

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

April 19, 2010

A regular meeting of the Lapeer City Commission was held April 19, 2010 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.

Others Present: City Clerk Donna Cronce; Deputy City Clerk Tracey Russell; Police Chief Todd Alexander; Fire Chief Terry Kluge; City Assessor Tom Hubbell; Director of Public Works John Lyons; Superintendent of Water Pam Reid, Director of Financial Services Paul Boucher; Rowe Professional Services Company representative Doug Skylis; Lapeer County Press Editor Jeff Hogan; County Commissioner Lenny Schneider, Brent Hershberger; Sue Brown, Danielle Brown, Rev. Dr. Lisa Saliga; Pastor Gary Gillim; Greg Harper; Rev. Gerald Sims; Rev. Doug Terrien; Michelle O'Neal; Stephanie Tschirhart; Gail St. Laurent; David Berney; Georgeann Courser; Melissa Cuminiti; Dan Courser; and Jeffery Wells.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

70 2010 04-19

Moved by Marquardt. Seconded by Bostick-Tullius.
To approve the Agenda for April 19, 2010 as presented.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED.

MINUTES

71 2010 04-19

Moved by Farrington. Seconded by Marquardt.
To approve the minutes from the Regular Meeting held on April 5, 2010 as presented.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED.

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

CONSENT AGENDA

Commissioner Robinet requested Item B.1. be removed from the agenda for further discussion. Item B.1. removed by general consensus.

72 2010 04-19

Moved by Bostick-Tullius. Seconded by Robinet.
To approve the Consent Agenda, items 2 & 3 for April 5, 2010 resulting in the following:

2. Approve the Special Event Request from Faith Fellowship Church Light Up the Night on October 31, 2010 at Rotary Park.
3. Approve the Special Event Request from Faith Christian Fellowship Church, for Vacation Bible School on August 26, 2010 through August 29, 2010 at Rotary Park.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED.

ITEM B.1.: Special Event Application – Sunrise Kiwanis of Lapeer & DDA, Lapeer's Fine Arts Celebration

Commissioner Robinet commented on being disappointed that the Downtown Development Association would remove the Arts Celebration from the Downtown Area and City funding for the event.

73 2010 04-19

Moved by Farrington. Seconded by Bostick-Tullius.

To approve the Special Event Request from Sunrise Kiwanis of Lapeer & DDA for Lapeer's Fine Arts Celebration on June 4th through June 6th at Mott Community College and Prairies & Ponds Campus.

Ayes: Bennett, Marquardt, Farrington, Bostick-Tullius.

Nays: Robinet.

MOTION CARRIED.

BILL LISTING FOR APRIL 19, 2010

74 2010 04-19

Moved by Robinet. Seconded by Bennett.

To approve the Bill Listing for April 19, 2010 in the amount of \$182,319.83.

Ayes: Bennett, Marquardt, Bennett, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED.

PUBLIC COMMENTS

Georgeann Courser, Fish Lake Road, Lapeer, commented on invocation and would like to see the City adopt the practice of an invocation to open each City Commission meeting and supports Commissioner Bennett.

Rev. Doug Terrien, W. Nepessing, Lapeer, commented that he is in favor of Commissioner Bennett's invocation request.

Gary Gillim, Maple Grove Road, Lapeer, commented that he is 100% behind Commissioner Bennett's invocation request.

Michelle O'Neal, Chairperson of Lapeer County Republican Party, commented that she supports Commissioner Bennett's invocation request.

Pastor Saliga, N. Saginaw, Lapeer, commented that she stands in agreement with Commissioner Bennett's invocation request.

Sue Brown, First Street, Lapeer, commented in favor of Commissioner Bennett's invocation request.

Todd Courser, S. Main Street, Lapeer, commented in support of Commissioner Bennett's invocation request.

Greg Harper, Lawndale, Lapeer, commented he is in support of Commissioner Bennett's invocation request.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

75 2010 04-19

Moved by Robinet. Seconded by Bostick-Tullius.

To approve the Proclamation for Edwin Gark.

PROCLAMATION
CITY OF LAPEER
In Recognition of Edwin J. Gark, Jr.

