

**MINUTES OF A REGULAR MEETING
OF THE
LAPEER CITY COMMISSION**

April 16, 2007

A regular meeting of the Lapeer City Commission was held on April 16, 2007 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

Present: Mayor Sprague
Commissioners Marquardt, Robinet, Farrington, and Ogden.
City Attorney Ron Shamblin
City Manager Dale Kerbyson

Absent: Commissioner Turkelson.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

85 2006 04-16

Moved by Ogden. Seconded by Robinet.
To approve the Agenda for April 16, 2007 as presented.
MOTION CARRIED.

MINUTES

86 2006 04-16

Moved by Farrington. Seconded by Ogden.
To approve the minutes of the Regular Meeting held on April 2, 2007 as presented.
MOTION CARRIED.

Minutes from Various Boards and Commissions received through April 12, 2007 were received into record.

CONSENT AGENDA

87 2006 04-16

Moved by Marquardt. Seconded by Ogden.
To approve the Consent Agenda for April 16, 2007 with the removal of Item B.10. Downtown Outdoor Dining Area Right-of-Way Licenses for further discussion resulting in the following:

1. Approval of the Special Event Request from the American Legion Post for the Memorial Day Parade to be held May 28, 2007 as a City co-sponsored event.
2. Approval of the Special Event Request from Lapeer Downtown Business Association for Candle Walk & Tree Lighting to be held November 30, 2007 in Downtown Lapeer and Farmer's Market Pavilion contingent upon receipt of current insurance.
3. Approval of the Special Event Request from Lapeer Downtown Business Association for Treat Walk to be held October 27, 2007 contingent upon receipt of current insurance.
4. Approval of Traffic Control Order 251.

CITY OF LAPEER
PERMANENT TRAFFIC CONTROL
ORDER NO. 251

Location: John Conley Dr east of Lake Nepessing Road.

Order: Install "No Parking" signs to both sides of the entire length John Conley Dr. at the appropriate distances as prescribed by the MMUTCD .

Reason: With anticipated new developments on John Conley Dr. it is important to maintain a clear path of travel for cars and trucks on this street. Further with the possibility of marking this street as a two lane street with a center turn lane. It is important to prepare for this by removing parking from the street.

5. Approval of Traffic Control Order 252.

CITY OF LAPEER
PERMANENT TRAFFIC CONTROL
ORDER NO. 252

Location: John Conley Dr South east of John Conley Dr.

Order: Install "No Parking" signs to both sides of the entire length John Conley Dr. South at the appropriate distances as prescribed by the MMUTCD .

Reason: With anticipated new developments on John Conley Dr. it is important to maintain a clear path of travel for cars and trucks on this street. Further with the possibility of marking this street as a two lane street with a center turn lane. It is important to prepare for this by removing parking from the street.

6. Approval of the changes in Schedule of Fees for the Lapeer Police Department.
7. Approval of the Engagement Letter with Layton and Richardson for the audit for the Year Ending June 30, 2007 at a rate not to exceed \$23,250.00 and authorize the Director of Financial Services to sign the required document.
8. Approval of the Disposal of City Assets as presented.
9. Approval of the Special Event Request from Lapeer Downtown Business Association for Thursday Night Concerts to be held every Thursday evening from June 7 – August 9, 2007 in Downtown Lapeer and Farmer's Market Pavilion contingent upon receipt of current insurance.
11. Approval of Traffic Control Order 253.

CITY OF LAPEER
PERMANENT TRAFFIC CONTROL
ORDER NO. 253

Location: Mansfield Drive between Oregon Road and Whisper Ridge Drive.

Order: Install "Watch for Children" signs for the area of Mansfield Drive, from Oregon Road to Whisper Ridge Drive on both East and West sides of roadway.

Reason: We have had a request from the home owner at 463 Mansfield Drive for "Watch for Children" signs on Mansfield Drive, due to the fact there has been increased traffic on this street by additional homes being built back in the subdivision and the lack of sidewalks on Mansfield Drive forcing pedestrians to walk in the roadway. The owner also stated she runs a day care at this address.

