



AGENDA

COMMITTEE OF THE WHOLE WORKSESSION

TUESDAY, NOVEMBER 21, 2023

6:00 PM

CITY HALL LARGE CONFERENCE ROOM #119

1. Human Resources Department:
 - a. Recommend approval of [Kentwood Employee Handbook amendments](#).
2. Planning Department:
 - a. Master Plan Amendment for [NE Quadrant of 52nd St and Broadmoor Ave.](#)

PUBLIC COMMENT.

The City of Kentwood does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. The Human Resources Director, 4900 Breton Ave., SE has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the American with Disabilities Act, and the rights provided thereunder, are available from the ADA coordinator.



Memorandum

To: Committee of the Whole
From: Heather Visco, Human Resources Director
Date: November 21, 2023
Re: Proposed Amendments to Employee Handbook

Action Requested: It is requested that the Committee of the Whole recommend to the City Commission approval of the proposed City of Kentwood Employee Handbook amendments to be effective December 5, 2023.

Background: The City of Kentwood Employee Handbook was last revised in 2019. The proposed amendments align with modern work culture and associated labor laws. A full legal review has been conducted by the City's labor attorney and the necessary updates are reflected in the handbook.

The Employee Handbook helps employees learn more about their working relationship with the City. The success of this relationship enables City employees to meet the many challenges involved in providing the highest level of service to the public. The intentional outcome of the interaction between the City and its employees is to reflect a culture of genuine care and concern that is replicated in the way each person interacts with their fellow employees and members of the public. The satisfaction of the people the City serves is the foundation for the entire City of Kentwood organization.

The Handbook applies to all City employees and administrative officials (as identified by the City Charter). To the extent this Handbook conflicts with explicit terms and conditions of a collective bargaining agreement or the City Charter, the applicable agreement or City Charter provision shall govern.

A list of policies which were updated, replaced, or added are outlined in the attached document.

Please feel free to contact me if you have any questions or comments regarding this request.

2019 Handbook Sections

Equal Employment Opportunity

Resignation

Harassment & Employee Dignity

Employee Rules of Conduct

Solicitation & Distribution

Family or Dating Relationships in the Workplace

Social Media

Prohibited Substance Policy

Information Technology Acceptable Use

Proposed Edits/Reasoning for 2023 update

Added language to address hairstyles per the CROWN Act (Create a Respectful & Open World for Natural Hair) that prohibits discrimination based on hair styles/ hair textures

Added concept that employees need to work their full 2 weeks notice period to ensure a smooth transition. Also, this would not allow for interference with any Federal or State statutes such as FMLA.

Change to Harassment, Discrimination, Retaliation & Employee Dignity and combined racial and hostile work environment as "other harassment" and employee responsibilities

Added paragraph that city rules apply at work or on city property and anything may harm the reputation of the city. Also that none of the rules interfere with employee's state or federal rights

Re-worded for compliance based on MJ recommendation

Added a line to allow for relative to work in the same department;(w/o supervisory responsibilities) to be approved by the Mayor

Edited for more concise language, and defined social media so it was more clear, other additions per MJ recommendations

Edited language so it is more concise with the heading of the section (for example, changed "drug" to "prohibited substance") and added a bullet regarding "detectable levels of alcohol or prohibited substance while engaged in city business" and updated prescription medication and paragraph defining reasonable suspicion

Removed a few sentences regarding recording phone calls, and added "zero expectations for privacy" sentences, an addition regarding Non-Exempt employees using mobile devices outside of their work schedule and added a sentence regarding remote work the City's discretion

Sections Added/ Removed to 2023 Handbook

Important Notice

Employee Acknowledgement Form

Disability Accommodations

Inclusion, Diversity, Equity & Accessibility (IDEA)

Paid Parental Leave

Pregnancy and Pregnancy Related Medical Conditions Accommodations

Legal Liability Protection

Workers Compensation

Proposed Edits/ Reasoning

Remove and utilize Employee Acknowledgement Form. This allows the city to mitigate risk of any provisions in the handbook being perceived as contractual

Legal now recommends that any potential contractual provisions are maintained in a document is a wholly separate document from the Handbook. By doing this, courts find it harder to enforcing the handbook as a contract

This was not in the handbook previously this allows employees to know their rights and who employees need to go to. This is between EEO and Immigration

This was not in the handbook previously and allows for all employees to be cognizant of the policy

Was not in the last update, added to handbook.

