

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

June 2, 2008

A regular meeting of the Lapeer City Commission was held June 2, 2008 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 Bennett.

Absent: City Manager Dale Kerbyson (excused –seminar)

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

123 2008 06-02

Moved by Marquardt. Seconded by Turkelson.

To approve the Agenda for June 2, 2008 with the correction of Item B-3 to read Local Share Payment #3 – Oregon Street Reconstruction Project.

MOTION CARRIED.

MINUTES

124 2008 06-02

Moved by Robinet. Seconded by Bennett.

To approve the minutes from the Regular Meeting held on May 19, 2008 and Special Meeting held May 15, 2008.

MOTION CARRIED.

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

CONSENT AGENDA

125 2008 06-02

Moved by Turkelson. Seconded by Farrington.

To approve the Consent Agenda for June 02, 2008 resulting in the following.

1. Approve the Special Assessment installments listed for 1998-A, 2000, 2001, 2002, 2003, 2004, 2006, and 2007 which are delinquent as of May 1, 2008 be added to the 2008 Summer Tax Roll as authorized by City Charter.
2. Approve Payment Request #1 to Liqui-Force Services, Inc. in the amount of \$172,976.85 for services completed on the Sewer and Manhole Rehabilitation Project.
3. Approve the Local Share Payment #3 to the State of Michigan for the Oregon Street Reconstruction Project in the amount of \$14,758.55.
4. Approve the 2008-2009 Solid Waste Collection Licenses for Allied Waste Services, Rick Rhein Disposal, Waste Management, Smith's Disposal, Inc., and Deerfield Disposal.
5. Approve the Budget Adjustment for the Cemetery Perpetual Care Fund as submitted.
6. Approve Special Event Request from Lapeer Fireworks Committee for Fireworks Display to be held on July 4, 2008.
7. Approve Special Event Request for Downtown Business Association's Fifth Annual Red Hattitude Day, July 19, 2008, contingent upon receipt of current insurance.
8. Approve the bid from AW Excavating in the amount of \$388,809.00 for the Horton Street Reconstruction Project and authorize the Director of Public Works to sign required documents.

MOTION CARRIED.

BILL LISTING FOR JUNE 2, 2008

126 2008 06-02

Moved by Robinet. Seconded by Bennett.

To approve the Bill Listing for June 2, 2008 in the amount of \$850,280.14.

MOTION CARRIED.

PUBLIC COMMENTS

There were no public comments.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

There were no proclamations or recognitions.

ADMINISTRATIVE REPORTS

Ordinance Amendment Request – Downtown Sidewalk Signs

127 2008 06-02

Moved by Robinet. Seconded by Turkelson.

That the Lapeer City Commission adopt the amendment to Chapter 7 (Zoning Ordinance), Article 7.1.J.2.1. of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

J. SIGNS:

2.1. Permitted Portable Sidewalk Signs

Portable sidewalk signs may be placed within the Central Business District (CBD) and CBD-1 and CBD-2 zoning districts at the public entrances to retail, personal service or restaurant businesses located within those districts, on either private property or the public sidewalk, subject to the following requirements:

- (1) There shall be only one sign permitted for each building address for which there is provided a separate entrance, regardless of the number of tenants in the building;
- (2) Each sign shall be placed outside only during the hours when the business is open to the general public, and shall be stored indoors at all other times. Any sign which is found to be not in compliance with this requirement may be confiscated by City Code Enforcement officials. A second violation will result in loss of the sign permit for a period of one (1) year;
- (3) Each sign shall be placed next to the building wall or adjacent to the curb in a manner which is safe for and does not interfere with normal pedestrian or auto traffic;
- (4) A portable sidewalk sign shall not occupy or obstruct the use of any fire lane or required off-street parking. Any sign which creates a visual or safety hazard may be ordered to be removed by the Public Safety Director;
- (5) Each sign shall not exceed an overall height of forty-two (42) inches and an overall width of twenty-four (24) inches (as built);
- (6) All sign frames shall be constructed of a weather proof material and shall be kept in good repair;

- (7) Directional sidewalk signs for downtown businesses not fronting on Nepessing Street are permitted to be placed on Nepessing Street corners subject to the following provisions:
 - a. One (1) directional sidewalk sign is allowed per corner, representing multiple businesses if necessary;
 - b. The sign shall be placed in a location that does not interfere with other signage or features in the vicinity;
 - c. All other provisions of the sign ordinance shall be complied with.
- (8) No portable sidewalk sign shall be placed on display without the owner first obtaining a permit from the City of Lapeer;
- (9) Hand-lettered or stenciled sign faces are prohibited, with the exception of restaurant daily specials. All sign faces shall be professionally created in conformance with the specifications for sidewalk signs adopted by the City of Lapeer Downtown Development Authority;
- (10) Electronic and/or illuminated sidewalk signs are prohibited.

ON A ROLL CALL VOTE:

AYES: None.

NAYS: Commissioners Turkelson, Marquardt, Robinet, Farrington, and Bennett.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

Street Name Request: John Conley Drive South to Carl Schreiber Drive

128 2008 06-02

Moved by Farrington. Seconded by Marquardt

That the Lapeer City Commission approve to set a public hearing on June 16, 2008 at 6:30 p.m. or as soon thereafter as may be heard on a request to change the street name of John Conley Drive South to Carl Schreiber Drive.

Ayes: Farrington, Marquardt, Turkelson, Bennett. Nays: Robinet.

MOTION CARRIED.

M-24/I69 Corridor Project – Phase I: Special Assessment District #2008-03.

129 2008 06-02

Moved by Robinet. Seconded by Turkelson.

