

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

For the Regular Meeting of Monday, **NOVEMBER 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 David Pasquale, City Clerk Betty Morlock, Police Chief Jim Valentine, DPW Mechanic Ralph Brecken and Police Officer James Hinton.

IT WAS MOVED BY HODGES and seconded by PFALLER to approve the minutes of the November 1, 2004 regular meeting as written.

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

IT WAS MOVED BY PFALLER and seconded by MYERS 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 (11/15/04)</u>	
GENERAL FUND	\$89,771.55
MAJOR STREET FUND	1,356.45
LOCAL STREET FUND	351.65
WASTEWATER FUND	20,056.78
WATER FUND	5,911.45
DATA PROCESSING	600.00
EQUIPMENT FUND	942.24
CURRENT TAX FUND	13,101.57
LOWELL AREA TRAILWAY	2,165.00

Item #1. **ZONING AMENDMENT FOR WALL AND GROUND SIGNS IN RESIDENTIAL DISTRICTS – RECOMMENDATION FROM THE PLANNING COMMISSION – PUBLIC HEARING (11/15)**. The Planning Commission was approached several months ago by resident Josh Langdon (410 Hunt) regarding a zoning violation citation involving two ground signs placed in his yard. He questioned the violation based on a U.S. Supreme Court ruling. Through the City Attorney, it was found the City could not completely prohibit ground signs in residential districts, but reasonable standards can be set.

After examining the issue, the Planning Commission proposed amendments for wall signs as well as ground signs in residential districts as follows:

- Wall signs – one square foot sign identifying the occupant or address of lot or parcel, two square feet for nameplates, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or noncombustible material
- Ground signs – one per lot or parcel no greater than three square feet, located only in the front yard and no closer to the front lot line than one-half the required setback distance as well as no higher than three feet

After holding a public hearing on October 26, 2004, the Commission unanimously recommended to the City Council this amendment be adopted.

Councilmember Pfaller stated a definition within the zoning ordinance states a sign is a lettered board, or other notice advertising an individual firm, profession, business or other thing and visible to the general public. With this in mind, Pfaller had a problem with the proposed ordinance the way it was written. Under the proposal, it appears there are at least 20 properties which are currently in violation of the ordinance. Pasquale stated banners and flags are identified separately.

Councilmember Pfaller questioned the signs which state “we support Lowell staff” or “we support our troops”.

Pfaller recommended the ordinance amendment be sent back to the Planning Commission for further review. Councilmember Hodges and Mayor Shores agreed.

City Manager Pasquale asked the Council if there was any wording in particular they wish to see. Shores wanted the size of the sign redefined as well as what is considered a sign or decoration.

Pfaller stated many homes have large welcome signs or an individual’s last name. He also noted a brick structure allows a sign of two square feet while a wooden structure limits this to one square foot.

Pfaller went on to comment regarding the sign ordinance for local businesses. He had a problem with some of the changeable letter signs along Main Street.

Councilmember Myers suggested limiting the use of the sign by creating a residential sign application. Pfaller questioned how this would be enforced. Police Chief Jim Valentine was unsure if various signs would be grandfathered into the ordinance.

Mayor Shores believed the Planning Commissioners needed to do additional work on the ordinance.

Myers suggested a possible worksession with the Planning Commission.

There was no further discussion.

Item #2. **ZONING AMENDMENT FOR BODY SHOPS – DEFINITION AND ZONING DISTRICT DESIGNATION – RECOMMENDATION FROM THE PLANNING COMMISSION – PUBLIC HEARING.** Currently, there is no designation for a body shop within the zoning ordinance. After consideration, the Commission proposed an amendment, which included body shops within the definition of vehicle repair facilities. Also, vehicle repair facilities, including body shops, would be allowed by right in the Industrial District and by special land use permit in the General Business and Light Industrial Districts.

At its October 25, 2004 meeting, the Planning Commission unanimously recommended to the City Council this amendment be adopted.

IT WAS MOVED BY PFALLER and seconded by MATHEWS to adopt the zoning amendment by providing vehicle repair facilities including body shops in the Industrial District right and by special land use permit in the General Business and Light Industrial Districts.