Whereas, Edwin Gark was hired to the City of Lapeer Public Works Department on January 26, 1977; and

Whereas, Edwin Gark is an individual of personal integrity, has given conscientious service to the citizens of the City of Lapeer, and leaves those in the City of Lapeer proud to have known him and to have served with him; and

Whereas, Edwin Gark will retire on April 23, 2010, after 33 years of faithful service to the City of Lapeer and will be honored during a luncheon on his last day.

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor William J. Sprague, and the Lapeer City Commission, wishes to honor and express deep appreciation to Edwin J. Gark, Jr. for his many years of dedicated service to the citizens of the City of Lapeer and wish him health, happiness, and fulfillment through his retirement.

Dated this 19th day of April, 2010.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

Industrial Facilities Tax Exemption Request: ZF Lemforder.

Patricia Lucas, Director of Lapeer Development Corporation, introduced Gary Phillips from ZF Lemforder, stated the IFT request was for 12 years, equipment, land and building improvements of approximately \$13.824 million, and creation of 67 new jobs.

Mayor Sprague opened the public hearing at 6:41 p.m. There being no comments, Mayor Sprague closed the public hearing at 6:41 p.m.

Brief discussion was held regarding current employees, availability of jobs, and hiring process.

76 2010 04-19

Moved by Robinet. Seconded by Bennett.

To approve the Resolution Approving The Application Of ZF Lemforder Corporation for an Industrial Facilities Tax Exemption Certificate.

CITY OF LAPEER RESOLUTION APPROVING THE APPLICATION OF ZF LEMFORDER CORPORATION FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on October 5, 1987, this Commission by resolution established the City of Lapeer Industrial Development District No. E, as requested by the Lapeer City Commission; and

WHEREAS, ZF Lemforder Corporation has filed an application for an Industrial Facilities Exemption Certificate with respect to building improvements and the purchase of new machinery and equipment to be acquired and installed within the Industrial Development District No. E; and

WHEREAS, before acting on said application, the City of Lapeer held a hearing on April 19, 2010, at the Lapeer City Hall, 576 Liberty Park, at 6:30 p.m. or as soon thereafter as may be heard, prior to which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, commencement of installation of new machinery and equipment had not begun earlier than six (6) months before March 1, 2010, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

NOW THEREFORE, BE IT RESOLVED by the Lapeer City Commission that:

1. The Board finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Lapeer, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Lapeer.
2. The application of ZF Lemforder Corporation for an Industrial Facilities Exemption Certificate with respect to building improvements and the purchase of new machinery and equipment to be installed on the following described parcel of real property situated within the City of Lapeer Industrial Development District No. E, to wit:

Part of the Southwest 1/4 of Section 12, Township 7 North, Range 9 East, City of Lapeer, Lapeer County, Michigan described as beginning at a point on the East and West 1/4 line of said Section 12 which is N86°21'01"E, 873.23 feet from the West 1/4 corner of said Section 12; thence continuing N86°21'01"E, along said 1/4 line 1045.40 feet; thence S00°47'40"E 573.81 feet; thence 414.75 feet along the arc of a 907.00 foot radius non-tangential curve to the right (having a central angle of 26°12'00", a tangent of 211.07 feet, subtending a chord bearing and distance of N82°42'50"W, 411.14 feet); thence N69°36'50"W, 173.21 feet; thence 483.22 feet along the arc of a 1443.00 foot radius curve to the left (having a central angle of 19°11'11", a tangent of 243.89 feet, subtending a chord bearing and distance of N79°12'25"W, 480.96 feet); thence N01°36'58"W, 304.78 feet to the point of beginning

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of 12 years after completion, provided, however, that said certificate shall be subject to the terms and conditions of the Tax Abatement Agreement between the City of Lapeer and ZF Lemforder Corporation dated March 1, 2010.

Ayes: Robinet, Bennett, Marquardt, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Industrial Facilities Tax Exemption Request: Hydraulics Tubes & Fittings LLC

1. 434 McCormick Drive Transfer #2005-324
2. 434 McCormick Drive Transfer #2008-256
3. 434 McCormick Drive New.

