

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

September 2, 2008

A regular meeting of the Lapeer City Commission was held September 2, 2008 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

Present: Mayor Sprague
Commissioners Bennett, Marquardt, Robinet, Farrington, and Bostick-Tullius.
City Manager Dale Kerbyson
City Attorney Michael Nolan

Absent: None.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

210 2008 09-02

Moved by Robinet. Seconded by Bennett.
To approve the Agenda for September 2, 2008.
MOTION CARRIED.

MINUTES

211 2008 09-02

Moved by Bostick-Tullius. Seconded by Farrington.
To approve the minutes from the Regular Meeting held on August 18, 2008.
MOTION CARRIED.

Minutes from the various Boards and Commissions were received into record.

CONSENT AGENDA

212 2008 09-02

Moved by Robinet. Seconded by Farrington.
To approve the Consent Agenda for September 2, 2008 resulting in the following:

1. Approval of the Budget Adjustment for Major and Local Street Funds as submitted.
2. Approval of the Budget Adjustment for Project Balance Carryover as submitted.
3. Approval of the Special Event Request from Downtown Business Association for Candle Walk – Tree Lighting to be held December 5, 2008.
4. Approval of Special Event Request from Downtown Business Association for Treat Walk to be held October 25, 2008.
5. Approval of Special Event Request from Lapeer Seniors for Garage-Bake Sale to be held September 4, 2008.
6. Approval of Special Event Request from Eastern Michigan Young Marines for Freedom Walk to be held September 7, 2008.
7. Approval of Vehicles and Equipment to be Auctioned from the Department of Public Works.

MOTION CARRIED.

BILL LISTING FOR SEPTEMBER 2, 2008

213 2008 09-02

Moved by Robinet. Seconded by Bennett.
To approve the Bill Listing for September 2, 2008 in the amount of \$803,145.97.
MOTION CARRIED.

PUBLIC COMMENTS

Paul St. Louis, 100 Edgewood Lane, commented on the tabling of the corridor project and his concerns, that the City needs to take the Governor up on her offer to help with funding to get business to come to Michigan, and that the City needs to go forward on the project.

Carol Blanchard, 707 N. Monroe, commented on problems with a rental home located at 706 N. Monroe in the neighborhood. Mayor Sprague requested that the information be presented to City Manager Dale Kerbyson for review.

Dan Kingsbury, 645 N. Monroe, commented that he had the same issues with the rental home as Ms. Blanchard and inquired if this home was used as a half-way house by the prison.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

Lapeer Westside Soccer Club, Inc.: Charitable Gaming Resolution

214 2008 09-02

Moved by Robinet. Seconded by Bennett.

To approve the Local Governing Body Resolution For Charitable Gaming Licenses for the Lapeer Westside Soccer Club, Inc.

LOCAL GOVERNING BODY RESOLUTION FOR CHAIRTABLE GAMING LICENSE

Moved by Commissioner Robinet and supported by Commissioner Bennett that the request from Lapeer Westside Soccer Club, Inc. of Lapeer, county of Lapeer, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for approval.

	APPROVAL		DISAPPROVAL
Ayes:	Commissioners Robinet, Bennett, Marquardt, Farrington, and Bostick-Tullius	Ayes:	
Nays:	None	Nays:	
Absent:	None.	Absent:	

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Lapeer County Deputy Sheriff's Association: Charitable Gaming Resolution.

215 2008 09-02

Moved by Marquardt. Seconded by Farrington.

To approve the Local Governing Body Resolution For Charitable Gaming Licenses for Lapeer County Deputy Sheriff's Association.

LOCAL GOVERNING BODY RESOLUTION FOR CHAIRTABLE GAMING LICENSE

Moved by Commissioner Marquardt and supported by Commissioner Farrington that the request from Lapeer County Deputy Sheriff's Association of Lapeer, county of Lapeer, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for approval.

	APPROVAL		DISAPPROVAL
Ayes:	Commissioners Marquardt, Farrington, Bennett, Robinet, Bostick-Tullius	Ayes:	

Nays: None

Nays:

Absent: None.

