

**OFFICIAL PROCEEDINGS
OF THE
PLANNING-CITIZEN ADVISORY COMMISSION
CITY OF LOWELL, MICHIGAN**

For the Regular Meeting of the Planning-Citizen Advisory Commission on Monday, June 23, 2008 at 7 p.m.

The Meeting was called to order at 7:00 p.m. by Chair LaPonsie and the Clerk called the Roll.

Present: Commissioners Dimmick, Doyle, Folsom, Hodges, Jahnke, Noall and Chair LaPonsie.

Absent: None.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Mayor Jeanne Shores, Councilmembers Altoft and Ellison and Building Inspector Doug Hopkins.

IT WAS MOVED BY JAHNKE and seconded by HODGES to approve the minutes for the regular meeting of May 27, 2008 as corrected.

YEA: 7. NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #1. **APPROVAL OF AGENDA.**

IT WAS MOVED BY DOYLE and seconded by FOLSOM to approve the agenda as written.

YEA: 7. NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #2. **NEW BUSINESS.**

A. SITE PLAN REVIEW – None.

B. VARIANCES – RECOMMENDATIONS TO THE ZONING BOARD OF APPEALS – None.

Item #3. **ANY OTHER BUSINESS/ON GOING BUSINESS.**

A. Review of tall grass and noxious weeds ordinance – consideration of amendments and recommendation to the City Council. Planning Commissioner Hodges explained the City Council is asking the Planning Commission to clarify/review and possibly revise the grass cutting ordinance.

City Manager Pasquale noted the letter from Councilmember Pfaller regarding his views of the ordinance.

Charlie Bernard of Bernards Ace Hardware commented on the price of gas today and the cost of doing business in Lowell. For years, there has appeared to be a Main Street zoning ordinance. He did not believe it would hurt anyone, if the lot is left unmowed. Bernard did not feel the ordinance was enforced fairly. The City does not mow some of its own lots. Whatever the decision is, Bernard wanted the enforcement to be the same for everyone.

Commissioner Noall questioned the reason for the City not mowing its own lots. DPW Director DesJarden responded the area being referred to is near the Water Treatment Plant. The property goes all the way back to the river. Everyone needs guidelines on how this should be approached. Another issue involves the parcel of property owned by Dykema Excavating on Bowes Road which also extends back to the river. Should this be mowed as well?

DesJarden referred to the undeveloped park property on Front and S. Jackson. This used to be cut all the way back to the woods. However, with budget cuts, the City is only mowing back 30 feet and cutting the property corners back far enough to have clear vision.

The City also owns property across the railroad tracks, referred to as the Rogers field. This is undeveloped park property. There are issues such as these, especially within the business/industrial areas where there are larger parcels.

City Manager Pasquale stated the City mows a lot of grass. Stoney Lakeside Park and the Fairgrounds are two places mowed by the City. Pasquale believed clarification was definitely needed.

Chair LaPonsie asked Building Inspector Doug Hopkins how other communities deal with this issue. Hopkins responded most have the issue in the Code of Ordinance, not in the Zoning Ordinance, unless it is in the Property Maintenance Code.

Commissioner Dimmick suggested a worksession be held to review the ordinance.

Commissioner Doyle supported a moratorium on the current ordinance, while it is being discussed.

Commissioner Noall stated she does not like driving through town and seeing unmowed lots. It invites many issues, such as trash and mosquitoes. She was torn on the moratorium issue, but would possibly lean toward one.

Commissioner Folsom was not in favor of a moratorium as long as the lack of moratoria is equally applied to the City and other property owners. However, he suggested under Section 23.46, that the City close the loop hole and make the resident a property owner.

Commissioner Hodges was not in favor of a moratorium. He questioned some leniency around areas such as rivers, forests, streams and other natural areas. However, Hodges also believed property owners are responsible for their property and it should be maintained in a safe and orderly manner. Therefore, he is basically in favor of cutting grass.

Commissioner Jahnke was not in favor of a moratorium. There are many woods throughout the City. There is also some wetland within the area.

LaPonsie stated by consensus, it appears the Commission is opposed a moratorium.

LaPonsie suggested a joint meeting be held with the City Council and Planning Commission on July 14, 2008 at 7:00 p.m.

Dimmick suggested some type of ground cover replace grass in certain areas.

- B. Master Plan Map Amendments – progress report. At the May 27, 2008 meeting, the Planning Commission approved for distribution a number of Master Plan existing and future land use amendments. These have been sent to Lowell and Vergennes townships as well as the West Michigan Regional Planning Commission and the Grand Valley Metro Council.

At the July 28 meeting, any comments will be reviewed and the Commission will have the opportunity to make revisions. A public hearing will be held on August 25, where any public comments can be received. The Planning Commission may then adopt the amendments. The Council then will consider these map amendments at their meeting.