12. Approval of the Special Event Request from Paradise Animal Rescue for Dog Walk Fundraiser to be held June 9, 2007 at Rowden Park Pavilion and Linear Walkway contingent upon receipt of current insurance.

13. Approval of the Resolution for Street Addition Lake Drive and Resolution for Street Addition Lake Drive Loop.

CITY OF LAPEER
RESOLUTION FOR STREET ADDITION
Lake Drive

WHEREAS, the City of Lapeer did on October 08, 1987 acquire title to a certain street; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street/plat within the city Street System for obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the DESCRIPTION OF THE PHYSICAL CENTERLINE OF LAKE DRIVE BEING LOCATED IN THE SOUTHWEST QUARTER OF SECTION 6, T 7 N-R 10 E, CITY OF LAPEER, LAPEER COUNTY, MICHIGAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 6, T 7 N-R 10 E, CITY OF LAPEER, LAPEER COUNTY, MICHIGAN AND S01°39'24"E 8.74 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY M-21, AND N87°56'42"E ALONG SAID RIGHT OF WAY LINE 854.36 FEET TO THE PHYSICAL CENTERLINE OF SAID LAKE DRIVE AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID PHYSICAL CENTERLINE THE FOLLOWING TEN (10) COURSES AND DISTANCES: (1) S00°49'01"E 139.27 FEET; (2) 103.59 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 269.46 FEET, A DELTA ANGLE OF 22°01'37", AND A CHORD BEARING AND DISTANCE OF S11°49'50"E 102.95 FEET; (3) S221°41"E 53.42 FEET; (4) 128.90 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 206.55 FEET, A DELTA ANGLE OF 35°45'21", AND A CHORD BEARING AND DISTANCE OF S04°39'08"E 126.82 FEET; (5) S13°40'47"W 371.27 FEET; (6) 143.52 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 169.12 FEET, A DELTA ANGLE OF 48°37'17", AND A CHORD BEARING AND DISTANCE OF S37°59'25"W 139.25 FEET; (7) 174.95 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 425.48 FEET, A DELTA ANGLE OF 23°33'33", AND A CHORD BEARING AND DISTANCE OF S74°04'50"W 173.72 FEET TO A POINT LABELED "A" WHICH IS THE INTERSECTION WITH THE CENTERLINE OF THE EASTERLY LAKE DRIVE LOOP; (8) 60.40 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 425.48 FEET, A DELTA ANGLE OF 08°08'01", AND A CHORD BEARING AND DISTANCE OF S89°55'37"W 60.35 FEET; (9) N86°44'59"W 383.35 FEET TO A POINT LABELED "B" WHICH IS THE INTERSECTION WITH THE CENTERLINE OF THE WESTERLY LAKE DRIVE LOOP; (10) N86°44'59"W 65.72 FEET TO THE INTERSECTION WITH THE RIGHT OF WAY OF DEMILLE ROAD AND THE POINT OF TERMINUS OF SAID CENTERLINE DESCRIPTION. **TOTAL CENTERLINE DISTANCE FOR LAKE DRIVE IS 1624 FEET.**

2. That said street/plat is located within a City right-of-way and is under the control of the City of Lapeer.
3. That said street/plat is a public street and is for public street purposes.
4. That said street/plat is accepted into the City Local Street System.

CITY OF LAPEER
RESOLUTION FOR STREET ADDITION

Lake Drive Loop

WHEREAS, the City of Lapeer did on October 08, 1987 acquire title to a certain street; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street/plat within the city Street System for obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the DESCRIPTION OF THE PHYSICAL CENTERLINE OF LAKE DRIVE LOOP BEING LOCATED IN THE SOUTHWEST QUARTER OF SECTION 6, T 7 N-R 10 E, CITY OF LAPEER AND PART OF THE SE 1/4 OF SECTION 1, T7N-R9E, ELBA TOWNSHIP, LAPEER COUNTY, MICHIGAN DESCRIBED AS FOLLOWS:

