

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

**November 6, 2006**

A regular meeting of the Lapeer City Commission was held on November 6, 2006 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 Ogden.  
City Attorney Ron Shamblin  
City Manager Dale Kerbyson

**Absent:** None.

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**246 2006 11-06**

Moved by Robinet. Seconded by Marquardt.

To approve the Agenda for November 6, 2006 with the addition of Item G-5 Oregon Street Pump Station and Item H-1 Rowe Incorporated – Engineering Agreement M-24 Corridor Utility Expansion.

MOTION CARRIED.

**MINUTES**

**247 2006 11-06**

Moved by Farrington. Seconded by Turkelson.

To approve the minutes of the Regular Meeting held on October 16, 2006 and Special Meeting held on October 24, 2006 as presented.

MOTION CARRIED.

Minutes from Various Boards and Commissions received through November 2, 2006 were received into record.

**BILL LISTING FOR NOVEMBER 6, 2006**

**248 2006 11-06**

Moved by Robinet. Seconded by Marquardt.

To approve the Bill Listing for November 6, 2006 in the amount of \$941,885.64.

MOTION CARRIED.

**CONSENT AGENDA**

**249 2006 11-06**

Moved by Robinet. Seconded by Turkelson.

To approve the Consent Agenda for November 6, 2006 resulting in the following:

1. Approval of Pay Request #4 to O'Laughlin Construction Company in the amount of \$6,161.50 for the Flow Meter Construction Project.
2. Approval of Change Order #1 to A.W. Excavating, Inc. in the amount of \$7,949.55 for the 2005 Capital Improvement Program.
3. Approval of Pay Request #2 to A.W. Excavating, Inc. in the amount of \$203,296.61 for the 2005 Capital Improvement Program.
4. Approval of Budget Adjustment to eliminate Cemetery Fund Deficit.
5. Approval of 2006 GMC Canyon 4WD Pick-up from Merollis GMC of Lapeer in the amount of \$19,642.65 from account 661-580-976000, Project 17600.

MOTION CARRIED.

## **PUBLIC COMMENTS**

None.

## **PUBLIC PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

## **PUBLIC HEARINGS**

None

## **ADMINISTRATIVE REPORTS**

### Housing Assessment

Director of Housing and Neighborhood Development, Sara Coulter, provided information regarding the housing assessment for Lapeer County, committed funding, and that it was part of the 2007 Goals and Objectives for the Housing Improvement Division. Discussion was held regarding the housing assessment projection length, completion timeline, funding, and consideration of user fee for use of information.

### **250 2006 11-06**

Moved by Farrington. Seconded by Robinet.

To approve the Housing Assessment submitted by Vogt Williams & Bowen, LLC with funding as presented and authorize the Mayor and City Manager to execute the required documents with Michigan State Housing Development Authority to fund \$10,200 of the study.

MOTION CARRIED.

Director of Housing and Neighborhood Development, Sara Coulter, provided an update regarding rental homes, cross referencing of information with the Construction Code Authority and Assessing records, and letters to homeowners regarding rental registration requirements.

### Lot Split Request – Lapeer Capital Corners, LLC for 800 West Street

### **251 2006 11-06**

Moved by Robinet. Seconded by Marquardt.

To approve the Resolution To Approve Lot Split Request For Lapeer Capital Corners, LLC for property located at 800 West Street.

### RESOLUTION TO APPROVE LOT SPLIT REQUEST FOR

Lapeer Capital Corners, LLC for property located at 800 West Street

WHEREAS, William Hall, as Managing Member of Lapeer Capital Corners, LLC, owner of the property located at 800 West Street, has filed a Lot Split Request; and

WHEREAS, Chapter 6 (Land Division Ordinance), Section 6.05 Lot Splits, of the General Ordinances of the City of Lapeer, provides that approval shall be by resolution of the City Commission.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Lot Split Request is in conformity with Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer.
2. That the Lot Split Request is in conformity with The Land Division Act of P.A. 288 of 1967, as amended.

3. That the Lot Split Request is approved resulting in the following two (2) legal descriptions:

L21-33-307-030-00 (800 West Street)

City of Lapeer Rich's Addition Liber 5 Page 1 and 2, Out-Lot 3, excluding the westerly 195 feet thereof.

L21-33-307-035-00 (Harrison Street)

City of Lapeer Rich's Addition Liber Page 1 and 2, the westerly 195 feet thereof of Out-Lot 3.

4. That the Lot Split Request preserve all easement and master utility plans.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the Lapeer County Register of Deeds.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the City Assessor and to William Hall.

