

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
TUESDAY, JANUARY 20, 2015, 7:00 P.M.**

1. **CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL.**

The Meeting was called to order at 7:00 p.m. by Mayor Hodges and roll was called by Deputy City Clerk Susan Ullery.

Present: Councilmembers Jeff Altoft, Sharon Ellison, Jim Hall, Matt Mayer and Mayor Jim Hodges.

Absent: None.

Also Present: City Manager Mark Howe, Deputy City Clerk Susan Ullery and Police Chief Steve Bukala.

2. **APPROVAL OF THE AGENDA.**

IT WAS MOVED BY ALTOFT and seconded by MAYER to add "Item C" under "New Business" "Resolution to eliminate legal counsel from the law firm of Abbott and Nicholson, John McGlinchy and pursue legal counsel from previous law firm that used to negotiate contracts before Mark Howe".

YES: 2. (Councilmembers Altoft and Mayer)

NO: 3. (Councilmembers Ellison, Hall and Mayor Hodges)

ABSENT: None. MOTION FAILED.

IT WAS MOVED BY MAYER and seconded by ALTOFT to add "finish the City Managers evaluation and discuss his performance" under "Closed Session".

YES: 3. (Councilmembers Altoft, Mayer and Mayor Hodges)

NO: 2. (Councilmembers Ellison and Hall) MOTION CARRIED.

IT WAS MOVED BY ELLISON and seconded by HALL to approve the agenda as amended.

YES: 5. NO: 0. ABSENT: 0. MOTION CARRIED.

3. **APPROVAL OF MINUTES OF THE PREVIOUS MEETING(S).**

IT WAS MOVED BY ELLISON and seconded by HALL to approve the regular minutes of the January 5, 2015 meeting as written.

YES: 5. NO: 0. ABSENT: 0. MOTION CARRIED.

IT WAS MOVED BY ELLISON and seconded by HALL to approve the closed session minutes of the January 5, 2015 meeting as written.

YES: 5. NO: 0. ABSENT: 0. MOTION CARRIED.

4. **APPROVAL OF THE ACCOUNTS PAYABLE.**

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

YES: Councilmembers Altoft, Ellison, Hall, Mayer and Mayor Hodges.

NO: None. ABSENT: None. MOTION CARRIED.

**BILLS AND ACCOUNTS PAYABLE (01/20/2015)**

General Fund	\$30,928.71
Major Street Fund	2,369.89
Local Street Fund	2,365.43
Downtown Development	1,918.04
Designated Contributions	3,285.00
Airport Fund	3,232.52
Wastewater Fund	7,654.62
Water Fund	3,283.76
Data Processing Fund	4,694.52
Equipment Fund	1,703.92
Current Tax Roll	339,532.45

5. **CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.**

City of Lowell Mechanic and Cedar Spring resident Ralph Brecken was present as a DPW representative. He provided the Council with information regarding individual contracts as described by MERC Board of Appeals and respectfully asked the Council to uphold the City's portion of said contracts.

Rachel Van Veelen, wife of Water Treatment Plant Superintendent Brian VanVeelen, voiced her concerns regarding the appeal the City of Lowell made on behalf of Judge Doyle O'Connors ruling. The appeal has since been reviewed and the Michigan Employee Relations Commission denied the City's appeal. She urged everyone to move forward in a productive manner.

6. **OLD BUSINESS.**

A. Strategic Plan Update. No updates were provided.

B. Pending Council Projects Report. A letter and report will be forwarded to the Council that was submitted to the DEQ.

7. **NEW BUSINESS**

A. Mixed Use Ordinance. The Planning Commission has spent several months developing language for a mixed used district. Mixed use allows for a combination of residential and commercial uses in areas where there is already a transition between commercial uses, such as downtown, and residential uses, such as neighborhoods. In addition to developing the language, the planning commission has identified

an area to be rezoned to the newly designated Mixed Use district. These areas have been identified in the city Master Plan to be converted to this type of use.

The planning commission has taken a very deliberate approach to developing this section of the zoning ordinance. Several discussions have taken place during regular planning commission meetings. Property owners impacted by the changes have been invited to attend these meetings as well as a Saturday morning walking tour of the area. The formal process began in December to set a public hearing which was conducted in January. Following the public hearing the planning commission recommended that you adopt the changes to the ordinance and rezone specific properties to this new district.

The language and district are being presented for your information and discussion. The City anticipates this will be put into ordinance amendment form and to ask for adoption at your next meeting.

