

To: Mayor and the Members of the City Council

From: David M. Pasquale

SUBJECT: Agenda for the January 4, 2010 meeting

PLEASE NOTE: Reelected Councilmember Jim Hodges and Maryalene LaPonsie as well as newly elected Councilmember Andrew Schrauben will be sworn in before the Council transacts any business.

1. Call to order, pledge of allegiance, roll call.
2. Election of Mayor and Mayor Pro Tem. As now required by the newly adopted City Charter amendment, the election of the Mayor and Mayor Pro Tem by Council is held at this meeting. I will preside at the meeting until a selection is made.
3. Approval of the Agenda.
4. Approval of the regular minutes of the December 21, 2009 meeting.
5. Approval of the Accounts Payable.
6. Citizens comments for items not on the agenda.
7. Annual authorization of signatures for city bank accounts and designation of depository banks; review and adoption of City Council rules of procedure, determine time of the day that City Council meetings are held; Councilmember appointments. There is a need for the City to annually designate its depository banks and authorize signatures for the coming year.

The following designations are recommended:

a. Authorized signatures:

Mayor  
Mayor Pro Tem

City Manager David Pasquale  
City Treasurer Suzanne Olin  
Police Chief James Hinton  
Deputy City Treasurer Lori Gerard

b. Safety Deposit Box:

Betty Morlock  
Susan Ullery  
Luanne Wisniewski

c. Depository Banks:

Comerica Bank-Grand Rapids  
Huntington Banks

(Grand Rapids)  
(Lowell)

National City Bank	(Grand Rapids)
Fifth Third Bank	(Lowell, Ada, Grand Rapids)
Bank One-Grand Rapids	(Ada, Grand Rapids)
Standard Federal Bank	(Ada, Grand Rapids)
Firstbank	(Lowell)
Mercantile Bank of West Michigan	(Wyoming)

Also, the City Council approved rules of procedure for its meetings on May 5, 2003 and last reviewed on January 7, 2008. Attached is a copy of the rules which were approved. Under Section F.1. (Adoption and amendment of rules of procedure), these rules will be placed on the agenda of the first meeting of the Council following the seating of the newly elected Councilmembers for review and adoption.

As adopted by Charter Amendment last November, "Provide the time of day that City Council meetings shall beheld shall be determined at its first meeting in January following each City election". Currently, meetings are scheduled for 7:30 p.m.

In addition, the Council needs appointments from its own membership to the following:

- Zoning Board of Appeals Chair
- Parks and Recreation Commission member
- Lowell Area Recreation Authority member
- Planning Commission member
- Light and Power Board – representative

8. Grand Rapids Community College – collection of summer property taxes for 2010. As recently carried out for the Kent Intermediate School District, Grand Rapids Community College has requested that the City collect the summer property taxes for the district. As part of a continuing resolution, the City collects the GRCC's property taxes at no fee but is able to keep the interest earned during the bank deposit before distributing these monies.

Thus, I recommend that the current policy for collecting GRCC summer property taxes be maintained and a resolution be passed.

9. Update on the Lowell Area Historical Museum. Pat Allchin, Executive Director of the Lowell Area Historical Museum, will present a brief update on the past year's activities at the Museum.

10. ZONING BOARD OF APPEALS

- A. Schneider Manor (725 Bowes) – front yard variance for the construction of a 76' x 36' office-maintenance building – public hearing. Schneider Manor wishes to construct a 2736 square foot office-maintenance building. The property is zoned R-3 (Multiple Family Residential) and requires a 30 foot front yard setback from the Grand Street right of way. Schneider Manor wishes to provide a 15 foot setback and therefore requires a variance.

At its November 23, 2009 meeting, the Planning Commission reviewed the site plan as well as the variance request. The Commission approved the site plan subject to the variance being granted. Further, the plan should show handicap

access and landscaping. The variance was recommended unanimously by the Commission as meeting the stated criteria.

After receiving public comments, the ZBA may consider the variance.

11. Federal Community Development Block Grant – 2009-2010, 2010-2011 Allocations of Funds – public hearing. As noted at the last meeting, Kent County has informed the City that \$25,073.40 remains unallocated in the current 2009-2010 year for Federal Community Development Block Grant funds. Further, \$31,186 will be allocated for projects in the 2010-2011 year starting July 1, 2010.

For the current 2009-2010 year, I have recommended these funds be directed to the Sibley Street road and sidewalk improvements project to conserve local Street Construction Funds. If approved, the budget for Sibley would be as follows:

Proposed Expenditures		Revenue	
Road	\$184,000	CDBG-R (stimulus)	\$140,000
Walks	<u>39,000</u>	CDBG	25,073
Sub total:	\$223,000	Local Street Construction Fund	<u>101,927</u>
Contingencies			\$267,000
@ 5%	\$ 11,000		
Engineering			
@ 15%	<u>33,000</u>		
	\$267,000		

The project estimates are conservative and competitive bidding could lower these. If lower, CDBG and Local Street Construction Fund dollars could be reallocated.

With the 2010-2011 CDBG funds, \$6,000 once again would be allocated to North Kent Transit for senior citizens and handicapped riders. The remaining \$25,186 can be directed to either the North West Street sidewalk improvement (total estimate \$30,000) or milling and repaving South Pleasant and South West streets between Bowes and West Main (total estimate \$100,000). Please note that improvements to Sibley west and North Center will require more analysis and added funds.

