

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

December 18, 2006

A regular meeting of the Lapeer City Commission was held on December 18, 2006 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

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

Absent: None.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

279 2006 12-18

Moved by Farrington. Seconded by Robinet.

To approve the Agenda for December 18, 2006 with the correction of Item B.1. to read Donation from Lapeer Harley Association Group and to add Item J.1. Appointments to Boards and Commissions to add Don Miller to the Lapeer District Library Board as a recommended re-appointment for a four year term ending December 31, 2010.

MOTION CARRIED.

MINUTES

280 2006 12-18

Moved by Robinet. Seconded by Turkelson.

To approve the minutes of the Regular Meeting held on December 4, 2006 as presented.

MOTION CARRIED.

Minutes from Various Boards and Commissions received through December 14, 2006 were received into record.

CONSENT AGENDA

281 2006 12-18

Moved by Marquardt. Seconded by Turkelson.

To approve the Consent Agenda for December 18, 2006 resulting in the following:

1. Approval to accept the donation from Lapeer Harley Association Group in the amount of \$1,380 to be receipted into the DARE Fund.
2. Approval of the Budget Adjustment for 2005 Capital Improvement Projects.
3. Approval of the Budget Adjustment for Housing Assessment.
4. Approval of Payment Request #8 to Professional Pool Techs, LLC in the amount of \$25,110.00 for the Lapeer Spray Park Project
5. Approval to purchase two (2) Chevy Impala's for the Police Department through the Oakland County Purchasing Exchange and required equipment.

MOTION CARRIED.

BILL LISTING FOR DECEMBER 18, 2006

282 2006 12-18

Moved by Robinet. Seconded by Marquardt.

To approve the Bill Listing for December 18, 2006 in the amount of \$1,164,375.60.

MOTION CARRIED.

PUBLIC COMMENTS

None.

PUBLIC PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Chapter 4 (Solid Waste Collection & Disposal Ordinance)

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

THE CITY OF LAPEER ORDAINS:

CHAPTER 4 SOLID WASTE COLLECTION & DISPOSAL ORDINANCE

4.01 DEFINITIONS.

The definition of open burning is hereby changed to read as follows: The burning of materials wherein products of combustion are emitted directly into ambient air. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses.

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 materials made of or coated with rubber, plastic, leather, petroleum based materials or flammable or combustible liquids is prohibited.

Exception: 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.”

Chapter 18 (Fire Code Ordinance)

Brief discussion was held regarding addressing compliance by businesses. It was understood that the Fire Department will work with businesses and a one year compliance timeframe.

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 ORDINANCE

18.01 Adoption by Reference.

There is hereby adopted by reference, pursuant to the provisions of Act 279 of Michigan Public Acts of 1909, as amended, the International Fire Code, 2006 Edition, copyrighted in 2006, promulgated and adopted by the International Code Council, of 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795.

18.02 Purpose.

Unchanged.

18.03 Availability of Code.

Unchanged.

18.04 References in Code.

Unchanged.

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

(A) - (D) Unchanged.

(E) 105.6.30 An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and requirements of the permit shall be strictly followed.

(F) 110.1 General. If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes a threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section. The owner, occupant, or person in possession or control shall immediately comply with such notice or order, including the payment of any fees or obtaining any permits from applicable departments or agencies for any of the repairs, alterations, remodeling, removing or demolition required.

(G) 111.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100 or more than \$500. Each day a violation occurs shall be a separate offense.

(H) 302.1 Definitions. The following words and terms shall, for purposes of this chapter and as used elsewhere in this code, have the meaning shown herein.

Bonfire, hi-boy, powered industrial truck, and recreational fire - all unchanged.

Open burning. The burning of materials wherein products of combustion are emitted directly into the ambient air. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses.

(I) 307.1.1 Prohibited Open Burning. 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 materials made of or coated with rubber, plastic, leather, petroleum based materials or flammable or combustible liquids is prohibited.

Exception: 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.

- (J) 307.4.1 and 307.4.2 are hereby deleted.
- (K) 307.5 Attendance. Authorized, open burning fires shall be constantly attended until the fire is extinguished. A minimum of one (1) portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.
- (L) 503.3 Marking. All fire apparatus access roads shall be conspicuously posted with uniform (No Parking-Fire Lane) signs in keeping with the standard established in the Michigan Manual of Traffic Control Devices, as revised, and as prescribed by the Fire Code Official and erected on both sides of the fire apparatus access roads. Signs shall be erected no farther than 100 feet apart in all areas designated as fire apparatus access roads. Signs shall be maintained in a clean and legible condition at all times and shall be replaced or repaired when necessary to provide adequate visibility.
- (M) 504.1 Required Access.
 - 1. Exterior doors and openings required by this code or the Michigan Building Codes shall be maintained readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access road to exterior openings shall be provided when required by the fire code official.
 - 2. Each tenant space provided with a secondary exit to the exterior or exit corridor shall be provided with tenant identification by business name and/or address. Letters and numbers shall be posted on the corridor/exterior side of the door, be plainly legible, and shall contrast with their background.
 - 3. All required rescue windows shall be accessible by a 35 foot ground extension ladder placed so that the inclination of the ladder does not exceed 70°. An area of discharge, 36 inches in all directions around the base of the ladder, shall be provided. Ladders and associated areas of discharge shall be located within the property line.
- (N) 505.1 Address Numbers. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of six

(6) inches high with a minimum stroke width of 0.5 inch.

