

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL**

For the Regular Meeting of MONDAY, **MARCH 15, 2004**

The Meeting was called to order at 7:30 p.m. by Mayor Shores and the City Clerk called Roll.

Present: Councilmembers Hodges, Mathews, Myers, Pfaller and Mayor Shores.

Absent: None.

Also Present: City Manager Dave Pasquale, City Clerk Betty Morlock, Police Chief Jim Valentine, Public Works Director Dan DesJarden and Lowell Light and Power/Cable TV General Manager Tom Richards.

IT WAS MOVED BY HODGES and seconded by MYERS that the minutes of the March 1, 2004 regular meeting be approved as written.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

Councilmember Pfaller questioned the bill from Ada Bike Shop in the amount of \$818.79. Police Chief Jim Valentine responded the funds were allocated from the \$1,000 donation provided by the Wheelman Cycle Club.

IT WAS MOVED BY MYERS and seconded by PFALLER that the bills and accounts payable be allowed and the warrants issued.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (03/15/04)</u>	
GENERAL FUND	\$88,186.98
MAJOR STREET FUND	346.84
LOCAL STREET FUND	436.42
DDA FUND	16,115.00
BUILDING & SITE FUND	350.00
AIRPORT FUND	110.23
WASTEWATER FUND	5,508.17
WATER FUND	12,796.06
DATA PROCESSING	3,890.00
EQUIPMENT FUND	2,549.91
LEE FUND	2,000.00

Item #1. **PROPOSED ZONING ORDINANCE AMENDMENTS REGARDING FENCES AND WALLS AND PRIMARY ACCESSORY BUILDINGS – PUBLIC HEARING**. Over the past several months, the Planning Commission has reviewed several sections of the Zoning Ordinance involving fences, walls and primary accessory buildings. Of note, the amendments include:

- Adds a new subparagraph detailing walls and fences must be kept in good repair and condition.
- Driveways to accessory buildings (garages) must be hard surfaced. The definition of hard surfaced states these must be a pavement of poured cement or rolled asphalt or such surfaces approved by the Planning Commission.
- Driveways need to be a minimum of ten feet in width and twelve feet for a new curb cut. The intent of the driveway ordinance is provided.

Also, wording was added to provide: "fence shall be residential in appearance and intent. Farm type fences are allowed on farmland in residential districts". This has been included on the request of Candice Flezar-Smith, a resident who was part of the review process with the Planning Commission.

Councilmember Myers questioned if there was any farm land within the City limits. City Manager Pasquale responded yes.

IT WAS MOVED BY PFALLER and seconded by MATHEWS to adopt the zoning ordinance amendment as presented regarding fences and walls and primary accessory buildings as presented.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #2. **AMENDMENT TO THE HISTORIC DISTRICT ORDINANCE DELETING THE REQUIREMENT INVOLVING A MEMBER OF THE HISTORIC DISTRICT COMMISSION BE ON THE PLANNING COMMISSION – PUBLIC HEARING.** The current ordinance requires a Planning Commission member serve as a member of the Historic District Commission. However, this is an indirect conflict with Public Act 285, the State Enabling Act for City Planning Commissions. It states a Planning Commissioner can hold no other office, except that of a member of the Zoning Board of Appeals. The ordinance amendment eliminates the requirement of a Planning Commission member, providing an appointment of a City resident.

IT WAS MOVED BY HODGES and seconded by MYERS to adopt the ordinance amendment which deletes the requirement involving a member of the Historic District Commission being on the Planning Commission.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #3. **CONSIDERATION OF AMENDMENT TO THE POLICE DISPATCH SERVICES AGREEMENT WITH THE CITY OF WALKER.** Police Chief Jim Valentine explained the Walker Police Department has provided off hours dispatch services (nights, weekends and holidays) for the City of Lowell since 1992. A one year extension had been proposed to March 1, 2005. The agreement would remain unchanged, keeping the yearly fee at \$18,000.

Valentine stated he also contacted the Kent County Sheriff's Department regarding similar services. An estimate of \$29,000 was received.

Valentine recommended the City continue the services with the City of Walker.

IT WAS MOVED BY MYERS and seconded by PFALLER to accept a one year extension to March 1, 2005 for off hours police dispatch services with the City of Walker.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #4. **ZONING BOARD OF APPEALS**

- A. 1270 Laurie Gail – Samuel and Bobbi Milton – side yard setback variance to accommodate an egress window – set public hearing (3/29). Samuel and Bobbi Milton wish to install an egress window on the east side of their house located at 1270 Laurie Gail to meet fire code requirements for a basement bedroom. The window well extends four feet out leaving only four feet from the lot line. Since six feet is required, a variance has been requested.

IT WAS MOVED BY HODGES and seconded by SHORES to set a public hearing for March 29, 2004 concerning 1270 Laurie Gail Drive involving a side yard setback variance.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

- B. 753 Grindle – Sundry Corporation – variance from 20% grade slope open space provisions for 16 unit single family residential cluster plan – set public hearing (3/29). Zoning Board Chairman Pfaller questioned how many other properties there may be within the City of Lowell pertaining to the Open Space Ordinance. He questioned if the ordinance needs to be changed or offer a variance.

Zoning Boardmember Mathews questioned where the 20% slope originated when former Planning Commissioner Brubaker wrote it. City Manager Pasquale explained the State Act does not mention the slope requirement. It appeared Brubaker received this percentage from a model ordinance. Pasquale did not believe this issue would arise at many City locations.