COMMENCING AT POINT "A" AS DESCRIBED IN THE CENTERLINE DESCRIPTION OF LAKE DRIVE SAID POINT BEING THE INTERSECTION OF THE PHYSICAL CENTERLINE OF LAKE DRIVE AND THE EASTERLY LAKE DRIVE LOOP CENTERLINE; THENCE ALONG THE PHYSICAL CENTERLINE OF LAKE DRIVE LOOP THE FOLLOWING NINETEEN (19) COURSES AND DISTANCES: (1) S11°08'09"W 205.18 FEET; (2) 28.40 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 113.00 FEET, A DELTA ANGLE OF 14°24'04", AND A CHORD BEARING AND DISTANCE OF S03°56'07"W 28.33 FEET; (3) S03°15'55"E 180.49 FEET; (4) 47.79 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 175.00 FEET, A DELTA ANGLE OF 15°38'50", AND A CHORD BEARING AND DISTANCE OF S11°05'20"E 47.64 FEET; (5) S18°54'45"E 88.16 FEET; (6) 272.90 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 167.00 FEET, A DELTA ANGLE OF 93°37'47", AND A CHORD BEARING AND DISTANCE OF S27°54'09"W 243.53 FEET; (7) S74°43'02"W 114.85 FEET; (8) 141.77 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 317.32 FEET, A DELTA ANGLE OF 25°35'51", AND A CHORD BEARING AND DISTANCE OF S87°30'58"W 140.59 FEET; (9) N40°49'10"W 211.93 FEET; (10) 51.16 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 154.00 FEET, A DELTA ANGLE OF 19°01'59", AND A CHORD BEARING AND DISTANCE OF N31°36'17"W 50.92 FEET TO THE INTERSECTION WITH THE LINE COMMON TO SECTION 6, T7N-R10E & SECTION 1, T7N-R9E; (11) 56.17 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 154.00 FEET, A DELTA ANGLE OF 20°53'58", AND A CHORD BEARING AND DISTANCE OF N11°38'18"W 55.86 FEET (12) N01°11'19"W 128.83 FEET; (13) 63.14 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 244.00 FEET, A DELTA ANGLE OF 14°49'31", AND A CHORD BEARING AND DISTANCE OF N06°13'26"E 62.96 FEET TO THE INTERSECTION WITH THE LINE COMMON TO SECTION 1, T7N-R9E & SECTION 6, T7N-R10E; (14) 57.94 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 244.00 FEET, A DELTA ANGLE OF 13°36'17", AND A CHORD BEARING AND DISTANCE OF N20°26'21"E 57.80 FEET (15) N27°14'29"E 26.92 FEET; (16) 60.18 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 240.56 FEET, A DELTA ANGLE OF 14°20'04", AND A CHORD BEARING AND DISTANCE OF N20°04'27"E 60.03 FEET; (17) N12°54'25"E 88.89 FEET; (18) THENCE 95.96 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 532.55 FEET, A DELTA ANGLE OF 10°19'25", AND A CHORD BEARING AND DISTANCE OF N07°44'43"E 95.83 FEET; (19) N02°35'01"E 47.29 FEET TO POINT "B" AS DESCRIBED IN THE CENTERLINE DESCRIPTION OF LAKE DRIVE WHICH IS THE INTERSECTION OF THE PHYSICAL CENTERLINE OF LAKE DRIVE AND THE WESTERLY LAKE DRIVE LOOP CENTERLINE SAID POINT ALSO BEING THE

TERMINUS OF SAID LOOP CENTERLINE DESCRIPTION. TOTAL CENTERLINE DISTANCE FOR LAKE DRIVE LOOP IS 1990 FEET.

2. That said street/plat is located within a City right-of-way and is under the control of the City of Lapeer.
 3. That said street/plat is a public street and is for public street purposes.
 4. That said street/plat is accepted into the City Local Street System.
- MOTION CARRIED. RESOLUTIONS DECLARED ADOPTED.

B.10. Downtown Outdoor Dining Area Right-of-Way Licenses.

