

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

September 15, 2008

A regular meeting of the Lapeer City Commission was held September 15, 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 Bennett, Marquardt, Robinet, Farrington, and Bostick-Tullius.
City Manager Dale Kerbyson.
City Attorney Michael Nolan.

Absent: None.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

222 2008 09-15

Moved by Robinet. Seconded by Marquardt.

To approve the Agenda for September 15, 2008 with the addition of Item F.1. Public Hearing: Energy Steel & Supply Company Community Development Block Grant Closeout.

MOTION CARRIED.

MINUTES

223 2008 09-15

Moved by Robinet. Seconded by Bostick-Tullius.

To approve the minutes from the Regular Meeting held on September 2, 2008.

MOTION CARRIED.

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

CONSENT AGENDA

224 2008 09-15

Moved by Bostick-Tullius. Seconded by Marquardt.

To approve the Consent Agenda for September 15, 2008 resulting in the following:

1. Approval of the changes to the City of Lapeer Request for Information on Voter Registration Records Policy and changes to the City of Lapeer Fee Schedule within the Clerk's Office.
2. Approval of Payment Request #2 to AW Excavating, Inc. for Horton Street Reconstruction Project in the amount of \$128,396.61.
3. Approval of the budget adjustment to appropriate the carryover balance of \$3,014.00 to the Fire Prevention Account.
4. Approval of equipment to be auctioned from the Police Department as presented.

MOTION CARRIED.

BILL LISTING FOR SEPTEMBER 15, 2008

225 2008 09-15

Moved by Robinet. Seconded by Bostick-Tullius.

To approve the Bill Listing for September 15, 2008 in the amount of \$566,656.42.

MOTION CARRIED.

PUBLIC COMMENTS

Joe Keena, Intermediate School District Superintendent, provided an overview of the University of Michigan Engineering Program at Lapeer Education Technology Center.

Paul St. Louis, 100 Edgewood Lane, commented on the M-24/I-69 project area and that the City should review the system it employs for project areas.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

None.

PUBLIC HEARINGS

Public Hearing: Energy Steel & Supply Company Community Development Block Grant Closeout

City Manager, Dale Kerbyson gave a brief overview of the project and indicated that it is completed.

Mayor Sprague opened the public hearing at 6:40 p.m. to hear comments regarding the Energy Steel & Supply Company Community Development Block Grant Closeout. There being no comments, Mayor Sprague closed the public hearing at 6:40 p.m.

226 2008 09-15

Moved by Robinet. Seconded by Bostick-Tullius.

To approve the closeout of the Energy Steel & Supply Company Community Development Block Grant.

MOTION CARRIED.

ADMINISTRATIVE REPORTS

M-24/I-69 Corridor Utility Project: Special Assessment District #2008-04; Special Benefit/Proportionate Assessment Proposals.

City Manager, Dale Kerbyson commented on written and verbal proposals received and that other proposals were anticipated.

After discussion, it was the general consensus of the Commission to take no action and wait until the next meeting to review proposals received.

M-24/I-69 Corridor Utility Project: Special Assessment District #2008-04; Preliminary Special Assessment Roll.

City Manager, Dale Kerbyson commented on the new preliminary roll that was sent to the property owners. Discussion was held regarding the new preliminary roll, setting a public hearing to keep the project moving, costs of the benefit/proportionate assessment proposals, time involved in providing a benefit proposal, and the impact of a benefit proposal on property owners.

227 2008 09-15

Moved by Robinet. Seconded by Farrington.

To set a Public Hearing for the M-24/I-69 Corridor Utility Project: Special Assessment District #2008-04 preliminary roll dated September 15, 2008 for the next City Commission meeting to be held October 6, 2008 at 6:30 p.m. or as soon thereafter as may be heard.

MOTION CARRIED.

Ordinance Amendments to Chapter 4 (Solid Waste Collection and Disposal Ordinance) and Chapter 18 (Fire Code Ordinance).

Chapter 4 (Solid Waste Collection and Disposal Ordinance)

228 2008 09-15

Moved by Robinet. Seconded by Farrington.
To adopt the amendment to Chapter 4 (Solid Waste Collection and Disposal Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 4 (SOLID WASTE COLLECTION AND DISPOSAL)

“4.01 through 4.20 Unchanged.

