

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

**April 5, 2010**

A regular meeting of the Lapeer City Commission was held April 5, 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 Attorney Representative Tim Turkelson.

**Absent:** City Manager Dale Kerbyson.

**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 Tim Bradshaw; Lapeer County Press Editor Jeff Hogan; Brent Hershberger; Sue Brown, Danielle Brown and Andrea Stepp.

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**58 2010 04-05**

Moved by Robinet. Seconded by Marquardt.  
To approve the Agenda for April 5, 2010 as presented.  
MOTION CARRIED.

**MINUTES**

**59 2010 04-05**

Moved by Marquardt. Seconded by Farrington.  
To approve the correction to the City Commission Regular Meeting minutes held on March 1, 2010 as presented.  
MOTION CARRIED.

**60 2010 04-05**

Moved by Marquardt. Seconded by Farrington.  
To approve the minutes from the Regular Meeting held on March 15, 2010.  
MOTION CARRIED.

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

**CONSENT AGENDA**

**61 2010 04-05**

Moved by Bostick-Tullius. Seconded by Robinet.  
To approve the Consent Agenda for April 5, 2010 resulting in the following:

1. Approve the Special Event Request from Lapeer Downtown Business Association for Lapeer Cruise to be held on Mondays, May 10 – September 13, 2010 except for May 31 and September 6 on Nepessing Street between Mason and Court Streets and use of Farmer's Market Pavilion.
2. Approve the Special Event Request from Lupus Alliance of America for Timberly Ranshaw Memorial Walk to be held May 16, 2010 at Rowden Park.
3. Approve the Special Event Request from Great Lakes Bio Regional Land Conservancy for Wild Lapeer and Foot Race to be held May 8, 2010 at Prairie and Ponds.

4. Approve the Special Event Request from Downtown Business Association for Lapeer Road County Cruise to be held June 26, 2010 downtown and use of Farmer's Market Pavilion.
5. Approve the Special Event Request from Downtown Business Association for Summer Concert Series to be held Thursday evenings June 3 – August 5, 2010 at Farmer's Market Pavilion.
6. Approve the Special Event Request from Downtown Business Association for Pumpkin Fest and Treat Walk to be held October 30, 2010 downtown.
7. Approve the Special Event Request from Downtown Business Association for Christmas Winter Fest to be held December 3 and 4, 2010 downtown.
8. Approve the Special Event Request from American Legion Post 16 for Memorial Day Parade to be held May 31, 2010 and that the City co-sponsor the event by providing insurance under the City's Property and Liability Policy.
9. Approve the Budget Adjustment for Non-Union Wage Adjustment as presented.
10. Approve the 2010 Annual Spring Clean Up for May 3<sup>rd</sup> thru May 8<sup>th</sup> and approve the 2010 Spring Clean-Up Agreement with Rick Rhein Disposal and authorize the City Manager and Director of Public Works to sign said Agreement.
11. Approve the purchase of new patrol units of 2010 Chevrolet Impala through Oakland County Bid from Shaheen Chevrolet and 2010 Ford Crown Victoria through Macomb County Bid from Signature Ford and authorize the Police Chief to sign required documents.
12. Approve the Budget Adjustment for the purchase of new police vehicles.
13. Approve the Downtown Outdoor Dining Area Right-of-Way Licenses for Abruzzo's Piano Grille – 315 W. Nepessing Street and Blondie's Sweet Boutique/Dagwood's Deli/After Hours – 193 W. Nepessing Street and authorize the Mayor and City Manager to sign required documents.
14. Approve the Resolution For Street Addition Summit Street.

