

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

NOVEMBER 3, 2008

A regular meeting of the Lapeer City Commission was held November 3, 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, and Bostick-Tullius.
City Manager Dale Kerbyson.
City Attorney Mike Nolan.

Absent: Commissioner Farrington

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

264 2008 11-03

Moved by Marquardt. Seconded by Bennett.
To approve the Agenda for November 3, 2008.
MOTION CARRIED.

MINUTES

265 2008 11-03

Moved by Marquardt. Seconded by Bostick-Tullius.
To approve the minutes from the Regular Meeting held on October 20, 2008.
MOTION CARRIED.

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

CONSENT AGENDA

266 2008 11-03

Moved by Robinet. Seconded by Bennett.
To approve the Consent Agenda for November 3, 2008 resulting in the following:

1. Approve Special Event Request from Lapeer Area Chamber of Commerce for a Christmas Parade to be held on December 6, 2008.
2. Approve Local Share Payment #5 to the State of Michigan for the Oregon Street Reconstruction Project in the amount of \$3,183.78.
3. Approve Local Share Payment #1 to the State of Michigan for the DeMille/Harrison Intersection Improvement Project in the amount of \$18,467.54.
4. Approve Change Order #1 from AW Excavating, Inc. for the Jackson Street & State Street Reconstruction Projects that reflects a decrease of \$11,287.51.
5. Approve Payment Request #3 – Final Payment to AW Excavating, Inc. for the Jackson Street & State Street Reconstruction Projects in the amount of \$13,043.58.

MOTION CARRIED.

BILL LISTING FOR NOVEMBER 3, 2008

267 2008 11-03

Moved by Robinet. Seconded by Bostick-Tullius.
To approve the Bill Listing for November 3, 2008 in the amount of \$827,816.14.
MOTION CARRIED.

PUBLIC COMMENTS

Melanie DiCenso, 1061 South Lapeer Road commented on the Annexation By Choice Area and two main issues: 1) that certified letters be sent requesting a meeting regarding the water and sewer plans with herself, property owners within the annexation by choice area, and the City; 2) that the group in this area is angry and frustrated as a result of an MDOT meeting and presentation of an Access Management Plan indicating that their M24 property access will be removed, that no water and sewer will run through the back of the properties off of Cliff Drive, they want the same opportunity and meetings as the M24/I69 property owners were allotted, that Cliff Drive property owners have received no notification of any meetings, and that they are willing to work with the City regarding this project.

Discussion was held regarding the MDOT meeting, Access Management Plan, meetings held regarding the project area and the uncovering of Cliff Drive residents being left out, and that a meeting with the property owners will be made with notification by certified mail within the next two to three weeks. Linda Jackman, Director of Planning, commented on the MDOT meeting and indicated that a consultant was approved and hired in March of 2007, that workshop planning meetings had been held, that last weeks meeting was a draft of project potential and it is not written in stone, that no construction projects are planned at this time, that each property owner would be able developed their parcels to their full potential and there would be no forcing of driveway removal from M24, and that selection of the committee for this area did not include any business or property owners affected within the Annexation By Choice Area. Mayor Sprague commented that this committee should include a volunteer from this group, that the City wants to do what is best for the property owners in this area, and inquired if MDOT had committed financing or grant dollars. It was noted that MDOT has not committed to financing or grant dollars for this project.

Kim Huber, 1101 South Lapeer Road, commented on the confusion regarding a road planned through her property while no road easement had even been requested and that plans showed the intent of no driveway access off of M24. Commissioner Robinet explained that no one was going to take property away from anyone to make a road, developers experience with working in the City, and that the MDOT plans are only drafts that will be reviewed and changed over time.

Jule DiCenso, 1061 South Lapeer Road, commented that plans stated that no curb cuts would be available, that the driveways were planned to be removed, and that any potential developers would have to be notified of such plans.

Claire Longoria, property owner of Lots 12 and 21, Churchill Subdivision, commented on a service drives, fear factors involved with the plan, that the plan will be dictated with no control from the property owners, that people in the annexed area does not know what is going on.

Discussion was held regarding the plans were a place to start and that the plans would move forward with all comments and suggestions taken into effect. Commissioner Bennett requested clarification on drive thru opportunities. Discussion was held on differences in drive thru opportunities, that no drive thru restaurants would not be allowed South of Taco Bell, and no restaurants have been approved at this point by the Planning Commission.

Brian Hayes, Michigan Eye Institute, commented on curb cuts for the Sonic Restaurant, concerns about his access being removed from M24, and that he would also like to hear more regarding future development for this area.

Mayor Sprague commented that the property owners within the area will be invited to meetings, to keep in mind that this is only a draft plan of the area that will be amended and changed over time, and that it is the City's objective to maximize the value of the property in the area not to minimize it.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

None.

CITY MANAGER’S REPORT

Local Development Authority (LDFA) and the Tax Increment Finance Authority (TIFA) 1, 2, and 3 Plan Amendments.

City Manager, Dale Kerbyson commented that the LDFA and TIFA have approved the plan amendments and requesting a public hearing for December 1, 2008 at 6:30 p.m. or as soon thereafter as may be heard.

268 2008 11-03

Moved by Robinet. Seconded by Bennett.