That the Lapeer City Commission table this agenda item until the next City Commission meeting, to be held June 16, 2008. Discussion was held regarding time spent on the project and that the Commission should provide an answer, concerns regarding the construction of the assessment roll, and to have the City Manager present. The question was called to a vote.

Ayes: Robinet, Turkelson, Marquardt, Bennett. Nays: Farrington.

MOTION CARRIED.

CITY MANAGER'S REPORT

Easements: A. Lapeer Cinema; B. Stacey and Stacey

130 2008 06-02

Moved by Farrington. Seconded by Robinet.

That the Lapeer City Commission acknowledge and accept the easements from Lapeer Cinema and Stacey and Stacey.

MOTION CARRIED.

Kroger Quit Claim Deed: MDOT Safety Grant – DeMille/Harrison Intersection

131 2008 06-02

Moved by Robinet. Seconded by Bennett.

That the Lapeer City Commission acknowledge and approve the Quit Claim Deed from Monroe Management Limited Liability Company (Kroger).

MOTION CARRIED.

Energy Systems Group, LLC Contract

132 2008 06-02

Moved by Marquardt. Seconded by Farrington.

That the Lapeer City Commission approve the Guaranteed Energy Savings Performance Contract with Energy Systems Group, LLC and authorize the Mayor and City Manager to sign required documents pending any last minute corrections from both Energy Systems Group, LLC and Acting City Attorney. Discussion was held regarding whether or not this was the final draft contract and contract issues. Acting City Attorney Mike Nolan advised that contract issues had been resolved. Brian Langue with Energy Systems Group, LLC also advised that contract issues had been resolved. The question was called to a vote.

MOTION CARRIED.

Commissioner Turkelson Announcement of Resignation

Commissioner Turkelson announced his resignation from the City Commission and provided written documentation at 6:44 p.m. Mr. Turkelson commented that the resignation was due to work related and family related issues.

133 2008 06-02

Moved by Robinet. Seconded by Farrington.

That the Lapeer City Commission accept the resignation of Commissioner Turkelson effective immediately.

MOTION CARRIED.

Mayor Sprague relieved Mr. Turkelson from the Commission.

New City Attorney Selection

Mayor Sprague reviewed the process in the selection of a new City Attorney.

134 2008 06-02

Moved by Robinet. Seconded by Bennett.

That the Lapeer City Commission approve Kohl, Harris, Nolan, McCarthy, Turkelson, and Ogden, P.C. with Michael Nolan as the designated representative as the Attorney for the City of Lapeer.

MOTION CARRIED.

City Clerk Donna Cronce provided the Oath of Office to City Attorney Mike Nolan. City Attorney Mike Nolan took his seat at the Commission table.

CITY ATTORNEY'S REPORT

No report provided.

UNFINISHED BUSINESS

No board appointments were made.

Mayor Sprague commented on the City Commission vacant seat and publication of vacancy. Discussion was held regarding Charter interpretation, possible placement on the August or November ballot, possible appointment through the unexpired term and/or to next City November election, and that letters of interest should be made through the Clerk's office.

DEPARTMENTAL COMMUNICATIONS

No reports received.

MAYOR/COMMISSIONER COMMENTS

Mayor Sprague commented on the open seat on the City Commission and that it should be filled within 30 days of the date of Commissioner Turkelson's resignation.

Commissioner Bennett commented on the M24/I69 project and that the Commission should take some action by the next meeting.

Commissioner Farrington questioned the deadline date for the City Commission appointment. City Clerk, Donna Cronce indicated that the Commission had 30 days in which to fill the vacancy. He also questioned whether or not the M24/I69 roll was a dead roll, that he doesn't believe the roll is the issue, and felt that the scope of the project is the issue at hand.

Commissioner Marquardt commented on the Memorial Day Parade, the speech provided by the Mayor, and that the flag was tattered and would like to see it replaced.

Commissioner Robinet gave the Commission previous notice that he will move to rescind the resolution which failed April 21, 2008, relating to Resolution #5 confirming the roll regarding the M-24/I-69 Corridor Project, Special Assessment District #2008-02, motion #95 2008 04-21. Commissioner Robinet commented that it was his intention to keep this part of the project alive at this time. Commissioner Robinet also commented on the resignation of Commissioner Turkelson, that he was ~~worry~~ sorry to see him go, and welcomed Mike Nolan as the new City Attorney.

Mayor Sprague commented on his request for tabling the M-24/I-69 project, that he attended the developers meeting last week, and that it was his understanding that the developers were not agreeing amongst themselves.

Rob Lawrence, representative of Rayco Associates commented that the Mayor's understanding was correct and that there were no conclusions among the developers at this time.

Mayor Sprague commented on the special assessment roll, and to review concerns with the City Manager and City Assessor, that he does not want this to be misinterpreted as giving the property owners more time, that the City has done everything possible to move this project forward, and that the City is not at fault for the hold up of the project.

Fred Barnes, representative of Crestwinds commented on Phase I and the reduced district, working with the other developers, meeting tomorrow and invited anyone that wished to attend, and his understanding of a revised overall project.

Commissioner Bennett indicated he would like to attend staff or developer meetings relating to the M-24/I-69 project as a silent observer and he addressed the audience thanking those that came out to support the Veterans at the parade and ridiculed those that did not.

Mayor Sprague commented on the hard work by all involved with the M-24/I-69 project, that the State should step up and help out with the M-24/I-69 project, and thanked everyone involved with the Memorial Day parade.

ADJOURNMENT

135 2008 06-02

Moved by Robinet. Seconded by Bennett.
To adjourn the meeting.

The meeting adjourned at 7:12 p.m.

William J. Sprague, Mayor

Donna L. Cronic, CMC City Clerk