

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

For the Regular Meeting of Monday, **MARCH 5, 2007**.

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

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

Absent: Mayor Myers.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Sergeant James Hinton, Lowell Light and Power and Cable TV Board Chairman Dave Austin and Boardmember Perry Beachum.

IT WAS MOVED BY SHORES and seconded by PFALLER to excuse the absence of Mayor Myers.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the minutes of the February 20, 2007 regular meeting as corrected.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

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

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

NAY: None. ABSENT: 1. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (03/05/07)</u>	
GENERAL FUND	\$108,101.62
MAJOR STREET FUND	1,374.49
LOCAL STREET FUND	891.97
DDA FUND	2,177.14
AIRPORT FUND	71.67
WASTEWATER FUND	4,915.16
WATER FUND	9,971.68
DATA PROCESSING FUND	686.51
EQUIPMENT FUND	73.06
CURRENT TAX FUND	5,947.09

Item #1. **ORDINANCE AMENDING PLANNING COMMISSION MEMBERSHIP – PUBLIC HEARING.** City Manager Pasquale stated Public Act 285 allows the City Council to reduce the membership of the Planning Commission from nine (9) to seven (7) as proposed by the Council since the City's population is fewer than 5,000. One of the members shall be a City Councilmember as an ex-officio.

The Charter under Section 7.9 does not provide a specific number of Planning Commission members. Thus, a City Charter Amendment is not required. But, the ordinance referring to the Planning Commission in Section 16-27 provides the specific number of nine which needs an amendment.

The Ordinance outlines terms of membership providing two each expiring June 30, 2008, 2009 and 2010. The ex-officio member's term will not exceed the term of the Councilmember.

The Planning Commission reviewed and discussed the proposed ordinance at their February 26 meeting. No recommendations were provided.

As previously recommend, upon passage, the ordinance will take effect on July 1, 2007.

Mayor Pro Tem Mathews opened the public hearing. No comments were received from the public present, but a letter from Maryalene LaPonsie, Chair of the Planning Commission submitted a letter to be read at the meeting because she will be out of town on Monday and is not sure if she'd be back in time for the public hearing.

I understand the City Council is planning to reduce the Planning Commission membership from nine members to seven members, including one council member. While I can appreciate the idea that smaller bodies are able to act more decisively, I also believe that any step to limit citizen participation in government must be carefully considered. By reducing our membership, we will undoubtedly lose some of the diversity and experience on the board. Our current commissioners work well together while also representing a variety of opinions and perspectives regarding issues facing the City of Lowell.

If the City Council does deem it in the best interest of the City of Lowell to reduce the Planning Commission membership, it is my hope that every effort will be made to accommodate those commissioners leaving the board. People, in general, seem to be increasingly disenfranchised with government at all levels. I think it is vitally important to encourage the continued participation of those who have expressed an interest in serving the City of Lowell in some capacity. Since the Planning Commission has appeared to historically have regular vacancies, it would seem preferable to simply not fill vacancies until the commission has been reduced to the appropriate size. If this is not a feasible option, it is my hope that the City Council will work to place leaving commissioners in other positions that will utilize their talents.

Finally, please be aware that these are my own personal thoughts on the issue and are not intended as a statement on behalf of the entire Planning Commission. I appreciate your consideration of my comments. Thank you for all you do for the City of Lowell!

Sincerely,

Maryalene LaPonsie, Planning Commission Chair

Mayor Pro Tem Mathews closed the public hearing.

Councilmember Shores stated she was in attendance at the Planning Commission meeting and sensed the Commission's reluctance to this change. But some Commissioners expressed a desire to serve on a different board. Shores felt the Commission would be just as efficient with fewer members.

Councilmember Pfaller stated there will be plenty of opportunities to serve on other boards.

IT WAS MOVED BY PFALLER and seconded by HODGES to adopt the ordinance amendment reducing the Planning Commission membership from nine (9) to seven (7), effective July 1, 2007.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #2. **ORDINANCE REGARDING NON CONFORMING LOTS – RECOMMENDATION FROM THE PLANNING COMMISSION – ADOPT OR SET PUBLIC HEARING DATE (4/2)**. After several months of review by the Planning Commission, an ordinance that amends the Zoning Code which regulates non conforming residential lots has been proposed. This ordinance states a lot must meet 80 percent of the required lot area, lot width and side yard setback for residential building.

A public hearing was held by the Planning Commission at their February 26 meeting. No comments were received and the Commission unanimously recommended its approval. The Council may adopt or establish a public hearing for the April 2, 2007 meeting.

IT WAS MOVED BY SHORES and seconded by PFALLER to establish a public hearing for April 2, 2007 to consider adoption of the ordinance regarding non conforming lots.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #3. **TREE CITY USA PROGRAM – COUNCIL ACTION TO INITIATE**. On February 27, Dr. Jim Reagan, Dana Chase (Garden Club), Light and Power General Manager Tom Richards, DPW Director Dan DesJarden and City Manager Pasquale met with Kevin Sayers, Urban and Community Forestry Coordinator of the Michigan Department of Natural Resources to discuss and consider Lowell being designated as a "Tree City USA". To receive this recognition through the National Arbor Day Foundation, the following steps must occur: creation of a tree or arbor board, a community tree ordinance, a community forestry program with an annual budget of at least \$2 per capital, approximately \$8,000 and an Arbor Day observance and proclamation.