Patricia Lucas, Director of Lapeer Development Corporation, introduced David Berney, President of Hydraulics Tubes & Fittings LLC, stated the transfer of #2005-324 was for 8 remaining years, equipment purchase of \$719, 909, and retention of 13 jobs. Transfer of #2008-256 was for 5 remaining years, equipment purchase of \$352,709, and retention of 13 jobs. New application was for 12 years, equipment, land and building improvements of \$865,000, and retention of 13 jobs.

Mayor Sprague opened the public hearing at 6:46 p.m. for IFT transfer of #2005-324. There being no comments, Mayor Sprague closed the public hearing at 6:46 p.m.

Mayor Sprague opened the public hearing at 6:47 p.m. for IFT transfer of #2008-256. There being no comments, Mayor Sprague closed the public hearing at 6:47 p.m.

Mayor Sprague opened the public hearing at 6:47 p.m. for a new IFT application from Hydraulics Tubes & Fittings, LLC. There being no comments, Mayor Sprague closed the public hearing at 6:47 p.m.

Brief discussion was held regarding transfers from another community into the City and new jobs to the City.

77 2010 04-19

Moved by Farrington. Seconded by Marquardt.

To approve the Resolutions Approving The Applications Of Hydraulic Tubes & Fittings, LLC, Industrial Facilities Tax Exemption Certificate, for 434 McCormick Drive for Transfer #2005-324, Transfer #2008-256, and New request.

RESOLUTION APPROVING THE APPLICATION OF
HYDRAULIC TUBES & FITTINGS, LLC
FOR A TRANSFER OF AN
INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE NO. 2005-324

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on December 5, 1983, this Commission by resolution established the City of Lapeer Industrial Development District No. A, as requested by the Lapeer City Commission; and

WHEREAS, Hydraulic Tubes & Fittings, LLC has filed an application for a transfer of an Industrial Facilities Exemption Certificate No. 2005-324 with respect to the purchase of new equipment and machinery acquired and installed within the Industrial Development District No. A; and

WHEREAS, before acting on said application, the City of Lapeer held a hearing on April 19, 2010, at the Lapeer City Hall, 576 Liberty Park, at 6:30 p.m. or as soon thereafter as may be heard, prior to which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, commencement of the installation of new machinery and equipment had not begun earlier than six (6) months before March 29, 2010, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

NOW THEREFORE, BE IT RESOLVED by the Lapeer City Commission that:

1. The Board finds and determines that the granting of the transfer of Industrial Facilities Exemption Certificate No. 2005-324 considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Lapeer, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Lapeer.

2. The application of Hydraulic Tubes & Fittings, LLC for a transfer of an Industrial Facilities Exemption Certificate No. 2005-324 with respect to the purchase of new machinery and equipment to be acquired and installed on the following described parcel of real property situated within the City of Lapeer Industrial Development District No. A, to wit:

Lots 27 & 28 of the McCormick Industrial Park No. 3

Commonly known as: 434 McCormick Drive, Lapeer, Michigan

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for the balance of the term granted for Certificate No. 2005-324. The effective dates shall remain the completion date of the year the Industrial Facilities Exemption was granted, which was on or about:

| <u>Certificate #</u> | <u>Approval Date</u> | <u>Term</u> |
|----------------------|----------------------|-------------------|
| 2005-324 | August 16, 2005 | December 31, 2013 |

RESOLUTION APPROVING THE APPLICATION OF
HYDRAULIC TUBES & FITTINGS, LLC
FOR A TRANSFER
OF AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on December 5, 1983, this Commission by resolution established the City of Lapeer Industrial Development District No. A, as requested by the Lapeer City Commission; and

WHEREAS, Hydraulic Tubes & Fittings, LLC has filed an application for a transfer of an Industrial Facilities Exemption Certificate No. 2008-256 with respect to the purchase of new equipment and machinery acquired and installed within the Industrial Development District No. A; and

WHEREAS, before acting on said application, the City of Lapeer held a hearing on April 19, 2010, at the Lapeer City Hall, 576 Liberty Park, at 6:30 p.m. or as soon thereafter as may be heard, prior to which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, commencement of the installation of new machinery and equipment had not begun earlier than six (6) months before March 29, 2010, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

NOW THEREFORE, BE IT RESOLVED by the Lapeer City Commission that:

1. The Board finds and determines that the granting of the transfer of Industrial Facilities Exemption Certificate No. 2008-256 considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Lapeer, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Lapeer.

