

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

For the Regular Meeting of Monday, **NOVEMBER 1, 2004**

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

Present: Councilmembers Hodges, Myers, Pfaller and Mayor Shores.

Absent: Councilmember Mathews.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, Police Chief Jim Valentine, DPW Director Dan DesJarden, Lowell Light and Power and Cable TV Manager Tom Richards, Police Officer James Hinton and Planning Commission Chairman Clark Jahnke.

IT WAS MOVED BY MYERS and seconded by PFALLER to excuse the absence of Councilmember Mathews.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the minutes of the October 18, 2004 regular meeting as corrected.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

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

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

| <u>BILLS AND ACCOUNTS PAYABLE (11/01/04)</u> | |
|--|-------------|
| GENERAL FUND | \$89,256.46 |
| MAJOR STREET FUND | 5,112.32 |
| LOCAL STREET FUND | 1,463.40 |
| HISTORIC DISTRICT FUND | 12,917.00 |
| DDA FUND | 72.47 |
| AIRPORT FUND | 5,294.36 |
| WASTEWATER FUND | 46,428.20 |
| WATER FUND | 7,678.18 |
| DATA PROCESSING | 154.31 |
| EQUIPMENT FUND | 2,298.94 |
| CURRENT TAX FUND | 2,707.53 |

Item #1. **ZONING AMENDMENT FOR WALL AND GROUND SIGNS IN RESIDENTIAL DISTRICTS – RECOMMENDATION FROM THE PLANNING COMMISSION – ADOPT OR ESTABLISH A PUBLIC HEARING (11/15)**. The Planning Commission was approached several months ago by resident Josh Langdon (410 Hunt) regarding a zoning violation citation involving two ground signs placed in his yard. He questioned the violation based on a U.S. Supreme Court ruling. Through the City Attorney, it was found that the City could not completely prohibit ground signs in residential districts, but reasonable standards can be set.

After examining the issue, the Planning Commission proposed amendments for wall signs as well as ground signs in residential districts as follows:

- Wall signs – one square foot sign identifying the occupant or address of lot or parcel, two square feet for nameplates, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or noncombustible material
- Ground signs – one per lot or parcel no greater than three square feet, located only in the front yard and no closer to the front lot line than one-half the required setback distance as well as no higher than three feet.

After holding a public hearing on October 26, 2004, the Commission unanimously recommended to the City Council this amendment be adopted.

The Council may adopt this zoning ordinance amendment or hold a public hearing for its November 15, 2004 meeting.

IT WAS MOVED BY PFALLER and seconded by HODGES to set a public hearing for November 15, 2004 regarding a zoning amendment for wall and ground signs in the residential districts.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #2. **ZONING AMENDMENT FOR BODY SHOPS – DEFINITION AND ZONING DISTRICT DESIGNATION – RECOMMENDATION FROM THE PLANNING COMMISSION – ADOPT OR SET PUBLIC HEARING (11/15)**. Over the past several months, the Planning Commission reviewed the issue of body shops in the Zoning Ordinance. Presently, body shops are excluded within the definition of vehicle repair facilities and vehicle service stations. Thus, there is no allowance for these businesses within the Zoning Ordinance.

After consideration, the Commission proposed an amendment which included body shops within the definition of vehicle repair facilities. Also, vehicle repair facilities including body shops would be allowed by right in the Industrial District and by special land use permit in the General Business and Light Industrial Districts.

At its October 26, 2004 meeting the Planning Commission unanimously recommended to the City Council this amendment be adopted.

As with prior issue, the Council may adopt this zoning ordinance amendment at this meeting or

establish a public hearing for the November 15, 2004 meeting.

IT WAS MOVED BY MYERS and seconded by PFALLER to set a public hearing for November 15, 2004 regarding a zoning amendment for body shops.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #3. **AWARD OF BIDS – FIRE PUMPER TRUCK FINANCING.** As mentioned at the last meeting, a bid for the acquisition of a pumper fire truck to Spencer Manufacturing, Inc. of South Haven for \$277,922 has been awarded. Through funds received from Kent County and a grant from the Lowell Area Community Fund, the cost was reduced to \$34,253.50. Also, the Fire Department wished to purchase and repaint a 1988 County pumper for \$14,146.50. Thus, the total for the three year lease purchase is \$48,400 (the bid package had provided a \$48,507, which has since been corrected).