Absent:

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

National Patriotism Week – Proclamation

216 2008 09-02

Moved by Marquardt. Seconded by Bostick-Tullius.

To approve the Proclamation of National Patriotism Week.

CITY OF LAPEER
Proclamation of National Patriotism Week
September 8-14, 2008

WHEREAS, The Benevolent and Protective Order of Elks, through its Constitution, it a Patriotic Order; and

WHEREAS, The Order promotes the Ideals that the citizens of this nation live in freedom, won through the great sacrifice and many tribulations which have provided the foundation for a free, prosperous and independent life; and

WHEREAS, We realize that each generation must work to maintain this freedom, otherwise, through carelessness or indifference, the rights and liberties enjoyed may vanish; and

WHEREAS, It is fitting and proper to recognize this freedom and to honor the nation which provides it now.

NOW, THEREFORE, BE IT RESOLVED, that I, William J. Sprague, Mayor of the City of Lapeer, do recognize the week of September 8-14, 2008, as National Patriotism Week, and urge all citizens to join with the Benevolent and Protective Order of Elks in expressing gratitude for the privilege of American Citizenship with appropriate celebrations and observances.

Dated this 2nd Day of September, 2008.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Mayor Sprague commented that before consideration of the administrative report for Item G.1., related information would be heard. Mayor Sprague commented that there is a unanimous decision on the necessity of the project from all parties involved, that the issue is with how the project is to be paid for, to look at hiring a third party that has no bias in the project to review the property area and provide a recommendation on the methodology to use in preparation of the assessment roll, costs and timeframe involved with hiring a third party, and inquired if property owners would agree with the hiring of a third party and take recommendations made regarding the assessment. Mayor Sprague introduced Doug Hodge.

Commissioner Farrington commented that things were being taken out of order and to take Item G.1. M-24/I-69 Corridor Utility Project: Special Assessment District #2008-04 off the table prior to hearing additional information. Mayor Sprague commented that the Agenda was being followed and to allow Mr. Hodge to speak.

Doug Hodge, Capstone Realty Resources, provided information and reviewed a proposal to assess costs of infrastructure improvements in the M-24/I-69 project area,

Discussion was held regarding the various means of assessing costs within the project area, proposal cost and timeframe, receipt of proposals from other companies, reporting

requirements, and that a recommendation for a third party review would be provided in the agenda packet for the next Commission meeting.

Mayor Sprague stated that he would solicit comments from the property owners within the project area and commented on disadvantages of hiring a third party to assess project costs.

Commissioner Farrington commented that Item G.1. must be addressed and motioned to take from the Table the item relating to the M-24/I-69 Utility Project: Special Assessment District #2008-04. The motion was not recognized by Mayor Sprague.

Melanie DiCenso commented on the alternate roll and if the property owners would have the option to accept the old or new roll before the start of the project.

Richard Sullivan, representative of the Lashbrook Family, commented on the effort the City has made to make the project work, that this seems a fair way to review assessment, and that this review is heading in the right direction.

Ed Weberman, representative of RACO, commented that efforts by the City are appreciated, that all we want is a fair and equitable review, that timeline is important, and to be as cooperative as they can.

Michael Jablonski, representative of JPT Acquisitions, commented that it sounds like a viable alternative, would speak with clients immediately, would like to review proposals received, and methods of valuing project that they had brought up months ago.

M-24/I-69 Corridor Utility Project: Special Assessment District #2008-04.

217 2008 09-02

Moved by Farrington. Seconded by Robinet.

To take from the table the item relating to the M-24/I-69 Utility Project: Special Assessment District #2008-04.

MOTION CARRIED.

Discussion was held regarding the current roll as prepared by the City Assessor for Special Assessment District #2008-04.

218 2008 09-02

Moved by Farrington. Seconded by Bennett.

