

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

For the Regular Meeting of **TUESDAY, FEBRUARY 16, 2010.**

The Meeting was called to order at 7:30 p.m. by Mayor Hodges and Deputy City Clerk Susan Ullery called roll.

Present: Councilmembers Jeffery Altoft, Maryalene LaPonsie, Andrew Schrauben, Mayor Pro Tem Sharon Ellison and Mayor James Hodges.

Absent: None.

Also Present: City Manager David Pasquale, Deputy City Clerk Susan Ullery, Chief of Police James Hinton, DPW Director Dan DesJarden, Arbor Boardmember, Lowell Light and Power Boardmember and Planning Commissioner Jim Hall, Lowell Light and Power General Manager Greg Pierce, Elected Officers Compensation Commission Boardmembers Theresa Beachum and Barb Zandstra.

Item #1. **APPROVAL OF AGENDA.**

IT WAS MOVED BY ELLISON and seconded by LAPONSIE to approve the agenda as presented.

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

Item #2. **APPROVAL OF THE REGULAR AND CLOSED SESSION MEETING MINUTES OF THE FEBRUARY 1, 2010 MEETING.**

IT WAS MOVED BY ELLISON and supported by LAPONSIE to approve the minutes of the regular meeting of February 1, 2010 meeting as corrected.

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

IT WAS MOVED BY LAPONSIE and supported by SCHRAUBEN to approve the minutes of the closed session meeting of February 1, 2010 as presented.

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

Item #3. **APPROVAL OF THE ACCOUNTS PAYABLE.**

IT WAS MOVED BY ELLISON and supported by ALTOFT that the bills and accounts payable be allowed and the warrants issued.

YEA: Councilmembers Altoft, LaPonsie, Schrauben, Mayor Pro Tem Ellison and Mayor Hodges.

NAY: 0. ABSENT: 0. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (02/16/2010)</u>	
GENERAL FUND	\$41,907.81
MAJOR STREET FUND	4,244.39
DOWNTOWN DEVELOPMENT	2,502.83
CITY HALL CONSTRUCTION	300.00
AIRPORT FUND	2,192.37
WASTEWATER FUND	4,803.84
WATER FUND	18,499.23
DATA PROCESSING	1,518.34
EQUIPMENT FUND	2,363.10
CURRENT TAX FUND	34,336.07

Item #4. **CITIZENS COMMENTS FOR ITEMS NOT ON THE AGENDA.** No comments were received.

Item #5. **ORDINANCE IMPOSING MORATORIUM ON THE SALE AND DISPENSATION OF MEDICAL MARIJUANA – PUBLIC HEARING.** As discussed previously with Police Chief James Hinton, a six month moratorium on the sale and dispensation of medical marijuana has been proposed. The purpose would be to have the issue addressed on a regional basis. City Attorney Richard Wendt is working with a group of West Michigan municipal attorneys on this providing a uniform measure.

Hinton requested the City Council approve the ordinance to impose the moratorium for the sale or dispensary of medical marijuana. He noted this would be for a period of six months only. It does not mean the City will have an ordinance, but rather stepping back and allowing legal council to review and provide an opinion at a later time.

Councilmember Schrauben questioned Section 4 of the ordinance. It states “the Council having determined its adoption is an emergency affecting public peace, health and safety”. He questioned the definition of “emergency”. Hinton was unsure of the legal definition. However, he attended the Police Chiefs conference last week where he learned there are many municipalities in other states with similar laws as Michigan. Without an effective ordinance in place, the City could possibly see an increase in different property and personal crimes such as breaking and entering, assaults, and home invasions. Such issues could affect public peace, health and safety of the public. Hinton was unsure of the legal definition of “emergency”. Pasquale noted this term has been used in other community ordinances as well.

The matter should be enacted soon.

Councilmember LaPonsie interpreted “emergency” as the City does not have an ordinance in place. Therefore, there is nothing to regulate. She questioned if the word “emergency” needed to be included. While at the same time, she hated to remove it only to find out it is legally required in order for the ordinance to have immediate effect.

LaPonsie questioned if the issue could be placed on the agenda in three months for an update, considering there is a six month moratorium. Hinton explained he has received information from MACP and IACP on the issue of medical marijuana. Michigan law is slightly different than other states. Hinton noted it is very confusing the way the state law is drafted, adding another reason to review the state law and determine how we can serve the citizens of the City of Lowell.

Mayor Hodges noted the moratorium could last up to six months. However, it could also be resolved prior to the time limit.

IT WAS MOVED BY ELLISON and supported by SCHRAUBEN to adopt the ordinance to impose a six month moratorium on the permit licenses approval for the sale or dispensation of medical marijuana within the City of Lowell.