2. The application of Hydraulic Tubes & Fittings, LLC for a transfer of an Industrial Facilities Exemption Certificate No. 2008-256 with respect to the purchase of new machinery and equipment to be acquired and installed on the following described parcel of real property situated within the City of Lapeer Industrial Development District No. A, to wit:

Lots 27 & 28 of the McCormick Industrial Park No. 3

Commonly known as: 434 McCormick Drive, Lapeer, Michigan

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for the balance of the term granted for Certificate No. 2008-256. The effective dates shall remain the completion date of the year the Industrial Facilities Exemption was granted, which was on or about:

| <u>Certificate #</u> | <u>Approval Date</u> | <u>Term</u> |
|----------------------|----------------------|-------------------|
| 2008-256 | July 1, 2008 | December 31, 2013 |

CITY OF LAPEER
RESOLUTION APPROVING THE APPLICATION OF
HYDRAULIC TUBES & FITTINGS, LLC
FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on December 5, 1983 this Commission by resolution established the City of Lapeer Industrial Development District No. A as requested by the Lapeer City Commission; and

WHEREAS, Hydraulic Tubes & Fittings, LLC has filed an application for an Industrial Facilities Exemption Certificate with respect to building improvements and the purchase of new machinery and equipment to be acquired and installed within the Industrial Development District No. A; and

WHEREAS, before acting on said application, the City of Lapeer held a hearing on April 19, 2010 at the Lapeer City Hall, 576 Liberty Park, at 6:30 p.m. or as soon thereafter as may be heard, prior to which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, commencement of the installation of new machinery and equipment had not begun earlier than six (6) months before March 29, 2010, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

NOW THEREFORE, BE IT RESOLVED by the Lapeer City Commission that:

1. The Board finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Lapeer, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Lapeer.

2. The application of Hydraulic Tubes & Fittings, LLC for an Industrial Facilities Exemption Certificate with respect to building improvements and the purchase of new machinery and equipment to be installed on the following described parcel of real property situated within the City of Lapeer Industrial Development District No. A, to wit:

Lots 27 & 28 of the McCormick Industrial Park No. 3

Commonly known as: 434 McCormick Drive, Lapeer, Michigan

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of 12 years after completion, provided, however, that said certificate shall be subject to the terms and conditions of the Tax Abatement Agreement between the City of Lapeer and Hydraulic Tubes & Fittings, dated March 29, 2010.

Ayes: Farrington, Marquardt, Bennett, Robinet, Bostick-Tullius.

Nays: None.

MOTION CARRIED. RESOLUTIONS DECLARED ADOPTED.

ADMINISTRATIVE REPORTS

Invocation

Commissioner Bennett moved that the Lapeer City Commission adopts the practice of allowing an Invocation at the commencement of each opening meeting, therefore, affording each Lapeer City Commissioner on a rotating basis the opportunity of up to two or three minutes to offer a spoken invocation, or if they choose, ask for a moment of silence, ask their pastor, ask someone in the audience, ask someone from the greater Lapeer area of churches or, pass to one or the other City Commission members. Further, that the practice of Invocation be included as part of the Rules and Procedures of the City Commission and I pray for support. Motion died for lack of support.

Rules and Procedures of the City Commission

78 2010 04-19

Moved by Bostick-Tullius. Seconded by Robinet.