(O) 506.1 Key Box Required. Key boxes are required for the following premises:

1. All commercial and manufacturing buildings over 3500 square feet constructed after February 1, 1992.
2. All existing commercial and manufacturing buildings over 3500 square feet which undergo renovation or remodeling which affects an area of 2,000 square feet or more, or which is done at a cost of \$25,000 or more.
3. Any building having a gate capable of being locked and which could hinder fire department access to the premises.
4. Any commercial or manufacturing building equipped with a fire alarm or sprinkler system.

Single occupancy businesses are required to have a key box installed at the location designated by the code official, normally the main entrance. Additional key boxes may be required by the code official depending on the size and layout of the building.

In strip malls, up to 3 businesses with connected common walls and on the same level may share a key box between them. All the businesses are equally responsible for maintaining the key box and alarm system. All key boxes shall be alarmed.

In businesses that have an existing alarm system (i.e., burglar or fire alarm) or have an automatic fire suppression system such as a sprinkler, CO², dry or wet chemical, the key box(es) shall be connected to the alarm system. In buildings without or not requiring an alarm or automatic fire suppression system, an audible alarm approved by the code official shall be mounted on the outside of the building. This alarm shall activate any time the key box is opened or physically removed from the building. The key box(es) to be ordered must be one approved by the code official.

For some locations, a key box padlock may be required. The Lapeer Fire and Rescue Department shall provide key box order forms, and shall keep a copy of the completed order form in the business inspection file. Installation requirements for the key box include:

- a) The key box will be installed at the location specified by the code official, normally at the main entrance.
- b) The key box will be mounted at five (5) feet from grade level.
- c) All key boxes must be connected to the building alarm system or audible alarm prior to being closed.

(P) 508.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on site fire hydrants and mains shall be provided where required by the fire code official.

(Q) 510.1 Identification. Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire

protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible. All fire department connections shall have a sign approved by the fire code official. The sign shall specify the type of water based fire protection system it serves and the building areas served.

- (R) 903.3.7 Fire department connection. The location of fire department connections shall be approved by the fire code official as outlined in sections 912.2 through 912.2.4.
- (S) 906.1 Where required. The exception contained in Paragraph 1 is hereby deleted. The remainder of the entire section is unchanged.
- (T) 912.3 Access. Immediate access to fire department connections shall be maintained at all times and without obstruction by vehicle parking, carports, garages, refuse storage containers, fences, landscaping or other obscuring features for a minimum of three (3) feet.
- (U) 3301.2.2 Sale and Retail Display. No person shall construct a retail display nor offer for sale explosives, explosive materials, or fire works in any location other than an enclosed building. No sale of a retail display is permitted at any outdoor location or in Group A or E occupancies.
- (V) 3308.11 Retail Display and Sale. A minimum of one pressurized water portable fire extinguisher complying with Section 906 shall be located not more than 15 feet (4572 mm) and not less than 10 feet (3048 mm) from the hazard. "No Smoking" signs complying with Section 310 shall be conspicuously posted in areas where fire works are stored or displayed for retail sale.

18.06

Additions to Code.

The following provisions are hereby added to the International Fire Code:

- (A) - (F) Unchanged.
- (G) 104.12 Open Buildings Due to Fire. The fire code official or a duly authorized representative is empowered to order the securing of fire damage buildings. If the owners of the affected building are present, this order shall be given to them. If no owners or representatives of the building are present, the fire code official or a duly authorized representative may have the building secured. The expense of securing the building shall be a debt to the City from the responsible owner and shall be collected as any other debt to the City. Fire damaged buildings or sites are subject to the same abatement procedures as contained in Section 110 for unsafe buildings.
- (H) 105.1.4 Building Permit Requirements. No building permit shall be issued by any City department until all plans required by this section have been submitted and approved in accordance with the provisions of this section

SECTION 112 RESTITUTION

- (I) 112.1 Arson. In any case in which arson takes place, the person(s) convicted of that crime, or of any lesser charge, or by way of a plea bargain, shall be financially responsible for all costs of investigating, fighting and extinguishing the fire, for any property securing services and/or for any other security procedures

performed by the City of Lapeer or its agents or representatives.