- B. Developmental Liquor License. Main Street BBQ is applying for a developmental liquor license for its proposed facility on the 200 block of east Main Street. A developmental liquor license is a special license allowed in a Downtown Development District based on public and private investment during the past five years. One license for every \$200,000 in public/private investment is allowed under the act. There has been more than \$32 million in public and private investment in the Lowell DDA during the previous five-year period.

Larkins Restaurant owner Mike Larkin wanted the Council to consider whether or not these developmental liquor licenses would decrease the value of the other businesses in town that are already established.

Howe explained part of the application for a developmental liquor licenses is they have to go through the process of showing the liquor control commission whether or not there are escrow licenses available. Police Chief Bukala explained developmental liquor licenses are based on an area that is set aside by the DDA. Through his research, State licenses are based on population. Therefore, the City of Lowell can only have four. However, businesses can pursue a developmental liquor license as another approach. This seems to be in their best interest.

Councilmember Altoft wanted more time for discussion. He did not want to decrease the value of other licenses in the City.

Councilmember Ellison stated much money is being invested in the renovation of this building and believed such a restaurant would benefit the downtown area.

Restaurant owner Erin VanEpps explained this license is a \$22,000 investment for them. There seems to be a lot of interest for a new restaurant in the City of Lowell.

IT WAS MOVED BY HALL and seconded by ELLISON to adopt resolution 02-15 approving a developmental liquor license for Main Street BBQ at 210 East Main Street.

YES: Councilmembers Ellison, Hall and Mayer Hodges.

NO: Councilmembers Altoft and Mayer.

ABSENT: 0. MOTION CARRIED.

8. **MONTHLY REPORTS.** No comments were received.

9. **COUNCIL COMMENTS.**

Councilmember Altoft stated the Airport meeting went well. He commented on the plane accident near the Lowell City Airport as well as the MERC meeting he attended. Altoft voiced his concerns regarding the union negotiations.

Councilmember Hall stated the Planning Commission approved the mixed use ordinance. Lowell Area Recreation Authority will meet on January 26, 2015.

Councilmember Ellison stated the Historic District Commission approved a grant to assist Larkins Other Place with repairs to the theater.

Mayor Hodges stated Lowell Light and Power Board met. The bio-digester continues to move forward to full operation. The boardmembers continued to review policies. The Chamber of Commerce Board of Directors met last Tuesday. Much of the discussion was in regards to their annual dinner of recognizing various businesses within our community. The annual dinner will be held on May 20, 2015. Nominations for "Person of the Year" should be submitted to the Chamber of Commerce by February 6, 2015. The Look Memorial Fund will meet in April.

10. **MANAGER'S REPORT**

1. We held our first monthly communications meeting last week with supervisors including representatives from the wastewater treatment plant and light & power. The purpose of the meetings is to enhance communication among supervisors on projects and issues to build a more cohesive team approach to our service to the city.
2. The Michigan Employment Relations Commission (MERC) met last week to review the recommended order regarding the unfair labor practice charges filed by the IBEW in 2013. My understanding is that the commission accepted the recommended order on all counts with the exception of paying a \$1.00 per hour pay increase for water certifications. I will forward a copy of the final order to you when I receive it.

Each day I make decisions about the operations and future of this organization affecting its citizens and the community. In this case, a decision I made to withhold a \$1,000 off-schedule pay increase and actions relating to that decision was found to be in violation of the Public Employment Relations Act. I apologize for that decision and my actions in this matter and believe that it does not minimize my accomplishments thus far or cast a shadow over the many great things we can accomplish by working together.

3. We will be interviewing six candidates for the Director of Public Works position.

11. **APPOINTMENTS.**

Board of Review  
Alternate Vacancy -

Construction Board of Appeals  
Vacancy –

12. **CLOSED SESSION**

A. Union Negotiations

IT WAS MOVED BY ELLISON and seconded by HALL to move to closed session at 7:39 p.m. as allowed under the Open Meetings Act MCL 15.268(c) to discuss union negotiations and personnel.

YES: Councilmembers Altoft, Ellison, Hall, Mayer and Mayor Hodges.

NO: 0. ABSENT: 0. MOTION CARRIED.

Council returned to open session at 8:06 p.m.

IT WAS MOVED BY ELLISON to adjourn at 8:07 p.m.

DATE:

APPROVED:

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James W. Hodges, Mayor

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Susan S. Ullery, Deputy City Clerk