

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

For the Regular Meeting of MONDAY, **OCTOBER 16, 2006**

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

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

Absent: None.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, Police Chief Jim Valentine, DPW Director Dan DesJarden and Wastewater Treatment Plant Superintendent/Planning Commissioner Mark Mundt.

Mayor Myers stated it was great to be back. He appreciated all the thoughts and prayers.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the minutes of the October 2, 2006 regular meeting as corrected.

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

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

YEA: Councilmember Hodges, Pfaller, Shores, Mayor Pro Tem Mathews and Mayor Myers.

NAY: None. ABSENT: None. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (10/16/06)</u>	
GENERAL FUND	\$93,378.91
MAJOR STREET FUND	647.11
LOCAL STREET FUND	383.20
DDA FUND	80,423.19
AIRPORT FUND	225.00
WATER FUND	2,355.38
DATA PROCESSING FUND	70.00
EQUIPMENT FUND	335.92
CURRENT TAX FUND	75,892.53

Mayor Myers commented on the \$3000 donation the City recently provided to the Lowell Area Chamber of Commerce. City Manager Pasquale responded this is their yearly allocation.

Item #1. **ZONING BOARD OF APPEALS.**

- A. 403 N. Monroe – Jeffrey Werner – setback variance to construct a garage – public hearing. Jeffrey Werner secured a building permit to build an unattached garage for his newly owned residence located at the northeast corner of N. Monroe and King. He is seeking a variance on the 10 foot required distance between the main building and the accessory building, having approximately three feet.

Werner explained he received approval on the garage and construction has already begun. He is requesting a variance for an unattached garage which is what he originally requested when the building permit was granted.

At its September 25 meeting, the Planning Commission recommended the variance (vote 6 to 1) stating the six criteria have been met. City Manager Pasquale noted there is a sufficient fire wall for the garage.

IT WAS MOVED BY HODGES and seconded by SHORES to grant the setback variance between the residence and accessory building to construct a garage at 403 N. Monroe, allowing three feet distance where ten feet is required.

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

- Item #2. **IMPACT CHURCH (1188 LINCOLN LAKE) – REQUEST FOR WAIVER OF SIDEWALKS.** Impact Church is the midst of constructing a 284 person sanctuary. The property itself is divided almost equally between the City and Vergennes Township. However, the vast majority of the building addition is located in the township. The Vergennes Township Planning Commission had reviewed and approved the site plan. There will be parking lot renovations, including 12 additional parking spaces and reconstruction of their main driveway, which has already been approved by the Kent County Road Commission.

At a special meeting held on September 21, 2006, the Planning Commission approved the site plan but included the addition of sidewalks. Such sidewalks were required to be constructed along Hudson from the existing driveway north to the City limits, and on Lincoln Lake proceeding south to the rear of the church property as well as to a home which is used as an office. The Planning Commission felt as part of a site plan approval, this is included and any waiver can be considered by the City Council.

Impact Church representative, Cy Floyd of 13282 Cascade Road, commented on the sidewalk construction. The additional sidewalk proposed by the Commission would dead end into Vergennes Township. He noted Vergennes Township has different sidewalk setbacks. Floyd stated Impact Church is the last property within the City limits.

Mayor Pro Tem Mathews questioned the process of the waivers. Public Works Director DesJarden explained sidewalk waivers for homeowners do not require approval from the Planning Commission. DesJarden explained the sidewalks were closed up along Hudson Street

in 2004. At the time, the City decided to stop the sidewalk at its current location. If the sidewalk is required, DesJarden requested a barricade be placed due to the ditch along Hudson. He also suggested a "dead end" sign at the end of the side walk.

Mayor Myers did not view sidewalks as the only purpose of the homeowner or a business owner, but rather part of total public use. He would rather keep the bikes off of Hudson Street and allow kids to ride on the sidewalks as far as possible throughout the City.

Councilmember Hodges believed it made sense to require the sidewalk along Lincoln Lake and waive the sidewalk north of the drive on Hudson Street.

