

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held March 19, 2018

Mayor Seibold called the meeting to order at 6:00 p.m. in the City Commission Chambers at the East Grand Rapids Community Center. Members of Scout Troops 215 and 271 led the audience in the Pledge of Allegiance.

Present: Commissioners Duncan, Favale, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: None

Also Present: City Attorney Huff; Assistant City Attorney Tobias; Assistant City Manager LaFave; Public Safety Director Herald; City Clerk Brower; Communications Specialist Greenleaf

2018-26. Todd Astrauskas, 435 Plymouth, questioned where he could find the minutes of the last city commission meeting. He also questioned the presence of Assistant City Attorney Tobias. Mayor Seibold stated that Mr. Tobias was present to assist with the discussion of a proposed ordinance amendment.

2018-27. Commissioner Miller noted that yard waste pickup begins on Monday, April 2 and reminded everyone to refrain from putting containers out by the street until the program begins.

2018-28. Review and distribution process for Comprehensive Master Plan.

Assistant City Manager LaFave reported the draft of the Master Plan is ready for public review and distribution to surrounding communities. The 42-day review period will allow citizens and neighboring communities to submit questions and suggestions prior to final adoption. Mr. LaFave noted that the city website has been updated to allow download of the latest draft and to show the upcoming meetings. He asked that commissioners and residents direct all input to City Clerk Karen Brower by email or at future meetings.

Mayor Seibold opened the meeting for public comment on this issue:

- Matt Feyen, 630 Rosewood

Felt input opportunities had been very limited thus far; questioned whether the height of buildings in Gaslight Village had been reviewed. Suggested providing more 4-5 story buildings because they would generate more revenue for the city.

- Gary Eberle, 2107 Lake Drive

Felt people did not know about the master plan process and suggested more communications with the residents.

No other public comment was received.

2018- -A. Miller-Zagel. That the draft master plan dated March 2018 be distributed to neighboring communities and to begin the 42-day review process.

Commissioner Miller felt that a lot of public input had been received over the last six months and he encouraged everyone to review the draft and continue giving their comments. He thanked the Planning Commission for all their work on this draft document.

Commissioner Zagel also encouraged people to stay involved throughout the process.

Commissioner Walters reminded everyone that not all suggestions contained in the plan would be put into place; rather this was a guide for future discussions. All policy and ordinance changes suggested in the plan would still have to go through the planning commission and or city commission.

Mayor Seibold thanked everyone for their work thus far and encouraged everyone to continue the dialogue.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2018-29. Final Reading of an ordinance amendment to Section 9.63 of Chapter 93 of Title IX of the City Code pertaining to begging and soliciting.

Assistant City Attorney Tobias reported that a recent change in state law allowing certain types of solicitation in the roadway necessitated a change to the East Grand Rapids ordinance to avoid a conflict. He noted that the proposed ordinance changed the sections that were in conflict and kept the others in place.

Commissioner Zagel questioned the benefit of having a separate ordinance when existing state laws could be used if there were problems. Mr. Tobias stated that at some point there may be an issue and this would allow Public Safety to deal with the issue immediately. Public Safety Director Herald stated that having a local ordinance would allow the city to use its own prosecutor and to have more flexibility with enforcement and prosecution. Mr. Herald noted that this ordinance would be used when other efforts to get people the help they need are not successful.

Commissioner Miller asked what East Grand Rapids would lose if we do not have a local ordinance. Mr. Tobias that the Public Safety Department loses the authority to address situations other than roadside solicitations.

Commissioner Walters questioned whether state law addresses those who are on the side of the road soliciting something other than money, such as political campaigning, which could be just as distracting and dangerous. Attorney Tobias checked the state law and stated that there was no mention of this type of activity. Commissioner Walters did not see the rationale for changing the ordinance to reflect the state law and then adding other provisions that are broader than the state law. He suggested repealing our ordinance and just using the motor vehicle code provisions when needed.

Commissioner Hamrick asked how long it would take to enact a new ordinance if problems arise in the future. City Attorney Huff noted that most ordinances can be adopted in 30 days.

Commissioner Zagel noted that the proposed language seems to deal with the aggressive solicitors and agreed that a local ordinance would give more enforcement and prosecution options. Mr. Tobias noted that county prosecutors usually handle larger or more violent cases and that the city prosecutors undertake smaller, non-violent caseloads enforcing local ordinances that can be handled quicker and more effectively.

Mayor Seibold questioned whether repealing the local ordinance would then allow solicitors to approach people anytime and anywhere without any regard to the safety of the situation. Mr. Tobias agreed that this would no longer be prohibited behavior if the East Grand Rapids ordinance is repealed.

Commissioner Miller asked if aggressive behavior could be addressed using state law. Mr. Tobias stated that as long as they were not in the street, that situation would not be illegal.

Mayor Seibold opened the meeting for public comment on this issue:

- Rev. Jason Hubbard, 2205 Heather

Appreciated Public Safety's efforts to seek assistance for beggars, but did not feel there was a need for the ordinance. Suggested the City repeal the local law and address it later if needed.

- Kathleen Underwood, 2637 Hampshire

Asked the City to repeal the ordinance entirely as it would criminalize the homeless and enforce stereotypes. Felt there were other ways to deal with any issues.

2018-30. Durant Street Special Assessment District.

Assistant City Manager LaFave noted the materials had been prepared for the Durant Street improvement project and the neighbors had received updated materials and notices recently.

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

2018- -A. Walters-Hamrick. That a resolution determining necessity be adopted as attached in Exhibit "A."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2018-31. Contract for legal representation services.

2018- -A. Miller-Duncan. To approve a three-year proposal for legal representation with Varnum as outlined in the City Manager's memo dated March 13, 2018.

Commissioner Miller noted the importance of good legal counsel and thanked City Attorney Huff for his advice in all the situations that the city faces.

Commissioner Walters stated he would be abstaining from this vote because he was a partner at Varnum.

Yeas: Duncan, Favale, Hamrick, Miller, Zagel and Seibold – 6

Nays: -0-

Abstain: Walters – 1

2018-32. Zagel-Duncan. To approve the consent agenda as follows:

2018- -. To approve the minutes of the regular meeting held March 5, 2018.

2018- -A. To approve payroll disbursements of \$214,108.67; county and school disbursements of \$58,860.88, and total remaining disbursements of \$554,070.83.

2018- -B. A contract with Montgomery Excavating of Ionia in the amount of \$45,805.00 for the Manhattan storm sewer project.

2018- -C. The purchase of computer hardware from Sehi Computer Products in the amount of \$8,992.16.

2018- -D. The preliminary minutes of the Parks & Recreation Commission meeting held February 12, 2018.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2018-33. Mayor Seibold announced the goals and objectives would be discussed at the March 26 meeting when City Manager Donovan could be present.

The meeting adjourned at 7:34 p.m., subject to the call of the Mayor until March 26, 2018.

Karen K. Brower, City Clerk

Attachments: A – Resolution Determining Necessity for the Durant Street Special Assessment District

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