- (J) 112.2 Alcohol and Drugs. In any case where abuse of alcohol or drugs can be proven to have contributed to the cause of the emergency response by the City of Lapeer or its agents, the person(s) proven to be on alcohol or drugs shall be financially responsible for the cost of any work performed by the City of Lapeer or its agents or representatives.
- (K) 304.4 Outdoor containers. Dumpsters or containers stored outdoors shall be provided with lids and shall be constructed (including the lids) of non-combustible materials or approved combustible materials. They shall not be placed within 15 feet of combustible walls, openings or combustible roof eave lines.
- Exception: Existing enclosures or container storage areas are exempt from this requirement where:
1. In the opinion of the fire code official there is no other location in which to locate them.
 2. They are not currently within 10 feet of an exit or utility meters.
- (L) 503.4.1 Authority to remove obstructions. If any vehicle, trailer or other object is so located within a fire apparatus access road or at any other location prohibited by this ordinance, or any City ordinance, at a time the fire department is responding to an alarm which necessitates use of such fire apparatus access road and/or other location, then any member of the City police or fire department may move or cause same to be moved by any means necessary without liability for any damage being occurred by the City of Lapeer or any officer, agent or employee thereof.
- (M) 609.3 Periodic inspection. An approved inspection shall be performed a minimum of once every six (6) months on each commercial kitchen exhaust system. Inspections shall be made by the manufacturer, installer or maintenance company. The inspections shall ascertain that the system will cover all the cooking surfaces with the extinguishing agent when manually or automatically actuated. The manual actuation, automatic actuation, and system interconnections shall also be inspected to determine that they operate as required. A written inspection report shall be filed with the fire code official upon completion of each inspection.
- (N) 901.6.1.2 Certification required. Any installation, testing, repair or maintenance of fire alarm or suppression systems required by this Code or the Building Code shall be performed only by a certified fire alarm or suppression firm and/or individual or by a firm and/or individual licensed pursuant to Act 192 of the Public Acts of 1984, as amended, and/or Act 217 of the Public Acts of 1956, as amended.
- (O) 901.6.2 Records. Records of all system inspections, tests, and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years. A copy of each inspection, test, or maintenance record shall be forwarded to the fire code official within 30 days of the date the inspection, test, or maintenance occurred.
- (P) 912.2.3 Remote location. Fire department connections (F.D.C's) serving sprinkler systems shall be installed at an approved remote location away from the building or structure, and shall not be located on the wall of a building unless approved by the fire code

official. F.D.C.'s serving class 1 or 3 standpipe systems may be located on walls, provided such walls are of fire resistive or noncombustible construction.

- (Q) 912.2.4 Fire Department Connection Locations. Unless approved by the fire code official fire department connection locations (FDCs) shall not be located more than 50 feet from a fire hydrant. FDCs shall be installed not less than 18 inches nor more than 36 inches above the finished grade of an approved fire apparatus access road. FDCs shall not be obstructed by vehicle parking, carports, garages, refuse storage containers, fences, landscaping or other obscuring features.

Exception:

1. Existing FDC's.
2. FDCs that are not able to be located away from a wall due to physical restrictions may be located in an area approved by the fire code official.

18.07 Unchanged.

18.08 Unchanged.

18.09 Unchanged.”

Engineering Agreement – 2007 CIP – Horton Street Reconstruction Project

283 2006 12-18

Moved by Robinet. Seconded by Turkelson.

To approve the Engineering Agreement with Rowe Incorporated for the 2007 Capital Improvement Program – Horton Street Reconstruction in the amount of \$34,000 and authorize the City Manager to sign the required documents.

MOTION CARRIED.

Engineering Agreement – Oregon Street Reconstruction Project

Discussion was held regarding grant funding to pay for project, possible city funds to extend project to Mill or Nepeasing intersection, to review grant funding for extension of project next year, costs, review of Lyle Street for reconstruction, to review during Goals and Objectives, review of grant funding from Federal level to county level for projects at the local level, and use of budgeted funding not used due to grant dollars received to extend project.

284 2006 12-18

Moved by Turkelson. Seconded by Ogden.

To approve the Engineering Agreement with Rowe Incorporated for the Oregon Street Reconstruction Project in the amount of \$40,475 and authorize the City Manager to sign the required documents.

MOTION CARRIED.

Budget Adjustment for Building Inspection Department

Discussion was held regarding budgeted items for expenses and estimated revenues, review of inspections and money paid to CCA for services, review of building department objectives by staff, that building location would be housed in the old GLTA building, advertisement for a main building official, contractual use of electrical, mechanical and plumbing, that the building inspector would report to the City Manager, rental inspections would be moved to the building inspection department within 2 to 3 months, that the position would be a salaried position as are current department heads,

the move of accountability of a building department to the city, that the department was anticipated to be running at the beginning of the year, qualifications for the position, downward trend in building, and available funding.