4.21 OPEN BURNING PROHIBITED

No persons shall kindle or maintain any open fire or authorize any such fire to be kindled or maintained on any premises without having obtained a permit or other proper authorization therefore from the fire code official. This restriction shall not apply to the use of charcoal and similar materials for the purpose of food preparation. Burning of firewood, lumber, construction waste, furniture, brush, leaves, grass, garbage, small dead animals, any material made of or coated with rubber, plastic, leather, petroleum based materials or flammable or combustible liquids is prohibited.

Exceptions:

- 1) The fire code official may permit the burning of firewood for warming purposes only, and only at commercial or special events. Permits will be issued solely at the discretion of the fire code official, based on weather and property conditions.

History: (Amnd 01-11-07; -)

- 2) Daily use of the designated fire pit at the Water Tower Travel Trailer Park is permitted between May 1 and October 31 unless a local burning ban has been imposed by the fire code official. The fire pit is available for the use of persons staying at the campground, and by City residents by appointment.”

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 4 ADOPTED.

Chapter 18 (Fire Code Ordinance)

229 2008 09-15

Moved by Farrington. Seconded by Marquardt.

To adopt the amendment to Chapter 18 (Fire Code Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 18 (FIRE CODE)

“18.01 through 18.04 Unchanged.

18.05 Changes in Code. The following subsections are modified or deleted as follows:

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

- (C) 108.1 - Board of Appeals established. The Board of Appeals shall be the Board of Appeals used by the City of Lapeer Building Department.

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

- (I) 307.1.1-Prohibited Open Burning. No persons shall kindle or maintain any open fire or authorize any such fire to be rekindled or maintained on any premises without having obtained a permit or other proper authorization therefore from the fire official. This restriction shall not apply to the use of charcoal and similar materials for the purpose of food preparation. Burning of firewood, lumber, construction waste, furniture, brush, leaves, grass, garbage, small dead animals, any material made of or coated with rubber, plastic, leather, petroleum based materials or flammable or combustible liquids is prohibited.

Exceptions:

- 1) The fire code official may permit the burning of firewood for warming purposes only, and only at commercial or special events. Permits will be issued solely at the discretion of the fire code official, based on weather and property conditions.

History: (Amnd 01-11-07; -)

- 2) Daily use of the designated fire pit at the Water Tower Travel Trailer Park is permitted between May 1 and October 31 unless a local burning ban has been imposed by the fire code official. The fire pit is available for the use of persons staying at the campground, and by City residents by appointment.”

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 18 ADOPTED.

Ordinance Amendments to Chapter 7 (Zoning Ordinance): Article 7.14.6 Mixed Use Overlay Zoning District; Article 7.03 Zoning Districts and Map; and Article 7.15 Schedule of Regulations; and Table of Contents.

Chapter 7 (Zoning Ordinance): Article 7.14.6 Mixed Use Overlay Zoning District

230 2008 09-15

Moved by Marquardt. Seconded by Farrington.

To adopt the amendment to Chapter 7 (Zoning Ordinance), Article 7.14.6, Mixed Use Overlay Zoning District, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.14.6 – MO - MIXED USE OVERLAY DISTRICT

A. INTENT:

The Mixed Use District is intended to allow for a wide range of uses in a manner in which the impacts on adjacent land uses are minimized. The district overlays one or more conventional zoning districts, which are referred to in this article as the “underlying” zoning district.

B. PRINCIPAL USES PERMITTED:

In the Mixed Use District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in the ordinance:

1. Those principal uses permitted in the underlying zoning district and which meet the requirements in the underlying zoning district for that use.
2. Accessory buildings and uses customarily incident to any of the above permitted uses.
3. More than one principal use may be permitted on a lot of record with site plan approval by the Planning Commission.

C. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses may be permitted by the Planning Commission subject to the conditions hereinafter imposed for each use, including the review and approval of the site plan by the Planning Commission, and subject further to public notification and hearing held in accord with ARTICLE 7.18, Section 1:

1. All uses allowed subject to special conditions in the underlying zoning district and which meet the requirements in the underlying zoning district for that use. More than one principal use is allowed.
2. All uses allowed in the R-1, RM, OS-1, B-1, CBD, B-2 and I-1 zoning districts as a principal use permitted unless it is principal use permitted in the underlying zoning district. The use shall meet the requirements in the zoning district in which the use is allowed except as provided for in paragraph D below. Where the use is allowed in more than one district the Planning Commission shall apply the standards that are closest in intensity as the underlying zoning district as well as the standards in Section 3 a below. More than one principal use is allowed.
3. All uses allowed in the R-1, RM, OS-1, B-1, CBD, and B-2 zoning districts as a use subject to special conditions. The use shall meet the requirements in the zoning district in which the use is allowed except as provided for in paragraph D below. Where the use is allowed in more than one district the Planning Commission shall apply the standards that are closest in intensity as the underlying zoning district. More than one principal use is allowed.

a. Uses permitted under Sections C.2. and C.3. shall also comply with the following:

- (1) The Planning Commission may impose conditions on the operation of the proposed use including hours of operation, outdoor operations and delivery and shipping of material that is necessary to ensure the uses compatibility with surrounding uses.
- (2) In portions of the mixed use district where residences and offices predominate, any structure proposed for construction or expansion shall have an exterior appearance consistent with the general character of the area, including scale and mass of the building, arrangement of windows, pitch of roof and type of siding material.
- (3) The Planning Commission may reduce minimum number of parking spaces required for property involving two or more uses if their parking demand could expect to overlap.

D. AREA AND BULK REQUIREMENTS:

1. Uses shall comply with Article 7.15, SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot permitted land use, the maximum density permitted, and providing minimum yard setback requirements for the underlying zoning district.

2. In addition, the Planning Commission may establish maximum front and street side lot line setbacks and minimum height requirements for any expansion or new development if they determine it is necessary to maintain the urban character of the neighborhood.
3. Where more than one principal use is allowed on a lot of record, setbacks between buildings shall be based on the yard setbacks of the underlying zoning district, but may be modified by the Planning Commission if they determine that adequate conditions have been included to address public health and adequate emergency access within the site.”

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

Chapter 7 (Zoning Ordinance): Article 7.03 Zoning Districts and Map

231 2008 09-15

Moved by Farrington. Seconded by Bostick-Tullius.

To adopt the amendment to Chapter 7 (Zoning Ordinance), Article 7.03, Zoning Districts and Map, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.03 – ZONING DISTRICTS AND MAP

A. DISTRICTS ESTABLISHED

For the purpose of this ordinance, the City of Lapeer is hereby divided into the following districts:

RESIDENTIAL DISTRICTS

- R-1 One-Family Residential District
- R-1 One-Family Residential District
- R-1 One-Family Residential District
- R-1 One-Family Residential District
- R-1 One-Family Residential District
- R-1 One-Family Residential District
- R-1 One-Family Residential District
- R-1 One-Family Residential District
- RT Two-Family Residential District
- RM Multiple-Family Residential District
- RM-1 Multiple-Family Residential District
- RM-2 Multiple-Family Residential District
- MHP Mobile Home Park District

NON RESIDENTIAL DISTRICTS

- OS-1 Office Service District
- B-1 Neighborhood Business District
- B-2 General Business District
- B-4 Regional Business District
- CBD-1 Central Business District
- CBD-2 Central Business District
- I-1 Industrial District
- I-2 Planned Industrial District
- P-1 Vehicular Parking District

OVERLAY AND MIXED USE DISTRICTS

- PUD Planned Unit Development District
- MO Mixed Use Overlay District

- B. Unchanged.
- C. Unchanged.
- D. Unchanged.

E. OVERLAY ZONING DISTRICTS

An overlay zone is a zoning district that exists in conjunction with, or "on top of" conventional zoning districts. It may cross the conventional or "underlying" zoning districts, or may be located within a single district. The overlay zone imposes a set of requirements in addition to those laid out by the underlying zoning regulation and may modify the underlying district's requirements. The purpose of an overlay zoning district is to address special features or conditions that may pertain to several districts or a subset of one district.

