

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held January 6, 2014

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, Duncan, Goebel, Graham, Miller, Skaggs and Mayor Seibold

Absent: None

Also Present: Assistant City Attorney O'Dowd; City Manager Donovan; Public Works Director Feldt; Finance Director Mushong; City Clerk Brower; Zoning Administrator Faasse; Planning Consultant LeBlanc

2014-1. No public comment was received.

2014-2. Commissioner Graham thanked the Public Works crews for their tireless work during the last few weeks dealing with heavy snow, watermain breaks, lift station power outages, subzero temperatures, cleanup of storm-damaged trees, and arctic wind chills. Commissioners Dills and Goebel echoed their appreciation for the work of these employees.

Commissioner Dills expressed sympathy to the Steinhart family on the death of their son on his way home at Christmas.

Mayor Seibold expressed the appreciation of all residents to the Public Works employees and Public Safety Department for their non-stop effort of the last several weeks to keep the roads and sidewalks clear of snow and downed trees and for their work to maintain the water and sewer systems that everyone depends on.

2014-3. Mayor Seibold announced the zoning variance hearing for Michael & Catherine Stevens, owners of 2030 San Lu Rae, has been withdrawn at the request of the applicants.

2014-4. Consider request to approve the division of land at 2151 Lansing.

Zoning Administrator Faasse outlined the request to demolish the existing home and then divide the property into two buildable lots.

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

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| - Eugene Williams, 2143 Lansing | Objected to the lot split as he felt the developer was not trustworthy. Objected to the clear cutting of the property and the destruction of trees. |
| - Diane Lange, 2150 Lansing | No objection to the land division but asked the Commission to place a condition that large trees not be removed unless necessary for the placement of the foundation. |
| - Mike Bosgraaf, Bosgraaf Homes | Stated trees could not always be saved. |

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

A. Dills-Graham. That the request of Michael Harris and T. Bosgraaf Homes to divide 2151 Lansing into two equal parcels of .22 acres with 75' of frontage on Lansing Street, be approved with the following conditions

1. Prior to the recording of the split, the existing home and accessory buildings must be demolished.
2. The relevant deed(s) or land contract(s) be recorded with the Kent County Registrar of Deeds within 90 days of approval; and
3. The split complies with the surveys presented in the land division application;

Commissioner Dills questioned whether trees would be considered when granting a building permit. City Manager Donovan reported the City does not have a tree protection ordinance. Mr. Faasse stated that trees in the right-of-way are not allowed to be cut down unless a permit is obtained prior to the work.

Assistant City Attorney O'Dowd stated the City should not condition a lot split on the preservation of trees on private property.

Mayor Seibold stated the City Commission needed to balance the rights of property owners with the interests of the community. She noted the ordinance contains measureable standards for size, easements, utilities and other factors, but stated the Commission could not deny a land division when the ordinance standards are met.

Commissioner Skaggs stated he would support the request as he felt it would fit well with the size of other lots in the area.

Commissioner Graham agreed it would be nice to save as many mature trees as possible, but understood this was not always possible. He asked the developers to avoid clear cutting the property if possible.

Commissioner Duncan expressed reservations about the change to the neighborhood and asked the owners to be sensitive to the neighbors when clearing out the land.

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

Nays: -0-

2014-5. A zoning variance hearing was held regarding the request of Chad Koster, owner of 2129 Lansing to allow the construction of a new home with a front yard setback of 25' instead of the required 48.'

Zoning Administrator Faasse explained the applicant wished to build a new home off the end of the pavement of Lansing Street. City ordinances require using an average of existing home setbacks to determine the setback of a new home. Mr. Faasse noted the new home would be accessed by a driveway across the unimproved Lansing Street right-of-way.

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

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| - Eugene Williams, 2143 Lansing | Reported tree service had trespassed on his property begin clearing the lot and he had to call the police. Objected to a new home being built because the lot is isolated with no way to provide access. |
| - Diane Lange, 2150 Lansing | Felt the City should keep a closer watch on issues like the unauthorized access across city right-of-way and cutting down of city-owned trees. Developer should have worked with the city for permission to access and create a driveway, curb cuts, etc. Also wants as many trees protected as possible. |
| - Dave Horning, 435 Lakeside | Felt variance should be denied because everyone else on the street has complied with zoning regulations. |
| - Mike Bosgraaf, Bosgraaf Homes | Admitted trespassing on Mr. William's property and apologized for the error. Stated the variance was to allow a |

- A. Dills-Miller. That an ordinance amendment to Section 5.20 of Chapter 50 of Title V of the City Code to rezone properties at 664, 700, 706, and 708 Crowell from B-1 Apartment District to PUD for the Crowell Mews development project be adopted as set forth in Exhibit "A" attached hereto with the addition of a height limit of 28' for the single-family unit as measured to the mid-point of the roof.

Commissioner Dills felt 28' was a good mid-point between the structures on either side. He noted the City has allowed several variations to the ordinances during the PUD process and felt this height limit was a fair average to provide a transition.

Commissioner Miller also supported the 28' height limit.

Commissioner Skaggs stated that no one knew what this neighborhood would look like in the future. He felt that homes may be redeveloped and built at the 35' height limit. He expressed opposition to the 28' height limit and suggested a more reasonable 32' or 2½ stories, as suggested by the developer's materials, would be more in keeping with what the neighborhood would look like in the future.

Mayor Seibold agreed the neighborhood may look different in the future, but stated the Commission can only react to what is in place now. She agreed a transitional was necessary and supported the motion of a 28' height limit. She felt this was a great project that would enhance the area and looked forward to more details during the site plan review in the coming months.

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

Nays: Skaggs – 1

- 2014-7. Public Hearing on Cable Consent Agreement with Comcast of California/Massachusetts/Michigan/Utah LLC.

Attorney O'Dowd explained the consent agreement with Comcast was coming up for renewal. He explained there were differences between the Michigan and Federal laws governing cable providers and that Federal law was generally felt to be more advantageous to local governments. Mr. O'Dowd noted there was currently a legal challenge to the Michigan law and that several municipalities were proceeding with public hearings to protect their rights to process the renewal under Federal law if this option becomes available. He recommended the City Commission open a public hearing for the purpose of identifying the future cable-related needs and interests of the community and for reviewing the performance of Comcast under its consent agreement during the current term.

Mayor Seibold opened a public hearing. No public comment was received.

- A. Duncan-Skaggs. The public hearing regarding the Consent Agreement with Comcast of California/Massachusetts/Michigan/Utah LLC be recessed but kept open to be continued at a later date.

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

Nays: -0-

- 2014-8. Introduction of an ordinance amendment to Chapter 81 of Title VIII of the City Code establishing a moratorium on ground-mounted signs.

City Manager Donovan explained that ground signs were not covered in the current sign ordinance and asked the City Commission to enact a moratorium on the placement of these signs until they can be studied and a recommendation forwarded to the City Commission on whether they will be permitted and any guidelines for their placement.

- A. Graham-Miller. That an ordinance amendment to Chapter 81 of Title VIII of the City Code establishing a 180-day moratorium on ground-mounted signs be adopted as set forth in Exhibit "A" attached hereto.

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

Nays: -0-

2014-9. Miller-Goebel. Motion to approve the consent agenda as follows:

- A. To approve the minutes of the regular meeting held December 16, 2013.
- B. To approve payroll disbursements of \$216,193.69; county and school disbursements of \$479,701.86, and total remaining disbursements of \$375,518.86.
- C. A resolution approving a change to the Grand Valley Metro Council's Articles of Incorporation approving the addition of Lowell Township as set forth in Exhibit "B" attached hereto.
- D. Ratification of a contract with HA Irish Tree Service of Byron Center in the amount of \$6,885.00 for tree removal services.
- E. An agreement with MC Smith Associates for professional services associated with the Reeds Lake Trail channel bridge and boardwalk project in the amount of \$69,218.00 with contingencies of \$6,921.00 for a total amount of \$76,139.00.
- F. Ratification of payment to Reith-Riley Construction for the resurfacing of a portion of Robinson Road in the amount of \$8,831.33.

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

The meeting adjourned at 7:21 p.m., subject to the call of the Mayor until January 6, 2014.

Karen K. Brower, City Clerk

Attachments: A – Ordinance Amendment to Chapter 50 regarding the Croswell Mews PUD Development.
B – Resolution approving an amendment to the GVMC Articles of Incorporation.

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