This encompasses the Pregnant Workers Fairness Act and the PUMP Act which were enacted on June 28, 2023.

Strike per recommendaiton from Miller Johnson

Added paragraph regarding Insurance Fraud Warning



MEMORANDUM

TO: City Commission Committee of the Whole

FROM: Terry Schweitzer, Community Development Director

DATE: November 15, 2023

RE: Master Plan Amendment for the Northeast Quadrant, 52nd Street and Broadmoor Avenue (M-37)

Actions Requested:

- 1) Approve distribution of the proposed Master Plan amendment for the northeast quadrant of 52nd Street and Broadmoor Avenue (M-37)
- 2) Determine whether the City Commission will assert its right to approve or reject the Master Plan Amendment.

Background:

The Land Use and Zoning Committee, the Master Plan Committee and the East Beltline Advisory Board reviewed the proposed amendment. The summaries of these meetings are attached.

The applicant has applied to the Planning Commission for a formal amendment of the Master Plan designation. A Notice of Intent was prepared and distributed indicating the City's intent to consider the amendment. In accordance with Section 39 of the Michigan Planning Enabling Act, PA 33 of 2008, MCL 125.3839, the notice was sent to the regional planning Commission, public utilities, railroad companies, public transportation system, county road commission, neighboring local governments, and the state transportation department. The Kentwood City Commission also received the Notice of Intent. The Planning Commission work session was held on October 10, 2023, and a public meeting was held on November 14, 2023.

The next step in the process is a Planning Commission public hearing (held a minimum of 42 days from the public meeting) on the proposed Master Plan amendment. The City Commission is required to take action to distribute the notice of the master plan amendment for the public hearing. The City Commission has the option to consider the amendment after the Planning Commission is rendered.

Please contact me if you have any questions regarding the request.

Land Use and Zoning Committee

Meeting Summary

First Floor Conference Room

August 9, 2023

Present: Planning Commissioners-Bill Benoit, Ed Kape, Dan Holtrop, and Sandra Jones, Planning staff-Lisa Golder, and Terry Schweitzer, Applicants-Andy Anderson, Denise Kolesar, and Brad Potter

The meeting started at 6:30 pm.

Mr. Anderson, the owner/developer, is proposing to construct indoor and outdoor pickleball courts, indoor whiffle ball field, a restaurant, and a pro-shop/retail facility on the property. A conceptual site plan/floor plan was provided in advance of the meeting to illustrate a preliminary layout of the property. Mr. Anderson indicated he understood that this use would require a rezone of the property, as well as site plan approval of the project. Ms. Kolesar is his business consultant and Mr. Potter, Newco Design Build LLC, put together the initial concept site plan and floor plan. Mr. Anderson explained that he has been seeking a site of at least 4 acres in size, and proximate to a highway interchange to be readily accessible to the entire metro area.

Schweitzer noted that the restaurant use would be permissible under the current I-1 Light Industrial zoning, subject to Special Land Use and Site Plan review and approval by the Planning Commission. Retail as well as indoor and outdoor recreational uses are not permitted under the I-1 Light Industrial zoning. In addition, the future land use designation for the northeast quadrant of Broadmoor and 52nd Street is industrial. He noted there was a request to modify the Master Plan for the two properties right on this corner (5180 Broadmoor and 4561 52nd Street) from industrial to retail in early 2022. The applicant for that request, Kum & Go, was seeking to develop a gas station and convenience store. After the review of that request by the East Beltline South Advisory Committee the applicant withdrew its request (also attached). The Michigan Department of Transportation (MDOT) staff were very concerned with the traffic projections and movements associated with the proposed use as well as compliance with the MDOT access design standards.

Schweitzer noted another consideration of the prospective rezoning is the relative supply of industrial land within the city. While the site under consideration has been vacant for a long time, it is still zoned to accommodate industrial development. Schweitzer also called attention to a recent Crains Grand Rapids Business article regarding the scarcity of available industrial real estate in the West Michigan area. He pointed out that the city recently received a concept plan that shows how the site could accommodate two industrial buildings of between 34,000 and 38,000 square feet in area.