Brief discussion was held regarding the Right-of-Way License for 193 W. Nepessing Street for the fencing area, sidewalk area, snow removal issues, that this is a busy corner, special events held in the downtown area, accommodations to fencing area as the year progresses, and attracting people to the downtown area.

Jane Abruzzo, Owner of Blondie's, commented that the area would be temporary during the requested season and that reconfiguration of the fencing could be reviewed as needed.

Tony Abruzzo, Owner of Dagwood's, commented that they were trying to bring people into the downtown area, has been open Friday and Saturday nights with little or no customers, that gates were not required on other licenses, that a fenced in area provided the ability to police who was in the outside area, and that if the fencing was a great concern to just allow Blondie's the ability for some tables.

88 2007 04-16

Moved by Robinet. Seconded by Ogden.

To approve the Outdoor Dining Right-of-Way Licenses for:

- Abruzzo's Piano Grille located at 315 W. Nepessing Street
- Jenna Rose Café located at 194 W. Nepessing Street
- Isola's located at 348 W. Nepessing Street
- Blondie's Sweet Boutique/Dagwood's Deli/After Hours located at 193 W. Nepessing Street.

MOTION CARRIED.

BILL LISTING FOR APRIL 16, 2007

89 2007 04-16

Moved by Robinet. Seconded by Marquardt.

To approve the Bill Listing for April 16, 2007 in the amount of \$194,561.58.

MOTION CARRIED.

PUBLIC COMMENTS

Dick West, 108 Washington Street, commented on trucks and jake breaking in the City limits, that it is noisy and annoying, that the Commission consider banning use of jake breaking, and possible entrance signs advising truckers against the use of jake breaking.

PUBLIC PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Municipal Clerk's Week – Proclamation

90 2007 04-16

Moved by Robinet. Seconded by Ogden.

To approve the Municipal Clerk's Week Proclamation as presented.

CITY OF LAPEER

Proclamation
April 29 through May 5, 2007

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, The Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

WHEREAS, The Municipal Clerk serves as the information center on functions of local government and community.

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops, and the annual meetings of their state, province, country and international professional organizations.

WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED, that I, William J. Sprague, Mayor of the City of Lapeer, and the Lapeer City Commission do recognize the week of April 29 through May 5, 2007, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Donna L. Cronce, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 16th Day of April 2007.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

National Nurses Week – Proclamation

91 2007 04-16

Moved by Farrington. Seconded by Ogden.

To approve the National Nurses Week Proclamation as presented.

CITY OF LAPEER
PROCLAMATION HONORING NATIONAL NURSES WEEK

WHEREAS, the nearly 2.9 million registered nurses in the United States comprise our nation's largest health care profession; and

WHEREAS, the depth and breadth of the registered nursing profession meets the different and emerging health care needs of the American population in a wide range of settings; and

WHEREAS, the American Nurses Association, as the voice for the registered nurses of this country, is working to chart a new course for a healthy nation that relies on increasing delivery of primary and preventative health care; and

WHEREAS, a renewed emphasis on primary and preventative health care will require the better utilization of all our nation's registered nursing resources; and

WHEREAS, professional nursing has been demonstrated to be an indispensable component in the safety and quality of care of hospitalized patients; and

WHEREAS, the demand for registered nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and

WHEREAS, that more qualified registered nurses will be needed in the future to meet the increasingly complex needs of health care consumers in this community; and

WHEREAS, the cost-effective, safe and quality health care services provided by registered nurses will be an ever more important component of the U.S. health care delivery system in the future; and

WHEREAS, along with the American Nurses Association, Lapeer Regional Medical Center has declared the week of May 6-12 as National Nurses Week with the theme "Nursing: A Profession and a Passion" in celebration of the ways in which registered nurse strive to provide safe and high quality patient care and map out the way to improve our health care system.

NOW, THEREFORE BE IT RESOLVED, that I, Mayor William J. Sprague and the City Commission of the City of Lapeer ask that all residents of this community join us in honoring the registered nurse who care for all of us; and

BE IT FURTHER RESOLED, that the residents of Lapeer, MI celebrate registered nurses' accomplishments and efforts to improve our health care system and show our appreciation for the nation's registered nurses not just during this week, but at every opportunity throughout the year.