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

Item #3. **LOWELL AREA TRAIL AGREEMENT – CONSIDERTAION TO ADOPT, APPOINTMENT OF CITY BOARDMEMBERS AS WELL AS JOINT APPOINTMENT.** Representatives from the City, townships, and schools, as well as a number of interested citizens, have been involved with regard to developing a trail system. The study provides a blueprint for a trail system of nearly 20 miles traversing Vergennes, the City and Lowell Township from the Wittenbach Center to the Lowell Township Riverfront Park.

The proposed document sets the structure for a Lowell Area Trail Agreement and also a Lowell Area Recreation Authority. This provides an agreement for an initial term of five years and would be automatically renewed thereafter unless a municipality withdraws.

The Recreation Board is composed of seven members. Each of the three municipalities have appointed one of its elected officials and a second person who is a resident of the municipality. In addition, a joint appointment would be made. A term of office has been established for two years and limited to three consecutive terms.

The document provides for the establishment of the authority, the term of the agreement, the LARA Board, terms of office, property ownership, limitations of authority, insurance and financial matters.

Limitations on the Board Authority prohibits any levying of any tax, millage or issuing bonds. It is required to obtain insurance. The fiscal year would go from July 1 through June 30. To initiate the authority, each municipality will provide \$1,000 in each year of the initial five years. At this point the authority is responsible to establish and maintain a trail system. There can be situations in the future where that can expand.

The authority will be providing individuals with a route to exercise and be in the outdoors.

Mayor Shores believed this was a great idea.

Councilmember Pfaller stated the Parks and Recreation Commission is very involved with the project.

IT WAS MOVED BY HODGES and seconded by PFALLER to approve the Lowell Area Trail Agreement as proposed.

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

IT WAS MOVED BY HODGES and seconded by MYERS to appoint Jim Pfaller as City elected official representative to the Lowell Area Recreation Authority.

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

IT WAS MOVED BY PFALLER and seconded by HODGES to appoint Perry Beachum to the Lowell Area Recreation Authority as a City non elected member.

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

Myers questioned if such a position shouldn't be advertised in the paper. Pasquale stated Beachum is very knowledgeable. Hodges noted the term expires in two years.

Pasquale stated a joint appointment is also being reviewed. Lowell Township, Vergennes Township and Pasquale recommended Betsy Davidson be appointed to the board. By general consensus, the City Council agreed.

No further information was reviewed.

Item #4. **ADOPTION OF POLICY INVOLVING REMOVAL OF TREES WITHIN THE PUBLIC STREET RIGHT OF WAY**. At the November 8, 2004 worksession, the City Council reviewed the issue of removing trees in street right of way. City Manager Pasquale read the following draft policy into record:

CITY OF LOWELL, MICHIGAN
POLICY

Removal of Trees within the Public Street Right of Way

- The Director of Public Works shall determine the viability of any tree or plantings within the public street right of way. If determined the tree needs to be removed, the Director shall notify the adjoining property owner.

- If the adjoining property owner objects, a certified arborist may provide their findings at the property owner's expense. Such findings must be provided to the City within 10 business days of notification.
- The City Manager reviews the findings and provides a determination whether the tree should be removed.
- If the owner objects to the City Manager's decision, the issue is brought to the City Council where the decision is final. If the tree is removed, the City will not provide a replacement.

IT WAS MOVED BY MYERS and seconded by PFALLER to approve the policy regarding removal of trees within the public street right of way.

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

Item #5. **QUOTES TO INSTALL EQUIPMENT IN NEW PATROL CARS.** Police Chief Jim Valentine explained every year at this time City Mechanic Ralph Brecken provides annual inspections on all City owned vehicles and equipment. Therefore, Brecken is unable to install the necessary new equipment for the patrol cars. Quotations were sought to provide the installation. Vennen Chrysler (John Muha) provided the low quote of \$2,000. Muha has estimated two days per car for the change over.

Hodges confirmed it would be for two vehicles at this time. Valentine responded yes.

IT WAS MOVED BY HODGES and seconded by MYERS to approve the quote of \$2,000 with Vennen Chrysler (John Muha) to install equipment in the new patrol cars.