To approve rescinding of City Policies: Commission Proceedings, Section H, 1976 12-06 Opportunity of Public to be heard at Special City Commission Meetings; 1976 12-06 Opportunity of Public to be heard at Regular City Commission Meetings; 1985 01-07 Policy Regarding Discussion and Debate on City Commission Agenda Items; 1996 11-18 Opportunity of Public Hearings and approve the Rules and Procedures of the City Commission with an effective date of April 19, 2010. Discussion was held regarding item D.4. Duty to Vote and a Commissioner stepping down to voice personal opinions; item E.4.c. Requests to Speak during Public Hearings and ability to clarify questions the Commission would have from the public after the public hearing was closed. It was requested that the City Attorney clarify these issues. The question was brought to a vote.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED.

Ordinance Amendment: Chapter 20 (Business Licenses and Regulations)

79 2010 04-19

Moved by Robinet. Seconded by Farrington.

To approve amendments to Chapter 20 (Business Licenses and Regulations) Ordinance of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 20 (Business Licenses and Regulations)

SUMMARY OF ORDINANCE:

Changes to Chapter 20

Section 20.00. "IN GENERAL". The purpose of this section is to define general requirements for: licensee defined; licenses required; multiple businesses; state licensed businesses; fees; licenses application; authorizing issuing officer and approval of city officers or department heads; use of buildings and premises; change of location; nuisances; inspections; bonds or insurance; license year; issuance; exhibition of license; transfer of license; denial, suspension or revocation procedures; provisions complementary and supplemental; and penalties.

Section 20.01. "Billiards and Pool Rooms and Bowling Alleys" to be deleted in its entirety and changed to "GOING OUT OF BUSINESS OR REMOVAL SALE". The purpose of this section is to reference the provisions of Regulation of Certain Sales, Public Act 39 of 1961, et seq., (MCL 442.211, et seq.) as amended.

Section 20.02. "TAXICAB LICENSE". The purpose of this section is to clarify license required; definitions; applications; character of applicant; authorizing issuing officer; bonds or insurance; display of rates; identification; taximeters; driver's manifests; disposition of property left in vehicles; and general provisions.

Section 20.03. "SECONDHAND DEALER AND JUNK DEALER". The purpose of this section is to add Secondhand Dealer; license required in accordance with provisions of Public Act 350 of 1917, (MCL 445.401, et seq.) as amended; adoption by reference of Public Act 350 of 1917; authorizing issuing officer, license and inspection; application; bonds or insurance; general provisions; and manifests.

Section 20.04. "SHOOTING GALLERIES". The purpose of this section is to clarify shooting gallery defined; license required; authorizing issuing officer; application; bonds or insurance; location; hours of operation; and safety rules.

Section 20.05. "CIRCUSES, MEDICINE SHOWS, CARNIVALS, TENT SHOWS". The purpose of this section is to clarify license required; application; and bonds or insurance.

Section 20.06. "Transient or Itinerant Photographers" to be deleted in its entirety and changed to "PAWNBROKERS". The purpose of this section is to add clarification of

definition; license required in accordance with provisions of Pawnbrokers, Public Act 273 of 1917, (MCL 446.201, et. seq.) as amended; adoption by reference of Public Act 273 of 1917; authorizing issuing officer, and application.

Section 20.07. "SOLICITORS, CANVASSERS, PEDDLERS, TRANSIENT OR ITINERANT MERCHANTS". The purpose of this section is to clarify permit and license required; definitions; application; bonds and insurance; badges; exhibition of license; duty of police to enforce; exemptions; and additional requirements as provided by ordinance.

Section 20.08. "ERECTION AND POSTING OF SIGNS". The purpose of this section is to add E. Election signs shall not be erected, posted, affixed, or placed more than thirty (30) days prior to any scheduled election. Such election signs shall be removed ten (10) days after any scheduled election.

Section 20.09. "Peddlers" to be deleted in its entirety and changed to "PRECIOUS METAL AND GEM DEALER". The purpose of this section is to add license required in accordance with the provisions of Public Act 95 of 1981, (MCL 445.481) as amended, adoption by reference of Public Act 95 of 1981; and authorizing issuing officer.

Section 20.10. "Mechanical Amusement Devices" to be deleted in its entirety.

NOTICE IS HEREBY GIVEN that the complete text of the ordinance has been posted at City Hall, 576 Liberty Park, Lapeer, Michigan 48446, and a copy of same may be obtained from the Clerk's office between the hours of 8:00 a.m. and 5:00 p.m.