AYES: Commissioners Robinet, Marquardt, Turkelson, Farrington, and Ogden.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

Effective Date: November 6, 2006.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

#### Chapter 7 (Zoning Ordinance) Amendments

Commissioner Turkelson introduced the proposed amendments to Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

#### 7.08 – OS-1 OFFICE SERVICE DISTRICT

##### B. Principal Uses Permitted

4. Banks, credit unions, saving and loan association, and similar uses; drive-thru facilities as an accessory use only.

##### C. Principal Uses Permitted Subject to Special Conditions

1. An accessory use customarily related to a principal use authorized under this section, such as but not limited to: a pharmacy or apothecary shop, including drive-thru pharmacy service, stores limited to corrective garments or bandages, or optical services, may be permitted.

#### 7.09 – B-1 NEIGHBORHOOD BUSINESS DISTRICT

##### B. Principal Uses Permitted

5. Banks, credit unions, savings and loan association, and similar uses; drive-thru facilities as an accessory use only.

##### D. Principal Uses Permitted Subject to Special Conditions

3. Drive-thru pharmacy as an accessory use only, when customarily incident to a principal use permitted in the B-1 district.

7.10 – CBD CENTRAL BUSINESS DISTRICT

B. Principal Uses Permitted

- 7. Banks, credit unions, savings and loan association, with drive-thru facilities permitted when said drive-thru facilities are incidental to the principal function.

C. Principal Uses Permitted Subject to Special Conditions

- 3. Drive-thru pharmacy as an accessory use only, when customarily incident to a principal use permitted in the B-1 district.

7.11 – B-2 GENERAL BUSINESS DISTRICT

C. Principal Uses Permitted Subject to Special Conditions

- 3. Business in the character of a drive-thru.

7.11.5 – B-4 REGIONAL BUSINESS DISTRICT

D. Principal Uses Permitted Subject to Special Conditions

- 5. Drive-thru pharmacy as an accessory use to a main pharmacy located in the interior of the retail establishment.

7.17 – GENERAL PROVISIONS

E. Off-Street Parking Requirements

- 16. Minimum number of spaces
  - c. Business and Commercial
    - (7) Drive-thru restaurant
  - d. Offices
    - (2) Drive-thru banks

Rezoning Request – Portion of Kroger Parcel from OS-1 to B-2

Commissioner Robinet introduced a proposed amendment to Chapter 7 (Zoning Ordinance), Section 7.03, G., Number 79 of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

G. ZONING DISTRICT AMENDMENTS:

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

Part of L20-83-290-040-00

City of Lapeer Original Plat SW 1/4 Div South 150 feet of West 333.32 feet of Section 5. T7N, R10E.

Oregon Street Pump Station

**252 2006 11-06**

Moved by Turkelson. Seconded by Marquardt.

To approve the low bid from Trojan Development Company, Inc. in the amount of \$419,000.00 for the Oregon Street Pump Station Project and authorize the Director of Public Works to execute the required documents.  
MOTION CARRIED.

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

#### Rowe Incorporated – Engineering Agreement M-24 Corridor Utility Extension

##### **253 2006 11-06**

Moved by Marquardt. Seconded by Farrington.

To approve the Rowe Incorporated Engineering Agreement for the M-24 Corridor Utility Extension in the amount of \$13,574.00 and authorize the City Manager to execute the required documents.

MOTION CARRIED.

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

City Attorney Shamblin provided an update on Michael's restaurant and that clean up was underway.

### **UNFINISHED BUSINESS**

##### **254 2006 11-06**

Moved by Turkelson. Seconded by Robinet.

To appoint the following:

Scott McKenna      Zoning Board of Appeals for a term ending April 1, 2007.

Ann House          Zoning Board of Appeals for a term ending April 1, 2009.

Bob Morningstar    Income Tax Board of Review for a term ending December 1, 2009.

MOTION CARRIED.

### **DEPARTMENTAL COMMUNICATIONS**

No reports filed.

### **MAYOR/COMMISSIONER COMMENTS**

Brief comments were made regarding to get out and vote, support of library millage, rotation of agenda items, Adams-Liberty-Park special assessment area road issues, contractors, and complaints, and that Lapeer West graduate Kelly Best won the Miss Michigan title.

### **ADJOURNMENT**

##### **255 2006 11-06**

Moved by Turkelson. Seconded by Robinet.

To adjourn the meeting. MOTION CARRIED.

The meeting adjourned at 7:02 p.m.

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William J. Sprague, Mayor

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Donna L. Cronce, CMC, City Clerk