Dated this 16th day of April, 2007.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

PUBLIC HEARINGS

None

ADMINISTRATIVE REPORTS

Chapter 7 (Zoning Ordinance)

Rezoning Request Lapeer Community Schools – 1025 W. Nepessing Street

Mayor Sprague advised that the Commission has discussed this item in great detail, that there were citizens present wishing to speak regarding the rezoning, that this was not a public debate, that this was not a public hearing, and that citizens would be provided time to express comments.

City Planner Linda Jackman provided an update regarding the rezoning request, that there has been regular correspondence with the developers, that work has begun on a development agreement, reviewed elevation style for building structure, and that progress has been made addressing concerns on the building architectural style. Brief discussion was held regarding brick coloration of building similar to the Library and ET White and that any zoning variances would be processed through the Zoning Board of Appeals.

Joe Dobos, 1628 W. Genesee Street, commented on retail estimate of site, does not want to see a pharmaceutical business on this site and selling of booze and cigarettes, and that it would be detrimental to the area.

Dick West, 108 Washington Street, commented that this corner was destined for commercial use, the loss of historical significance, and support for the commercial use as long as the architectural design fits with the Library and White buildings.

Chuck Treece, 136 Washington Street, commented that he can see the site from his front window, would like to see the school achieve the best price and use of the property, that the best interest would not necessarily be commercial, would like to see road change to alleviate traffic, that it is irresponsible to cherry pick corner and not use balance of property, the area can be used for the good of all concerned, agree with the aesthetic match with other buildings in area, would like to see Nepessing Street go straight through site and onto Oregon to alleviate traffic, and possibility of leaving the auditorium and gym in place.

Bill Gross, of Gross Properties, commented that they appreciate Commission review of petition, the high standards set for development within the area, that the corner was just

a part of the plans for the White Junior High property, to allow the zoning so that the development may move forward, that the rezoning is a catalyst for development of remaining eight acres, today's market and economy challenges for development of this area, amended rezoning request to B-1, and the possible extension of Nepessing Street within the larger plan for the area.

Candace Collins, 5718 Davison Road, commented on the availability of a site map for the area, traffic hazards caused by the reading of sign boards, traffic flow, and citizen safety within the area.

Leone Walter, 1421 Pleasant Street, commented on Pleasant Street in the middle of a business section, traffic buildup in area due to train crossing, that two drug stores have folded in the area and to not compensate for another one, and does not want to look at a vacant building if the business does not stay there.

92 2007 04-16

Moved by Robinet. Seconded by Marquardt.

To adopt the proposed amendment to Chapter 7 (Zoning Ordinance), Section 7.03, G., Number 83, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

G. ZONING DISTRICT AMENDMENTS:

83. The following property, formerly zoned One-Family Residential District (R-2), is hereby rezoned to Neighborhood Business District (B-1):

City of Lapeer, Part of Original Plat of the Northwest Quarter and Centre Square of said Plat and part of vacated Jefferson Street, as recorded in Book D Page 1 of Plats, Lapeer County Records:

Beginning at the Southeast corner of Block 93 of said plat; thence along the Northerly right-of-way line of West Genesee Street 244 feet; thence Northerly 200 feet; thence Westerly 280 feet; thence Southerly 200 feet to the Northerly right-of-way line of West Genesee Street; thence Easterly 36 feet to the Point of Beginning.

ON A ROLL CALL VOTE:

AYES: Commissioners Marquardt, Robinet, Farrington, and Ogden.

NAYS: None.

ABSTAIN: None.

ABSENT: Commissioner Turkelson.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

Energy Steel – Industrial Facility Tax Exemption Request

93 2007 04-16

Moved by Robinet. Seconded by Marquardt.

To approve the Resolution To Schedule A Public Hearing To Consider An Application For An Industrial Facilities Exemption Certificate For Energy Steel to be held May 7, 2007 at 6:30 p.m. or as soon thereafter as may be heard.