Brief discussion was held regarding available funding for the building department, the possibility of owing GLTA for the current year, the Commission understanding that if the millage passed the city would not be billed for GLTA, that GLTA representatives were present at a Commission meeting and confirmed that should the millage pass that the city would not be billed, and that the millage for GLTA did, in fact, pass.

It was the general consensus of the Commission to have a study session regarding the building department and have information provided regarding a business plan, funding for the building department, current review of rental inspections to date, and how the department will be operated.

CITY MANAGER'S REPORT

Resolution Authorizing Annexation

285 2006 12-18

Moved by Robinet. Seconded by Turkelson

To approve the Resolution Authorizing Annexation of Property to the City of Lapeer.

CITY OF LAPEER

RESOLUTION AUTHORIZING ANNEXATION OF PROPERTY TO THE CITY OF LAPEER

WHEREAS, Section 9(8) of the Michigan Home Rule Cities Act authorizes annexation of property from townships to cities by resolutions approved by an affirmative majority vote of the City Commission and the Township Board, after a petition signed by property owners has been submitted to the City and the Township; and

WHEREAS, Petitioners holding equitable title as land contract vendees or holding record legal title to more than fifty (50%) percent of the area described in Exhibit A have petitioned to be annexed to the City of Lapeer from the Township of Lapeer; and

WHEREAS, there are no qualified electors currently residing in the area described in Exhibit A; and

WHEREAS, a public hearing was held on July 20, 2006 by the Lapeer City Commission and the Lapeer Township Board as to a proposed Interlocal Agreement for the Sharing of Revenue and Annexation of Property between the City of Lapeer and the Township of Lapeer which would allow for the annexation of the property described in Exhibit A; and

WHEREAS, no referendum petitions were filed as to the proposed Interlocal Agreement during the prescribed statutory period; and

WHEREAS, said Interlocal Agreement was executed by both the City of Lapeer and the Township of Lapeer on December 4, 2006 and was subsequently filed with the Office of the Great Seal of the Michigan Secretary of State; and

WHEREAS, the owners of the property described in Exhibit A have been given the required statutory notice of the intention of the City Commission to approve this Resolution.

THEREFORE, BE IT RESOLVED, that annexation of the property legally described in Exhibit A attached hereto is approved by the City Commission of the City of Lapeer as authorized by the statute and the Interlocal Agreement.

BE IT FURTHER RESOLVED that said annexation shall become immediately effective upon the filing of the Township and City resolutions with the Office of the Great Seal of the Michigan Secretary of State.

ROLL CALL VOTE:

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Police Coverage – Annexed Territory

City Manager Dale Kerbyson provided information regarding police coverage of the Lapeer Township annexed territory beginning January 1, 2007 and that the city is not asking to cover the on and off ramps of I-69 as well as I-69.

First Amendment to Mott Lease

286 2006 12-18

Moved by Marquardt. Seconded by Robinet.

To approve the First Amendment to Lease Agreement for Mott College and authorize the Mayor and City Manager to sign the required documents.

MOTION CARRIED.

Pumper Tanker Purchase Agreement

287 2006 12-18

Moved by Robinet. Seconded by Turkelson.

To approve the Letter of Intent to Purchase the 1982 Ford F-8000 and 1978 Sutphen Fire Apparatus in the amount of \$16,650.00 to Great Lakes Pre-owned Fire Apparatus.

MOTION CARRIED.

CITY ATTORNEY'S REPORT

No report provided.

UNFINISHED BUSINESS

288 2006 12-18

Moved by Turkelson. Seconded by Farrington.

To appoint the following:

Alan Grossbauer Board of Review for a term ending January 1, 2010.

Todd Alexander Civil Defense Coordinator for a term ending January 1, 2008.

Donna Cronce Election Commission for a term ending January 1, 2008.

Ron Shamblin Election Commission for a term ending January 1, 2008.

Thomas Hubbell Election Commission for a term ending January 1, 2008.

Don Miller Lapeer District Library Board for a term ending December 31, 2010.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

Monthly Department Reports for December and Local Development Finance Authority – Annual Financial Reports were received into record.

MAYOR/COMMISSIONER COMMENTS

Brief discussion was held regarding cable legislation that was passed and the ignoring of township and cities stance of being against this legislation by our representatives, GLTA billing request and the Commission understanding that the City would not be billed if the millage proposal passed, presentation of Curt Carter's Recognition by Mayor Pro-Tem Robinet, M-24 signage to be repaired and that replacement parts have not been received, the destruction that still remains from Hurricane Katrina, and to wish employees and citizens a Happy Holiday and a safe New Year.

ADJOURNMENT

289 2006 12-18

Moved by Robinet. Seconded by Turkelson.

To adjourn the meeting.

MOTION CARRIED.

The meeting adjourned at 7:33 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC, City Clerk