Grand Rapids this week. She presented a slide show reviewing Brian's history of the city and the many accomplishments and projects completed over the years. She also presented Mr. Donovan with a desk clock and lapel pin in honor of his twenty years of service.

City Manager Donovan introduced his wife and daughter and thanked them for enduring the late-night meetings and early morning emergencies of the last twenty years. He also thanked the citizens for making East such a great place to live and work, and thanked the commissioners and staff for the teamwork and perseverance through good times and bad.

2013-120. A zoning variance hearing was held regarding the request of Richard and Evelyn Largent of 2406 Maplewood to allow the construction of a covered front porch with a front yard setback of 15.9' instead of the average setback of 42.2'.

Zoning Administrator Faasse explained the applicants wished to extend the roof of the home over the existing unroofed deck to create a covered front porch.

Richard Largent, 2406 Maplewood, was present to explain the request.

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

Commissioner Miller questioned whether the porch could be enclosed to create living space once the variance was granted. Mr. Faasse stated the area could be enclosed as part of the home after a variance was granted.

A. Dills-Johnson. That the request of Richard and Evelyn Largent of 2406 Maplewood to allow the construction of a covered front porch with a front yard setback of 15.9' instead of the average setback of 42.2' be approved.

Mayor Seibold noted she would not be in favor of granting a variance for a new home this close to the street, but realized the existing home was grandfathered in and did not feel the roof addition would be an issue in the neighborhood.

Commissioner Johnson stated this section of the home is already noticeably closer to the street than other homes and has the look of a front entrance. She expressed concern about adding a roof over the deck that would bring the home even closer to the street and the possibility of enclosing the space someday. She stated she would not be supporting the variance.

Commissioner Dills agreed, adding that the home already 17' closer to the street than current standards would allow. He felt reducing the setback by 9' was too much of a variance and he could not support this request.

A roll call vote was taken.

Yeas: Goebel, Skaggs and Seibold – 3

Nays: Dills, Graham, Johnson and Miller – 4

- 2013-121. A zoning variance hearing was held regarding the request of Alan Davis of 919 Ogden to allow the construction of a detached garage with a side yard setback of 2.2' instead of the required 3.0' and a rear yard setback of 1.4' instead of the required 3.0.'

Zoning Administrator Faasse outlined the proposal to replace an existing garage with a slightly smaller garage in the same location. The new garage would feature a pitched roof to allow storage above the vehicles.

Commissioner Graham questioned how close the new garage was to the other structures.

Alan Davis, 919 Ogden, was present to explain the request and answer questions. He noted the existing garage was approximately 3-4' from the adjacent garages. He preferred to build in the same spot to allow adequate room to pull a vehicle into the second stall and to keep as much greenspace in the back yard as possible.

Mayor Seibold opened a public hearing. The following communications were received at City Hall concerning this variance request:

- Kelly Emery, 942 Ogden In Favor.
- Maggie Mielczarek, 911 Ogden In Favor.
- Greg Mielczarek, 911 Ogden In Favor.
- Averil Crowley, 950 Ogden In Favor.
- David Kirchgessner, 946 Ogden In Favor.
- Pam McKinney, 939 Ogden In Favor.
- Mary Kaneti, 954 Ogden In Favor.
- Steve Dirksen, 941 Ogden In Favor.
- Thomas Sarb & Ruth Ann Brevitz, 923 Ogden In Favor.

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

- A. Graham-Goebel. That the request of Alan Davis of 919 Ogden to allow the construction of a detached garage with a side yard setback of 2.2' instead of the required 3.0' and a rear yard setback of 1.4' instead of the required 3.0' be approved.

Commissioner Dills thanked Mr. Davis for his efforts in informing his neighbors of his plans and garnering their support for this project.

Commissioner Miller expressed support for the variance given that the lot was narrow and the new garage would not be any closer than the existing garage.

Yeas: Dills, Goebel, Graham, Johnson, Miller, Skaggs and Seibold – 7

Nays: -0-

2013-122. Appeal of sewer back up claim.

Jennifer Lannon of 2310 Elmwood was present to appeal the Finance Committee's denial of a claim for damages that occurred on April 18, 2013. She stated the home sustained over \$15,000 in damage from the sewage-tainted water that flooded her home. Mrs. Lannon reported this home had experienced a backup prior to their ownership. She stated their home did not have footing drains connected to the sanitary sewer system and should not be penalized if others are connected. She asked the City to cover these damages and to make sure this did not happen to any homes in the future.

A. Dills-Goebel. To deny the claim of Jennifer & Kevin Lannon of 2310 Elmwood in the amount of \$9,333.00.

Mayor Seibold noted City officials and staff have reviewed this claim many times and feel the City acted appropriately and could not be held responsible for the damages. She agreed it was a difficult situation for Mr. and Mrs. Lannon and urged them to work with a plumber to take measures to prevent further backups into their home.

Yeas: Dills, Goebel, Graham, Johnson, Miller, Skaggs and Seibold – 7
Nays: -0-

2013-123. Introduction of an ordinance amendment to Chapter 50 of Title V of the City Code pertaining to the zoning ordinance.