CITY OF LAPEER  
RESOLUTION FOR STREET ADDITION  
SUMMIT STREET

WHEREAS, the City of Lapeer did on February 23, 1990 acquire title to a certain street; and

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

NOW, THEREFORE, BE IT RESOLVED:

1. That the centerline of said street is described as:

PART OF THE SOUTHEAST 1/4, SECTION 6 AND PART OF THE SOUTHWEST 1/4 SECTION 5, BOTH BEING LOCATED IN T7N-R10E, CITY OF LAPEER, LAPEER COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SECTION 5, AND N02°38'34"W, ALONG THE WEST LINE OF SECTION 5, 570.00 FEET TO A POINT LABELED "A" AND THE POINT OF BEGINNING; THENCE S87°47'38"W, 383.84 FEET TO A POINT OF ENDING.

AND ALSO BEGINNING AT SAID POINT LABELED "A", THENCE N88°00'00"E, 632.70 FEET; THENCE ALONG A CURVE TO THE LEFT 99.01 FEET (HAVING A 150.00 FOOT RADIUS, CENTRAL ANGLE OF 37°49'12", AND A CHORD BEARING AND DISTANCE OF N69°05'20"E, 97.22 FEET); THENCE N50°10'39"E, 71.28 FEET; THENCE ALONG A CURVE TO THE RIGHT 133.45 FEET (HAVING A 150.00 FOOT RADIUS, CENTRAL ANGLE OF 50°58'26", AND A CHORD BEARING AND DISTANCE OF N75°39'50"E, 129.09 FEET); THENCE S78°51'00"E, 280.50 FEET TO THE WEST LINE OF M-24 AND POINT OF ENDING.

2. That said street is located within a City right-of-way and is under the control of the City of Lapeer.
3. That said street is a public street and is for public street purposes.

4. That said street is accepted into the City Local Street System.
  15. Approval of vehicles to be auctioned as listed by the Department of Public Works.
  16. Approval of Generac 100KW Standby Generator from J & T Electrical Supply of Oxford in the amount of \$29,710.
- MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

## **BILL LISTING FOR APRIL 5, 2010**

### **62 2010 04-05**

Moved by Robinet. Seconded by Bostick-Tullius.  
To approve the Bill Listing for April 5, 2010 in the amount of \$570,934.76.  
MOTION CARRIED.

## **PUBLIC COMMENTS**

Commissioner Marquardt introduced Andrea Stepp, to observe meeting as part of a class paper towards her business degree and worked with the Lapeer branch of HDC before being moved to Caro area.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

### **63 2010 04-05**

Moved by Bostick-Tullius. Seconded by Farrington.  
To approve the Proclamation for Sexual Assault Awareness Month April 2010.

CITY OF LAPEER - PROCLAMATION  
SEXUAL ASSAULT AWARENESS MONTH  
APRIL 2010

WHEREAS, sexual assault affects women, children and men of all racial cultural and economic backgrounds; and

WHEREAS, in addition to the immediate physical and emotional costs, sexual assault may also have associated consequences of post-traumatic stress disorder, substance abuse, depression, homelessness, eating disorders and suicide; and

WHEREAS, sexual assault can be devastating for not only the survivor, but also for the family and friends of the survivor; and

WHEREAS, no one person, organization, agency or community can eliminate sexual assault on their own, but we can work together to educate our entire population about what can be done to prevent sexual assault, support victim/survivors and their significant others, and increase support for agencies providing services to victim/survivors; and

WHEREAS, Sexual Assault Awareness Month provides an excellent opportunity for citizens to learn more about preventing sexual violence before it can start and to show support for the numerous organizations and individuals who provide critical advocacy, services, and assistance to sexual assault survivors; and

WHEREAS, The Michigan Coalition Against Domestic and Sexual Violence, the Michigan Domestic Violence Prevention and Treatment Board, and the Michigan Department of Community Health are dedicated to the elimination of all sexual violence in our state.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Lapeer City Commission support the efforts to eliminate sexual assault and hereby declares April 2010 as Sexual Assault Awareness Month in the City of Lapeer.

Dated this 5<sup>th</sup> day of April, 2010.

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

NAYS: None.  
ABSTAIN: None.  
ABSENT: None.  
MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

## **PUBLIC HEARINGS**

No public hearings scheduled.

## **ADMINISTRATIVE REPORTS**

### Rules and Procedures of the City Commission

No action at this time. Information presented as an introductory item for Commission review.

### Ordinance Amendment: Chapter 20 (Business Licenses and Regulations)

Brief discussion was held regarding: questioned why revisions were needed; Going Out of Business fees and regulations according to Public Act; stores that hold going out of business for longer than required time limit which is misleading to the customer; and to have a more in-depth review at the next Commission meeting.

Commissioner Robinet introduced the proposed amendments to Chapter 20 (Business Licenses and Regulations) Ordinance of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

### CHAPTER 20 (Business Licenses and Regulations)

#### SUMMARY OF ORDINANCE:

##### *Changes to Chapter 20*

Section 20.00. "IN GENERAL". The purpose of this section is to define general requirements for: licensee defined; licenses required; multiple businesses; state licensed businesses; fees; licenses application; authorizing issuing officer and approval of city officers or department heads; use of buildings and premises; change of location; nuisances; inspections; bonds or insurance; license year; issuance; exhibition of license; transfer of license; denial, suspension or revocation procedures; provisions complementary and supplemental; and penalties.

Section 20.01. "Billiards and Pool Rooms and Bowling Alleys" to be deleted in its entirety and changed to "GOING OUT OF BUSINESS OR REMOVAL SALE". The purpose of this section is to reference the provisions of Regulation of Certain Sales, Public Act 39 of 1961, et seq., (MCL 442.211, et seq.) as amended.

Section 20.02. "TAXICAB LICENSE". The purpose of this section is to clarify license required; definitions; applications; character of applicant; authorizing issuing officer; bonds or insurance; display of rates; identification; taximeters; driver's manifests; disposition of property left in vehicles; and general provisions.

Section 20.03. "SECONDHAND DEALER AND JUNK DEALER". The purpose of this section is to add Secondhand Dealer; license required in accordance with provisions of Public Act 350 of 1917, (MCL 445.401, et seq.) as amended; adoption by reference of Public Act 350 of 1917; authorizing issuing officer, license and inspection; application; bonds or insurance; general provisions; and manifests.

Section 20.04. "SHOOTING GALLERIES". The purpose of this section is to clarify shooting gallery defined; license required; authorizing issuing officer; application; bonds or insurance; location; hours of operation; and safety rules.

Section 20.05. "CIRCUSES, MEDICINE SHOWS, CARNIVALS, TENT SHOWS". The purpose of this section is to clarify license required; application; and bonds or insurance.

Section 20.06. "Transient or Itinerant Photographers" to be deleted in its entirety and changed to "PAWNBROKERS". The purpose of this section is to add clarification of definition; license required in accordance with provisions of Pawnbrokers, Public Act 273 of 1917, (MCL 446.201, et. seq.) as amended; adoption by reference of Public Act 273 of 1917; authorizing issuing officer, and application.

Section 20.07. "SOLICITORS, CANVASSERS, PEDDLERS, TRANSIENT OR ITINERANT MERCHANTS". The purpose of this section is to clarify permit and license required; definitions; application; bonds and insurance; badges; exhibition of license; duty of police to enforce; exemptions; and additional requirements as provided by ordinance.

Section 20.08. "ERECTION AND POSTING OF SIGNS". The purpose of this section is to add E. Election signs shall not be erected, posted, affixed, or placed more than thirty (30) days prior to any scheduled election. Such election signs shall be removed ten (10) days after any scheduled election.

Section 20.09. "Peddlers" to be deleted in its entirety and changed to "PRECIOUS METAL AND GEM DEALER". The purpose of this section is to add license required in accordance with the provisions of Public Act 95 of 1981, (MCL 445.481) as amended, adoption by reference of Public Act 95 of 1981; and authorizing issuing officer.

Section 20.10. "Mechanical Amusement Devices" to be deleted in its entirety.

NOTICE IS HEREBY GIVEN that the complete text of the ordinance has been posted at City Hall, 576 Liberty Park, Lapeer, Michigan 48446, and a copy of same may be obtained from the Clerk's office between the hours of 8:00 a.m. and 5:00 p.m.

DONNA L. CRONCE, MMC  
CITY CLERK, CITY OF LAPEER  
April 5, 2010

#### Ordinance Amendment: Chapter 9 (Housing Ordinance)

Commissioner Farrington introduced the proposed amendments to Chapter 9 (Housing Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

#### CHAPTER 9 HOUSING ORDINANCE

##### 9.104 DEFINITIONS

(36) HOUSING OFFICIAL  
Shall mean the rental inspector designated by the Building Official or by any other person designated by the City manager as a Housing Code Official.

(38) HOUSEKEEPING UNIT deleted in its entirety and changed to add:

##### HOUSING BOARD OF APPEALS

A board consisting of five (5) members whose function is to appeal any decision by a building official.

(39) through (42) no change.

(43) MEANS OF EGRESS

A continuous and unobstructed path of travel from any point in a building or structure to a public way, and consisting of three (3) separate and distinct parts:

- A. no change.
- B. no change.
- C. no change.

(44) through (56) no change.

(57) RESPONSIBLE LOCAL AGENT

Shall mean a person having his place of residence or principal place of business in the City of Lapeer, who is legally responsible for operating a dwelling in compliance with all the provisions of this Ordinance.

(58) through (70) no change.

9.105 through 9.115 no change.

9.116 EMERGENCY ESCAPE REQUIRED

All sleeping rooms in a dwelling unit or a room unit below the fourth story shall have a minimum of one (1) operable window or exterior door approved for emergency egress or rescue in accordance with the following:

- (A) no change.
- (B) no change.
- (C) no change.
- (D) All locking devices on exterior windows and doors of individual rental units shall be properly installed and in good repair. All doors which provide entry to rental dwellings from a common hall shall be provided with a properly installed locking device in good repair without interior keyed locks or dead bolts.

9.116 through 9.126 no change.

9.127 SMOKE DETECTOR REEQUIRED

A minimum of one (1) single station smoke detector shall be provided and maintained in good repair in each individual sleeping room and one (1) single smoke detector outside of each sleeping area and every level of a dwelling, including basement.

9.128 through 9.131 no change.

9.132 ELECTRICAL SYSTEM INSPECTION

If visual inspection by the Housing Code Official reveals that the wiring system of an existing dwelling unit is inadequate or if code certification for any reason is required or requested, the following minimum standards shall be complied with:

- (A) no change.
- (B) no change.
- (C) Kitchen  
The kitchen shall be provided with illumination. The required illumination shall be controlled by a wall switch located for convenient and readily accessible use. A separate kitchen appliance circuit shall be provided, supplying a minimum of three (3) grounding type duplex receptacle outlets with GFI protection. Two (2) of these receptacles shall be readily accessible and spaced for convenience use of portable appliances. New appliance circuits shall be 20 ampere capacity.

- (D) Bathroom  
The bathroom shall be provided with illumination, controlled by a conveniently located wall switch. A receptacle separate from a light fixture shall be provided. The receptacle separate from a light fixture shall be provided. The receptacle shall be not more than thirty (30) inches of the outside edge of each basin and shall be GFI protected.

(E) through (K) no change.

9.133 through 9.135 no change.

- 9.136 HOT AND COLD WATER SUPPLY  
Every sink basin, bathtub, or shower facility required by this Housing Ordinance shall be properly connected with both hot and cold water lines. The hot water lines shall be connected to and supplied from an approved hot water source which is properly installed and maintained in a safe and good working condition.

9.137 through 9.140 no change.