F. ZONING OF VACATED AREAS:

Whenever any street, alley or other public way, within the City of Lapeer, shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same Zone District as the property to which it attaches.

G. DISTRICT REQUIREMENTS:

All buildings and uses in any district shall be subject to the provisions of 7.17 GENERAL PROVISIONS and 7.16 GENERAL EXCEPTIONS.

H. ZONING DISTRICT AMENDMENTS

Zoning Amendments #1 through #87: Unchanged."

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 7 ADOPTED.

Chapter 7 (Zoning Ordinance): Article 7.15 Schedule of Regulations

232 2008 09-15

Moved by Robinet. Seconded by Farrington.

To adopt the amendment to Chapter 7 (Zoning Ordinance), Article 7.15, Schedule of Regulations, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.15 – SCHEDULE OF REGULATIONS

A. SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICTS:

Zoning District	Min. Zoning Lot Size Per Unit		Max. Height of Structures In Feet	Minimum Yard Setback (Per Lot in Feet) Side				Min. Floor Area Per Unit (Sq. Ft.)	Max. % of Lot Area Covered (By All Bldgs)
	Area in Sq. Ft.	Width In Ft		Front	Least One	Total of Two	Rear		
R-1 One-Family Res.	6,000 (a)	50	25 feet	25 (s)	4(b,c)	12(b,c)	35	850	30%
R-2 One-Family Res.	7,200(a)	60(a)	25 feet	25	4(b,c)	12(b,c)	35	850	30%
R-3 One-Family Res.	8,400(a)	70(a)	25 feet	25	5(b,c)	15(b,c)	35	1,000	30%
R-4 One-Family Res.	9,600(a)	80(a)	25 feet	25	5(b,c)	15(b,c)	35	1,000	30%
R-5 One-Family Res.	12,000(a)	90(a)	25 feet	30	10(b,c)	25(b,c)	40	1,000	30%
R-6 One-Family Res.	20,000(a)	100	3 stories/35 ft.	40	15(b,c)	35(b,c)	50	1,600 * inc. basement	30%
R-7 One-Family Res.	1 acre	150	3 stories/35 ft.	40	20(b,c)	40(b,c)	50	1,800 ** inc. basem't	25%
RT Two-Family Res.	3,500	35	25 feet	25	5(b,c)	10(b,c)	35	400	30%
RM Multiple Family	(d)	(d)	25 feet	30(f)	10(f)	20(f)	35(f)	(e)	35%
RM-1 Multiple Family	(d)	(d)	25 feet	30(f)	10(f,g)	20(f,g)	35(f)	(e)	35%
RM-2 Multiple Family	(d)	(d)	---	30(f)	10(f,h)	20(f,h)	35(f,h)	(e)	---
MHP Mobile Home Park	5,500(r)	50(r)	(r)	(r)	(r)	(r)	(r)	---	---
OS-1 Office Service	---	---	35 feet	30(i,m)	(k,m)	(k,m)	(l,m)	---	---

B-1 Neighborhood Business	---	---	25 feet	10	(k,m)	(k,m)	(l,m)	---	---
CBD-1 Central Business	---	---	(j)	---	(k)	(k)	(l)	---	---
CBD-2 Central Business	---	---	25 feet	10	(k,m)	(k,m)	(l,m)	---	---
B-2 General Business	---	---	35 feet	(m)	(k,m)	(k,m)	(l,m)	---	---
B-4 Regional Business	(t)	(t)	35 feet	(m)	(k,m)	(k,m)	(l,m)	(t)	---
I-1 Industrial	---	---	---	40(m,o, p)	10(m,n,p)	20(m,n,p)	10(l,m,p)	---	---
I-2 Planned Industrial	---	---	40 feet	50(m,n, p)	10(m,n,p)	20(m,n,p)	10(l,m,p ,q)	---	---
PUD - Planned Unit Development	1 acre	---	(u)	(u)	(u)	(u)	(u)	---	(u)
MO - Mixed Use Overlay	---	---	(v)	(v)	(v)	(v)	(v)	(v)	(v)

* 1,800 sq. ft. w/o basement

* 2,000 sq. ft. w/basement

A. NOTES TO SCHEDULE OF REGULATIONS:

(a) through (s) Unchanged.