City Manager Pasquale stated those in attendance of the meeting on February 27 agreed to proceed with obtaining Tree City USA designation and Council concurrence to proceed was requested.

IT WAS MOVED BY PFALLER and seconded by HODGES to initiate action to have Lowell be a Tree City USA.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #4. **DISCUSSION OF WEGE LAND DONATION AND COMMUNITY COLLABORATIVE EFFORTS**. Last Thursday, March 1, Parks and Recreation Commission Chairman Perry Beachum, Councilmember/Parks Commissioner Jim Pfaller and City Manager Pasquale as well as representatives from Vergennes and Lowell Townships, Chamber of Commerce, YMCA, Lowell Area Schools, Lowell Area Community Fund and the Lowell Area Recreation Authority met with representatives from the Wege Foundation, which included former LAS Superintendent Bert Bleke, to discuss a donation of 100 plus acres of land to the community located on the east side of Alden Nash between Foreman and Vergennes. This land would be utilized in part for community recreation opportunities. Approximately 25 acres would be green space and 55 to 60 acres for community recreation. This would include the YMCA having a facility providing a swimming pool. This is based on a collaborative effort amongst the governmental entities to provide community wide recreation on the property.

Those present felt the first step would be to establish a community wide recreation master plan which not only considers this property, but also other parks in both the townships and the city.

This group will be meeting again on March 29 and the proposal will require some action within a year. Peter Wege had asked there be progress on this to keep the land donation. This provides an initiative for the community to determine if recreational development can occur and then also the operating of facilities such as ballfields.

Councilmember Pfaller stated the consensus of the groups was to raise the capital funds for a facility would be easy as compared to the challenge of the maintenance. This is a great opportunity for the Lowell community to add to its public assets.

Perry Beachum, 924 Riverside Drive, noted this is being brought to the City Council as well as Lowell and Vergennes Township Boards as more of a conceptual plan at this time. This would eliminate duplicating services; and provide a community wide service.

Councilmember Shores stated she would like the City and Lowell and Vergennes Townships to work together in order to create a greater Lowell Community facility.

At this time, this is information only. The Council will continue to be updated.

Item #5. **LIGHT AND POWER BOARD RESPONSES REGARDING TREE REIMBURSEMENT AND PAYMENT IN LIEU OF TAXES**. There were two issues provided to the Light and Power Board, first being the cash compensation of \$17,000 for trees removed from the Bowes Road right of way. In a memo provided from Tom Richards, the LL&P Board was not prepared to take action on this request. The Board does request a joint worksession with the

Council, where an open dialog can be held and both bodies can work together toward a cooperative solution to resolve these concerns and related issues.

Dave Austin, Chairman of LL&P Board stated no one from LL&P was present at the past Council meeting when this was discussed. Nor was anyone at the most recent LL&P Board meeting, so a joint meeting was suggested to work cooperatively with both Boards to present a cooperatively and mutual acceptable solution.

Austin also noted on the payment in lieu of tax issue is more of a formality. Originally, there was a subcommittee of two members from the Council and two members from the Board to discuss this issue and brought a recommendation to Council for consideration. Council then provided their comments. The committee could reconvene and take Council comments into consideration and bring back a recommendation.

The Council tentatively scheduled a joint worksession for Tuesday, March 20, 2007 at 7 p.m. City Manager Pasquale will finalize this date with all Boards.

Councilmember Shores requested a joint worksession between the Council and LL&P be established periodically rather than when there is a problem. The consensus of the Council was to further discuss this at the joint meeting.

Item #6. **CITIZEN COMMENTS.** Jim Reagan, 680 Bowes Road, who is part of the Tree City USA Committee, gave a brief update on their first meeting and plans for future meetings.

Item #7. **COUNCIL COMMENTS.** Councilmember Hodges stated what a good job the Department of Public Works did on snow removal this past weekend.

Item #8. **MANAGER'S REPORT.** City Manager Pasquale reported on the following:

1. The following boards and commissions meeting minutes were provided:
 - Parks & Recreation Commission meeting of January 20, 2007
 - Grand Valley Metro Council – Transportation Policy Committee of January 17, 2007
 - Planning Commission meeting of January 22, 2007
 - Downtown Development Authority meeting of January 18, 2007
 - Lowell Light and Power and Cable TV Board meetings of January 25, 2007
2. Currently, the Parks and Recreation Commission are working with the five organizations (YMCA, Lowell Youth Football, Lowell Xtreme Softball, Lowell Little League and Kent County Youth Fair) to seek agreements for the park usage. A fee for parks usage has been proposed. They will meet with each group and bring the agreements to the Council for final approval.

3. Dates for Mayor Exchange with the City of Portland are Thursday, May 10 here and Tuesday, May 15 in Portland.

Item #9. **APPOINTMENTS**. None.

IT WAS MOVED BY SHORES to adjourn at 8:02 p.m.

DATE:

APPROVED:

Charles R. Myers, Mayor

Betty R. Morlock, Clerk