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

Item #6. **COPIER QUOTATIONS/REQUEST TO PURCHASE-LEASE FOR THE POLICE DEPARTMENT.** Police Chief Valentine explained the department's current copier is very large and complex. Notification was received from Xerox which stated the company would no longer support the maintenance contract on this equipment due to its age and their inability to stock necessary parts. The least expensive way would be to purchase a copier for \$4,800. However, this was not placed in the budget and thus, an amendment would be necessary. A five year lease purchase option was also provided in an amount of \$118.71 a month or \$1,424.52 a year. This could be taken out of the Equipment Fund for the annual lease.

Councilmember Pfaller suggested the purchase be borrowed from the fund balance and then placed in next year's budget in order to reimburse the fund balance. City Manager Pasquale was concerned because there is not a great amount in the fund balance. Money is saved on interest charges. However, a lease would have less of impact on this particular budget.

Councilmember Pfaller questioned if the lease includes the maintenance. Valentine responded no,

the maintenance would be provided under a contractual line item.

IT WAS MOVED BY PFALLER and seconded by MATHEWS to approve the lease agreement to the end of the fiscal year with a buyout for the Police Department copier from Adams-Remco at \$118.71 per month. Further, Staff should negotiate a purchase price for next fiscal year.

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

Item #7. **SEWER JETTING TRAILER PURCHASE**. City Manager Pasquale read the following letter into record:

Dear Councilmembers,

I would like to offer an alternative to the City purchasing a trail mounted jetting machine. We at Canfield Plumbing and Heating noticed the need for a local sewer jetting in a timely manner in the past and have purchased a Shamrock SPT 150 Jetter with a 400' of ½" jetter hose, that produces 3000 PSI at 11 GMP. We offer the option of renting just our machine as needed or we would be willing to provide the jetting service staffed with our experienced personnel. We are located at 411 East Main and would provide priority dispatching 24/7.

In the past, sewer jetting was provided by other firms located further away that were not as dedicated to customer service as our firm is. We have a proven track record of working efficiently with City staff at a reasonable cost and feel that the cost of a new sewer jetter probably around \$30,000 would be better utilized in other ways. I would expect that annual cost of using our company would be less than the purchase and operating costs of owner a jetter, especially if you factor in training costs, equipment, storage space and replacement hoses and nozzles.

I would urge the Council to consider this alternative and to postpone a purchase decision until giving us an opportunity to demonstrate our jetter at no charge on the first service request. This would also support a local taxpaying business and save the City money over the long haul.

Thanks for your consideration.

Greg Canfield
President/Canfield Plumbing and Heating

Pasquale noted there has been a proposal to purchase a sewer jetter trailer at a cost of \$27,450. He suggested a decision be deferred until the next meeting (December 6) when DPW Director DesJarden can review and provide a recommendation at the next meeting.

Item #8. **MONTHLY REPORTS**. No comments were received.

Item #9. **CITIZEN COMMENTS**. No comments were received.

Item #10. **COUNCIL COMMENTS**. Councilmember Pfaller commented on the home located on the corner of S. Pleasant and Bowes Road. The NW corner appears to be very close to the property line, if not over. The issue should be addressed at the next Planning Commission.

Mayor Shores commented on the recent Lowell High School Friday night football game. The Lowell Football and the Lowell girls basketball teams are doing very well.

Item #11. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes were provided:

- Airport Board meeting of October 5, 2004
- Chamber of Commerce meeting of October 12, 2004
- Merchants Committee meeting of November 10, 2004

2. Richards Park sign has been corrected eliminating the apostrophe ('). A stone in the park reads:

Richards Park
Presented to the
Citizens of Lowell by
Arba Richards
1855

3. A computer usage policy will be presented to the Council at the December 6 meeting.

4. The City offices will be closed on Thursday, November 25 and Friday, November 26, 2004 for Thanksgiving.

HAPPY THANKSGIVING!

Item #12. **APPOINTMENTS**. No appointments were made

IT WAS MOVED BY MYERS to adjourn at 8:29 p.m.

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk