

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

March 1, 2010

A regular meeting of the Lapeer City Commission was held March 1, 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 Michael Nolan.

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; Brent Hershberger; Ray Densmore; Lapeer County Commissioner Lenny Schneider; American Community Developers, Inc. Vice President, Jeffrey Supowit; Ray Densmore; Michael Sosne; Suzanne Sosne; and Robert Link.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

39 2010 03-01

Moved by Robinet. Seconded by Marquardt.

To approve the Agenda for March 1, 2010 with the addition of Item G.1.B. Municipal Services Agreement with Silver Maple Village 2009 Limited Dividend Housing Association LLC.

MOTION CARRIED.

MINUTES

40 2010 03-01

Moved by Marquardt. Seconded by Bostick-Tullius.

To approve the minutes from the Regular Meeting held on February 15, 2010.

MOTION CARRIED.

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

CONSENT AGENDA

41 2010 03-01

Moved by Marquardt. Seconded by Robinet.

To approve the Consent Agenda for March 1, 2010 resulting in the following:

1. Accept the Permanent Watermain and Appurtenance Easement and Agreement for Construction and Maintenance with Fairways of Lapeer Condominium Association Corporation and approve the Agreements and Quit Claim Deeds for Clement and Phyllis Burg property address 602 Greens Way Blvd., Daniel, Denise, Essie Bryson property address 604 Greens Way Blvd.; and Robert and Willena Van Dusen property address 606 Greens Way Blvd. to relinquish control and jurisdiction and vacation of a water main easement and authorize the Mayor and City Manager to sign required documents.

2. Approve the purchase of one 2011 Freightliner M2 106 from Diesel Truck Sales in the amount of \$69,789.00 and authorize the Director of Public Works to sign required document.
3. Approve the Contract for Construction Engineering Services with Rowe Professional Services for the N. Saginaw Street Reconstruction Project in the amount of \$122,223.00 and authorize the Director of Public Works to sign required document.

MOTION CARRIED.

BILL LISTING FOR FEBRUARY 15, 2010

42 2010 03-01

Moved by Robinet. Seconded by Bostick-Tullius.

To approve the Bill Listing for March 1, 2010 in the amount of \$589,310.75.

MOTION CARRIED.

PUBLIC COMMENTS

Ray Densmore, property owner at 9 W. Genesee, commented on sidewalk issues with his property; sidewalk is located in the City right-of-way; City pushes salt, sleet, sand, snow onto the sidewalk; violation notice received to clear sidewalk; and feels that it is the City's problem to clear sidewalk. Mayor Sprague requested that the City Manager check into the sidewalk issue and report back to the Commission. Brief discussion was held regarding sidewalks being within the public right-of-way, sidewalk location is next to curb, and property location.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Proclamation Supporting Paradise Animal Rescue.

43 2010 03-01

Moved by Robinet. Seconded by Bennett.

To approve the Proclamation Supporting Paradise Animal Rescue.

CITY OF LAPEER PROCLAMATION SUPPORTING PARADISE ANIMAL RESCUE

WHEREAS, Paradise Animal Rescue was founded in 2002 and has since brought awareness of the many dogs and cats who are homeless through circumstances beyond their control and recognize contributing factors such as owners lack of income and loss of homes; and

WHEREAS, Paradise Animal Rescue strives to serve the needs of the Lapeer community and to promote animal rescue awareness by involving citizens, community organizations, and government partnerships to collaborate and find solutions for ending animal homelessness in the Lapeer community; and

WHEREAS, Paradise Animal Rescue has within the past year adopted out 123 cats and 27 dogs and continues to foster a philosophy and the importance of accomplishing its endeavor to help animal rescue awareness that is directed by the needs of Lapeer community; and

WHEREAS, Paradise Animal Rescue provides a valuable resource in these economic times for dogs and cats by:

- providing food and supplies to owners who would otherwise have to surrender their beloved pet;
- helping to defray costs of veterinarian services;
- donating bus fare for those who cannot afford to come to their place for assistance;
- devoting of time and effort by volunteers to offer a range of services in a caring and supportive atmosphere.

WHEREAS, Paradise Animal Rescue operates solely on donations from the community and provides an indispensable component in the safety and quality of care for the creation of a humane environment for any pet as well as continuing a close working relationship with Lapeer County Animal Control for the sheltering and care of homeless dogs and cats.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Lapeer City Commission wholeheartedly supports and appreciates the efforts of Paradise Animal Rescue and praises all volunteers working within its organization that provides a spirit of voluntary action and civic duty and encourage the citizens of the City of Lapeer and Lapeer community to support a worthwhile cause to ending animal homeless in the Lapeer community.