To reject Resolution #5 confirming the roll regarding the special assessment for the M-24/I-69 Corridor Utility Project, Special Assessment District #2008-04 as prepared by the City Assessor. Discussion was held regarding the ability to direct the City Assessor to prepare a new roll, opinion of bond attorney regarding legality of current roll, and inaccuracies contained within the current roll. The question was called to a vote.

MOTION CARRIED.

City Assessor Tom Hubbell commented on City Commission direction in preparing a new roll, that the roll as prepared contained equivalent front footage, that property owners cannot agree on methodology used within spread, benefits considered in preparation of the roll, assessment spread used in neighborhood special assessment districts, and the different variables that have come up within the project area.

219 2008 09-02

Moved by Robinet. Seconded by Farrington.

To direct the City Assessor to prepare a new roll for the M-24/I-69 Corridor Utility Project: Special Assessment District #2008-04 based on the new knowledge received since the last meeting.

MOTION CARRIED.

Ordinance Amendments to Chapter 4 (Solid Waste Collection and Disposal Ordinance) and Chapter 18 (Fire Code Ordinance).

Chapter 4 (Solid Waste Collection and Disposal Ordinance)

Commissioner Robinet introduced a proposed amendment to Chapter 4 (Solid Waste Collection and Disposal Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 4 (SOLID WASTE COLLECTION AND DISPOSAL)

“4.01 through 4.20 Unchanged.

4.21 OPEN BURNING PROHIBITED

No persons shall kindle or maintain any open fire or authorize any such fire to be kindled or maintained on any premises without having obtained a permit or other proper authorization therefore from the fire code official. This restriction shall not apply to the use of charcoal and similar materials for the purpose of food preparation. Burning of firewood, lumber, construction waste, furniture, brush, leaves, grass, garbage, small dead animals, any material made of or coated with rubber, plastic, leather, petroleum based materials or flammable or combustible liquids is prohibited.

Exceptions:

- 1) The fire code official may permit the burning of firewood for warming purposes only, and only at commercial or special events. Permits will be issued solely at the discretion of the fire code official, based on weather and property conditions.

History: (Amnd 01-11-07; -)

- 2) Daily use of the designated fire pit at the Water Tower Travel Trailer Park is permitted between May 1 and October 31 unless a local burning ban has been imposed by the fire code official. The fire pit is available for the use of persons staying at the campground, and by City residents by appointment.”

Chapter 18 (Fire Code Ordinance)

Commissioner Marquardt introduced a proposed amendment to Chapter 18 (Fire Code Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 18 (FIRE CODE)

“18.01 through 18.04 Unchanged.

18.05 Changes in Code. The following subsections are modified or deleted as follows:

- (A) No Change.
- (B) No Change.
- (C) 108.1 - Board of Appeals established. The Board of Appeals shall be the Board of Appeals used by the City of Lapeer Building Department.
- (D) No Change.
- (E) No Change.
- (F) No Change.
- (G) No Change.
- (H) No Change.

- (l) 307.1.1-Prohibited Open Burning. No persons shall kindle or maintain any open fire or authorize any such fire to be rekindled or maintained on any premises without having obtained a permit or other proper authorization therefore from the fire official. This restriction shall not apply to the use of charcoal and similar materials for the purpose of food preparation. Burning of firewood, lumber, construction waste, furniture, brush, leaves, grass, garbage, small dead animals, any material made of or coated with rubber, plastic, leather, petroleum based materials or flammable or combustible liquids is prohibited.

Exceptions:

- 1) The fire code official may permit the burning of firewood for warming purposes only, and only at commercial or special events. Permits will be issued solely at the discretion of the fire code official, based on weather and property conditions.

History: (Amnd 01-11-07; -)

- 2) Daily use of the designated fire pit at the Water Tower Travel Trailer Park is permitted between May 1 and October 31 unless a local burning ban has been imposed by the fire code official. The fire pit is available for the use of persons staying at the campground, and by City residents by appointment.”

Ordinance Amendments to Chapter 7 (Zoning Ordinance): Article 7.14.6 Mixed Use Overlay Zoning District; Article 7.03 Zoning Districts and Map; Article 7.15 Schedule of Regulations; and Table of Contents.