YEA: Councilmembers Altoft, LaPonsie, Schrauben, Mayor Pro Tem Ellison and Mayor Hodges. NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #6. **REPORT FROM THE ELECTED OFFICERS COMPENSATION COMMISSION REGARDING THE MAYOR AND CITY COUNCIL AS WELL AS THE LIGHT AND POWER BOARD.** Mayor Hodges explained the citizens of Lowell have a group of five citizens at large which review the compensation received by the City Council as well as the Mayor. He requested the Elected Officers Compensation Commission also consider the Light and Power Board.

Committee members Teresa Beachum and Barb Zandstra were present. Beachum noted Barb Vezino and Pat Horn were both unable to attend the meeting.

Beachum read the following into record:

Discussion centering on the compensation package for the City Council and the Mayor, with ensuing recommendation:

The committee wanted to recognize the vast improvement that has taken place in communication between the City Leaders and the residents at large. We commented on the effectiveness of the Lowell Chamber of Commerce leadership in putting together the campaign entitled “Lowell, The Next Place to Be”. Lowell remains a community with vitality and strong marketing leadership. The City Council and the Mayor have contributed to a very positive climate in Lowell’s business and residential communities. The Council and the Mayor continue to work hard to maintain the vitality of this community even during the difficult times of reconstruction and a depressed economy.

Recognizing the hard work that this council and our mayor have given to improve the wellbeing of all sectors of our community, the commission felt reluctant to propose any raises that might jeopardize the stability and relationships that have been forged. While others are struggling to manage with less, we did not wish to give any false impression of lack of concern by giving raises at a time when the economy did not even allow a cost of living raise for Social Security recipients.

Therefore: by unanimous affirmation of those present, we recommend that the compensation package for Council Members remain at \$38.00 per meeting up to 35 meetings for a maximum annual compensation of \$1330.00. We further recommend that the Mayor continue at the current level of \$43.00 per meeting up to 35 meetings for a maximum annual compensation of \$1505.00. The Compensation Commission will conduct further review in preparation for the 2011 – 2012 fiscal year and bring its findings to the City Council in early 2011.

Discussion and review of Lowell Light and Power Compensation, with recommendation:

In preparation for our discussion of Lowell Light and Power Board's compensation package, the commission looked at the charter and reviewed the job description for this board. We reviewed the present compensation package established by Council resolution in 1997, and spoke with Greg Perce, Lowell Light and Power General Manager. We determined that the Board held, in addition to its 12 monthly meetings, 3 to 4 work sessions and between 2 to 5 special meetings annually. Some of these special meetings follow the regular meeting thus making for a very long evening.

We also recognized that the past year or so has been very positive, with the board coming together in productive and constructive ways. The positive nature of the boards working climate has radiated into the community and the boards work is greatly appreciated. It is evident to use that this board wishes to be productive in ways both valued by the community and supportive of the changes in the industry. We are grateful for all their hard work and for the leadership that Greg Pierce brings to the table.

The concern to be responsive to the board and to remain cognoscente of the economy has led us to the following recommendation to the Council and our honorable Mayor Jim Hodges.

We recognize that a more consistent and regular review of the LL&P Board's compensation package is in order. The last review was conducted in 1997 resulting in the current pay package of \$25.00 per meeting for 13 meetings, not to exceed \$325 per year. The economic climate at this time is not conducive to any major revisions of that package. However, we wish to recommend that the present level of remuneration (\$25/meeting for 13 meetings maximum) be changed to reflect the inclusion of 3 additional meetings paid at the current level of \$25.00 per meeting, bringing the total number of meetings to 16, with annual compensation not to exceed \$400.00 (Vote: 3 yes, 1 abstention).

We further recommend that the council authorize the Elected Officers Compensation Commission to review Lowell Light and Power Board compensation at the time of their next session to review the compensation of the Council and the Mayor.

Mayor Hodges thanked everyone and appreciated their time and effort.

IT WAS MOVED BY ALTOFT and supported by SCHRAUBEN to grant Lowell Light and Power Boardmembers an adjustment staying at \$25 per meeting but increasing the number of meetings to 16.

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

It was noted that there was no action necessary involving the compensation of the Mayor and City Council.

Item #7. **DOWNTOWN STREET LIGHTS – CONVERSION TO CFL FIXTURE - PRESENTATION.** DPW DesJarden explained the City is beginning to replace its globes on street lights throughout the downtown area. He presented the issue to the DDA last month as well as attempting to secure funds to replace the globes. Placement of the decorative street lights began in the 1995 – 1996 budget year. The globes have begun to deteriorate and crack creating a public hazard.

