

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
ZOOM MEETING
MONDAY, JUNE 1, 2020, 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 DeVore and City Clerk Susan Ullery called roll.

Present: Councilmembers Cliff Yankovich, Greg Canfield, Marty Chambers Jim Salzwedel and Mayor DeVore..

Absent: None.

Also Present: City Manager Michael Burns, City Clerk Susan Ullery, Chief of Police Steve Bukala, and DPW Director Dan Czarnecki.

2. **APPROVAL OF THE CONSENT AGENDA.**

- Approval of the Agenda.
- Approve and place on file the minutes of the May 18, 2020 Regular City Council meeting.
- Authorize payment of invoices in the amount \$161,964.70

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to approve the consent agenda as amended.

YES: Councilmember Canfield, Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich, and Councilmember Chambers.

NO: None.

ABSENT: None.

MOTION CARRIED.

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

There were no comments.

5. **OLD BUSINESS**

a. **COVID 19 Issues.**

City Manager Michael Burns stated today the Governor issued a new executive order in which a couple things pertain to the City of Lowell. Next week it appears we can open up park equipment with signs stating “play at your own risk”. We can also open City Hall to the public as it looks right now. One of the requirements is to use social distancing as required and to wear masks when entering City Hall. As far as public meeting, he interrupts for gatherings of 10 indoors and anything outside can have up to 100. With that said, some as mentioned early there has been a debate of whether there can be a Council meeting in the Chambers. Our City Attorney has indicated this current executive order indicates we cannot meet but this is the City Council’s call. Burns noted applications have been sent out to all five downtown restaurants to use public space and waiting to hear back from them.

Mayor DeVore commented on indoor meetings and have more than 10 inside. Burns noted the option of meeting outside. By general consensus, the Council agreed to meet in person for the for the June 15, 2020 meeting on way or another.

b. Sidewalks.

City Manager Michael Burns presented a memo from March 2018, which spelled out the institution of our sidewalk plan. City Council wanted to see this re-implemented in 2020 when we met with Lew Bender. As you know, there were some communication issues pertaining to the original plan. There was also a concern by the previous Public Works Director that we didn't have a mechanism of enforcement once we notified residents of the deficiencies which slowed down implementation. In addition, this was trying to be implemented at a time there were some other issues that became higher priority to City Administration where this couldn't be given its due attention.

Due to the COVID-19 Pandemic, I have difficulty having out staff try to reinstitute this plan. Burns did not think now was the time for City staff to try and institute this with the amount of our residents who may be enduring tremendous hardships. Burns suggested tabling this matter until the beginning of 2021 and review it at that time.

Mayor DeVore suggested tabling the plan until the Fall of 2020. This gives us the winter to plan and inform the residents.

DPW Director Dan Czarnecki stated he would begin planning this summer and will report back by mid September.

By general concensus, Council agreed.

c. DNR Land Conversion.

City Manager Michael Burns presented a map of the area near 219 High. When we initially went to the DNR earlier this winter we went with the 263' X 7" and then the 50' X 10" property in the SW corner of 219 High. At the time they did not accept that conversion. During discussion, we could find property in the Riverwalk and add that to the encumbrance or use a portion of 238 High Street that we purchase as the use. The concern with 238 High Street if you encumber a portion of that property you run a couple risks it is you add that you might have a property that has a nonconforming use. The other issue is whatever you might want to do with that property in the future is it might restrict it by encumbering it. Therefore, the thought process was rather take a portion of it that is already park property to begin with and encumber it. We then cut out a 5,500 square foot piece and presented it to the DNR and they were fine with it. He is going to have a survey and legal done on it but wanted to bring it to the Council first.

Yankovich commented on the perception is that it appears to the public that we are giving up more and the developers are not giving anything. Mayor DeVore explained this is already park land and we are adding it to the park land under the DNR grant which only protects it more. This means it is untouchable.

Canfield stated originally we were going to get more property from the developers and we agreed to that pending DNR approval. We believed we are giving them roughly 1840 square feet and if the DEQ didn't approve, they would come up with the additional amount to make it work. DeVore stated that we are not giving up more than what we gave up than what we did when we originally agreed. The DNR approval is

protecting it more park land than we did before. This is a good thing and he would like to see all of that Riverwalk protected always.

Yankovich questioned the DNR concerns. Burns stated because the City was giving up more property than what we are getting. However, by us encumbering the additional property that we own and saying that this will be park property and perpetuity that satisfied them with going forward with the land conversion.

IT WAS MOVED BY CHAMBERS and seconded by DEVORE to re-encumber the parking land into DNR parking property.

YES: Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers and Councilmember Canfield.

NO: None.

ABSENT: None.

MOTION CARRIED.

6. **NEW BUSINESS**

a. Parking Lot Closure – First Annual Lowell Garden Sale – June 13.

Tonia North, owner of North Star Antiques has submitted a request to close off a portion of the parking lot within the 200 block of W. Main Street. The event would run from 10 a.m. to 5 p.m. on Saturday, June 13, 2020. They hope to promote this as the “First Annual Lowell Garden Sale”.

North presented drawings showing the layout from the May 29, 2020 event and the second drawing is the tentative layout for the June 13, 2020 event is approved.

Eric Bartkus asked if the parking lot was going to be used or just the road in from the post office. North responded it would be a portion of the road and not the parking lot behind their businesses. Bartkus stated the location used at the last event deterred others from entering their business.