Chapter 7 (Zoning Ordinance): Article 7.14.6 Mixed Use Overlay Zoning District

Commissioner Farrington introduced a proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.14.6, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.14.6 – MO - MIXED USE OVERLAY DISTRICT

A. INTENT:

The Mixed Use District is intended to allow for a wide range of uses in a manner in which the impacts on adjacent land uses are minimized. The district overlays one or more conventional zoning districts, which are referred to in this article as the “underlying” zoning district.

B. PRINCIPAL USES PERMITTED:

In the Mixed Use District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in the ordinance:

1. Those principal uses permitted in the underlying zoning district and which meet the requirements in the underlying zoning district for that use.
2. Accessory buildings and uses customarily incident to any of the above permitted uses.
3. More than one principal use may be permitted on a lot of record with site plan approval by the Planning Commission.

C. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses may be permitted by the Planning Commission subject to the conditions hereinafter imposed for each use, including the review and approval of the site plan by the Planning Commission, and subject further to public notification and hearing held in accord with ARTICLE 7.18, Section 1:

1. All uses allowed subject to special conditions in the underlying zoning district and which meet the requirements in the underlying zoning district for that use. More than one principal use is allowed.
2. All uses allowed in the R-1, RM, OS-1, B-1, CBD, B-2 and I-1 zoning districts as a principal use permitted unless it is principal use permitted in the underlying zoning district. The use shall meet the requirements in the zoning district in which the use is allowed except as provided for in paragraph D below. Where the use is allowed in more than one district the Planning Commission shall apply the standards that are closest in intensity as the underlying zoning district as well as the standards in Section 3 a below. More than one principal use is allowed.
3. All uses allowed in the R-1, RM, OS-1, B-1, CBD, and B-2 zoning districts as a use subject to special conditions. The use shall meet the requirements in the zoning district in which the use is allowed except as provided for in paragraph D below. Where the use is allowed in more than one district the Planning Commission shall apply the standards that are closest in intensity as the underlying zoning district. More than one principal use is allowed.
 - a. Uses permitted under Sections C.2. and C.3. shall also comply with the following:
 - (1) The Planning Commission may impose conditions on the operation of the proposed use including hours of operation, outdoor operations and delivery and shipping of material that is necessary to ensure the uses compatibility with surrounding uses.
 - (2) In portions of the mixed use district where residences and offices predominate, any structure proposed for construction or expansion shall have an exterior appearance consistent with the general character of the area, including scale and mass of the building, arrangement of windows, pitch of roof and type of siding material.
 - (3) The Planning Commission may reduce minimum number of parking spaces required for property involving two or more uses if their parking demand could expect to overlap.

D. AREA AND BULK REQUIREMENTS:

1. Uses shall comply with Article 7.15, SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot permitted land use, the maximum density permitted, and providing minimum yard setback requirements for the underlying zoning district.
2. In addition, the Planning Commission may establish maximum front and street side lot line setbacks and minimum height requirements for any expansion or new development if they determine it is necessary to maintain the urban character of the neighborhood.
3. Where more than one principal use is allowed on a lot of record, setbacks between buildings shall be based on the yard setbacks of the underlying zoning district, but may be modified by the Planning Commission if they determine that adequate conditions have been included to address public health and adequate emergency access within the site.

Chapter 7 (Zoning Ordinance): Article 7.03 Zoning Districts and Map

Commissioner Bostick-Tullius introduced a proposed amendment to Chapter 7, Article 7.03, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.03 – ZONING DISTRICTS AND MAP

A. DISTRICTS ESTABLISHED

For the purpose of this ordinance, the City of Lapeer is hereby divided into the following districts:

RESIDENTIAL DISTRICTS

R-1	One-Family Residential District
R-1	One-Family Residential District
R-1	One-Family Residential District
R-1	One-Family Residential District
R-1	One-Family Residential District
R-1	One-Family Residential District
R-1	One-Family Residential District
RT	Two-Family Residential District
RM	Multiple-Family Residential District
RM-1	Multiple-Family Residential District
RM-2	Multiple-Family Residential District
MHP	Mobile Home Park District