Mr. Potter explained that their conceptual site plan portrayed a driveway onto Broadmoor Avenue and, in response to a commissioner's inquiry, he stated it may be possible to secure access out to 52nd Street. He indicated that the Michigan Department of Transportation (MDOT)

Land Use and Zoning Committee

Meeting Summary

First Floor Conference Room

August 22, 2023

Present: Planning Commissioners-Bill Benoit, Ed Kape, Dan Holtrop, and Sandra Jones, Planning staff-Lisa Golder, Joe Pung, and Terry Schweitzer, Applicants-Andy Anderson and Denise Kolesar

The meeting started at 6:30 pm.

Mr. Anderson, the owner/developer, provided the committee with an expanded update of his pickleball and restaurant development concept for the northeast quadrant of the intersection of 52nd Street and Broadmoor that was initially reviewed on August 9. The updated concept included: an indoor wiffle ball field; expanded building footprint; and additional outside dining.

Mr. Anderson and Ms. Kolesar provided an overview of what they learned from the August 9 meeting and the compiled background on the relatively recent consideration of Athletic Training Facilities in the industrial zone provided by Planning staff. They expressed a desire to be fully transparent in their quest for this project.

Discussion ensued.

Mr. Anderson and Ms. Kolesar expressed their intent to contact planning staff to begin the process of introducing a change to the city's Master Plan designation for their intended site from the current industrial land use to commercial.

The meeting adjourned at 7:00pm.

Master Plan Committee Summary
Discussion regarding the northeast corner of 52nd and Broadmoor Avenue
Proposal: Indoor and outdoor pickleball, restaurant
September 26, 2023
6:30pm

Andy Anderson and Denise Kolesar were present, as well as Master Plan Committee members Ray Poyner and Dan Holtrop; staff members Terry Schweitzer, Lisa Golder and Joe Pung.

Discussion ensued around an amendment to the Master Plan at the northeast corner of 52nd Street and Broadmoor from Industrial to Commercial to allow indoor/outdoor pickleball courts and a restaurant.

Ray Poyner expressed concern about preservation of the Industrial zone for industrial uses. He questioned whether people would come from outside of Grand Rapids to play pickleball here.

Andy Anderson indicated he had looked at other commercial property in the area, including MSA, former Family Fare at Breton and 44th Street, property at Centerpoint Mall. He wanted to stay away from 28th Street as an option. Pickleball is a fast-growing sport. Anderson and Kolesar described their request as a social club. They felt their project would complement the city's pickleball courts at Covenant Park and would be consistent with the City's plan to embrace pickleball.

There was discussion on the nature of potential industrial development at the same location.

Anderson said that if the pickleball facility was approved, there would be 25-35 employees, who would probably make a few dollars over minimum wage. He indicated that he would be willing to conditionally rezone the property to allow for pickleball.

Ray Poyner indicated he was not interested in making it an allowable use in the industrial zone. Then other indoor recreation facilities would be allowed in industrial as well.

There was discussion regarding a previous request for the allowance of indoor recreation (soccer facility) in the industrial zone districts. The Planning Commission recommended approval, but the City Commission denied the application. There is provision for recreation uses in many of the zoning districts. The Planning Commissioner's role is to provide a perspective for the City Commissioners.

Schweitzer said that the East Beltline South Advisory Committee should review the request. In addition to East Beltline access, 52nd Street access will be required if the pickleball facility developed.

There was discussion regarding the commercial development to the west and the developability of the property just north of the proposed Master Plan amendment. The industrial development to the south along Broadmoor Avenue was also discussed.

Holtrop said that excluding the corner would bother him, because the corner parcels are not big enough to develop as industrial. Schweitzer said that he would recommend including the corner piece if the

master plan change is approved, and that a PUD should be considered to ensure that access management principles are considered.

Holtrop said he would be in favor of the Master Plan Amendment if it also incorporates the corner parcels of land.

The meeting ended at 7:00pm.