On Friday, October 22, four bids from the following financial institutions were read:

- Huntington Banks 3.1%
- Ionia County National Bank 3.44%
- Independent Bank 3.6%
- Greenville Community Bank 4.1%

After receiving these bids, City Attorney Richard Wendt and City Manager Pasquale recommended the lease purchase agreement be awarded to Huntington Banks. The loan repayment will be divided equally amongst the three jurisdictions. (Note: a 2.89% rate was received for the lease purchase of a pumper in September, 2002.)

Councilmember Pfaller stated Huntington Bank required they be named first secured party on the pumper while Ionia County Bank requires no collateral other than the full faith and credit to the City of Lowell.

Councilmember Myers noted he would abstain from discussion.

Councilmember Hodges agreed with Pfaller.

IT WAS MOVED BY HODGES and seconded by PFALLER to award the lease purchase bid to Huntington Bank of 3.1 percent for the fire pumper truck as well as the purchase and repainting of the 1988 County pumper.

YEA: 3. NAY: 0. ABSENT: 1. ABSTAIN: 1. (Myers) MOTION CARRIED.

Item #4. **MERS RETIREMENT BENEFIT INCREASE (BENEFIT PROGRAM E) FOR RETIREES.** As adopted for the last fifteen years by Council, a 2% compound benefit increase for cost of living has been provided for retirees. After reviewing the issue with City Treasurer Sue Olin and City

Manager Pasquale recommended the City again adopt a 2% increase effective January 1, 2005 for retirees through the Municipal Employees Retirement System.

Lowell Light and Power and Cable TV Manager Tom Richards believed the Council could approve the Lowell general retirees and the Boards of Light and Power and Cable Television could approve their groups respective retirees.

IT WAS MOVED BY HODGES and seconded by MYERS to approve a 2% increase for the MERS Retirement Benefit E Increase involving the Lowell general retirees.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #5. **SELECTION OF NEW SHOWBOAT LOGO**. Through the Lowell Leadership Program sponsored by the Lowell Area Chamber of Commerce, the Showboat was repainted and renovated. It was noticed during this time, a new logo for the Showboat would be appropriate. Brian Oesch, a Grand Rapids designer provided several options. The Chamber Board chose the final two logo selections. Since the City owns the boat, the Council would provide the choice.

Chamber of Commerce Director Liz Baker stated Oesch is from Grand Rapids and has provided design work for the White Caps, Meijer, Creston, Timber Creek Enterprises. The logo could be used with special events or when the boat is rented out.

Councilmember Myers was in favor of logo "B".

Baker stated the recommended colors are navy blue and red.

IT WAS MOVED BY MYERS and seconded by PFALLER to approve logo "B" for the Showboat.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #6. **CITIZEN COMMENTS**. No comments were received.

Item #7. **COUNCIL COMMENTS**. Councilmember Pfaller stated November 15, 2004 is the opening day of fire arm deer hunting. He was unsure if he would be present at the meeting.

Mayor Shores commented briefly on Councilmember Mathews accident.

Item #8. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

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

- Grand Valley Metro Council – Transportation Policy Committee meeting of August 18, 2004

- Downtown Development Authority meeting of September 23, 2004
 - Planning Commission meeting of September 27, 2004
 - Downtown Historic District Commission meeting of September 28, 2004
2. A petition for annexation involving 177 acres in an area north of Cherry Creek Elementary School, east of Alden Nash and south of Vergennes Street in Vergennes Township has been filed with the State Boundary Commission. Pasquale will keep the Council informed. He estimated the process to take approximately 4 to 6 months.
 3. The general election is scheduled for Tuesday, November 2. Don't forget to vote!
 4. A worksession involving tree removal in the right of way is scheduled for Monday, November 8 at 7 p.m. The Council was provided with a booklet prepared by DPW Director Dan DesJarden which includes ordinances from other Michigan cities.

Item #9. **APPOINTMENTS**. By general consensus City Council appointed Vance Dimmick (944 Grindle Dr.) to the Planning Commission for a term expiring June 30, 2005.

IT WAS MOVED BY MYERS to adjourn at 7:53 p.m.

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk