

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

April 2, 2007

A regular meeting of the Lapeer City Commission was held on April 2, 2007 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, Farrington, and Ogden.
City Attorney Ron Shamblin
City Manager Dale Kerbyson

Absent: Commissioner Marquardt and Robinet.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

73 2007 04-02

Moved by Farrington. Seconded by Ogden.

To approve the Agenda for April 2, 2007 with the addition of Item B-10 Planning Agreement for Master Plan – Rowe Incorporated.

MOTION CARRIED.

MINUTES

74 2007 04-02

Moved by Ogden. Seconded by Turkelson.

To approve the minutes of the Regular Meeting held on March 19, 2007 and the Executive Session held March 19, 2007, as presented.

MOTION CARRIED.

Minutes from Various Boards and Commissions received through March 29, 2007 were received into record.

CONSENT AGENDA

75 2007 04-02

Moved by Turkelson. Seconded by Farrington.

To approve the Consent Agenda for April 2, 2007 resulting in the following:

1. Approval of the Budget Adjustment to eliminate the Cemetery Fund Deficit as presented.
2. Approval of the Special Event Request from Bishop Kelley Catholic School for Walk-a-thon to be held April 27, 2007 at Cramton Park West.
3. Approval of the Special Event Request from United Way of Lapeer County for Family Fun Day to be held July 18, 2007 on Nepessing Street between Court Street and Cedar Street.
4. Approval of the Special Event Request from Lapeer Community Schools for Swing Out to be held May 31, 2007 on Nepessing Street from Saginaw Street to the Catholic Church.
5. Approval of the Special Event Request from Lapeer Downtown Business Association for Lapeer Cruise to be held on Monday's from May 21 through September 17, 2007 on Nepessing Street from Mason Street and Court Street contingent upon receipt of current insurance.
6. Approval of the Special Event Request from Lapeer County Bank & Trust for Ice Cream Social to be held June 29, 2007 at the Farmer's Market Pavilion.
7. Approval of Payment Request #3 to Trojan Development Company, Inc. in the amount of \$57,285.00 for the Oregon Street Lift Station Project.

8. Approval of the Actuarial Valuation for Retiree Health Care benefits with Gabriel Roeder Smith & Company in the amount of \$9,240, authorize the Director of Financial Services to sign the required document, and approve the Budget Adjustment as presented.
9. Approval of the Elba Township Utility Policy as presented.

**CITY OF LAPEER
ELBA TOWNSHIP UTILITY POLICY**

It will be the policy of the City of Lapeer to allow use of septic systems and water wells currently in service within the annexation limits of Elba Township and complying with all requirements imposed by the State and County Health Departments.

At such time as any septic tank, cesspool or water sewage disposal facility fails or is abandoned by owner and the public water/sewer system is available to the property, a direct connection shall be made in accordance with City of Lapeer Ordinance 5.03(D).

10. Approval of the Planning Agreement for Master Plan with Rowe Incorporated in the amount of \$51,400 and authorize the Mayor and Director of Planning and Community Development to sign the required documents.

MOTION CARRIED.

BILL LISTING FOR APRIL 2, 2007

76 2007 04-02

Moved by Turkelson. Seconded by Ogden.

To approve the Bill Listing for April 2, 2007 in the amount of \$463,661.16.

MOTION CARRIED.

PUBLIC COMMENTS

Lapeer Community Schools – Debbie Thompson

Debbie Thompson, Superintendent of Lapeer Community Schools provided a presentation regarding the May 8th election for the Lapeer Community Schools Bond Proposal, an overview of the projects involved, and asked for Commission support. Discussion was held regarding support of the bond proposal, community, children, and Lapeer community educational system.

76 2007 04-02

Moved by Turkelson. Seconded by Ogden.

That the Lapeer City Commission support the Lapeer Community School Bond Proposal.

MOTION CARRIED.

PUBLIC PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None

ADMINISTRATIVE REPORTS

Chapter 7 (Zoning Ordinance) Rezoning Request – National City Bank – 948 S. Main Street.

78 2007 04-02

Moved by Turkelson. Seconded by Farrington.

That the Lapeer City Commission adopt the proposed amendment to Chapter 7 (Zoning Ordinance), Section 7.03, G., Number 81 and Number 82 of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

G. ZONING DISTRICT AMENDMENTS:

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

City of Lapeer, T7N, R10E, Section 7 & 8; Part of the Northeast 1/4 of Section 7 and part of the Northwest 1/4 of Section 8: Commencing on the Westerly line of Highway M-24 at a point North 89° 12' East 123.18 feet along the East 1/4 line and North 15° 12'45" East 320.2 feet from the West 1/4 Post of Section 8, thence North 84° 42'03" West 188.5 feet; thence South 80° 52'55" West 31.13 feet; thence North 16° 32'25" West 116.35 feet; thence North 25° 08'32" East 148.57 feet; thence South 83° 01'13" East 63.23 feet; thence South 84° 50' East 190 feet; thence South 15° 12'45" West 242.2 feet to Point of Beginning.

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

City of Lapeer, T7N, R10E, Section 7 & 8; Part of the Northeast 1/4 of Section 7 and part of the Northwest 1/4 of Section 8: Commencing on the Westerly line of Highway M-24 at a point North 89° 12' East 123.18 feet along the East 1/4 line and North 15° 12'45" East 320.2 feet and North 84° 42'03" West 188.5 feet and South 80° 52'55" West 31.13 feet from the West 1/4 Post of Section 8, thence continuing South 80° 52'55" West 48.84 feet; thence North 63° 04'19" West 200 feet; thence North 26° 55'41" East 205.5 feet along East line of Baldwin Road; thence South 83° 01'13" East 164.67 feet; thence North 25° 08'32" East 148.57 feet; thence South 16° 32'25" East 116.35 feet to Point of Beginning."

ON A ROLL CALL VOTE:

AYES: Commissioner Turkelson, Farrington, and Ogden.

NAYS: None.

ABSTAIN: None.

ABSENT: Commissioner Marquardt and Robinet.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

Chapter 7 (Zoning Ordinance) Drive Thru Stacking and Parking

79 2007 04-02

Moved by Farrington. Seconded by Ogden.

That the Lapeer City Commission adopt the proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.17.E. of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

Article 7.17.E. OFF STREET PARKING REQUIRMENTS

16. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:
- a. unchanged
 - b. unchanged

c. BUSINESS AND COMMERCIAL

- (1) unchanged
- (2) Auto Wash (automatic) - One (1) for each employee, plus stacking space equal to five (5) times the maximum number of possible vehicles undergoing some phase of washing at the same time.
- (3) thru (6) unchanged
- (7) Drive-thru restaurant - One (1) for each fifty (50) square feet of usable floor area, plus stacking space as required in Article 7.17.E.16.g.
- (8) thru (10) unchanged
- (11) Gasoline fueling stations (self service) - One (1) for each fifty (50) square feet of usable floor area in the cashier's, office and convenience store areas, plus stacking space as required in Article 7.17.E.16.g.
- (12) Ice skating or roller rink – one (1) for each seat or six (6) feet of benches, or one (1) for each one hundred fifty (150) square feet of skating area, whichever is greater.
- (13) Laundromats and coin operated dry cleaners – One (1) for each two (2) washing and dry-cleaning machines.
- (14) Miniature or “par-3” golf courses – Three (3) for each one (1) hole plus one (1) for each employee.
- (15) Minor auto service or repair – One (1) for each employee, plus one (1) for each vehicle used as part of the equipment of the service station, plus stacking space as required in Article 7.17.E.16.g.
- (16) thru (23) - unchanged
- (24) Drive-thru pharmacy – parking spaces per “Retail stores” standard, plus stacking space as required in Article 7.17.E.16.g.

d. OFFICES

- (1) Banks, with or without drive-thru service - One (1) for each one hundred (100) square feet of usable floor area, plus stacking space for drive-thru windows as required in Article 7.17.E.16.g.
- (2) Business or professional offices, except as indicated in the following item (3) – one for each two hundred fifty (250) square feet of usable floor area.
- (3) Professional office of doctor, dentist or similar profession – One (1) for each twenty five (25) square feet of usable floor area in waiting rooms, and one (1) for each examining room, dental chair, office, laboratory, x-ray therapy room or similar use area.

e. unchanged

f. unchanged

g. STACKING REQUIREMENTS FOR DRIVE-THRU FACILITIES

In addition to the parking requirements, establishments with drive-thru facilities shall provide stacking space for vehicles awaiting service as follows:

Drive-thru restaurant	8 spaces per window
Minor automobile service or repair	2 spaces per service stall
Gasoline fueling station	2 spaces per fueling station
Drive-thru banking	4 spaces per window
Drive-thru pharmacy	3 spaces per window

Each stacking space shall be measured at not less than twenty (20) feet in length. In no instance shall stacking spaces interfere with required parking or maneuvering lanes.