- 9.141 MECANICAL SYSTEMS
  - (A) Dryer's shall be vented to the outside and maintained. Gas piping shall be maintained so as not to create a hazard to the occupants and or the structure.
  - (B) Water heaters shall be installed and maintained. A water pressure relief valve must be located within four (4) inches of the floor for Rental Rehab and within six (6) inches of the floor for Housing Choice Voucher Inspections.

- 9.142 GARBAGE/RUBBISH (formerly 9.141)
  - (A) through (D) no change.

- 9.143 HABITABLE ROOMS REQUIRED (formerly 9.142)  
No change.

- 9.144 HABITABLE FLOOR AREA REQUIRED (formerly 9.143)
  - (A) through (B) no change.

- 9.145 SLEEPING ROOM REQUIRED (formerly 9.144)
  - (A) through (B) no change.

- 9.146 CEILING HEIGHT REQUIRED (formerly 9.145)
  - (A) through (C) no change.

- 9.147 MINIMUM STORAGE FACILITIES (formerly 9.146)  
No change.

- 9.148 INSECT SCREENS REQUIRED deleted in its entirety and replaced with:

WINDOWS, DOORS AND SCREENS (formerly 9.147)  
All windows and exterior doors, including storm windows and doors, shall be weather tight and in good repair. All existing screen doors and screens shall be in good repair.

- 9.149 REQUIRED WINDOW AREA VENTILATION REQUIRED  
Each habitable room shall contain windows or skylights which have a combined area equal to or exceeding eight percent (8%) of the floor area

of the room. The required window area in a basement or cellar being used as a habitable room shall be located entirely above grade. Bathroom ventilation shall have a minimum of four percent (4%) openable area or mechanical ventilation in compliance with Michigan Building Code or Michigan Residential Code.

9.150 through 9.166 no change.

## SECTION 9.200 ADMINISTRATION, ENFORCEMENT AND PENALTY

### 9.201 BASIS OF INSPECTIONS

Inspections will be made to obtain and maintain compliance with the standards of this Housing Ordinance based upon one or more of the following:

(A) through (H) no change.

(I) Rental Dwelling Inspection. Except for facilities operated and maintained pursuant to Chapter 25 of the General Ordinances of the City of Lapeer, the Housing Official shall inspect each dwelling unit of residential rental property in the City.

(J) Section deleted in its entirety and replaced with:

Exemptions: (formerly (K))

(1) All newly constructed rental dwelling units shall be exempt from annual inspections for a period of two years from the issuance of certificate of occupancy.

(2) All existing rental dwelling units which have been inspected and certified as being in compliance of this Housing Ordinance, shall be certified for a period not to exceed two (2) years. Compliance shall mean that no violations of this Housing Ordinance exists that would require a re-inspection.

(3) Any exemption as set forth above may be revoked, restricted or modified by the Housing Official for violations of this ordinance. An owner may appeal a loss of exemption to the Housing Board of Appeals as described herein.

**History: (Effective Date 10-12-94;-)**

### 9.202 RE-INSPECTION

If said dwelling unit or dwelling unit does not comply with the Housing Regulations, the Housing Code Official shall notify the applicant and re-inspect the dwelling or dwelling unit for compliance within a reasonable time considering the circumstances, but not to exceed ninety (90) days. The method for determining the conditions that require re-inspection will be determined on the severity of the non-compliant conditions.

9.203 through 9.229 no change.

9.230 REGISTRATION ACKNOWLEDGMENT deleted in its entirety and replaced with:

CHANGE IN REGISTRATION INFORMATION (formerly 9.231)

If any change occurs in registration information provided under Section 9.227 the responsible party shall file an amended registration form with the Building Department within thirty (30) days after the change occurs. A new Owner of a registered rental or rooming dwelling shall re-register the dwelling within thirty (30) days of assuming ownership.

9.231 CERTIFICATE OF COMPLIANCE (formerly 9.232)

The name, residence address, business address, business telephone number of the property owner.

(A) through (G) no change.

(H) A certificate of compliance shall expire one year from the date of its anniversary date, unless an exemption is granted per Section 9.201 (J). A temporary or conditional certificate of compliance shall expire on the date specified thereon, but in no event more than one year from the date of its issuance.

9.232 CERTIFICATE OF COMPLIANCE – MIXED USES (formerly 9.233)  
No change.

9.233 APPEALS TO THE HOUSING BOARD OF APPEALS (formerly 9.234)  
No change.

9.234 PROCEDURE FOR FILING APPEAL (formerly 9.235)  
No change.

9.235 CONTINUATION OF EXISTING USE (formerly 9.236)  
No change.

9.236 RECORDS TO BE MAINTAINED (formerly 9.237)  
No change.

9.237 RELEASE OF RECORDS (formerly 9.238)  
No change.

9.238 COMPLIANT CONFIDENTIALITY (formerly 9.239)  
No change.

9.239 COVENANTS OF LESSOR OR LICENSOR: CONSTRUCTION (formerly 9.240)  
No change.

9.240 ENFORCEMENT GENERALLY (formerly 9.241)  
No change.

9.241 CIVIL REMEDIES FOR VIOLATIONS (formerly 9.242)  
No change.

9.242 DELAYING OR TERMINATING PROSECUTION (formerly 9.243)  
No change.

9.243 PENALTY (formerly 9.244)  
No change.

#### SECTION 9.300 HOUSING BOARD OF APPEALS

9.301 through 9.302 no change.

9.303 MEETINGS (HEARINGS)  
(A) no change.  
(B) no change.

(C) Three members of the Board shall constitute a quorum for the conduct of its business.

(D) through (G) no change.

9.304 through 9.306 no change.

9.307 DECISIONS  
(A) no change.

(B) The concurring vote of three (3) members of the Board shall be necessary to reverse any Order, requirements, decisions, or determination of any officer or department, board, or commission of the City of Lapeer, or to decide in favor of the applicant in the manner upon which it is authorized by this Ordinance to render a decision.

(C) through (D) no change.

Michigan Liquor Control Commission License Transfer: Sanson, LLC

**64 2010 04-05**

STATE OF MICHIGAN  
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES  
LIQUOR CONTROL COMMISSION  
RESOLUTION

Moved by Commissioner Robinet and supported by Commissioner Marquardt that the request to transfer ownership of 2009 Class C licensed business, located at 393 W. Nepessing, Lapeer, MI 48446, Lapeer County, from Villa Restaurant, Inc. to Sanson, LLC be considered for approval.

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

It is the consensus of this legislative body that the application be: Recommended for issuance.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Brief discussion was held regarding length of ownership by Krehel's of Villa Restaurant at the Lapeer address. It was the general consensus of the Commission to provide a proclamation in recognition of Krehel's operation of Villa Restaurant.

Office of Highway Safety Planning (OHSP) Safe Communities Grant

**65 2010 04-05**

Moved by Robinet. Seconded by Marquardt.

To approve the Application/Agreement and to accept an Office of Highway Safety Planning (OHSP) Safe Communities Grant for OWI Enforcement, Seatbelt Enforcement, Youth Alcohol Compliance Enforcement, and Car Seat Grant; to be the fiduciary for this grant with the agencies of Lapeer County Sheriff Department, Imlay City Police, Metamora Township Police, Dryden Township Police, North Branch Police, and Almont Police; and authorize the City Manager and Police Chief to sign required documents. Brief discussion was held regarding total amount of grant, need to reapply yearly for continuation of grant, administration of grant, and City willingness to take over responsibility. The question was called to a vote.

MOTION CARRIED.

Industrial Facilities Tax Exemption Request: ZF Lemforder

**66 2006 04-05**

Moved by Marquardt. Seconded by Robinet.

