



commission voted to begin the repeal of the entire ordinance, not just the section preempted by state law. Mayor Seibold stressed that the city ordinance was about safety and protecting those that may feel unsafe in certain situations and not about keeping outsiders out of East Grand Rapids or making asking for help illegal. She reiterated the current ordinance only limits certain situations for safety reasons but does not prohibit people asking for help in most places. Mayor Seibold addressed the issue of a “solution in search of a problem” by stating that many of the city’s ordinances have been enacted following minor issues or to prevent issues in the future, such as the anti-discrimination ordinance, the windmill guidelines or the helmet ordinance. She felt it was the city’s job to be proactive and address situations before they become large problems. She cited the recent public outcry about pedestrian safety for the children going to and from school and wondered why it was then alright for those soliciting to step into the street to ask for money. She felt the city should be concerned for the safety of all residents and visitors. She felt the city ordinance should be amended to remove only the paragraph preempted by state law and to leave the remaining safety provisions.

Commissioner Zagel agreed there was not a current widespread problem, but felt there could be a problem in the future and favored giving staff the tools to use if needed. Mr. Zagel stated that Gaslight Village is a safe and thriving business district and every effort should be made to protect those working and shopping in our community.

Commissioner Walters stated he didn’t believe that asking for money was an inherently unsafe activity. He felt laws should focus on people’s conduct and not on the content of the message. Mr. Walters did not think asking for money should be a punishable offense.

Mayor Seibold noted that the City Attorney has given the opinion that the ordinance is constitutional. Commissioner Walters agreed that this has been upheld recently but was still not comfortable with having this in our ordinances.

Commissioner Miller stated that the need to amend the ordinance due to the state law has raised other concerns about the image being projected about being a welcoming community. He felt safety concerns could be addressed using other local ordinances or state laws and that he was comfortable repealing the entire city solicitation ordinance.

Commissioner Duncan noted she voted against this ordinance in 2014 and was in favor of repealing it. She felt there was not a problem in East Grand Rapids and there were other ways to control behavior.

Commissioner Hamrick spoke in favor of repealing the ordinance and stated that any future problems could be addressed quickly if needed.

Commissioner Favale agreed safety was important but didn’t feel asking for money was unsafe. She stated that this was not a problem now, but could be addressed in the future if needed.

Yeas: Duncan, Favale, Hamrick, Miller, Walters – 5  
Nays: Zagel and Seibold – 2

2018-111. Permit application for private fireworks show.

Parks & Recreation Director Bunn explained Calvin College is seeking a permit for a fireworks show on Saturday, Sep 29 as part of their homecoming events. The 15- minute show would begin at 9 pm and contain 700 shells. The college has secured insurance and has done a walk through with the Public Safety Dept. to review the site and make necessary arrangements. Mr. Bunn noted that 480 notices had been sent out about the request and several emails were received in favor and a few opposed to granting the permit.

Mayor Seibold questioned whether the city would be liable if there were any damage from the show. City Attorney Huff stated the city would not be liable since the permit is granted by the State, not the City. He also noted the city would be named as an additional insured on Calvin’s policy for this event.

Mr. Bunn stated the city does not currently have an application process or fee for private fireworks events, but he is currently working on putting this in place for future requests. City Manager Donovan noted the city commission could dictate a radius for notices to be sent. He also noted that the city would use the e-newsletter, social media and the website to notify residents about the show, if approved.

Rick Treur from Calvin College outlined the plans to distribute fliers to the surrounding neighborhoods inviting everyone to participate in the homecoming activities. He stated they looked at the entire campus but felt the proposed area was the safest because of the distance from roads and parking areas. He agreed to assist with publicity for this event so people know what is going on.

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

- |                                |   |
|--------------------------------|---|
| - Kathy DeFouw, 1691 Woodcliff | Opposed due to noise pollution and frightening her dogs. Stated many other people are opposed but did not attend.                             |
| - Ed Whyntott, 1555 Edgewood   | Felt it would be loud and annoying and he would have to leave the area with his dog and cat. Did not feel this was a benefit to the area.     |
| - Kris Pachla, 425 Briarwood   | Thanked the city for taking comments about communicating the information to residents seriously after the last fireworks show over Fisk Lake. |

