

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held August 21, 2017

Mayor Seibold called the meeting to order at 5:20 p.m. in the City Commission Chambers at the East Grand Rapids Community Center.

Present: Commissioners Dills, Hamrick, Schad, Zagel and Mayor Seibold

Absent: Commissioners Duncan and Miller

Also Present: City Attorney Huff; City Manager Donovan; Assistant City Manager LaFave; Public Safety Director Herald; City Clerk Brower

2017-117. Zagel-Hamrick. Motion to enter into an executive session to discuss attorney's opinion in accordance with Section 8(h) of the Open Meetings Act. A roll call vote was taken.

Yeas: Hamrick, Schad, Zagel and Seibold – 4

Nays: -0-

Commissioner Dills arrived.

2017-118. The meeting adjourned at 5:20 pm to conduct the executive session. The meeting resumed at 6:00 p.m.

2017-119. Mayor Seibold led the audience in the Pledge of Allegiance. She announced that agenda item #9, the site plan approval for 610 Lovett, was being removed from the agenda at this time.

2017-120. Chris Afendoulis, 73rd District Representative, updated the city commission on legislation and various efforts going on in Lansing. He urged his constituents to contact him with any questions they may have.

Phil Skaggs, 19th District County Commissioner, reviewed the status many of the projects the county commission was involved in, including the recent 911 surcharge millage and the zoo millage approved by voters that have allowed funds to be used for other county purposes.

2017-121. Commissioners Dills and Hamrick thanked all those involved in the recent water main project on Wealthy for keeping the disruption to a minimum for the residents and the businesses.

Commissioner Schad thanked the library staff for the wonderful solar eclipse event held earlier in the day.

Commissioner Zagel reported the Taste of East Grand Rapids event on August 17 was well attended and raised over \$10,000 for the Helen DeVos Children's Hospital Foundation. He announced that Athleta would soon occupy the former PapersPlus storefront.

City Manager Donovan announced that the audio-visual system in the commission chambers was not working this evening so the document camera was not available for use with the variance materials.

2017-122. Peter Varga, CEO of the Interurban Transit Partnership gave an update on operations and future plans of The Rapid transit system.

2017-123. A zoning variance hearing was held regarding the request of Joshua Brewster and Christina Vogelsang of 2818 Cascade to allow a 6' privacy fence in the front yard.

Zoning Administrator Faasse explained that front yard fences must be 50% opaque or be 36" or less in height.

Josh & Christina Brewster, 2818 Cascade, stated the fence was put up to protect their six-year-old son. Mr. Brewster noted he had removed the portion of the fence that encroached on the neighboring property. He reported that most of his neighbors supported the fence remaining. Mr. Brewster also noted that Cascade Road is busier than most other streets and fences should be allowed.

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

- Patrick Swaney on behalf of James Azzar Noted Mr. Azzar is opposed to the fence as he did not feel it provided any better protection than a compliant fence would. Mr. Azzar was concerned about the sight distance for vehicles using the side street.

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

- Laura Kaleefey, 1563 Woodlawn Opposed.
- Patrick Platt, 2823 Cascade In Favor.
- Bill Graham, 2830 Cascade Opposed.
- Ryan West, 2817 Cascade In Favor.
- Jon Spalding & Carl Wall, 161 Pioneer Club In Favor.
- Dave Blissett, 2811 Cascade In Favor.
- James Azzar, owner of 2810 & 2826 Cascade Opposed.
- Christian VanPatten, 310 Hodenpyl In Favor.
- Colleen Barcheski, 2807 Cascade In Favor.

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

- 2017- -A. Dills-Hamrick. That the request of Joshua Brewster and Christina Vogelsang of 2818 Cascade to allow a 6' privacy fence in the front yard be approved.

Commissioner Schad noted that the fence ordinance was very clear and easy to understand. She agreed that some streets were busier than others and thought perhaps that issue may need to be addressed in the future. She did not, however, feel that this fence should be allowed to remain because it did not comply with the current ordinance.