A public hearing has been advertised for this meeting. The following wording was provided:

2009-2010 CDBG funding:

- Sibley Street road and sidewalk improvements between Valley Vista Drive and North Center Street \$25,073.40

2010-2011 CDBG funding:

- North West Street sidewalk improvements \$25,186.00
- or
- Milling and repaving of S. Pleasant and S. West Streets
- North Kent Transit assistance to senior citizens and Handicapped riders \$ 6,000.00
- \$31,186.00

After receiving public comments, the Council may consider allocation of these funds.

North Kent Transit has proposed pooling participating local governments Block Grant funds to better utilize these allocations. NKT needs your opinion (see attached).

12. Ordinance Amendment providing for the selection and use of a single residential solid waste hauler – continued discussion. At the December 7 Council meeting, a public hearing on the single residential solid waste hauler ordinance was conducted. After receiving comments primarily from waste haulers who had concerns with such ordinance, the Council decided to hold another public hearing on Tuesday, January 19 and to further discuss the proposal at this session.

During Council discussion, the following issues were raised:

- Sec. 11.26 Definitions – a need to define small appliances
- Sec. 11.29 (c) Use of Residential Refuse Containers and Recycling Containers
  - (i) The Contractor shall provide each Residential Unit within a Residential Structure with a Recycling Container for each category of Recyclables to be collected and a Residential Refuse Container of the size selected by the owner or occupant of the Residential Unit.

-is this unreasonable?

-There should be a provision to replace stolen containers

- Sec. 11.29 (d) Collection of Residential Refuse, Recyclables and Yard Waste; Bulk Waste Collection

- (ii) The Contractor shall collect Yard Waste from Residential Structures on a monthly basis from April through October or days determined by agreement between the Contractor and the City Manager.

-include November

- (viii) The Contractor shall maintain an office for receipt of service calls and complaints. The office shall be open and available for calls Monday through Friday each week from 7:00 a.m. to 6:00 p.m.

-This appears to be unreasonable. Use normal business hours.

13. Discussion of an ordinance providing a six (6) month moratorium on any growing/dispensing of medical marijuana. With the passage of a State initiative last Fall, Police Chief James Hinton said that an ordinance should be enacted which regulates the location and operation of primary caregivers operating medical marijuana dispensaries.

In consultation with City Attorney Richard Wendt, he recommends a six month moratorium (as permitted by law) by ordinance to give the City time to consider and develop an appropriate regulation.

If the Council is interested, an ordinance can be provided which imposes the moratorium.

- 14. Council Comments.
- 15. City Manager's Report. Attached.
- 16. Appointments. The following boards or commissions positions need appointment or reappointment.

		<u>Term Expires</u>
Downtown Development Authority		
Bob Ford (resignation)	appointment	01/01/2014

- 17. Adjournment

CITY OF LOWELL  
MICHIGAN  
CITY COUNCIL  
AGENDA

FOR THE REGULAR MEETING OF THE LOWELL CITY COUNCIL  
MONDAY, JANUARY 4, 2010, 7:30 P.M.

AT  
LOWELL CITY HALL  
CITY COUNCIL CHAMBERS  
SECOND FLOOR  
301 EAST MAIN STREET

SWEARING IN REELECTED COUNCILMEMBERS JIM HODGES AND MARYALENE LAPONSIE  
AND NEWLY ELECTED COUNCILMEMBER ANDREW SCHRAUBEN

1. CALL TO ORDER; PLEDGE OF ALLEGIANCE, ROLL CALL
2. ELECTION OF MAYOR AND MAYOR PRO TEM
3. APPROVAL OF THE AGENDA
4. APPROVAL OF THE REGULAR MINUTES OF THE DECEMBER 21, 2009 MEETING
5. APPROVAL OF ACCOUNTS PAYABLE
6. CITIZENS COMMENTS FOR ITEMS NOT ON THE AGENDA
7. ANNUAL AUTHORIZATION OF SIGNATURES FOR CITY BANK ACCOUNTS AND DESIGNATION OF DEPOSITORY BANKS; REVIEW AND ADOPTION OF CITY COUNCIL RULES OF PROCEDURE; DETERMINE TIME OF THE DAY THAT CITY COUNCIL MEETINGS ARE HELD; COUNCILMEMBER APPOINTMENTS
8. GRAND RAPIDS COMMUNITY COLLEGE – COLLECTION OF SUMMER PROPERTY TAXES FOR 2010
9. UPDATE ON THE LOWELL AREA HISTORICAL MUSEUM
10. ZONING BOARD OF APPEALS
  - A. SCHNEIDER MANOR (725 BOWES) – FRONT YARD VARIANCE FOR THE CONSTRUCTION OF A 76' X 36' OFFICE-MAINTENANCE BUILDING – PUBLIC HEARING
11. FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT – 2009-2010, 2010-2011 ALLOCATIONS OF FUNDS – PUBLIC HEARING
12. ORDINANCE AMENDMENT PROVIDING FOR THE SELECTION AND USE OF A SINGLE RESIDENTIAL SOLID WASTE HAULER – CONTINUED DISCUSSION
13. DISCUSSION OF AN ORDINANCE PROVIDING A SIX (6) MONTH MORATORIUM ON ANY GROWING/DISPENSING OF MEDICAL MARIJUANA
14. COUNCIL COMMENTS
15. MANAGER'S REPORT

16. APPOINTMENTS

17. ADJOURNMENT

NOTE: Any person who wishes to speak on an item included on the printed meeting agenda may do so. Speakers will be recognized by the Chair, at which time they will be required to state their name and will be allowed five (5) minutes maximum to address the Council. A speaker representing a subdivision association or group will be allowed ten (10) minutes to address the Council.