- C. Joint signage ordinance with Lowell Charter Township – update. Commissioner Jahnke was not able to meet with Lowell Charter Township. The issue was tabled.
- D. Off Street Parking Lighting Section of the Zoning Ordinance. Commissioner Jahnke stated he and a few other individuals met in the City Hall parking lot at night recently to discuss the parking lot ordinance. He noted one light fixture that has a shield on it and keeps the light from going directly up.

Jahnke reviewed the letter provided by Folsom. It was noted there is no definition for “canopy” or “flashing light”. Glare is defined, but does not appear in the body of the ordinance. Light trespass appears, but is not measurable nor actionable. After giving this some thought, Jahnke believed this could be measurable. However, it is a matter of at what level or angle is it measured. He felt this should be addressed specifically.

Jahnke referred to “Major Lighting Addition” definition which states “a major lighting addition has been completed, the change results in a 25% average light output.” If one increases a bulb on a porch light from a 25 watt, Sylvania Soft white (210 lumens) to a 40 watt Phillips, (490 lumens), this change generated an increase of 133%.

Jahnke referred to the changes Folsom made in paragraph D of the ordinance and believed the changes were appropriate.

Commissioner Folsom questioned the process for having too much lighting in a parking lot. Jahnke stated this is not much different than any other part of the ordinance. If an individual receives a permit, the amount of light will be questioned.

LaPonsie said there has been ongoing discussion in the past about whether or not the City's ordinances should be more proactive as far as enforcement. Most regulations from the grass cutting to trailers being stored in the front yard is all complaint driven.

Pasquale explained zoning violations are considered misdemeanors of a fine of up to 90 days in jail or so many dollars. These rarely happen. What one hopes for is the lighting has been changed and in conformance.

Jahnke did not believe it would be wise to address the street lighting. There would be too many issues when dealing with a state and county controlled highway.

Jahnke noted the ordinance is fully set on residential property as well as any other property.

Jahnke stated a public hearing can be established for the next meeting if the Commissioners believe it is close enough to ordinance format. LaPonsie stated she would like to have a way to pull out residential from some of these requirements. She would not be opposed to placing it in ordinance form and then making those changes later. However, LaPonsie was not ready to set a public hearing at this time.

By general consensus, the Commission decided to place the issue on the next agenda for further discussion.

- E. Civil Infractions Ordinance. City Attorney Richard Wendt is preparing a draft civil infractions ordinance. As soon as it is prepared, it will be given to the Commission for review.
- F. Review of 2008 – 2013 Capital Improvements Plan. City Manager Pasquale provided an update to the Commission regarding the Capital Improvements Plan. The Water Treatment Plant is on the list for an addition. It was built in such a way in which an addition can be built to double the capacity. However, over the years, the demand has decreased and we are currently using 50% of its capacity. The City has an agreement with the township that when 80% is reached, expansion will be discussed.

Consideration has been given to the addition of a storage building at the Public Works garage.

There has also been consideration regarding the need to repave the main cemetery road as well as a new cemetery and office maintenance building.

The Airport Board provided improvements to the Lowell City Airport. Over the last year the board, through State grants, has secured air easements as well as cutting and removing trees to ensure a proper glide slope into the runways. The airport has also attained a general utility standard, which will enable them to have further grants to help improve the airport. The board has indicated there is no interest in expanding the airport. Their main concern is safety.

Water Distribution Supervisor Bob Robinson has put together a listing of various mains which need upgrading. The City has joined the Regis program through the Grand Valley Metro Council who provides manual computer mapping. This will be very helpful in terms of water

distribution, because this will provide a series of detailed mapping for the water mains.

Pasquale noted the reconstruction of streets which are considered priorities involve Valley Vista, Grindle and Sibley. Bowes west of Valley Vista is considered a Major Street and will receive federal funding. Half of Bowes from Valley Vista going west toward M21 will be repaired. The federal funding gives the City a maximum of \$375,000 in federal funds. Hopefully, over a two year period the City will have curb, gutter and sidewalks being brought all the way to M21. Pasquale noted Grindle and Sibley are considered Local Streets. The Council has made a determination there needs to be an equivalent of one mill put aside in the upcoming budget for Local Street construction.

Jahnke questioned how Grindle could be taken out of the Local Street category. Pasquale responded the City has made this request several times and each time has been turned down by the State. There are a number of qualifications which need to be met in order to obtain Major Street status. The State primarily considers the traffic volume of a street.

The Parks and Recreation Commission reviews the park projects. Several years ago money was donated and designated for Park improvements. The City can spend \$10,000 and \$15,000 each year out of the Lee Fund for park improvements.

IT WAS MOVED BY DIMMICK and seconded by JAHNKE to accept the 2008 – 2013 Capital Improvements Plan.

YEA: 7. NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #4. **BUILDING INSPECTOR'S REPORT**. No comments were received.

Item #5. **PUBLIC COMMENTS**. No comments were received.

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

IT WAS MOVED BY JAHNKE to adjourn at 8:28 p.m.

DATE:

APPROVED:

Maryalene LaPonsie, Chairman

Betty R. Morlock, City Clerk