Commissioner Hamrick noted that child safety was important but thought this fence did very little to protect a child because it did not enclose the front yard.

Commissioner Dills also noted that without enclosing the front yard the fence did very little to ensure a child's safety. He noted the applicant had also not demonstrated that a 6' fence was any better than a 3' fence that would comply with the ordinance. Mr. Dills did not want to see a wall of privacy fences along Cascade Road or any other street and stated he could not support this variance request.

Mayor Seibold agreed that this fence seemed to have very little to do with safety. She felt the fence could be rebuilt to the regulated height or built to enclose the back yard in compliance with the ordinance.

Yeas: -0-

Nays: Dills, Hamrick, Schad, Zagel and Seibold – 5

- 2017-124. A zoning variance hearing was held regarding the request of Doug & Mia Walker of 1063 Lakeside to allow the construction of a 50-79" privacy fence with a setback of approximately 3.5' instead of the required 20.'

Zoning Administrator Faasse explained this fence enclosed the side yard of this property with panels of differing heights measuring from 50" to 79" from the ground to the top of the panels. Mr. Faasse also noted that the maximum height allowed for any fence in any location is 72."

Mia Walker, 1063 Lakeside, felt this area should be treated as their back yard, not a side yard. Doug Walker noted the area in question was only 25' along the sidewalk. Mr. Walker noted he had placed the fence posts in the same holes as the previous fence which was removed due to age and condition. He stated the panels were only 48" tall and placed just a few inches above the ground and leveled out to accommodate the slope of the land. He did not understand the city's 79" measurement. He felt this was essentially a 1' variance over the 36" allowed.

Commissioner Dills questioned whether the applicants had received regulations from the city prior to installing the fence. Mr. Walker stated they had received information after the panels were already ordered. He stated city staff had told him it would be ok if no one complained and since there were several other fences in the area, he felt they were within a margin of error and went ahead with the fence.

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

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| - John Cvengros, 1059 Lakeside | In favor of the fence as it was very nice looking and improved the property. |
| - Mary Carrington, 1043 Lakeside | Supported both neighbors who were requesting variances. |
| - Dan & Brooke Mehney, 2330 Hall | Supported the Walkers and their fence. |
| - Laura Zochowski, 1058 Lakeside | Stated the fence appeared shorter from the inside because of the slop and would not provide any privacy if the fence was any shorter. |
| - Laurel Ratering, 1064 Lakeside | Stated it was hard to have any privacy on a corner lot and felt this fence fit the house and the neighborhood. |

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

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| - Kurt & Laurel Ratering, 1064 Lakeside | In Favor. |
| - Alisa Ratering, 1064 Lakeside | In Favor. |
| - Keri Kilpatrick, 1052 Lakeside | In Favor. |
| - Patty & John Woodhouse, 2208 Burchard | In Favor. |
| - Katherine Shields, 2234 Burchard | In Favor. |
| - Kathleen Plockmeyer, 1124 Lakeside | In Favor. |
| -Joe Kam, 1053 Lakeside | Opposed. |

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

- 2017- -A. Schad-Hamrick. That the request of Doug & Mia Walker of 1063 Lakeside to allow the construction of a 50-79" privacy fence with a setback of approximately 3.5' instead of the required 20' be denied.

Commissioner Schad stated the ordinance standards are very clearly stated. She noted that the ordinance has been in place since 2014 and was communicated to the Walkers. She appreciated people's efforts to improve their property but could not support a fence that did not meet the standards.

Zoning Administrator Faasse read Section 8.61(c) and answered questions from the commissioners on the applicants options for a side yard fence on a corner lot.

Commissioner Zagel noted that while the fence was very attractive, the style was not the issue, rather the height of the fence was higher than allowed in this location.

Commissioner Dills noted these types of situations made the job of the city commissioners very difficult—especially in light of the neighborhood support—but felt if one fence were approved, the city commission would have to approve them all.

Commissioner Hamrick thanked the applicants for the improvements made to the yard and the home. She noted there were no sight distance issues with this fence, but could not support the variance in light of the fact they constructed it even after knowing the regulations.