East Beltline Advisory Committee

Meeting Summary

October 19, 2023

Members Present: Peter Kimball, Grand Valley Metro Council (GVMC) Transportation Planner, Jason Cole, Michigan Department of Transportation (MDOT), Kerwin Keen, MDOT, Tim Haagsma, Kent County Road Commission (KCRC), Brian Hilbrands, Cascade Township Planning Director, and Terry Schweitzer, Kentwood Director of Community Development,

Others Present: Denise Kolesar, Advisor to applicant Andrew Anderson and Chris Van Doeselaar, Newco Design Build LLC

The meeting convened at 9:04am

I. Introductions

Everyone introduced themselves.

II. Brief background on this committee

Schweitzer and provided recent history and role of East Beltline Advisory Group as a GVMC subcommittee. It provides a forum for land use and transportation officials from the respective communities and road agencies to discuss proposed changes in land use and/or transportation facilities in the M-37 corridor.

III. Introduction to the proposed project

Schweitzer provided context to the proposed change to the future land use designation on the northeast corner of 52nd Street and Broadmoor from industrial to commercial being submitted by Andrew Anderson, an entrepreneur. He noted that the Kentwood frontage along M-37 (Broadmoor Avenue) was predominately master planned and zoned industrial except for the 6.5-acre area on the northwest corner of 52nd Street and M-37. He briefly reviewed the conceptual site plan for the proposed commercial development as well as an industrial development concept plan put together by a prospective developer back in July. He noted the industrial land use information the city received from Tim Mroz, the Senior Vice President of Community Development with The Right Placed. He also noted that regardless of the outcome of the land use question, the land use designation of the northeast quadrant of 52nd Street and Broadmoor Avenue should be the same, be it the current industrial or the proposed commercial. The main reason for this approach is to integrate traffic access and circulation along the state trunkline and arterial street.

IV. Additional detail provided by applicant

Andrew Anderson's representative, Denise Kolesar explained that her client wishes to build a pickleball and Wiffleball restaurant on the site, an allowable use under the existing I-1 zoning, however the recreational uses are not allowed. She noted the growing popularity of these recreational sports and described how their concept would also benefit the area by providing a quality restaurant to serve the surrounding industrial

workforce. The proximity of this site to M-6 was a key factor in their site selection process since they anticipate a regional draw for their service offerings. Chris Van Doeselaar noted that they recognized the importance of shared access onto Broadmoor and 52nd Street.

Tim Haagsma noted that the traffic associated with industrial development of the site would generally add traffic volume to the peak hours on Broadmoor and 52nd Street. In contrast, the proposed commercial development would likely add volume during off peak times on the respective roadways. In his roles as a Planning Commissioner and Township Trustee for Gaines Township he noted the 300-350 acres of land area master planned and recently rezoned to industrial in the northeast portion of their community.

Brian Hillbrands indicated that the Cascade Township frontage on Broadmoor included a gas station and two hotels, with a new apartment community just to the east. Otherwise, the southwest portion of their community was master planned and zoned industrial.

Kerwin Keen and Jason Cole noted that they offer no recommendations on the land use decisions made by the local units of government. Their focus is on safe access and traffic circulation of development along the corridor to maintain the capacity and safety of the roadway. They are therefore supportive of one access onto 52nd Street and one onto Broadmoor shared by and between all the properties in the northeast quadrant of the intersection. In particular, the access drive onto Broadmoor should be centered between the two indirect turns north of the 52nd Street and Broadmoor intersection. They also noted that the boulevard design of Broadmoor will be extended south to 76th Street in the next few years within a narrower right-of-way.

Peter Kimball indicated he had reviewed the meeting information with GVMC Director of Transportation Planning Laurel Joseph and they were both supportive of integrating singular access and circulation onto 52nd Street and Broadmoor Avenue for all the properties within the northeast quadrant of this intersection.

Schweitzer expressed appreciation to the meeting attendees for their participation and input. He stated that if the master plan change is ultimately approved, staff would recommend that it include the two properties on the corner with the condition that development proceed as a Commercial Planned Unit Development integrating singular access and circulation onto 52nd Street and Broadmoor Avenue for all the properties.

The meeting adjourned at 9:40am