ON A ROLL CALL VOTE:

AYES: Commissioner Turkelson, Farrington, and Ogden.

NAYS: None.

ABSTAIN: None.

ABSENT: Commissioner Marquardt and Robinet.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

Chapter 59 (Business Registration Ordinance)

80 2007 04-02

Moved by Ogden. Seconded by Turkelson.

That the Lapeer City Commission adopt Chapter 59 (Business Registration Ordinance) of the General Ordinances of the City of Lapeer. Brief discussion was held regarding information requested within the application.

THE CITY OF LAPEER ORDAINS:

CHAPTER 59 BUSINESS REGISTRATION ORDINANCE

59.01 BUSINESS REGISTRATION:

A. PURPOSE.

The purpose of business registration in the City of Lapeer is to promote the general health, safety and welfare of the citizens by identifying business locations and operations within the city to enhance the efficient delivery of city services: including police, fire, water and wastewater services and to promote compliance with all planning, zoning, building, tax, and all related City Ordinances and Codes.

B. Definitions.

The following words, terms, and phrases, when used in this ordinance, shall have the meaning respectively ascribed to them except where the context clearly indicates a different meaning.

BUSINESS: means any trade, occupation, work, commerce, profession, and all devices, machines, vehicles, and appurtenances used therein, any of which are conducted for private profit or benefit, either directly or indirectly on any premises in this City or anywhere else within its jurisdiction.

PERSON: any individual, partnership, association, or corporation sharing in the profits of the business.

C. License: Registration Required.

1. No PERSON shall engage in a BUSINESS without having first obtained a business registration from the City of Lapeer in the manner provided for in this ordinance. Any person duly registered on the effective date of this ordinance shall be deemed registered hereunder for the balance of the current registration year.
2. It shall be the duty of every person or registered business to report any changes in the information furnished with the current registration within five (5) business days of such change occurring.
3. Multiple Businesses:
The granting of a business registration shall not relieve the person to whom such registration is granted from the necessity of securing individual licenses or permits for each individual business.
4. State Licensed Business: the granting of a business registration to any person or business by the state in the operation, conduct or carrying on of any trade, profession, business, or privilege shall not exempt such person from the necessity of securing a business registration from the city if such registration is required by this ordinance.

D. License Year.

1. The registration year shall begin July 1 of each year and shall terminate at midnight on June 30 of the following year. No registration will be issued until the required fees are paid.
2. The registration fees for periods of less than one (1) year shall be the same as a full registration year and the effective date of such registration shall commence with the date of issuance thereof.

E. Registration Application.

Unless otherwise provided in this ordinance, every person or business required to obtain a registration from the City of Lapeer to engage in a BUSINESS shall make application for such registration to the City Clerk, or designee, upon forms provided by the City Clerk, or designee, and shall state under oath or affirmation such facts as may be required for, or applicable to, the granting of such registration.

F. Registration: Conditions of Issuance.

1. The issuing of a business registration from the City of Lapeer does not waive mandated licenses (ie: state, health, building inspection, fire inspection, etc.)
2. Acceptance by any person or business of a business registration under this ordinance shall constitute permission to any officer of the city to enter upon and inspect the licensed premises at all reasonable times.

G. Registration Fees.

1. The initial fee, renewal fee, and late fees for registration shall be set forth in Chapter 59 Business Registration Fee Schedule as approved by the City Commission.
2. No registration shall be issued until the required fees are paid.
3. All fees for the renewal of any business registration which are not paid at the time such fees are due shall incur late fees as outlined in Chapter 59 Business Registration Fee Schedule.

H. Registration Transferal.

No registration may be transferred from one business to another. A registration may be transferred for a change in location of a business within the City of Lapeer's jurisdiction. Each registration holder shall immediately notify the Clerk's Office, or designee, of any change in location of a business, address, or any other change in the information provided in the registration application.

K. Penalty.

Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$500 and/or imprisonment for not more than 90 days, or both such fine and imprisonment and any other relief that may be imposed by the court.

ON A ROLL CALL VOTE:

AYES: Commissioner Turkelson, Farrington, and Ogden.

NAYS: None.

ABSTAIN: None.

ABSENT: Commissioner Marquardt and Robinet.

MOTION CARRIED. CHAPTER 59 ADOPTED.

Business Registration Fee Schedule

81 2007 04-02

Moved by Turkelson. Seconded by Farrington.

To approve the Business Registration Fee Schedule as presented.

MOTION CARRIED.