CITY OF LAPEER
RESOLUTION TO SCHEDULE A PUBLIC HEARING
TO CONSIDER AN APPLICATION FOR AN
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
FOR

Energy Steel

WHEREAS, pursuant to Act 198 of the Michigan Public Acts of 1974, as amended, MCLA Section 207.551 et sequ., after a duly noticed public hearing held on October 5, 1987, this City Commission by resolution established Industrial Development District No. E; and

WHEREAS, Energy Steel & Supply Company lessee of the realty described below within said District, has applied for an Industrial Facilities Exemption Certificate, under the provision of 1974 Public Act 198, Section 5(1); and

WHEREAS, 1974 PUBLIC Act 198, Section 5(2) provides that before acting upon an application for an Industrial Facilities Exemption Certificate, the City Commission shall afford the applicant, the Assessor and a representative of the affected taxing units an opportunity for a hearing.

NOW, THEREFORE, BE IT RESOLVED:

1. That the application of Energy Steel & Supply Company for an Industrial Facilities Exemption Certificate shall remain on file in the office of the City Clerk.
2. That the City Commission shall meet in the City Commission Chambers at 576 Liberty Park on May 7, 2007 at 6:30 p.m. or as soon thereafter as may be heard. The City Commission will provide the City Assessor and a representative of each of the taxing units an opportunity to be heard on the question of Energy Steel & Supply Company application for an Industrial Facilities Exemption Certificate with regard to proposed operation within the Industrial Development District No. E.
3. That the City Clerk immediately informed by letter, the City Assessor and the legislative body of each taxing unit which levies ad valorem taxes in the City of Lapeer on the property located within the Industrial Development District No. E described as follows:

LEGAL DESCRIPTION FOR ENERGY STEEL SITE:

Part of the Northeast $\frac{1}{4}$ of Section 12, T7N-R9E, City of Lapeer, Lapeer County, Michigan, being more particularly described as beginning at a point on the Southerly right-of-way line of John Conley Drive extended which is S01°45'08"E (recorded as S01°45'11"E) 267.01 feet along the East line of said Section 12 to said Southerly right-of-way line, and along said Southerly right-of-way line by the following four (4) courses: 1) S88°21'31"W 200.02 feet, 2) along a curve to the left 233.87 feet (radius of 531.60 feet, delta angle 25°12'24", chord bearing and distance of S75°45'19"W 231.99 feet), 3) S63°09'07"W 256.21 feet, 4) along a curve to the right 23.54 feet (radius of 2363.30 feet, delta angle 00°34'14", chord bearing and distance of S63°26'14"W 23.54 feet) from the Northeast corner of said Section 12; thence continuing along said Southerly right-of-way by the following two (2) courses: 1) along a curve to the right 490.73 feet (radius of 2363.30 feet, delta angle 11°53'50", chord bearing and distance of S69°40'16"W 489.85 feet), 2) along a curve to the left 43.11 feet (radius of 232.00 feet, delta angle 10°38'48", chord bearing and distance of S70°17'47"W 43.05 feet); thence S25°00'04"E 710.10 feet to a point on the right-of-way line of John Conley Drive South Cul-De-Sac; thence along said Cul-De-Sac right-of-way, 30.00 feet along the arc of a non-tangent curve to the right (radius of 80.00 feet, delta angle 21°29'22", chord bearing and distance of N89°18'53"E 29.83 feet); thence N56°22'50"E 509.66 feet; thence N25°00'04"W 602.13 feet to the point of beginning. Containing 8.00 acres, more or less, and being subject to any easements, restrictions, and right of ways of record.

More commonly known as: L20-83-367-040-00

AYES: Commissioners Robinet, Marquardt, Farrington, and Ogden.
NAYS: None.
ABSTAIN: None.