Approve the Resolution To Schedule A Public hearing To Consider An Application For An Industrial Facilities Exemption Certificate For ZF Lemforder on April 19, 2010 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  
ZF Lemforder Corporation  
3300 John Conley Drive

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

WHEREAS, ZF Lemforder Corporation, owner 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 ZF Lemforder Corporation for 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 April 19, 2010 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 ZF Lemforder Corporation 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 inform 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:

Part of the Southwest 1/4 of Section 12, Township 7 North, Range 9 East, City of Lapeer, Lapeer County, Michigan described as beginning at a point on the East and West 1/4 line of said Section 12 which is N86°21'01"E, 873.23 feet from the West 1/4 corner of said Section 12; thence continuing N86°21'01"E, along said 1/4 line 1045.40 feet; thence S00°47'40"E 573.81 feet; thence 414.75 feet along the arc of a 907.00 foot radius non-tangential curve to the right (having a central angle of 26°12'00", a tangent of 211.07 feet, subtending a chord bearing and distance of N82°42'50"W, 411.14 feet); thence N69°36'50"W, 173.21 feet; thence 483.22 feet along the arc of a 1443.00 foot radius curve to the left (having a central angle of 19°11'11", a tangent of 243.89 feet, subtending a chord bearing and distance of N79°12'25"W, 480.96 feet); thence N01°36'58"W, 304.78 feet to the point of beginning

More commonly known as 3300 John Conley Drive

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Industrial Facilities Tax Exemption Request:   Hydraulics Tubes & Fittings LLC

1.	434 McCormick Drive	Transfer #2005-324
2.	434 McCormick Drive	Transfer #2008-256
3.	434 McCormick Drive	New

**67   2010   04-05**

Moved by Robinet. Seconded by Bennett.

To approve the Resolutions To Schedule A Public Hearing To Consider An Application For An Industrial Facilities Exemption Certificate For Hydraulics Tubes & Fittings LLC for 434 McCormick Drive for Transfer #2005-324, Transfer #2008-256, and New request on April 19, 2010 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 THE TRANSFER OF AN  
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE NO. 2005-324  
FOR  
Hydraulic Tubes and Fittings, LLC

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 December 5, 1983, this City Commission by resolution established Industrial Development District No. A; and

WHEREAS, Hydraulic Tubes and Fittings, LLC owner of the realty described below within said Districts, has applied for the transfer of an Industrial Facilities Exemption Certificate No. 2005-324, 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 Hydraulic Tubes and Fittings, LLC for the transfer of an Industrial Facilities Exemption Certificate No. 2005-324 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 April 19, 2010, 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 Hydraulic Tubes and Fittings, LLC application for the transfer of an Industrial Facilities Exemption Certificate No. 2005-324 with regard to proposed operation within the Industrial Development District No. A.
3. That the City Clerk immediately inform 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.A described as follows:

Lots 27 & 28 of the McCormick Industrial Park No. 3

Commonly known as: 434 McCormick Drive, Lapeer, Michigan

CITY OF LAPEER

RESOLUTION TO SCHEDULE A PUBLIC HEARING TO  
CONSIDER AN APPLICATION FOR THE TRANSFER OF AN  
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE NO. 2008-256  
FOR  
Hydraulic Tubes and Fittings, LLC

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 December 5, 1983, this City Commission by resolution established Industrial Development District No. A; and

WHEREAS, Hydraulic Tubes and Fittings, LLC owner of the realty described below within said Districts, has applied for the transfer of an Industrial Facilities Exemption Certificate No. 2008-256, 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 Hydraulic Tubes and Fittings, LLC for the transfer of an Industrial Facilities Exemption Certificate No. 2008-256 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 April 19, 2010, 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 Hydraulic Tubes and Fittings, LLC application for the transfer of an Industrial Facilities Exemption Certificate No. 2008-256 with regard to proposed operation within the Industrial Development District No. A.
3. That the City Clerk immediately inform 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. A described as follows:

Lots 27 & 28 of the McCormick Industrial Park No. 3

Commonly known as: 434 McCormick Drive, Lapeer, Michigan

CITY OF LAPEER  
RESOLUTION TO SCHEDULE A PUBLIC HEARING  
TO CONSIDER AN APPLICATION FOR AN  
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE  
FOR  
Hydraulic Tubes & Fittings, LLC

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 December 5, 1983 this City Commission by resolution established Industrial Development District No A. and

WHEREAS, Hydraulic Tubes & Fittings, LLC owner 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 Hydraulic Tubes & Fittings, LLC for 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 April 19, 2010 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 Hydraulic Tubes & Fittings, LLC application for an Industrial Facilities Exemption Certificate with regard to proposed operation within the Industrial Development District No. A.
3. That the City Clerk immediately inform 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. A described as follows:

Lots 27 & 28 of the McCormick Industrial Park No. 3

Commonly known as: 434 McCormick Drive, Lapeer, Michigan  
MOTION CARRIED. RESOLUTIONS DECLARED ADOPTED.

#### **CITY MANAGER'S REPORT**

No report.

#### **CITY ATTORNEY'S REPORT**

##### Smoking Policy

Brief discussion was held regarding designated areas outside City-owned buildings and review of policy to have all City buildings and grounds as a tobacco-free environment.

#### **UNFINISHED BUSINESS**

##### **68 2010 04-05**

Appointed by Mayor Sprague. Moved by Marquardt. Seconded by Farrington.  
To appoint Mary Ann Smith to the Lapeer Housing Board of Appeals for a term ending May 1, 2012.  
MOTION CARRIED.

#### **DEPARTMENTAL COMMUNICATIONS**

The Monthly Financial Report for February 2010 was received into record.

#### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Bostick-Tullius commented on the repair of a large hole in the street located to the back of the Walgreens property with Director of Public Works John Lyons responding that it will be checked into.

Commissioner Farrington commented on the Police Department taking over the grant processing and that the City is willing to take the extra step for the betterment of our community.

Commissioner Marquardt commented on Spring Clean-up and policies on when items are to be placed at curbside.

Commissioner Robinet commented on Spring Clean-up and if items can be placed at anytime during the week. Director of Public Works John Lyons responded that items should be placed no later than Monday by 7:30 a.m. and that only one sweep throughout the City will be made.

Commissioner Bennett commented on the new City limit sign on M-24; questioned Monthly Financial Report for February 2010 and attorney exceeding requirements of Retiree Health Insurance with Finance Director Paul Boucher responding that the City Attorney is not included in the Retiree Health Insurance; brief discussion on City Attorney payment by contract and use of MERS investment for retiree health fund; request to City Manager on how many other cities, townships and villages open meetings with invocation, believes City Clerk has a summary and that the summary be shared with the rest of the City Commission, request that invocation be included in the next agenda for discussion, that he will ask the Commission to vote on having invocation included within the agenda, and to have invocation be included within the Rules and Procedures of the City Commission.

Mayor Sprague commented on Bill and Edith Krehel owners of the Villa Restaurant, their contributions to the community, hope that new owners find Lapeer friendly and stay for 40 years plus as well. Mayor Sprague asked for an update on the Census with City Clerk Donna Cronce responding that the last numbers from the end of last week was 71% for Lapeer County and 63% for Michigan, in 2000 Lapeer County had a final count of 79%, and is looking for Lapeer County to be higher than the last Census count.

## **ADJOURNMENT**

### **69 2010 04-05**

Moved by Bennett. Seconded by Farrington.

To adjourn the meeting.

MOTION CARRIED.

The regular meeting adjourned at 7:04 p.m.

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William J. Sprague, Mayor

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Donna L. Cronce, MMC, City Clerk