NON RESIDENTIAL DISTRICTS

OS-1	Office Service District
B-1	Neighborhood Business District
B-2	General Business District
B-4	Regional Business District
CBD-1	Central Business District
CBD-2	Central Business District
I-1	Industrial District
I-2	Planned Industrial District
P-1	Vehicular Parking District

OVERLAY AND MIXED USE DISTRICTS

PUD	Planned Unit Development District
MO	Mixed Use Overlay District

- B. Unchanged.
- C. Unchanged.
- D. Unchanged.

E. OVERLAY ZONING DISTRICTS

An overlay zone is a zoning district that exists in conjunction with, or "on top of" conventional zoning districts. It may cross the conventional or "underlying" zoning districts, or may be located within a single district. The overlay zone imposes a set of requirements in addition to those laid out by the underlying zoning regulation and may modify the underlying district's requirements. The purpose of an overlay zoning district is to address special features or conditions that may pertain to several districts or a subset of one district.

F. ZONING OF VACATED AREAS:

Whenever any street, alley or other public way, within the City of Lapeer, shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same Zone District as the property to which it attaches.

G. DISTRICT REQUIREMENTS:

All buildings and uses in any district shall be subject to the provisions of 7.17 GENERAL PROVISIONS and 7.16 GENERAL EXCEPTIONS.

H. ZONING DISTRICT AMENDMENTS

Zoning Amendments #1 through #87: Unchanged.

Chapter 7 (Zoning Ordinance): Schedule of Regulations

Commissioner Marquardt introduced a proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.15, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.15 – SCHEDULE OF REGULATIONS

A. SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICTS:

Zoning District	Min. Zoning Lot Size Per Unit		Max. Height of Structures	Minimum Yard Setback (Per Lot in Feet)				Min. Floor Area	Max. % of Lot Area Covered
	Area in Sq. Ft.	Width In Ft		In Feet	Front	Least One	Total of Two		
R-1 One-Family Res.	6,000 (a)	50	25 feet	25 (s)	4(b,c)	12(b,c)	35	850	30%
R-2 One-Family Res.	7,200(a)	60(a)	25 feet	25	4(b,c)	12(b,c)	35	850	30%
R-3 One-Family Res.	8,400(a)	70(a)	25 feet	25	5(b,c)	15(b,c)	35	1,000	30%
R-4 One-Family Res.	9,600(a)	80(a)	25 feet	25	5(b,c)	15(b,c)	35	1,000	30%
R-5 One-Family Res.	12,000(a)	90(a)	25 feet	30	10(b,c)	25(b,c)	40	1,000	30%
R-6 One-Family Res.	20,000(a)	100	3 stories/ 35 ft.	40	15(b,c)	35(b,c)	50	1,600 * inc. basement	30%
R-7 One-Family Res.	1 acre	150	3 stories/ 35 ft.	40	20(b,c)	40(b,c)	50	1,800 ** inc. basem't	25%
RT Two-Family Res.	3,500	35	25 feet	25	5(b,c)	10(b,c)	35	400	30%
RM Multiple Family	(d)	(d)	25 feet	30(f)	10(f)	20(f)	35(f)	(e)	35%
RM-1 Multiple Family	(d)	(d)	25 feet	30(f)	10(f,g)	20(f,g)	35(f)	(e)	35%
RM-2 Multiple Family	(d)	(d)	---	30(f)	10(f,h)	20(f,h)	35(f,h)	(e)	---
MHP Mobile Home Park	5,500(r)	50(r)	(r)	(r)	(r)	(r)	(r)	---	---
OS-1 Office Service	---	---	35 feet	30(i,m)	(k,m)	(k,m)	(l,m)	---	---
B-1 Neighborhood Business	---	---	25 feet	10	(k,m)	(k,m)	(l,m)	---	---
CBD-1 Central Business	---	---	(j)	---	(k)	(k)	(l)	---	---
CBD-2 Central Business	---	---	25 feet	10	(k,m)	(k,m)	(l,m)	---	---
B-2 General Business	---	---	35 feet	(m)	(k,m)	(k,m)	(l,m)	---	---
B-4 Regional Business	(t)	(t)	35 feet	(m)	(k,m)	(k,m)	(l,m)	(t)	---
I-1 Industrial	---	---	---	40(m,o,p)	10(m,n,p)	20(m,n,p)	10(l,m,p)	---	---
I-2 Planned Industrial	---	---	40 feet	50(m,n,p)	10(m,n,p)	20(m,n,p)	10(l,m,p,q)	---	---
PUD - Planned Unit Development	1 acre	---	(u)	(u)	(u)	(u)	(u)	---	(u)
MO - Mixed Use Overlay	---	---	(v)	(v)	(v)	(v)	(v)	(v)	(v)

* 1,800 sq. ft. w/o basement

** 2,000 sq. ft. w/basement

A. NOTES TO SCHEDULE OF REGULATIONS:

(a) through (s) Unchanged.

(t) Dimensional requirements must comply with the conditions set forth in Article 7.11.5.

(u) Dimensional requirements must comply with the standards set forth in Article 7.14.5.

(v) Dimensional requirements must comply with those of the underlying zoning district, except as provided for in Article 7.14.6."

Chapter 7 (Zoning Ordinance): Table of Contents

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

CHAPTER 7

ZONING ORDINANCE
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7.15 through 7.28 Unchanged

Ordinance Amendment to Chapter 7 (Zoning Ordinance): Rezoning Request from National City Bank, 948 S. Main Street

Commissioner Robinet introduced a proposed amendment to Chapter 7 (Zoning Ordinance), Section 7.03, H., #88, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

H. ZONING DISTRICT AMENDMENTS:

88. The following property, formerly zoned One-Family Residential (R-4), is hereby rezoned to General Business District (B-2):

City of Lapeer T7N, R10E, parts of NE 1/4 Section 7 & NW 1/4 Section 8; commencing on Westerly line of Highway M-24 at a point North 89°12' East 123.18 feet along E-W 1/4 line & North 15°12'45" East 320.2 feet & North 84°42'03" West 188.5 feet & South 80°52'55" West 31.13 feet from the West 1/4 corner of Section 8; thence continuing South 80°52'55" West 48.84 feet; thence North 63°04'19" West 200 feet; thence North 26°55'41" East 205.5 feet along East line of Baldwin Rd; thence South 83°01'13" East 164.67 feet; thence South 25°08'32" West 148.57 feet; thence South

16°32'25" East 116.35 feet to POB; excluding ROW.

Ordinance Amendment to Chapter 7 (Zoning Ordinance): Rezoning Request from James Roach, 1048 S. Lapeer Road

Commissioner Robinet introduced a proposed amendment to Chapter 7 (Zoning Ordinance) Section 7.03, H., #89, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

H. ZONING DISTRICT AMENDMENTS:

89. The following property, formerly zoned One-Family Residential (R-5), is hereby rezoned to General Business District (B-2):

Section 7 T.7N, R.10E, Supervisor's Plat #4 Recorded in Plat Liber 1, Page 91: That part of Lot 22 lying Easterly of West line of N-S portion of Lina Drive if extended; also Lots 20 & 21; also Lot 19 & vacated Lina Drive lying South of same; also Lot 25; also Lot 24 & all of vacated Lina Drive lying West of West line of Lot 19 if extended; and Lot 23 & that part of Lot 22 lying West of West line of N-S portion of Lina Drive if extended.

Ordinance Amendment to Chapter 7 (Zoning Ordinance): Rezoning Request from Ray Clemens and Steve Bahri, vacant parcels

Commissioner Farrington introduced a proposed amendment to Chapter 7 (Zoning Ordinance), Section 7.03, H., #90, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

H. ZONING DISTRICT AMENDMENTS:

90. The following property, formerly zoned Office Service District (OS-1), is hereby rezoned to General Business District (B-2):

City of Lapeer Part of SW 1/4 of Section 17, T7N, R10E; Beginning at SW Corner Section 17, thence North 03°07'52" West 334.29 feet along West line said Section 17; thence the following 7 courses along the centerline of a proposed roadway: North 88°28'56" East 63.99 feet; 245.48 feet along the arc of a 500.00 foot radius curve to left, central angle of 28°07'47", chord bearing North 74°25'03" East 243.02 feet; North 60°21'09" East 165.48 feet; 243.20 feet along the arc of a 500.00 foot radius curve to right, central angle of 27°52'07", chord bearing North 74°17'13" East 240.81 feet; North 88°13'16" East 146.95 feet; 169.94 feet along the arc of a 500.00 foot radius curve to right, central angle of 19°28'27", chord bearing South 82°02'31" East 169.13 feet; and South 72°18'17" East 439.08 feet; thence South 88°32'39" East 531.87 feet; thence South 01°53'11" East 318.61 feet; thence South 88°06'49" West 1931.24 feet along South line Section 17 to POB. 18.36 A; subject to Lapeer Rd (M-24) right-of-way.

Mayor Sprague provided a history overview of the Planning Commission process prior to being brought before the City Commission. Discussion was held regarding Planning Commission denial of the request, noncompliance with the new City-wide Master Plan, and Lapeer Township change to reflect a buffer between commercial and residential properties. City Attorney Michael Nolan commented that the request does not

constitute an appeal and, should the Commission ignore the Master Plan designation, state the reasons why.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson commented that Planning Director Linda Jackman was absent due to the loss of a family member.

220 2008 09-02

Moved by Robinet. Seconded by Marquardt.

To schedule a public hearing to close out Energy Steel and Supply Company Community Development Block Grant for September 15, 2008 at 6:30 p.m. or as soon thereafter as may be heard.

MOTION CARRIED.

City Manger Dale Kerbyson commented on the cancellation of Constitution Day Special Event.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan commented that the office was working on a number of items and that a contract would be presented regarding restructuring of the Zoning Ordinance with Rowe Incorporated.

UNFINISHED BUSINESS

No Board appointments were made.

DEPARTMENTAL COMMUNICATIONS

The Director of Public Works – Construction Project Update dated August 27, 2008; Rowe Incorporated – DeMille/Harrison Intersection pre-Construction Meeting minutes dated August 19, 2008; Monthly Financial Report for June 2008; and Building Permits – Compliance dated August 28, 2008 were received into record.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett commented on the disappointment of the cancellation of Constitution Day Special Event.

Commissioner Farrington commented on neighborhood issues raised by Carol Blanchard and sequence of agenda items.

Commissioner Marquardt commented on the M-24/I-69 project area, that the City was trying to work with the developers, and timeframe involved in the process.

Commissioner Robinet commented on the M-24/I-69 project area, preparation of new roll by the City Assessor, timeframe involved with the project. Further comments were made regarding the repair of Genesee Street, issues relating to First Street, and that the Horton Street project looks good.

City Manager Dale Kerbyson commented that citizens do not want to pay for a project south of town, that the Parks and Recreation will have a lighting ceremony for the soccer field on September 22 at 6:45 p.m., that he has agreed to be involved with a grant involving community health and that the grant application will be presented at the next Commission meeting, the burning of 85 fuel in City vehicles that have the flex-fuel capacity, and that his golf team won third place and won a \$200 donation to their charity which was chosen to be Lapeer Regional Hospital.

Mayor Sprague commented on the ribbon cutting ceremony for Rite Aid on Thursday at 9:00 a.m. and the disappointment in the cancellation of Constitution Day Special Event.

ADJOURNMENT

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Moved by Robinet. Seconded by Marquardt.

To adjourn the meeting.

MOTION CARRIED.

The meeting adjourned at 7:58 p.m.

William J. Sprague, Mayor

Donna L. Cronic, CMC City Clerk