

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

February 15, 2010

A regular meeting of the Lapeer City Commission was held February 15, 2010 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 Representative Tim Turkelson.

Absent: None.

Others Present: City Clerk Donna Cronce; Deputy City Clerk Tracey Russell; Police Chief Todd Alexander; Fire Chief Terry Kluge; City Assessor Tom Hubbell; Director of Public Works John Lyons; Director of Financial Services Paul Boucher; Planning Director Linda Jackman; Rowe Professional Services Company representative Doug Skylis; Lapeer County Press representative Jeff Hogan; Water Superintendent Pam Reid, Brent Hershberger; Dan Gerlach; Lapeer County Commissioner Lenny Schneider; and American Community Developers, Inc. Vice President, Jeffrey Supowit.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

30 2010 02-15

Moved by Robinet. Seconded by Bennett.
To approve the Agenda for February 15, 2010 as presented.
MOTION CARRIED.

MINUTES

31 2010 02-15

Moved by Marquardt. Seconded by Bennett.
To approve the minutes from the Regular Meeting held on February 1, 2010.
MOTION CARRIED.

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

CONSENT AGENDA

32 2010 02-15

Moved by Robinet. Seconded by Bennett.
To approve the Consent Agenda for February 15, 2010 resulting in the following:

1. Approve the Special Event Request from the American Cancer Society to hold an Annual Making Strides Against Breast Cancer Walk on Saturday, October 2, 2010 8:00 a.m. – 10:30 a.m.
2. Approve the Special Event Request from the March of Dimes to hold their Annual Walk for Babies on Saturday, April 24, 2010 from 7:00a.m. – 1:00 p.m.
3. Approve the Special Event Request from the Lapeer Area Chamber of Commerce to hold their annual Lapeer Days Festival on August 18-22, 2010.
4. Approve the Special Event Request from Lapeer County Bank & Trust to hold an Ice Cream Social on Friday, June 25, 2010.

5. Approve the Special Event Request from Lapeer Community Church to hold their Annual Easter Egg Hunt on March 27, 2010 contingent upon receipt of Certificate of Insurance.
6. Approve Payment Request #8 to Zito Construction Company in the amount of \$216,949.16 for services completed on the M-24 Corridor Utility Expansion Project - Water Main.
7. Approve Rowe Professional Services Company proposal for Bridge Scour Analysis in the amount of \$5,400.00 and authorize the Director of Public Works to sign required documents.

MOTION CARRIED.

BILL LISTING FOR FEBRUARY 15, 2010

33 2010 02-15

Moved by Robinet. Seconded by Marquardt.

To approve the Bill Listing for February 15, 2010 in the amount of \$995,001.55.

MOTION CARRIED.

PUBLIC COMMENTS

American Community Developers, Inc. Vice President, Jeffrey Supowit, 20250 Harper, Detroit, Michigan 48225 indicated his organization is purchasing the Silver Maple Village property, would like to continue service for affordable housing of a 100-unit senior assisted living, expects construction renovations to be \$2.6 million and that the property will continue to be a MSHDA funded program.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Proclamation Supporting Scleroderma Foundation Michigan Chapter.

34 2010 02-15

Moved by Robinet. Seconded by Marquardt.

To approve the Proclamation Supporting Scleroderma Foundation Michigan Chapter awarding June 2010 as Scleroderma Awareness Month in the City of Lapeer.

CITY OF LAPEER
 PROCLAMATION SUPPORTING SCLERODERMA FOUNDATION MICHIGAN
 CHAPTER
 JUNE 2010 AS SCLERODERMA AWARENESS MONTH

WHEREAS, Scleroderma is a chronic, disability autoimmune disease in which the body's soft tissues suffer from an overproduction of collagen; can affect many parts of the body including skin, internal organs, and blood vessels; and sufferers often experience damage to the heart, lungs, kidneys, and the gastrointestinal systems; and

WHEREAS, An estimated 300,000 Americans suffer from scleroderma; and

WHEREAS, Researchers have yet to identify the exact cause or causes of scleroderma and researchers have found links between scleroderma and rheumatic disease.

WHEREAS, The estimated total economic impact of scleroderma treatment is estimated to be in excess of \$1.5 billion annually; morbidity costs associated with scleroderma is an estimated \$819,000,000 annually; and the direct cost of treatment is estimated to be \$462,000,000 annually.

WHEREAS, There is a significant need for further research focusing on the epidemiology of scleroderma to increase understanding of the disease and its treatment; and

WHEREAS, The United States Congress has recognized the need to raise awareness of the impact of scleroderma on public health and has designated a National Scleroderma Awareness Month; and

WHEREAS, The designation of such a month would recognize the efforts of health care providers, patients, and scleroderma advocacy organizations to increase awareness of scleroderma and of the need for increased research on scleroderma; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Lapeer City Commission support the efforts of the Scleroderma Foundation Michigan Chapter and declares June 2010 as Scleroderma Awareness Month in the City of Lapeer.
MOTION CARRIED.

PUBLIC HEARINGS

No public hearings scheduled.

ADMINISTRATIVE REPORTS

Zoning Ordinance Amendment: Gerlach's Bowling Center.

35 2010 02-15

Moved by Robinet. Seconded by Farrington.

To approve adopt amendment to Chapter 7 (Zoning Ordinance), Section 7.03, H., Number 94, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

H. ZONING DISTRICT AMENDMENTS:

94. The following property, formerly zoned RM Multiple Family Residential & P1 Vehicular Parking is hereby rezoned to General Business District (B-2):

CITY OF LAPEER ORIGINAL PLAT NE 1/4 VAC CEDAR ST LYG NLY OF GENESEE ST & SLY OF HORTON ST EX NLY 48 FT OF SLY 120 FT THEREOF & CITY OF LAPEER ORIGINAL PLAT NE 1/4 THAT PART OF BLK 34, COM AT NW COR OF BLK 34; TH NE'LY ON NW'LY LN OF SD BLK 34 100 FT; TH SE'LY PAR WITH COURT ST 170 FT; TH NE'LY PAR WITH N LN OF BLK 34 20 FT; TH SE'LY PAR WITH COURT ST 50 FT; TH SW'LY PAR WITH N LN OF BLK 34 52 FT; TH SE'LY PAR WITH COURT ST TO N LN OF GENESEE ST; TH W'LY ALG GENESEE ST TO E LN OF VAC CEDAR ST; TH NW'LY ALG SD E LN SE'LY LN MAPLE ST (NOW HORTON ST); TH NE'LY ALG MAPLE ST 18 FT TO BEG EX THAT PART THEREOF LYG SLY OF SWLY LINE SD BLK 34 (portion of 258 W. Genesee St.)

CITY OF LAPEER, ORIGINAL PLAT NE 1/4, BLK 34 NW'LY 50 FT OF SE'LY 80 FT OF LOTS 7 & 8 AND THAT PART OF LOT 6 DESC AS BEG SE COR LOT 6 TH SW'LY ALG S LN LOT 6 26.75 FT; TH N 11*09'20" W 52.93 FT; TH NE'LY ALNG N LN LOT 6 9.65 FT TO POB; CITY OF LAPEER ORIGINAL PLAT NE 1/4 NW'LY 40 FT OF NE'LY 20 FT OF LOT 6 & NW'LY 40 FT OF LOTS 7 & 8, BLK 34; & CITY OF LAPEER ORIGINAL PLAT NE 1/4 SE'LY 30 FT OF LOTS 1 AND 2 AND SE'LY 30 FT OF NE'LY 20 FT OF LOT 3 AND NE'LY 120 FT OF VACATED ALLEY RUNNING E & W THRU BLOCK ALL IN BLK 34 (135, 143, & 151 N. Court St.)

ON A ROLL CALL VOTE:

AYES: Commissioners Bennett, Marquardt, Robinet, Farrington, and Bostick-

Tullius.
NAYS: None.
ABSENT: None.
ABSTAIN: None.
MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

Ordinance Amendment to Revise Chapter 29 (State Housing Authority Tax Exemption Ordinance).

Commissioner Farrington introduced the proposed amendment to Chapter 29 (State Housing Authority Tax Exemption Ordinance).

SUMMARY OF AMENDMENTS TO
CHAPTER 29 (State Housing Authority Tax Exemption Ordinance)
OF THE GENERAL ORDINANCES OF THE CITY OF LAPEER

PURPOSE:

These Ordinance amendments will revise Chapter 29, "STATE HOUSING AUTHORITY TAX EXEMPTION ORDINANCE," of the General Ordinances of the City of Lapeer which was designed to insure that the public welfare of the people of the City will be enhanced through the development of affordable housing for the "elderly" and "low income" citizens as defined by law and to provide for annual fees in lieu of taxes for the construction and renovation of dwelling units within the City which are established for such purpose.

BACKGROUND:

The ordinance, as enacted, set forth specific conditions under which a provider of affordable housing could obtain a tax abatement and pay a scheduled fee in lieu thereof so long as the development was constructed through the use of public funds made available through State and Federal programs. The City adopted the "STATE HOUSING AUTHORITY TAX EXEMPTION ORDINANCE," in order to allow for the construction and accommodation of its elderly and low income citizens in conformity with the State and Federal grant programs established for such purpose.