Zoning Boardmember Myers questioned how many units could be built if a 50% slope was allowed. Pasquale stated the number of units is controlled by the amount of square footage of property. Sundry has a problem with being in compliance with the open space requirement. There needs to be at least 20% and not more than 40% of open space. Any slope greater than 20% can not be counted as open space. In essence, most of the property at 753 Grindle would not count as open space because it has a greater than 20% percent slope. This means Sundry would not qualify under the provisions of the open space ordinance, which basically allows an individual to deviate some from the setback requirements. It also allows the homes to be clustered. The number of units are the same

regardless. It is a question of the clustering.

Myers asked if the developer benefits if the slope is changed to 50%. Pasquale stated this would allow Sundry to qualify. For the most part, the property has a slope of 50% or less.

Pasquale stated Sundry would need to meet the private road ordinance as part of the development process.

IT WAS MOVED BY SHORES and seconded by MYERS to set a public hearing for March 29, 2004 concerning a variance from 20% grade slope open space provisions for 16 unit single family residential cluster plan at 753 Grindle.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #5. **RESOLUTION ACCEPTING AND DIRECTING THE RECORDING OF A WATERMAIN EASEMENT IN CONNECTION WITH THE HIGHLAND HILLS SITE CONDOMINIUM PROJECT.**

The Planned Unit Development agreement with Sundry requires a water main easement be provided from the Highland Hills site through Grindle to allow for looping of the water main. Williams and Works Engineer Dave Austin stated a copy of the easement was provided to him from City Attorney Richard Wendt. After review, it was found to be in the correct location with the correct dimensions. As stated by City Manager Pasquale, when the developers requested they not be required to install the water main loop in as part of the initial project, it was recommended the City at least secure an easement in case the northern property changed owners. This would establish a commitment with the City that the water main would be looped.

Councilmember Pfaller believed the issue of sanitary sewer services should be discussed. He questioned if the easement was large enough to handle sewer and water services. Austin did not believe so. The easement is intended for the looping to serve the Highland Hills area. The water service for the new development would branch off. However, it would not be contained entirely within the easement. Austin explained the purpose for the easement, besides having room to install the main, is to have room to operate and maintain it in the future. A water main is only 5 to 6 feet down, but a sanitary sewer could be much deeper. Pfaller wanted to ensure the easement was wide enough to handle both.

Austin stated a survey has been performed and reviewed. However, he could not adequately explain this to the Council without examining it.

Pfaller suggested tabling the issue until the survey plot is reviewed and the width has been established.

IT WAS MOVED BY PFALLER and seconded by MYERS to table the water main easement issue for Sundry until further information is received.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #6. **STREET IMPROVEMENTS PROPOSALS – REVIEW**. As requested by Council, cost estimates for upgrading Grindle Drive as well as Sibley was prepared by Dave Austin of Williams and Works.

City Attorney/Bond Counsel Richard Wendt submitted revised amortization schedules for Michigan Transportation Fund Bonds of \$400,000, \$500,000 and \$600,000. Each of those is within the 50% limitation of average annual debt service to P.A. 51 revenues (Mayor and Local Street funding) received.

IT WAS MOVED BY MATHEWS and seconded by HODGES to begin the process on the bonding for Grindle and Sibley Street.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #7. **MONTHLY REPORTS**. No comments were received.

Item #8. **CITIZEN COMMENTS**. No comments were received.

Item #9. **COUNCIL COMMENTS**. Councilmember Mathews requested the stipulations of the Highland Hills PUD be presented at the next meeting.

Councilmember Hodges commented on what a great tour he had of the Wastewater Treatment Plant.

Hodges also stated he was looking forward to attending the Michigan Municipal League Legislative Conference on Wednesday March 24, 2004 in Lansing.

Councilmember Myers noted High Street is receiving traffic from the development.

Councilmember Pfaller asked how the construction of Clark Street and S. Center was proceeding. City Manager Pasquale stated there are still some items to resolve. He intended to bring all this back to the Council for final approval. In talking to City Attorney, he hoped to present this during the March 29, 2004 meeting.

Pfaller requested Building Inspector Doug Hopkins review the square footage of the home being built on Bowes Road. He did not believe it met the minimum square footage requirements.

Mayor Shores asked for volunteers from the Lowell Leadership Institute for Volunteer Excellence concerning the restoration of the Showboat. Restoration will begin April 21 through May 23, 2004 on Wednesday nights, Saturdays and Sundays.

Item #10. **MANAGER'S REPORT**. City Manager Dave Pasquale reported on the following:

1. The following Boards and Commissions meetings minutes were provided.
 - Chamber of Commerce meeting of February 10, 2004
 - Lowell Community Leadership Council meeting of January 22, 2004
2. Because of Spring Break, the next City Council meeting is scheduled for Monday, March 29th.
3. The annual Pancake Breakfast is on Saturday, March 27 from 7:00 a.m. to 11:00 a.m. at the Look Memorial Fire Station. Also, the Lowell Community Expo is on March 27 from 9:00 a.m. to 3:30 p.m. at the Lowell High School.

Item #11. **APPOINTMENTS**. By general consensus, the Council appointed Michael Blough to the Historic District Commission to a term expiring on January 1, 2006.

IT WAS MOVED BY MYERS to adjourn at 8:13 p.m.

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk