

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held February 16, 2015**

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

Absent: Commissioner Dills

Also Present: City Manager Donovan; City Attorney Huff; Assistant City Manager LaFave; Finance Director Mushong; Parks & Recreation Director Bunn; City Clerk Brower

2015-21. Commissioner Miller announced he would be seeking re-election in November.

Commissioner Johnson reported hearing many compliments from neighbors who attended the Daddy-Daughter Dance on February 7<sup>th</sup> and commended the Parks & Recreation Department for this great evening.

Mayor Seibold noted that the Polar Plunge was cancelled on February 14<sup>th</sup> due to the bitterly cold weather and thanked the officials for making that call to protect those involved in the event. Mayor Seibold announced that she would be seeking a second term as Mayor in the November election.

2015-22. Final Reading of an ordinance amendment to amend Sections 5.12, 5.28, 5.62 and 5.63 of Chapter 50 of Title V of the City Code regarding double frontage lots.

City Manager Donovan reported the ordinance amendment had been introduced in August 2014 and then sent to the Planning Commission for review and recommendation.

Planning Commission Chairperson John Barbour reviewed the research and discussion at the Planning Commission meetings and explained the efforts to prevent the situation that occurred in the Lakeside and Orchard neighborhood from being repeated. He stated the Planning Commission had considered restrictions on landscaping, fencing, pools, porches and the mass of the building across two lots before deciding to restrict building to only one of the two lots in a through lot situation. Mr. Barbour summarized the Planning Commission's belief the new ordinance would not be viewed as a taking and did not violate equal protection rules based on the *Bevin v. Brandon Township* case. He noted the new ordinance would not create nonconformity for any existing homes or properties, but would prevent this situation from happening in the future unless specifically allowed by the City Commission with a variance.

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

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| - Jim Benedict, 842 Orchard | Supported the new ordinance. Stated his property value has gone down and the integrity of the area has changed. |
| - Ann Berman, 909 Lakeside  | Urged approval. Felt her property had been devalued because of driveway restrictions due to the new home.       |
| - Bruce Smith, 915 Orchard  | Integrity of the neighborhood and community have changed. Supported new ordinance.                              |

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

- 2015-22-A. Miller-Skaggs. That an ordinance amendment to amend Sections 5.12, 5.28, 5.62 and 5.63 of Chapter 50 of Title V of the City Code regarding double frontage lots be adopted as set forth in Exhibit "A" attached hereto.

Commissioner Miller expressed concern about the legal ramifications of this ordinance, but felt it was better to attempt to prevent this situation from happening again in the future.

Commissioner Skaggs supported the ordinance as he felt it struck a good balance between property rights and the interests of the neighborhood. He noted the property owners in this area had purchased their homes with the understanding of how the plat was laid out and that this should be respected.

Mayor Seibold explained the new ordinance would restrict new home construction to one of the two building envelopes on the two sites, even if the sites are in combined ownership. She noted that front, rear and side yard setbacks would still remain in effect for the site chosen for a new home.

Commissioner Johnson questioned whether property owners would be required to combine the lots if they owned both. City Attorney Huff stated this situation was different than prior efforts to combine properties with continuous street frontage to create conforming lots within the zoning district. He noted that owning two lots back to back would not make the two lots more conforming for zoning purposes, so combining them would not be required. Under the proposed ordinance, property owners would have the option of leaving them as separate lots or could combine them and use only one of the sites to build on. No structures or amenities would be allowed on the second half of the site.

Commissioner Duncan thanked the Planning Commission for their work. She felt the proposed ordinance was a reasonable way to restrict development on through lots.

Mayor Seibold stated that when the City Commission considers a request to divide properties, they look at the impact on surrounding neighbors. She felt the same consideration should be given when there is a situation where properties are being combined. Mayor Seibold appreciated the fact the ordinance prevented situations from happening in the future while not making any properties nonconforming now. She felt this proposal was a way to protect the integrity of the neighborhoods and the value of properties.

Commissioner Johnson stated she was comfortable adopting the ordinance as long as people were allowed to keep the two lots separate if they chose to do so.

Commissioner Graham stated he could support the ordinance proposal given the drawings in the packet showing that only one half of the property could be used for a new home.

Yeas: Duncan, Graham, Johnson, Miller, Skaggs and Seibold – 6  
Nays: -0-

- 2015-23. Request to adopt a resolution approving an application for Community Development Block Grant funds.

Assistant City Manager LaFave reported the City was applying for federal block grant funds to construct a handicap-accessible sidewalk from the Reeds Lake Trail to the Remington Field restrooms.

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

- 2015-23-A. Graham-Johnson. That a resolution approving the application for Community Development Block Grant funds to construct an ADA-compliant sidewalk, crosswalk and curb ramps from the Remington restroom building to the Reeds Lake Trail bridge be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Duncan, Graham, Johnson, Miller, Skaggs and Seibold – 6  
Nays: -0-

2015-24. Miller-Johnson. Motion to approve the consent agenda as follows:

- 2015-24-A. To approve the minutes of the regular meeting held February 2, 2015.
- 2015-24-B. To approve payroll disbursements of \$202,240.44; county and school disbursements of \$-0-, and total remaining disbursements of \$66,541.82.
- 2015-24-C. The placement of a new city entrance sign from Alberda Signs in the amount of \$1,200 to be placed on Hall Street near Gladstone.
- 2015-24-D. Preliminary minutes of the Library Commission meeting held September 22, 2014.
- 2015-24-E. Preliminary minutes of the Parks & Recreation Commission meeting held January 12, 2015.
- 2015-24-F. Preliminary minutes of the Library Commission meeting held January 26, 2015.

Yeas: Duncan, Graham, Johnson, Miller, Skaggs and Seibold – 6  
Nays: -0-

2015-25. No other public comment was received.

The meeting adjourned at 6:51 p.m., subject to the call of the Mayor until March 2, 2015.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Chapter 50 regarding residential through lots  
A – Resolution approving an application for Community Development Block Grant funds.

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