(t) Dimensional requirements must comply with the conditions set forth in Article 7.11.5.

(u) Dimensional requirements must comply with the standards set forth in Article 7.14.5.

(v) Dimensional requirements must comply with those of the underlying zoning district, except as provided for in Article 7.14.6.”

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

Chapter 7 (Zoning Ordinance: Table of Contents

233 2008 09-15

Moved by Farrington. Seconded by Robinet.

To adopt the amendment to Chapter 7 (Zoning Ordinance), Table of Contents, of the General Ordinances of the City of Lapeer.

CHAPTER 7

ZONING ORDINANCE

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7.15 through 7.28 Unchanged”

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 Amendments to Chapter 7 (Zoning Ordinance): Rezoning Request from National City Bank, 948 S. Main Street.

234 2008 09-15

Moved by Robinet. Seconded by Marquardt.

To adopt the amendment to Chapter 7 (Zoning Ordinance), Section 7.03, H., #88 of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

H. ZONING DISTRICT AMENDMENTS:

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

City of Lapeer T7N, R10E, parts of NE 1/4 Section 7 & NW 1/4 Section 8; commencing on Westerly line of Highway M-24 at a point North 89 12' East 123.18 feet along E-W 1/4 line & North 15 12'45" East 320.2 feet & North 84 42'03" West 188.5 feet & South 80 52'55" West 31.13 feet from the West ¼ corner 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 Rd; thence South 83 01'13" East 164.67 feet; thence South 25 08'32" West 148.57 feet; thence South 16 32'25" East 116.35 feet to POB; excluding ROW.”

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 7 ADOPTED.

Ordinance Amendments to Chapter 7 (Zoning Ordinance): Rezoning Request from James Roach, 1048 S. Lapeer Road.

235 2008 09-15

There was no objection to the adoption of the following amendment to Chapter 7

(Zoning Ordinance) of the General Ordinances of the City of Lapeer. The motion was obtained by general consent.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

H. ZONING DISTRICT AMENDMENTS:

89. None.

History: The City Commission, by general consent, removed consideration of the rezoning request of 1048 S. Lapeer Road at the request of the new property owners at its regular meeting held September 15, 2008.

MOTION CARRIED. AMENDMENT TO CHAPTER 7 ADOPTED.

Ordinance Amendment to Chapter 7 (Zoning Ordinance): Rezoning Request from Ray Clemens and Steve Bahri, vacant parcels.

City Attorney Michael Nolan commented on the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act, changes of the law within the Acts, relationship of zoning or rezoning of property with the City's Master Plan, that the City Commission would need to direct the Planning Commission to change the Master Plan if the rezoning request is approved, and that the zoning or rezoning of property cannot be inconsistent with the Master Plan.

Discussion was held regarding the rezoning of the property and required change to the Master Plan if rezoning was approved.

236 2008 09-15

Moved by Robinet. Seconded by Bennett.

To adopt the amendment to Chapter 7 (Zoning Ordinance), Section 7.03, H., #90 of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

H. ZONING DISTRICT AMENDMENTS:

90. The following property, formerly zoned Office Service District (OS-1), is hereby rezoned to General Business District (B-2):

City of Lapeer Part of SW 1/4 of Section 17, T7N, R10E; Beginning at SW Corner Section 17, thence North 03°07'52" West 334.29 feet along West line said Section 17; thence the following 7 courses along the centerline of a proposed roadway: North 88 28'56" East 63.99 feet; 245.48 feet along the arc of a 500.00 foot radius curve to left, central angle of 28 07'47", chord bearing North 74 25'03" East 243.02 feet; North 60 21'09" East 165.48 feet; 243.20 feet along the arc of a 500.00 foot radius curve to right, central angle of 27 52'07", chord bearing North 74 17'13" East 240.81 feet; North 88 13'16" East 146.95 feet; 169.94 feet along the arc of a 500.00 foot radius curve to right, central angle of 19 28'27", chord bearing South 82 02'31" East 169.13 feet; and South 72 18'17" East 439.08 feet; thence South 88 32'39" East 531.87 feet; thence South 01 53'11" East 318.61 feet; thence South 88 06'49" West 1931.24 feet along South line Section 17 to POB. 18.36 A; subject to Lapeer Rd (M-24) right-of-way."