Mayor Seibold noted that some of the area fences were “grandfathered” because they had been built before the current ordinance and could not be built in the same way now. She urged everyone with consult with the city first to make sure their investments in their homes were not wasted. She also noted that corner lots were not uncommon in East Grand Rapids and property owners needed to be aware of the limitations when they purchased their homes.

Yeas: Dills, Hamrick, Schad, Zagel and Seibold – 5
Nays: -0-

2017-125. A zoning variance hearing was held regarding the request of Kurt & Laurel Ratering, owners of 1064 Lakeside, to allow:

- a. a retaining wall and fence in the city right-of-way instead of the required 1’ setback.
- b. a 4’ fence in the front yard instead of the allowed 3.’

Zoning Administrator Faasse explained the fence and retaining wall had been constructed along the sidewalk either in the city right-of-way or within the 1’ setback required. He noted that the applicant had supplied a survey of the property done prior to the fence installation and that the measurements in his report were done by hand using the survey.

Commissioner Dills and Mayor Seibold favored waiting for a new survey to be completed that would show exactly where the retaining wall and fence were in relation to the city right-of-way line.

2017- -A. Dills-Zagel. That the request of Kurt & Laurel Ratering, owners of 1064 Lakeside, to allow a retaining wall and fence in the city right-of-way instead of the required 1’ setback be tabled until a new survey showing the fence location could be completed.

Yeas: Dills, Hamrick, Schad, Zagel and Seibold – 5
Nays: -0-

2017-126. Consider request to approve the division of land at 929 San Jose.

Zoning Administrator Faasse outlined the request to divide the property into two buildable lots. He noted the staff recommendations for three conditions to be placed on the land division.

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

- Steve Kretschman, 929 San Jose Requested the lot be divided as requested.

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

2017- -A. Zagel-Hamrick. That the request of Stephen & Mary Kretschman, owners of 929 San Jose, to divide 929 San Jose into two equal conforming parcels as follows: 929 San Jose with 85’ of frontage and 24,919 square feet containing the existing house, and 939 San Jose with 85’ of frontage and 24,919 square feet containing an existing accessory building, be approved with the following conditions:

1. The split complies with the legal descriptions and surveys presented in the land division application;
2. Transfer and recording of the relevant deed(s) or land contract(s) with the Kent County Register of deeds within 90 days of the Commission’s action; and
3. The correction of the existing fence encroachment before a certificate of occupancy will be issued for the new home at 939 San Jose.

Yeas: Dills, Hamrick, Schad, Zagel and Seibold – 5
Nays: -0-

2017-127. Hamrick-Schad. To approve the consent agenda as follows:

2017- -. The minutes of the regular meeting held August 7, 2017.

2017- -A. Payroll disbursements of \$230,696.61; county and school disbursements of \$3,312,690.13, and total remaining disbursements of \$420,955.63.

2017- -B. A resolution adopting the Pre-Hazard Mitigation Plan for the City of East Grand Rapids as set forth in Exhibit "A" attached hereto.

2017- -C. The purchase of vehicles, equipment and accessories totaling \$609,258.30 through the MiDeal contract as outlined in the Assistant City Manager's memo dated July 27, 2017.

2017- -D. A contract with A-1 Asphalt of Wayland for temporary paving patches and grind/resurface of Wealthy Street from Lovett to Lakeside in the amount of \$59,722 plus contingencies of 10%, and to approve this work being done at night as required.

2017- -E. A contract with Lodestar Construction for drainage improvements to the Public Works complex in the amount of \$104,043 plus contingencies of 15%.

2017- -F. The preliminary minutes of the Joint Facilities Committee meeting held May 18, 2017.

Yeas: Dills, Hamrick, Schad, Zagel and Seibold – 5
Nays: -0-

The meeting adjourned at 7:39 p.m., subject to the call of the Mayor until September 5, 2017.

Karen K. Brower, City Clerk

Attachments: A – Resolution adopting Pre-Hazard Mitigation Plan

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