

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

For the Regular Meeting of Monday, **DECEMBER 3, 2007.**

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

Present: Councilmembers Hodges, Pfaller and Shores.

Absent: Mayor Myers and Mayor Pro Tem Mathews.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Police Sergeant James Hinton, Lowell Light and Power General Manager Tom Richards, Councilmembers Elect Jeff Altoft and Sharon Ellison.

IT WAS MOVED BY HODGES and seconded by PFALLER to excuse the absences of Mayor Pro Tem Mathews and Mayor Myers.

YEA: 3. NAY: 0. ABSENT: 2. MOTION CARRIED.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the minutes of the November 19, 2007 regular meeting as written.

YEA: 3. NAY: 0. ABSENT: 2. MOTION CARRIED.

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

Councilmember Pfaller questioned the amount paid to Grand Valley Metro Council of \$1,726.00. Is this a one time payment for the calendar or fiscal year? City Manager Pasquale responded this is a one time payment. However, he was unsure of the exact time period it covered, but would check into it.

YEA: Councilmembers Hodges, Pfaller and Shores.

NAY: None. ABSENT: Mayor Pro Tem Mathews and Mayor Myers. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (12/03/07)</u>	
GENERAL FUND	\$174,468.91
MAJOR STREET FUND	483.08
LOCAL STREET FUND	116.23
DDA FUND	14,710.94
AIRPORT FUND	81.52
WASTEWATER FUND	35,350.94
WATER FUND	8,822.19
LOWELL CABLE TV FUND	16,201.00
DATA PROCESSING FUND	1,892.91
EQUIPMENT FUND	5,159.70
CURRENT FUND	3,776.55

Item #1. **UPDATE ON GRINDLE DRIVE DRAINAGE ISSUE.** Mayor Pro Tem Mathews raised concern regarding significant amounts of muddy water coming south on Grindle north of Fun Street affecting City residences as well as the road itself. Since this section is in Vergennes Township, City Manager Pasquale talked to Supervisor Tim Wittenbach about the paving of this section and sharing the cost with the Kent County Road Commission. He mentioned that the township is committed to improvements on Fallasburg Park Road and has no funds available.

On October 2, DPW Director Dan DesJarden and Pasquale met with Jon Rice, Managing Director of the Kent County Road Commission at the site. Rice said that without township participation, the KCRC can do no major improvements.

But, in reviewing the road, the Road Commission provided the following: regrading the road section to a ditch and installing a culvert. A buried culvert was found that the Commission replaced in the same location.

With this work, water is being collected before it enters the City. If this is not resolved, the raising of the Grindle – Fun intersection by asphaltting can be accomplished.

From the initial review, it appeared the improvements are resolving the condition. DesJarden provided pictures showing the improvements. DesJarden stated with the recent rains, it appeared to be doing its job. However, if needed the intersection could be raised at Fun and Grindle by a couple inches.

Item #2. **REZONING – 600 SOUTH BLOCK OF EAST MAIN STREET AND 700 E. MAIN – FROM R-3 (MULTIPLE FAMILY RESIDENTIAL) TO C-3 (GENERAL BUSINESS) – RECOMMENDATION FROM THE PLANNING COMMISSION.** The Planning Commission received a request from Scott McDowell for commercial zoning so he could establish a window and siding business at 610 E. Main Street. The Commission decided to include the entire 600 south side block of E. Main as well as 700 E. main (Keiser's) for rezoning from R-3 (Multiple Family Residential) to C-3 (General Business).

The Planning Commission held a public hearing on November 26. Letters were received from the owners of 610 E. Main not wanting rezoning and Scott McDowell who expressed no further interest. Also, several neighboring property owners stated their opposition to the rezoning at the hearing.

The Commissioners felt that a mixed use zoning as proposed in the newly adopted Master Plan emphasizing residential and office is more appropriate than strictly commercial zoning. Also, providing commercial zoning to Keiser's was believed to be spot zoning.

Therefore, the Planning Commission recommended to the City Council by unanimous vote not to rezone these properties to commercial.

The Council may accept the recommendation or hold a public hearing to further consider the proposal.

Councilmember Hodges believed the Commission was wise in the vote to not rezone to Commercial status at this time. He did not believe Council action was necessary.

Councilmember Pfaller noted Pasquale believes the Council should reaffirm the Planning Commissions decision. He did not believe a public hearing was necessary with the fact the petitioning party has withdrawn his request for rezoning.

IT WAS MOVED BY PFALLER and seconded by HODGES to deny the rezoning request for the 600 South Block of East Main Street and 700 E. Main from R-3 (Multiple Family Residential) to C-3 (General Business) as recommended from the Planning Commission.

YEA: 3. NAY: 0. ABSENT: 2. MOTION CARRIED.

Item #3. **COMMUNITY DEVELOPMENT BLOCK GRANT – 2008 – 2009 ALLOCATION OF FUNDS – INTIAL REVIEW.** Kent County has informed the City that an estimated \$42,829.23 in Federal Community Development Block Grant funds is available for various community projects beginning July 1, 2008.

In noting the attachments provided by the County, Block Grant funds are primarily limited to the west side neighborhoods. Over the past several years, sidewalk improvements have been pursued.

DPW Director Dan DesJarden and City Manager Pasquale recommended sidewalk be installed on both sides of North Center from West Main Street to Heffron. If further funds are available, improvement could be extended to North West Street.

Monies should be provided for North Kent Transit, totaling \$6,000 assisting senior citizens and handicapped riders.

Thus, the proposal would be:

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|---|-----------------|
| • Sidewalks on both sides of North Center from West Main to Heffron | \$36,829.23 |
| • North Kent Transit | <u>6,000.00</u> |
| | \$42,829.23 |

A public hearing will be established in January. Initial comments are sought.

Acting Mayor Shores stated she approved of the North Kent Transit allocation. This is a big asset for the community and for the people who need to use it.

Councilmember Hodges commented regarding the idea of installing sidewalk on the west side of Center Street to Laurels of Kent and then provide funds for Grindle. Councilmember Pfaller stated this can not be done because Grindle is not part of the program.

Item #4. **CITIZEN COMMENTS**. No comments received.

Item #5. **COUNCIL COMMENTS**. Councilmember Shores stated the parade was fantastic. She liked the night time parade. Everyone did an excellent job.

Councilmember Pfaller stated he received comments from individuals in the parade regarding crowd control and people getting too far out into the street. It was difficult for some who were driving vehicles. Maybe there is a better way to handle this.

Item #6. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

1. The meeting minutes for the following boards and commissions were provided:
 - Airport Board meeting of October 18, 2007
 - Parks and Recreation Commission meeting of October 20, 2007
 - Planning Commission meeting of October 22, 2007
 - Grand Valley Metro Council – Transportation Policy Committee meeting of October 17, 2007.
2. There is a joint work session with the Council and Light and Power Board for Thursday, December 13 at 7 p.m.
3. The Michigan Court of Appeals reversed the decision of the Kent County Circuit Court granting \$134,100.30 to Sundry Corporation for alleged takings damages involved in the Highland Hills Development. The Court of Appeals noted the referendum on the PUD zoning was correct and Sundry did not have any compensable losses.

Item #7. **APPOINTMENTS**. No appointments were made.

IT WAS MOVED BY PFALLER to adjourn at 7:49 p.m.

DATE:

APPROVED:

Charles R. Myers, Mayor

Betty R. Morlock, Clerk