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 7 ADOPTED.

237 2008 09-15

Moved by Bennett. Seconded by Farrington.
To direct the Planning Commission to adjust the Master Plan in accordance with the adoption of the amendment to Chapter 7 (Zoning Ordinance), Section 7.03, H., #90, of the General Ordinances of the City of Lapeer.
ON A ROLL CALL VOTE:
AYES: Commissioners Bennett, Marquardt, Robinet, Bostick-Tullius, and Farrington.
NAYS: None.
ABSENT: None.
ABSTAIN: None.
MOTION CARRIED.

CITY MANAGER'S REPORT

HUD \$1 Home Governmental Agency Program

238 2008 09-15

Moved by Marquardt. Seconded by Bennett.
To approve the Lapeer Housing Division to pursue the purchasing of HUD \$1 Homes and authorize the City Manager to sign the required documentation for said purchases.
MOTION CARRIED.

Michigan Municipal League Official Representative.

239 2008 09-15

Moved by Robinet. Seconded by Farrington.
To approve A. Wayne Bennett as the Official Representative and Dale Kerbyson as the Alternate Official Representative at the Annual Business Meeting of the Michigan Municipal League on October 1-4, 2008.
MOTION CARRIED.

City Manager appointment to the Michigan Municipal League Board of Trustees.

240 2008 09-15

Moved by Bennett. Seconded by Bostick-Tullius.
To approve the nomination of Dale Kerbyson to the Michigan Municipal League Board of Trustees.
MOTION CARRIED.

City Manager, Dale Kerbyson commented on setting a date set for the Goals and Objectives meeting in late October or early November 2008 and requested tentative available dates from the Commission.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan commented that the office was working on a number of items and had nothing new to report.

UNFINISHED BUSINESS

241 2008 09-15

Mayor Sprague appointed. Moved by Robinet. Seconded by Bennett.
To appoint the following to the Lapeer Center for the Arts Council:
Marianna Fiedor for a term ending October 1, 2011

Candice Crombez for a term ending October 1, 2011.

Dan Mitchell for a term ending October 1, 2011.

Linda Jackman for a term ending October 1, 2011.

MOTION CARRIED.

242 2008 09-15

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

To appoint Jerry Volek to the Local Officers Compensation Commission for a term ending October 1, 2013.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Departmental Monthly Reports were received into record.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett commented on that he voted for the Clemens and Bahri rezoning request due to 1) information received that if a full Planning Commission board was present it would have been passed; and 2) feels that it would be the highest and best use for the property.

Commissioner Marquardt apologized for missing the Linear Path Trail opening but wanted to congratulate everyone involved on a job well done.

Commissioner Robinet commented on the Linear Path Trail opening, inquired about the vacant land next to the old jail site and mowing of grass, and that he is anxious to review the Goals and Objectives within the transportation highway system and how to improve the empty buildings/space in the downtown area.

City Manager Dale Kerbyson commented on a new educational welding program through Engery Steel which will go hand in hand with Mott. He also commented that the community had its usual water backup problems but everything went smoothly with all the rain fall this past weekend.

Commissioner Bostick-Tullius commented on the opening of the new Rite Aid and the positive feedback received.

Mayor Sprague apologized for missing the Linear Path opening and thanked Rowe, Inc. for their efforts. He thanked Paul Boucher, City Treasurer for a call on Lapeer Stamping and what are we doing to retain businesses in Lapeer. The Red Cross had to borrow \$70 million to get help to the hurricane victims in Texas, please donate blood or funds if you can as they are in desperate need. Rite Aid has been a fabulous investment in the Lapeer community. During data gathering, it was found that Lapeer homes are retaining their value at a higher level than other communities such as Birmingham and Bloomfield Hills (75% vs 30%). There will be a Soccer Ceremony on September 22, 2008 at 6:45 p.m. at the new soccer fields just prior to the East/West match.

ADJOURNMENT

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Moved by Bennett. Seconded by Marquardt.

To adjourn the meeting.

MOTION CARRIED.

The meeting adjourned at 7:31 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC City Clerk