Councilmember Chambers stated Mike Larking was not in favor of this location as they are getting ready to reopen. He suggested the parking lot across the street by King Milling.

Eric Bartkus of 216 ½ wanted to insure that the traffic going on Riverside would not be a problem.

Salzwedel wanted to receive input on this first event before scheduling a second event.

After much Council discussion the Council decided to change the location of the event along Riverside Drive from the dumpsters to the LL&P drop box and near the lineshack building and green space. June 13 and 14th would be allowed.

Chambers reminded everyone that North needs to present a plan on how they will follow CDC guidelines.

It was noted North would work with Bukala and Burns on the details of the event.

c. Sandwich Board Moratorium.

At the last City Council meeting, City Administration was asked to look into allowing a second sandwich board for businesses in the Downtown District. After the meeting, Jessica Wood and Burns looked at the ordinance regarding this and since the sandwich board requirements are only allowed in

the Central Business District (downtown) this will be much easier to implement than a moratorium throughout the entire city.

Since there is a specific emergency reason why to institute a moratorium, we can articulate the COVID 19 pandemic as a reason to implement.

Resolution 14-20 would provide 120 day moratorium of Section 20.06.A.14 of the City of Lowell Zoning ordinance that would allow no more than two sandwich boards per business or establishment in the C-2 Central Business District. This moratorium would run until October 8, 2020.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS to approve Resolution 14-20 which would provide a 120 day moratorium to Section 20.06.A.14 of the City of Lowell Zoning Ordinance.

YES: Councilmembers Yankovich, Chambers, Canfield, Mayor DeVore and Councilmember Salzwedel.
NO: None. ABSENT: Mayor DeVore. MOTION CARRIED.

d. Retirement Health Care Savings Plan.

In February, the City Council approved the Lowell Police Officer Association Labor Agreement and implement a Retirement Health Care Savings Plan for nonunion and department director employees. If you recall, we agreed to create plans for those employees not eligible to retire by June 30, 2020. In addition, we agreed not to provide retirement health care provisions for any nonunion or department director employee hired after September 6, 2016 and for any new police hires after July 1, 2020

Burns has worked with the Michigan Municipal Employee Retirement System (MERS) to establish individual plans for employees who would be eligible for the health care savings plan. Currently, five employees of the City would be eligible to at this time. We are ready to implement these plans on July 1, 2020 however, we need to approve these by resolution for MERS to administer.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to approve Resolution 15-20.
YES: Councilmembers Chambers, Canfield, Mayor DeVore, Councilmember Salzwedel and Councilmember Yankovich. NO: None. ABSENT:None. MOTION CARRIED.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS to approve Resolution 16-20.
YES: Councilmembers Canfield, Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich and Councilmember Chambers. NO: None. ABSENT:None. MOTION CARRIED.

7. **BOARD/COMMISSION REPORTS.**

Councilmember Yankovich stated he attended the Chamber of Commerce board meeting. The Farmers Market is now going to be located in the parking lot at Impact Church.

A survey had been completed regarding attending the Summer Concerts. Due to the response, these will be canceled.

Also, a "Cruise through Lowell" on June 20, 2020.

8. **MANAGER'S REPORT.**

- Burns thanked all the agencies that helped out with the recent fire that started from the transformer. It is believed that there was a defect to the transformer similar to that of the transformer that cause a fire in 2016. We are filing a claim with our insurance carrier on this matter and will also be seeking damages from the transformer provider.
- Construction will begin on June 8 for the paving of Elizabeth, Suffolk and Howard. Riverside Drive project will begin soon after. Zoom Informational meeting for the residents will be held on Wednesday at 7 p.m.
- Grant application from the Michigan Economic Development Corporation is providing a program called Match on Main which is providing up to \$50,000 to the City in which this would assist the downtown store fronts. We are taking the first 25 application and so far have submitted 17 to the State.
- Applications have been sent out to the restaurants to utilize public space. He anticipates a couple will utilize this.
- Today RFP's were received for the Showboat and the Line Shack building. Three bids for the Showboat were received and one bid for the Line Shack. LL&P will provide a recommendation.

Councilmember Salzwedel asked how many more transformers are out there similar to the two that caught fire. Perry Beachum stated LL&P is researching this.

9. **APPOINTMENTS.**

There were no changes at this time.

10. **COUNCIL COMMENS.**

Councilmember Chambers hoped the event that Tonia North is having goes well.

Councilmember Yankovich was impressed with the speed on how fast the fire was handled.

Councilmember Salzwedel feels good that we are dealing with parking lot closures and sandwich board signs as many others are having to deal with riots and looting.

Mayor DeVore state he was approached by a resident who would like to help with the disposal of the burned boats. DeVore is going to help him.

Liz Baker is trying to help everyone and keep the merchants going. She is much appreciated.

DeVore stated he worked downtown over the weekend and felt defeated but then on Sunday he was amazed at the people that showed up to help.

Robert Marsman of 345 Donna Drive stated he is having an issue with rain water flooding his property from the Laurels of Kent. DPW Director Dan Czarnecki stated he would send a letter out to Laurels of Kent and copy him.

11. **ADJOURNMENT.**

IT WAS MOVED BY SALZWEDEL and seconded by YANKOVICH to adjourn at 8:11.

YES: Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers and Councilmember Canfield. NO: None. ABSENT: None. MOTION CARRIED.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk

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