Chapter 41 (Appearance Ticket Authorization Ordinance)

82 2007 04-02

Moved by Farrington. Seconded by Ogden.

That the Lapeer City Commission adopt the proposed amendment to Chapter 41 (Appearance Ticket Authorization Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 41 (Appearance Ticket Authorization Ordinance)

41.02 DEFINITIONS

- (A) No Change.
- (B) No Change.
- (C) No Change.
- (D) No Change.

- (E) No Change.
- (F) No Change.
- (G) No Change.
- (H) No Change.

- (I) Fire Official means the Fire Chief, the Fire Inspector through delegation by the Fire Chief, and any person designated by the City Manager to perform fire inspections under Chapter 18 (Fire Prevention Code) or under Chapter 59 (Business Registration Ordinance).

- (J) Code Enforcement Officer means any person designated by the City Manager to enforce the Food and Health Ordinance, the Solid Waste Collection and Disposal Ordinance, the Zoning Ordinance, the Streets Sidewalks and Alleys Ordinance, the Outdoor Storage or Abandonment of Motor Vehicles Ordinance, the Anti-Blight Ordinance, and Business Registration Ordinance.

41.03 AUTHORITY TO ISSUE AND SERVE APPEARANCE TICKETS

- (A) No Change.
- (B) No Change.
- (C) No Change.
- (D) No Change.
- (E) No Change.
- (F) No Change.
- (G) No Change.
- (H) No Change.

(I) Fire Official.

The Fire Official is authorized to issue and serve District appearance tickets on reasonable cause to believe there is any violation of the Fire Code or Business Registration Ordinance.

(J) Code Enforcement Officer.

The Code Enforcement Officer is authorized to issue and serve District Court Appearance tickets on reasonable cause to believe a violation of any of the following ordinances exists: Food and Health Ordinance, Solid Waste Collection and Disposal Ordinance, Zoning Ordinance, Streets, Sidewalks and Alleys Ordinance, Outdoor Storage or Abandonment of Motor Vehicles Ordinance, Anti-Blight Ordinance, and Business Registration Ordinance.

ON A ROLL CALL VOTE:

AYES: Commissioner Turkelson, Farrington, and Ogden.

NAYS: None.

ABSTAIN: None.

ABSENT: Commissioner Marquardt and Robinet.

MOTION CARRIED. AMENDMENTS TO CHAPTER 41 ADOPTED.

Chapter 7 (Zoning Ordinance)

Rezoning Request Lapeer Community Schools – 1025 W. Nepessing Street

Commissioner Farrington introduced the proposed amendment to Chapter 7 (Zoning Ordinance), Section 7.03, G., Number 83, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

G. ZONING DISTRICT AMENDMENTS:

83. The following property, formerly zoned One-Family Residential District (R-2), is hereby rezoned to Neighborhood Business District (B-1):

City of Lapeer, Part of Original Plat of the Northwest Quarter and Centre Square of said Plat and part of vacated Jefferson Street, as recorded in Book D Page 1 of Plats, Lapeer County Records:
Beginning at the Southeast corner of Block 93 of said plat; thence along the Northerly right-of-way line of West Genesee Street 244 feet; thence Northerly 200 feet; thence Westerly 280 feet; thence Southerly 200 feet to the Northerly right-of-way line of West Genesee Street; thence Easterly 36 feet to the Point of Beginning.”

CITY MANAGER’S REPORT

No report provided.

CITY ATTORNEY’S REPORT

No report provided.

UNFINISHED BUSINESS

83 2007 04-02

Mayor Sprague appointed. Moved by Turkelson. Seconded by Ogden.

To appoint Bruce Cady to the Downtown Development Authority for a term ending January 1, 2011.

MOTION CARRIED.

Brief discussion was held regarding citizen interest in serving on the various City Boards and Commissions and to have the City Clerk’s office review the need for the Beautification Commission due to lack of interest in citizen participation.

DEPARTMENTAL COMMUNICATIONS

None.

MAYOR/COMMISSIONER COMMENTS

Brief comments were made regarding support of the school bond proposal, volunteer participation in providing information for voter support, and comment to Lapeer County Commissioner Len Schneider regarding air conditioning in the court room.

Lapeer County Commissioner Len Schneider commented that he was aware and is reviewing the air conditioner situation.

ADJOURNMENT

84 2007 04-02

Moved by Turkelson. Seconded by Ogden.

To adjourn the meeting.

MOTION CARRIED.

The meeting adjourned at 6:58 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC, City Clerk