Planning Consultant Paul LeBlanc of LSL Planning reviewed the history of the current zoning chapter and the year-long project to rewrite the ordinances to make them more cohesive and user-friendly. He highlighted several sections that were revised, including the front yard setback requirements, waterfront zoning regulations and density of residential developments.

City Manager Donovan noted that many past practices had been incorporated and several clarifications made to confusing or outdated sections.

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

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| - Dennis Jones, 2750 Reeds Lake Blvd. | Opposed to the 35' waterfront setback requirement of Section 5.71 and asked the commission to exclude this section from adoption until changes can be made. He felt the setback and buffer requirements took away his property rights for no compelling reason and did not solve any environmental issues. Questioned the definition of the high water level and suggested a conflict with DEQ regulations. |
| - Gordon Jones, 325 Rosewood | Felt the waterfront requirements were a step in the right direction but questioned whether the rules would withstand legal challenge. Wondered if there were any conflicts with state law. Suggested better definition were needed for the buffer area and the high water mark. Wondered how sea walls would affect the high water mark. Felt buildings of all sizes should be subject to the requirements, and questioned if the City would be making any changes to public property in light of the ordinance to set a good example. Questioned enforcement of non-phosphorus fertilizer regulations. Also asked the City to consider stricter requirements for new houses being built on narrow lots to avoid overly tall buildings with reduced setbacks. |

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

City Manager Donovan noted that lakefront property owners had not been separately noticed as planned and suggested the City Commission accept public comment at the next meeting to allow staff time to send notices.

Commissioner Dills reported the Planning Commission had reviewed the proposed ordinance several times and taken public comment during the process. He felt the overall document was well written and would be very helpful to city staff and residents.

Mayor Seibold agreed the new ordinance would be much easier to navigate and understand. She thanked the staff members, consultants and Planning Commissioners who had worked on this project and the residents who had taken the time to review the proposals and make their feelings heard.

Commissioner Skaggs asked staff for a list of changes made between the committee review and the Planning Commission hearings. He also asked for the minutes of the Planning Commission hearings so he could review the public comments made.

- A. Johnson-Skaggs. That an ordinance amendment to amend Chapter 50 of Title V of the City Code pertaining to the zoning ordinance be introduced as set forth in Exhibit "A" attached hereto.

Yeas: Dills, Goebel, Graham, Johnson, Miller, Skaggs and Seibold – 7
Nays: -0-

- 2013-124. Final Reading of an ordinance amendment to amend Chapter 23 of Title II of the City Code pertaining to the City Sewer Service.

Public Works Director Feldt explained the new ordinance was necessary to match the City of Grand Rapids ordinances and to comply with State regulations.

- A. Miller-Johnson. That an ordinance amendment to amend Chapter 23 of Title II of the City Code pertaining to the City Sewer Service be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Dills, Goebel, Graham, Johnson, Miller, Skaggs and Seibold – 7
Nays: -0-

- 2013-125. Final Reading of an ordinance amendment to amend Section 1.211 and 1.212 of Chapter 5 of Title I of the City Code regarding purchases and contracts.

- A. Graham-Miller. That an ordinance amendment to amend Section 1.211 and 1.212 of Chapter 5 of Title I of the City Code regarding purchases and contracts be adopted as set forth in Exhibit "C" attached hereto.

Yeas: Dills, Goebel, Graham, Johnson, Miller, Skaggs and Seibold – 7
Nays: -0-

- 2013-126. Johnson-Miller. Motion to approve the consent agenda as follows:

- A. Minutes of the regular meeting held October 21, 2013.
- B. Payroll disbursements of \$278,930.65; county and school disbursements of \$56,449.28, and total remaining disbursements of \$168,651.21.
- C. A contract with Katerberg-Verhage Inc. in the amount of \$11,886.00 plus contingencies of \$1,200.00 for the City's annual tree planting program.
- D. Ratification of payment to Drew Wireless in the amount of \$5,595.00 for emergency repairs of radio equipment located at the City's elevated water tank and a budget amendment in the same amount from the General Fund ending balance.

- E. Additional zoning consulting services in the amount of \$6,000.00 with LSL Planning Inc. for assistance with rewriting the City's zoning ordinances, and a corresponding budget amendment from the General Fund ending balance for the same amount.
- F. Approval of additional crack sealing work performed by Pavement Restoration in the amount of \$5,000.00, with budget amendments from the Local Street Fund balance of \$2,100.00 and from the Major Street Fund balance of \$2,900.00.
- G. The purchase of computer hardware from CDW-G in the amount of \$9,070.00.
- H. A contract with Berends Hendricks Stuit Insurance Agency in the amount of \$199,862.00 for property and liability insurance for city assets, and a related budget amendment of \$23,862 from the General Fund ending balance.

Yeas: Dills, Goebel, Graham, Johnson, Miller, Skaggs and Seibold – 7
Nays: -0-

The meeting adjourned at 7:30 p.m., subject to the call of the Mayor until November 18, 2013.

Karen K. Brower, City Clerk

Attachments: A – Ordinance Amendment to Chapter 50 Chapter 23 regarding City Sewer Service.
B – Ordinance Amendment to Chapter 23 regarding City Sewer Service.
C – Ordinance Amendment to Section 1.211 and 1.212 pertaining to purchases and contracts.

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