Councilmember Shores did not want to see children walking along Hudson Street. She would rather have kids riding their bikes along Lincoln Lake. Hodges believed the natural conclusion to the sidewalk would be better suited at the driveway, rather than a dead end.

Councilmember Pfaller suggested the City require the sidewalk as drawn and encourage the church to extend it to the north property line.

IT WAS MOVED BY PFALLER and seconded by MATHEWS to deny the request for sidewalk waivers at 1188 Lincoln Lake Impact Church providing walks on Hudson and Lincoln Lake.

YEA: 3. (Pfaller, Mayor Pro Tem Mathews and Mayor Myers)

NAY: 2. (Hodges and Shores) ABSENT: 0. MOTION CARRIED.

Item #3. **RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A LETTER AGREEMENT WITH HONEYWELL INTERNATIONAL, INC.** At a worksession held on September 11, the City Council had the opportunity to hear a presentation from representatives of Honeywell International, Inc. regarding an energy savings program.

City Attorney Richard Wendt has recommended the City enter into a 60 day agreement with Honeywell where the City is not bound financially but is given an opportunity to see if there is sufficient information to feel comfortable enough to enter into an agreement.

Mayor Myers questioned the "soft" cost of interacting with City staff. DPW Director DesJarden stated three different proposals have been presented over the last year and a recommendation has been provided. DesJarden believed much could be done by City staff. Pfaller was also concerned about this and agreed with DesJarden.

Myers commented on the statement within the agreement giving Honeywell the exclusive right for a period of 60 days.

Pfaller did not believe a resolution was necessary, noting the City should do the analysis.

By general consensus, the Council decided to have City staff provide a recommendation for services and against an agreement with Honeywell.

Item #4. **MONTHLY REPORTS**. Mayor Myers commented on the report from Earth Tech noting the equipment upgrades are beginning. Waste Water Treatment Plant Superintendent Mark Mundt stated the plant is prioritizing upgrades and beginning the process of receiving equipment specifications.

Item #5. **CITIZEN COMMENTS**. No comments were received.

Item #6. **COUNCIL COMMENTS**. Councilmember Shores stated she received a phone call from Patty Sellner, who is the Director of the Lowell Community Wellness Program. A conference will be held on November 13, 2006 regarding "Healthy Livable Communities". Sellner wondered if a City representative would like to attend. City Manager Pasquale stated Margaret Hots Hoats from the Park and Recreation Commission may attend. She is checking her schedule.

Shores also stated the parade was fantastic. The entire Council was present.

Mayor Pro Tem Mathews stated the Chili Cook Off was great. He thanked the Council for their assistance while Mayor Myers was absent as well as City Manager Pasquale and City Clerk Morlock for their direction. He was also glad to have Myers back.

Mayor Myers complimented City Manager Pasquale on the business interviews and reports being done throughout the community. The reports have been very thorough. Pasquale stated the City has good business people who work hard and they know what they are doing. The City should be very proud.

Myers was also pleased to see the east City limit sign being repaired.

Myers noted nine citizens recently attended the Lowell Light and Power Board meeting. He was pleased to see citizen participation and urged citizens to attend the City Council meetings as well.

Myers stated the trick or treat hours will be held on October 31, 2006 from 5:30 to 8:00 p.m. Citizens may turn their front porch light on if they wish to participate.

Item #7. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes were provided:
 - Lowell Light and Power and Cable TV meetings of August 31, 2006

- Chamber of Commerce meeting of September 12, 2006
 - Airport Board meeting of September 12, 2006
2. A three month ridership report from North Kent Transit was provided. The city allocates Community Development Block Grant funds to subsidize senior citizen and handicapped riders.
 3. The Lowell Police Department has designated Halloween Trick or Treat for Tuesday, October 31, 2006 from 5:30 to 8:00 p.m.
 4. Mayor Myers thanked Mayor Pro Tem Al Mathews for filling in during his absence.

IT WAS MOVED BY MATHEWS to adjourn at 8:15 p.m.

DATE:

APPROVED:

Charles R. Myers, Mayor

Betty R. Morlock, Clerk