Over the last several years, there has been much discussion concerning light trespassing. With this in mind, DesJarden requested a similar globe but with a reflective top inside. It is also a retrofit and has a configuration with a deflector on the bottom. This raises the light bulb up closer to the reflector.

DesJarden reviewed the prices of the globes noting it would cost \$212 to replace the original globe and \$278 for a globe with a reflector. A globe with a retrofit and bulb utilizing the ballast in the system with metal halide \$475. DesJarden noted DDA, Lowell Light and Power and the DPW have already been experimenting with CFL. Another fixture noted was a retrofit with a CFL. This would be a good fit for the City and would adapt to the light poles. The CFL are good because the bulbs can simply be changed if there is too much light trespassing. DesJarden wished to order five globes place these in the Avery Street parking lot directly north of City Hall. A 55 watt CFL would be placed to see how much light actually travels down. The bulb can be dropped down to a 42 or 30 watt if the lighting is too bright. Converting the lights to CFL's will provide the City with a savings in energy cost. DesJarden believed this would be a good fit for the downtown area.

In 2005, the DDA approved a \$20,000 project where 175 metal halide lights were converted to 100 watts. Since September 2009, \$23,000 has already been saved in electrical costs.

DesJarden asked for direction and support from the Council in order to move further and seek funding.

City Manager Pasquale explained the DDA has the funds to make the changes for the lighting. The Board will meet on March 4, 2010 to consider changes.

DesJarden also noted there are several CFLs already throughout the City. He indicated the area on N. Monroe, N. Washington from Main to Fremont and the entire field at the fairgrounds south of Bowes Rd to the river all have CFLs. Also, several months ago the lights in the parking lot near the Chamber of Commerce were changed to CFLs. No complaints have been received.

Councilmember LaPonsie noted the Planning Commission has been working hard to reduce light trespassing. She appreciated the work done by DesJarden.

By general consensus, the City Council agreed to new lighting being placed in the Avery street parking lot while waiting for feedback from the community and Council.

Item #8. **MONTHLY REPORTS.** Councilmember Schrauben noticed there are many budgeted items at 140 to 200 percent of planned expenditures and questioned when this would be addressed. City Manager Pasquale explained it will be addressed as part of budget amendments for anything over and under. It will be brought back to the City Council at that time.

Mayor Pro Tem Ellison commented on the water report which remains the same. Mayor Hodges explained the City knows how much water is being produced from the Water Treatment Plant. The City also has an idea of how much water the Wastewater Treatment Plant is processing. However, it is significantly more than the water produced. The City is reviewing where this extra water is coming from.

Item #9. **CITY MANAGER'S REPORT.** City Manager Pasquale reported on the following:

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

- Airport Board meeting of November 3, 2009
- Look Memorial Fund meeting of June 10, 2009
- Arbor Board meeting of October 26, 2009
- Chamber of Commerce meeting of January 12, 2010

Pasquale noted the LARA Board now meets at the Chamber of Commerce every month rather than rotating amongst the City Hall and townships.

2. Grants received.....

- Lowell Area Community Fund - \$45,300 for Amity Street sidewalks (school route)
- Arbor Day Mini Grant – Michigan Department of Natural Resources and the Michigan Arbor Day Alliance - \$200
- U.S. Homeland Security - \$45,000 to Lowell Area Fire Department for
 - 15 sets of turnout gear (pants and coats)
 - thermal image camera
 - 28 new helmets
 - 28 new hoods
 - 28 fire gloves
 - 28 leather boots

Item #10. **COUNCIL COMMENTS**. Councilmember Schrauben noted there is a vacant seat to serve on the Lowell Area Recreation Authority Board. A representative can be from Lowell or Vergennes Townships or the City of Lowell.

Mayor Pro Tem Ellison congratulated the DPW on the fine job done with the snow removal during the recent storm.

Mayor Hodges noted the Chamber of Commerce will recognize "Persons of the Year" Dave and Jan Thompson and all the great work they have done for the community. Also, the "Business of the Year" will be recognized by Dr. Jim Reagan and the fine work he and his staff do. Hodges also noted the unsung hero is always Liz Baker and the work she does with the Chamber of Commerce.

City Manager Pasquale mentioned the passing of BJ Thompson. She served on the Planning Commission for many years as well as being a teacher in the Lowell system for a number of years. She was a very valuable member to the Planning Commission.

Item #11. **APPOINTMENTS**. Mayor Hodges noted there is still a vacancy on the Planning Commission. Interested parties should submit a letter of interest to City Clerk Betty Morlock. Also, the City is anticipating a couple openings in the summer.

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

DATE:

APPROVED:

James W. Hodges, Mayor

Betty R. Morlock, Clerk