ABSENT: Commissioner Turkelson.
MOTION CARRIED. RESOLUTION DECLARED ADOPTED

Chapter 12 (Street, Sidewalks and Alleys Ordinance) and
Chapter 7 (Zoning Ordinance)

Commissioner Robinet introduced a proposed amendment to Chapter 12 (Street, Sidewalks and Alleys) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

12.10 CURB CUTS AND DRIVEWAY APPROACHES deleted from said ordinance.

Commissioner Robinet introduced a proposed amendment to Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

Article 7.17.V. CURB CUTS AND DRIVEWAY APPROACHES

1. Nonconforming Curb Cuts

Curb cuts lawfully made prior to the effective date of this Ordinance which do not meet the standards of this Ordinance shall be considered nonconforming and may be maintained unless Article 7.17.V.2.d. or e. is applicable.

2. Curb Cuts and Driveway Approaches

No curb cut or driveway approach shall be made to a public street or right-of-way without first obtaining a permit from the City. Issuance of such permits shall be made only in accordance with the following regulations:

a. Definitions. As used in this section, the following definitions apply:

- (1) The term "approach" shall mean an area improved for vehicular traffic on a public street right-of-way which connects the traveled portion of the street with a driveway.
- (2) The term "curb cut" shall mean that section of curb removed to permit ingress from the pavement to the adjacent property and shall be measured between the points of tangency of the opening radii with the normal street curbing.
- (3) The term "opening" shall mean the point of connection of the driveway and approach at the street right-of-way line. Its width and location shall be determined by extending the driveway line to the street right-of-way line.
- (4) The term "site" shall mean all contiguous land under the same ownership or one whole lot in the case of land for which a recorded plat exists.
- (5) "Street frontage" shall mean the length of the property abutting one or more streets.

b. Number of Openings. The number of openings listed in the chart below shall be maximum for any site, lot or parcel.

Total Street Frontage	Up to 100'	101' to 200'	201' or Over
Number of Openings	(1)	(2)	(2) for the first 200' plus (1) for each additional 600' of total street frontage thereafter

c. Design Criteria

Curb cuts and driveway approaches shall comply with City of Lapeer Design Standards and City Construction Specifications.

d. Traffic Hazards

Any openings which pose or constitute a pedestrian or traffic hazard may be ordered closed, modified, or relocated by the City. The City shall give the property owner affected by this provision a reasonable time to comply with any order of the City to close, modify, or relocate said opening.

e. Useless Curb Cuts

If at any time a curb cut ceases to be functional, the curb shall be replaced and the approach removed by the adjoining property owner. If a useless curb cut is not replaced by curbing in accordance with the City specifications, and if the approach is not removed, said work may be done by the City and the cost thereof shall be charged to the property owner and may be collected by the City in any manner allowed by law.”

CITY MANAGER’S REPORT

Community Development Block Grant Application – Energy Steel

Brief discussion was held regarding John Conley road extension, length, estimate to complete the extension, other grant funding available to complete project, and future connection possibilities.

96 2007 04-16

Moved by Farrington. Seconded by Ogden.
 To set a public hearing on May 7, 2007 at 6:30 p.m. or as soon thereafter as may be heard to consider an application for CDBG Funds for the benefit of Energy Steel.
 MOTION CARRIED.

City Manager Dale Kerbyson commented on grant funds received from FEMA that was presented to Fire Chief Terry Kluge by Representative in Congress Candice Miller for the purchase of a new fire training apparatus with local townships and availability dates of Commissioners for budgetary workshops.

CITY ATTORNEY’S REPORT

No report provided.

UNFINISHED BUSINESS

97 2007 04-16

Mayor Sprague appointed. Moved by Marquardt. Seconded by Robinet.

To appoint Craig Martin as the Pix Representative on the Lapeer Center for the Arts Council.
MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

Monthly Operational Reports, Monthly Financial Report for January 2007, and Monthly Financial Report for February 2007 were received into record.

MAYOR/COMMISSIONER COMMENTS

Brief comments were made regarding a demonstration of the new fire training apparatus.

ADJOURNMENT

98 2007 04-16

Moved by Robinet. Seconded by Marquardt.
To adjourn the meeting.
MOTION CARRIED.

The meeting adjourned at 7:16 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC, City Clerk