Dated this 1st day of March, 2010.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Mayor Sprague presented the proclamation to Michael Sosne, Director of Paradise Animal Rescue. Mr. Sosne introduced his wife Suzanne and Assistant Robert Link.

PUBLIC HEARINGS

No public hearings scheduled.

ADMINISTRATIVE REPORTS

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

44 2010 03-01

Moved by Robinet. Seconded by Bennett.

To adopt the amendment to Chapter 29 (State Housing Authority Tax Exemption Ordinance) of the General Ordinances of the City of Lapeer.

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. DISTRIBUTION," 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.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 29 ADOPTED.

Municipal Services Agreement with Silver Maple Village 2009 Limited Dividend Housing Association LLC.

45 2010 03-01

Moved by Farrington. Seconded by Bennett.

To approve the Municipal Services Agreement with Silver Maple Village 2009 Limited Dividend Housing Association LLC and authorize the Mayor and City Manager to sign said Agreement.

MOTION CARRIED.

Master Plan Amendment – Future Land Use Designation for Vacant 8.6-acre parcel on DeMille Boulevard.

46 2010 03-01

Moved by Robinet. Seconded by Bostick-Tullius.

To approve the Master Plan Amendment to the Future Land Use Map for Vacant 8.6-acre parcel on DeMille Boulevard.

MOTION CARRIED.

Zoning Ordinance Amendment: Vacant 8.6-acre parcel on Demille Boulevard.
Rezone from R-4 Single-Family Residential to RM Multiple-Family Residential.

Commissioner Robinet introduced the proposed amendment to Chapter 7 (Zoning Ordinance), Section 7.03, H., Number 95 of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

G. ZONING DISTRICT AMENDMENTS:

95. The following property, formerly zoned R-4 One-Family Residential District, is hereby rezoned to RM Multiple-Family District:

City of Lapeer Part of Section 6 and 7, T7N, R10E; beg at N 1/4 cor Sec 7; th S03°26'26"E alg N-S 1/4 line of said Sec 7 652.85 ft; th S86°33'40"W 530.06 ft; th N03°26'20"W 767.70 ft; th alg curve to left 76.39 ft (rad 1106.13 ft, chd brg S79°14'30"E 76.37 ft); th S81°13'11"E 295.65 ft; th alg curve to left 170.39 ft (rad 5633.13 ft, chd brg S82°05'10"E 170.39 ft) to POB. 8.61 Acres; subject to any restrictions, easements and/or rights of way of record."

CITY MANAGER'S REPORT

City Manager Dale Kerbyson commented on the Agreement with Silver Maple Village and introduced Vice President Jeff Supowit. Mr. Supowit advised that \$2.5M would be made in rehab construction with development costs of approximately \$11M. Mr. Kerbyson commented that the web-bites have been posted on the City's web page; focus group for hydrant fees; receipt of walkability power point, issues in opening the program, and presentation of information to the Commission; and informational pamphlet relating to the Special Assessment Process.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan commented that they are continuing to work behind the scenes in helping City Departments move forward with issues, Silver Maple Agreement, and should the Commission have any questions on items handled by his office to just ask.

UNFINISHED BUSINESS

47 2010 03-01

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

To appoint the following:

Housing Board of Appeals: James Mikus for a term ending May 1, 2012.
Jennell RaCosta for a term ending May 1, 2012.
Mary Jo Daum for a term ending May 1, 2012.
Donald Miller for a term ending May 1, 2011.
Pastor Nik Schillack for a term ending May 1, 2011.

MOTION CARRIED.

Brief discussion was held regarding board vacancies.

DEPARTMENTAL COMMUNICATIONS

The Monthly Financial Report for November 2009 and Monthly Financial Report for December 2009 was received into record.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett commented on handing out boxes of toothpaste.

Commissioner Marquardt commented on the Walk for Warmth and the upcoming Hee-Haw show scheduled for May 15th – 17th at the American Legion.

City Manager Dale Kerbyson commented on Mr. Robertson's article in the paper.

Mayor Sprague commented on the Walk for Warmth and recognized Commissioner Marquardt and volunteers involved for their efforts in helping the community and another group that has supported the community is the Optimist who is holding their Annual Vegas Night on March 13th at the American Legion.

ADJOURNMENT

48 2010 03-01

Moved by Bennett. Seconded by Marquardt.

To adjourn the meeting.

MOTION CARRIED.

The regular meeting adjourned at 6:58 p.m.

William J. Sprague, Mayor

Donna L. Cronce, MMC, City Clerk