SUMMARY OF ORDINANCE:

Changes to Chapter 29

Section 29.02, "PURPOSE." The purpose of the Ordinance was clarified to include the preservation of affordable housing as a necessary and indispensable part of the maintenance of any development financed by the State Housing Development Authority.

Section 29.03, "DEFINITIONS," is amended to refine the definition of "elderly" to be consistent with that term's definition as set forth in the State Housing Development Authority Act of 1966, as well as to define the new project owner and developer, and to bring the renovation/restoration of Silver Maples Village within the parameters of the ordinance as allowed by the federal housing and community development act of 1974.

Section 29.04, "DECLARATION OF PUBLIC NECESSITY AND BENEFIT; ACKNOWLEDGMENT OF OFFER," is amended to include restoration and renovation as essential requirement of the development's continued successful operation.

Section 29.05, "CONTRACTUAL EFFECT OF ORDINANCE," is amended to provide for the inclusion of the Department of Housing and Urban Development (HUD) as a party to and third-party beneficiary of any agreement between the City of Lapeer, the Owner and the Authority as proscribed by statute.

Section 29.07, "ACKNOWLEDGMENT AND ACCEPTANCE," is amended to provide for the acquisition and restoration by the new Owner as in compliance with law.

Section 29.08, "ANNUAL SERVICE CHARGE FOR PUBLIC SERVICES. DESTRIIBUTION," is amended to provide that in "the event the Project no longer

receives project based Section 8 subsidies from HUD, contract rents shall mean all rental income paid by on behalf of the tenants from the preceding calendar year exclusive of the cost of fuel, electricity, water and sewer services paid by the Project.”

Section 29.10, “PERIOD OF EFFECTIVENESS,” is amended to reflect that the extension of a tax abatement to the Owner of the Project shall remain in place so long as the Owner acquires and commences restoration/renovation of the Project with one year from the effective date of the Ordinance as amended.

CITY MANAGER’S REPORT

City Manager Dale Kerbyson commented on that the City has secured another ICE Grant for Oregon (Saginaw Street to East side of bridge) which will finish this quadrant; bids have been received for Saginaw Street with the low bid at \$1.12 million. Commissioner Robinet questioned whether or not the special assessment fees would be reduced, Mr. Kerbyson indicated if the cost for the project is 5% or more in reduction, the special assessment fees will be reduced; the Walking Tour was well received.

CITY ATTORNEY’S REPORT

Nothing new to report.

UNFINISHED BUSINESS

36 2010 02-15

Reappointed by Mayor Sprague. Moved by Robinet. Seconded by Farrington.

To approve the reappointment of the following Board members:

Cemetery Board, Marge Alexander for a 5 year term; Park Board, Rick Pizzala, Deborah Marquardt, Dianne Nordbert for a 3 year term.

MOTION CARRIED.

37 2010 02-15

Moved by Robinet. Seconded by Marquardt.

To approve the reappointment of the following Board members:

Cable Advisory Board, Lorraine and Dan Grinnell for a 3 year term; Prison Liaison Committee, Todd Alexander and Terry Kluge for a 3 year term; Zoning Board of Appeals, Scott McKenna and Paul Parsch for a 3 year term.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

Monthly Department Reports; Annual Financial Reports TIFA 1,2,3, and Brownfield Redevelopment; DeMille Boulevard Right-of-Way Survey; and Monthly Financial Report for October 2009 was received into record.

MAYOR/COMMISSIONER COMMENTS

Commissioner Farrington questioned why the Bridge Scour Analysis was needed. Rowe Professional Services Company representative Doug Skylis commented on MDOT requirements.

Commissioner Marquardt commented that she has received a complaint on the bumping road conditions on Genesee between M-24 and Millville Roads, was anything planned to repair this area? Director of Department of Public Works John Lyons indicated they would review roads in the spring after the roads settle from current construction and weather.

Commissioner Bennett commented on the Walkability Tour.

Commissioner Robinet commented he would like to see the Planning and Zoning Board members receive an attendance fee of approximately \$35/meeting in the future with stipulations, would like this to be a topic of discussion during budget reviews.

Mayor Sprague commented on Walk for Warmth and Johnny Spillane, winner of the silver medal in Nordic combined skiing in the Winter Olympics.

ADJOURNMENT

38 2010 02-15

Moved by Bennett. Seconded by Marquardt.

To adjourn the meeting.

MOTION CARRIED.

The regular meeting adjourned at 6:48 p.m.

William J. Sprague, Mayor

Donna L. Cronce, MMC, City Clerk

Tracey S. Russell, Deputy City Clerk