That the Lapeer City Commission approve the Resolution Setting Public Hearing For Plan Amendments To Development Plans And Financing Plans Of the Tax Increment Finance Authority Of The City of Lapeer And The Local Development Finance Authority Of The City Of Lapeer for December 1, 2008 at 6:30 p.m. or as soon thereafter as may be heard.

CITY OF LAPEER

RESOLUTION SETTING PUBLIC HEARING FOR
PLAN AMENDMENTS TO DEVELOPMENT PLANS AND FINANCING PLANS
OF THE TAX INCREMENT FINANCE AUTHORITY OF THE CITY OF LAPEER
AND THE LOCAL DEVELOPMENT FINANCE AUTHORITY
OF THE CITY OF LAPEER

WHEREAS, there has been presented to the Lapeer City Commission proposed Amendments to Development Plans and Tax Increment Financing Plans No. 1, No. 2, No. 3 of the Tax Increment Finance Authority of the City of Lapeer and a proposed Amendment to the Development Plan and Tax Increment Financing Plan of The Local Development Finance Authority of the City of Lapeer; and

WHEREAS, the Tax Increment Finance Authority Act and The Local Development Finance Authority Act provide that amendments to an approved development plan or tax increment financing plan must be submitted by the authorities to the governing body for approval or rejection following the same notice and public hearing provisions that are necessary for approval or rejection of the original plans; and

WHEREAS, the Tax Increment Finance Authority and The Local Development Finance Authority Act provide that before the public hearing on the tax increment financing plan, the governing bodies shall provide a reasonable opportunity to the taxing jurisdiction in which the development is located to express its views and recommendations regarding the tax increment financing plan and provides that the authority shall fully inform the taxing jurisdiction about the fiscal and economic implications of the proposed tax increment financing plan; and

WHEREAS, the Tax Increment Finance Authority Act and The Local Development Finance Authority Act each provide that the governing body, before adoption of a resolution approving a development plan or tax increment financing plan, shall hold a public hearing on the financing plans.

NOW, THEREFORE, BE IT RESOLVED that the Lapeer City Commission shall conduct a public hearing in the City Commission Chambers of the City of Lapeer, 576 Liberty Park, Lapeer, Michigan, 48446, on the 1st day of December, 2008 at 6:30 p.m. or as soon thereafter as the matters can be heard to consider a Resolution Approving Amendments to Development Plan and Tax Increment Financing Plans No. 1, No. 2, and No. 3 of the Tax Increment Finance Authority and the Development Plan and Financing of The Local Development Finance Authority.

BE IT FURTHER RESOLVED that the Lapeer City Commission shall provide a reasonable opportunity to the taxing jurisdictions in which the developments are located to express their views and recommendations regarding the Tax Increment Financing Plan Amendments at 6:30 p.m. on the 1st day of December, 2008 in the City Commission Chambers located in the Lapeer City Hall.

BE IT FURTHER RESOLVED that the LA View is hereby designated as the newspaper of general circulation in which the required notices shall be published.

ON A ROLL CALL VOTE:

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

NAYES: None.

ABSTAIN: None.

ABSENT: Commissioner Farrington.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Yield and Stop Sign Report

City Manager, Dale Kerbyson reviewed the Yield and Stop Sign Report, reminded everyone of the Goals and Objectives meeting to be held Friday, November 7, 2008 at 5:00 p.m., indicated Lowe's will no longer be coming into the City of Lapeer, that he has notified the developers of this news, indicated the developers are dedicated to moving forward with the water/sewer project, and to get out and vote in Tuesday's General election.

CITY ATTORNEY'S REPORT

City Attorney, Mike Nolan commented that he will be sending out approximately 300 collection letters to individuals that are delinquent in their individual income tax returns.

UNFINISHED BUSINESS

269 2008 11-03

Moved by Marquardt. Seconded by Robinet.

To appoint Cheryl Gagnon to the Income Tax Board of Review for a term ending 12-01-11.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett hopes everyone's candidate wins and everyone should get out and vote tomorrow.

Commissioner Marquardt expressed that if there is any way to speed up the M24/I69 project that we should do it.

Commissioner Bostick-Tullius commented that everyone should vote tomorrow and questioned when and where the next Access Management meeting would be. Linda Jackman, Director of Planning, indicated a date has not been arranged as of yet.

Commissioner Robinet thanked Chief Todd Alexander for the Yield and Stop Sign report, commented on no promotions for new businesses coming into the downtown area, that we promote the bigger stores like Meijers, Rite Aid, etc., and that we should be looking at how to promote and advertise new smaller businesses.

Commissioner Marquardt thanked Doug Skylis from Rowe Engineering for his report on the City projects.

City Manager, Dale Kerbyson commented on absentee ballots in the past have been at an average of 5%, where as this year it is close to 14%.

Mayor Sprague disagreed with Commissioner Robinet and felt that the bigger stores may bring money to the City and should be promoted, but did agree with him on the need to promote and advertise the smaller businesses in the downtown area. He also encouraged everyone to vote.

ADJOURNMENT

270 2008 11-03

Moved by Robinet. Seconded by Bennett.

To adjourn the meeting.

MOTION CARRIED.

The meeting adjourned at 7:20 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC City Clerk