DONNA L. CRONCE, MMC
CITY CLERK, CITY OF LAPEER

ON A ROLL CALL VOTE:

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

Nays: None.

Abstain: None.

Absent: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 20 DECLARED ADOPTED.

Changes to City of Lapeer Fee Schedule

Brief discussion was held regarding increase in fees. City Clerk Donna Cronce reviewed which fees would be increased and noted last increase in fees was in the early 1980's; Going Out of Business fees and regulations according to Public Act.

80 2010 04-19

Moved by Robinet. Seconded by Bostick-Tullius.

To approve changes to the City of Lapeer Fee Schedule relating to Business Licenses and Regulations as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Abstain: None.

Abstain: None.

MOTION CARRIED.

Ordinance Amendment: Chapter 9 (Housing Ordinance)

81 2010 04-19

Moved by Farrington. Seconded by Bennett.

To approve the amendments to Chapter 9 (Housing Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 9 HOUSING ORDINANCE

9.104 DEFINITIONS

(36) HOUSING OFFICIAL
Shall mean the rental inspector designated by the Building Official or by any other person designated by the City manager as a Housing Code Official.

(38) HOUSEKEEPING UNIT deleted in its entirety and changed to add:

HOUSING BOARD OF APPEALS

A board consisting of five (5) members whose function is to appeal any decision by a building official.

(39) through (42) no change.

(43) MEANS OF EGRESS
A continuous and unobstructed path of travel from any point in a building or structure to a public way, and consisting of three (3) separate and distinct parts:

A. no change.

B. no change.

C. no change.

(44) through (56) no change.

(57) RESPONSIBLE LOCAL AGENT
Shall mean a person having his place of residence or principal place of business in the City of Lapeer, who is legally responsible for operating a dwelling in compliance with all the provisions of this Ordinance.

(58) through (70) no change.

9.105 through 9.115 no change.

9.116 EMERGENCY ESCAPE REQUIRED
All sleeping rooms in a dwelling unit or a rooming unit below the fourth story shall have a minimum of one (1) operable window or exterior door approved for emergency egress or rescue in accordance with the following:

(A) no change.

(B) no change.

(C) no change.

(D) All locking devices on exterior windows and doors of individual rental units shall be properly installed and in good repair. All doors which provide entry to rental dwellings from a common hall shall be provided with a properly installed locking device in good repair without interior keyed locks or dead bolts.

9.116 through 9.126 no change.

9.127 SMOKE DETECTOR REEQUIRED
A minimum of one (1) single station smoke detector shall be provided and maintained in good repair, in each individual sleeping room and one (1) single smoke detector outside of each sleeping area and every level of a dwelling, including basement.

9.128 through 9.131 no change.

9.132

ELECTRICAL SYSTEM INSPECTION

If visual inspection by the Housing Code Official reveals that the wiring system of an existing dwelling unit is inadequate or if code certification for any reason is required or requested, the following minimum standards shall be complied with:

(A) no change.

(B) no change.

(C) Kitchen

The kitchen shall be provided with illumination. The required illumination shall be controlled by a wall switch located for convenient and readily accessible use. A separate kitchen appliance circuit shall be provided, supplying a minimum of three (3) grounding type duplex receptacle outlets with GFI protection. Two (2) of these receptacles shall be readily accessible and spaced for convenience use of portable appliances. New appliance circuits shall be 20 ampere capacity.

(D) Bathroom

The bathroom shall be provided with illumination, controlled by a conveniently located wall switch. A receptacle separate from a light fixture shall be provided. The receptacle shall be not more than thirty (30) inches of the outside edge of each basin and shall be GFI protected.

(E) through (K) no change.

9.133 through 9.135 no change.

9.136

HOT AND COLD WATER SUPPLY

Every sink basin, bathtub, or shower facility required by this Housing Ordinance shall be properly connected with both hot and cold water lines. The hot water lines shall be connected to and supplied from an approved hot water source which is properly installed and maintained in a safe and good working condition.

9.137 through 9.140 no change.