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

- |   |                                   |
|---|-----------------------------------|
| - Judy Mroz, 1331 Woodshire               | Opposed                           |
| - Dani Clark, 1731 Ridgemoor              | Opposed                           |
| - Mike VanDinther, 1724 Sherwood          | In Favor                          |
| - Nelson Grit                             | In Favor                          |
| - Fred & Jennifer McWain, 1700 Ridgemoor  | In Favor                          |
| - Joanna Meyer                            | In Favor                          |
| - Julie & Chris Marshall, 1215 Woodshire  | Opposed                           |
| - Helen Cannon, 1548 Woodcliff            | Would prefer a different location |
| - Jim Sluiter, 1720 Woodcliff             | Concerned about wind and safety.  |
| - Jodi Overman, 1617 Sherwood             | In Favor.                         |
| - Julie Voskuil, 2660 Oakwood             | In Favor.                         |
| - Dennis & Kathy Sikkema, 3345 Lake Drive | In Favor.                         |
| - Nancy Meyer, 1676 Ridgemoor             | In Favor.                         |
| - John Britton, 2254 Brighton             | In Favor.                         |
| - Mitchell Schroder, 1848 Morningside     | In Favor.                         |
| - Paul Kratochwill, 2011 Argentina        | In Favor.                         |
| - Deirdre Honnor, 2011 Argentina          | In Favor.                         |
| - Rachel Eardley, 1611 Alexander          | In Favor.                         |
| - Jamie VanHekken, 535 Manhattan          | In Favor.                         |
| - Abraham Vogelzang, 1861 Wealthy         | In Favor.                         |
| - Lynn Reilly, 2740 Bonnell               | In Favor.                         |
| - Larry & Jay Jo Louters, 1706 Sherwood   | In Favor.                         |

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

- 2018-111-A. Miller-Walters. That a permit application for a fireworks display submitted by Melrose Pyrotechnics, Inc. on behalf of Calvin College for a show over Calvin College on September 29 be approved with the condition that notices be sent out or delivered to a wider radius at Calvin's expense and that every effort be made to inform people about the fireworks.

Commissioner Miller felt that adequate notice could mitigate the annoyance for those who don't like fireworks while allowing others to enjoy the festivities.

Commissioner Duncan stated she would not support this request because there are those who don't like fireworks.

Commissioner Walters asked that a policy be put in place soon to manage expectations and timelines. He stated he would vote in favor because it was a modest show at a reasonable hour.

Commissioner Hamrick noted the city has set a precedent by approving other shows and she would reluctantly support this request. She did not favor approving these types of requests because they bother some people.

Mayor Seibold noted this will be heard for miles and many would not be happy about hearing fireworks on a random Saturday night. She blamed the state for changing the laws to allow more fireworks at all times of the year. She stated that while she supported Calvin College, she would not be voting in favor of this request.

Yeas: Favale, Hamrick, Miller, Walters and Zagel – 5  
Nays: Duncan and Seibold – 2

2018-112. Duncan-Miller. To approve the consent agenda as follows:

2018-112-A. Minutes of the regular meeting held August 20, 2018.

2018-112-B. Payroll disbursements of \$218,063.40; county and school disbursements of \$15,259,802.00, and total remaining disbursements of \$2,748,638.47.

2018-112-C. An annually renewing contract with the Children's Assessment Center in the amount of \$5,500 per year for services rendered to child victims of sexual assault.

2018-112-D. The purchase of five sets of firefighting turnout gear from Apollo Fire Equipment of Romeo, Michigan in the amount of \$10,280.00.

2018-112-E. Communications services with Sabo Public Relations in the amount of \$2,880 per month with additional costs for extra services.

2018-112-F. Communication services with Sabo Public Relations to the Gaslight Village Business Association of 15 hours per month for June, July, August, November and December and 10 hours per month for the remainder of the year at \$75 per hour, with the GVBA paying at least \$1,000 of the annual cost.

2018-112-G. A revised program and league sport cancellation refund policy for the Parks & Recreation Department as attached in Exhibit "B."

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

2018-113. Miller-Zagel. Motion to enter into an executive session to conduct a personnel evaluation for the City Manager in accordance with Section 8(a) of the Open Meetings Act. A roll call vote was taken.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7  
Nays: -0-

The meeting adjourned at 7:18 p.m., subject to the call of the Mayor until September 17, 2018.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to repeal Section 9.63 pertaining to begging and soliciting  
B – Parks & Recreation cancellation refund policy

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