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MEMORANDUM

TO: Lowell City Council

FROM: Mark Howe, City Manager

RE: Council Agenda for Monday, August 5, 2013

1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL
2. APPROVAL OF THE AGENDA
3. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)
 - a. July 15, 2013 – Regular Meeting
 - b. July 15, 2013 – Closed Session
4. APPROVAL OF ACCOUNTS PAYABLE
5. CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA
6. OLD BUSINESS
 - a. Pending Council Projects Report

The report is attached for your review.

7. NEW BUSINESS
 - a. North Kent Transit Services Contract

We have allocated \$3,000 of our Community Development Block Grant toward North Kent Transit Services to provide transportation for senior citizens and the disabled. The services are provided by Hope Network West Michigan who contracts with the city to receive the funds and provide the services. The contract is for a one-year period beginning July 1, 2013.

Recommended Motion: That the Lowell City Council approve the contract with Hope Network West Michigan to provide transportation services through North Kent Transit for Lowell city residents.

- b. Resolution 12-13 Amending Resolution 03-13 Placing Amendment to Section 4.1(C) of Chapter 4 of the City Charter before the voters at the November 5, 2013 General Election

Items (b) and (c) are related so I will provide an explanation for each item here even though separate action will be needed for both resolutions. You have previously adopted resolutions that will put a charter amendment before city voters at the November election that will clarify when newly elected council

members begin their term of office. There are conflicting provisions in the charter because it requires the council's organizational meeting to be held in January of each year with council terms beginning on Monday following the election in November. There is this gap between November and January where, theoretically, you have not selected a Mayor. The past practice has been that council members have not started their terms of office until January but following the last election we found that to be inaccurate as well as the inconsistencies stated above.

The prior resolution you adopted was reviewed by the Attorney General's office who stated that we had to resolve the conflict for council members who are currently elected to terms that end in November, 2013, and November, 2015. The city attorney has worked with the Attorney General's office and they have approved the language being presented to you.

Recommended Motion: That the Lowell City Council adopt Resolution 12-13.

- c. Resolution 13-13 Amending Resolution 04-13 Placing Amendment to Section 4.9(A) of Chapter 4 of the City Charter before the voters at the November 5, 2013 General Election

Recommended Motion: That the Lowell City Council adopt Resolution 13-13.

- d. Resolution 14-13 Placing Amendment to Section 13.3(A) of Chapter 13 of the City Charter before the voters at the November 5, 2013 General Election

The charter currently limits the council's authority to contract to ten years. This becomes problematic when considering contracts with other units of government where state law allows longer terms or for the sale or lease of property when infrastructure improvements are needed on the property. The most recent case in point is the lease of a portion of the parcel behind the Moose Building where the DDA would like to construct a new parking lot. An investment in asphalt and curb and gutter that might last 30 years does not make sense when the lot can only be leased for a 10-year period.

The language being proposed would extend the authority to contract for periods longer than 10 years under limited circumstances.

Recommended Motion: That the Lowell City Council adopt Resolution 14-13.

- e. Ordinance No. 13-03, Zoning Ordinance Amendment – Chapter 20: Signs

The planning commission has spent several months working on revisions to the sign section of the zoning ordinance. Attached is a memo from Brian Wegener of Williams and Works outlining the major changes.

Recommended Motion: That the Lowell City Council adopt Ordinance No. 13-03 to amend the Chapter 20 of the Zoning Ordinance.

- f. Zoning Board of Review

You will need to convene a meeting of the Zoning Board of Appeals to consider the following variance requests.

- i. Variance Requests: 403 W Main Street –BP Gas Station

Beacon Blvd Corporation has requested several variances to the zoning ordinance for a site plan that will be reviewed by the planning commission. Please see detail and recommendations in the attached July 15, 2013, memo from Andy Moore of Williams and Works.

8. COUNCIL COMMENTS

Chris Schwab	Lowell Area Fire and Emergency Services Authority
Jim Hall	Planning Commission Downtown Historic District Commission
Andrew Schrauben	Lowell Airport Board Parks and Recreation Commission Lowell Area Recreation Authority
Sharon Ellison	Arbor Board LCTV Endowment Board Downtown Development Authority
Jim Hodges	Lowell Light and Power Chamber of Commerce Board of Directors Look Memorial Fund

9. MANAGER'S REPORT

The report is attached for your review.

10. APPOINTMENT(S)

	<u>Expires</u>
Arbor Board Vacancy (Dana Chase moved)	06/30/2014
Planning Commission Vacancy (Al Mathews moving)	06/30/2016 (3 yrs.)
Downtown Historic District Commission Vacancy (Dr. Bob Reagan, deceased)	01/01/2014

11. CLOSED SESSION

a. Union Negotiations

We will need to go into closed session as allowed under the Open Meetings Act (MCL 15.268 (c)) to discuss union negotiations.

12. ADJOURNMENT