9.141

MECHANICAL SYSTEMS

(A) Dryer's shall be vented to the outside and maintained. Gas piping shall be maintained so as not to create a hazard to the occupants and or the structure.

(B) Water heaters shall be installed and maintained. A water pressure relief valve must be located within four (4) inches of the floor for Rental Rehab and within six (6) inches of the floor for Housing Choice Voucher Inspections.

9.142

GARBAGE/RUBBISH (formerly 9.141)

(A) through (D) no change.

9.143

HABITABLE ROOMS REQUIRED (formerly 9.142)

No change.

9.144

HABITABLE FLOOR AREA REQUIRED (formerly 9.143)

(A) through (B) no change.

9.145

SLEEPING ROOM REQUIRED (formerly 9.144)

(A) through (B) no change.

9.146

CEILING HEIGHT REQUIRED (formerly 9.145)

(A) through (C) no change.

9.147 MINIMUM STORAGE FACILITIES (formerly 9.146)
No change.

9.148 INSECT SCREENS REQUIRED deleted in its entirety and replaced with:

WINDOWS, DOORS AND SCREENS (formerly 9.147)

All windows and exterior doors, including storm windows and doors, shall be weather tight and in good repair. All existing screen doors and screens shall be in good repair.

9.149 REQUIRED WINDOW AREA VENTILATION REQUIRED

Each habitable room shall contain windows or skylights which have a combined area equal to or exceeding eight percent (8%) of the floor area of the room. The required window area in a basement or cellar being used as a habitable room shall be located entirely above grade. Bathroom ventilation shall have a minimum of four percent (4%) openable area or mechanical ventilation in compliance with Michigan Building Code or Michigan Residential Code.

9.150 through 9.166 no change.

SECTION 9.200 ADMINISTRATION, ENFORCEMENT AND PENALTY

9.201 BASIS OF INSPECTIONS

Inspections will be made to obtain and maintain compliance with the standards of this Housing Ordinance based upon one or more of the following:

(A) through (H) no change.

(I) Rental Dwelling Inspection. Except for facilities operated and maintained pursuant to Chapter 25 of the General Ordinances of the City of Lapeer, the Housing Official shall inspect each dwelling unit of residential rental property in the City.

(J) Section deleted in its entirety and replaced with:

Exemptions: (formerly (K))

(1) All newly constructed rental dwelling units shall be exempt from annual inspections for a period of two years from the issuance of certificate of occupancy.

(2) All existing rental dwelling units which have been inspected and certified as being in compliance of this Housing Ordinance, shall be certified for a period not to exceed two (2) years. Compliance shall mean that no violations of this Housing Ordinance exists that would require a re-inspection.

(3) Any exemption as set forth above may be revoked, restricted or modified by the Housing Official for violations of this ordinance. An owner may appeal a loss of exemption to the Housing Board of Appeals as described herein.

History: (Effective Date 10-12-94;-)

9.202 RE-INSPECTION

If said dwelling unit or dwelling unit does not comply with the Housing Regulations, the Housing Code Official shall notify the applicant and re-inspect the dwelling or dwelling unit for compliance within a reasonable time considering the circumstances, but not to exceed ninety (90) days. The method for determining the conditions that require re-inspection will be determined on the severity of the non-compliant conditions.

9.203 through 9.229 no change.

9.230 REGISTRATION ACKNOWLEDGMENT deleted in its entirety and replaced with:

CHANGE IN REGISTRATION INFORMATION (formerly 9.231)

If any change occurs in registration information provided under Section 9.227 the responsible party shall file an amended registration form with the Building Department within thirty (30) days after the change occurs. A new Owner of a registered rental or rooming dwelling shall re-register the dwelling within thirty (30) days of assuming ownership.

9.231 CERTIFICATE OF COMPLIANCE (formerly 9.232)

The name, residence address, business address, business telephone number of the property owner.

(A) through (G) no change.

(H) A certificate of compliance shall expire one year from the date of its anniversary date, unless an exemption is granted per Section 9.201 (J). A temporary or conditional certificate of compliance shall expire on the date specified thereon, but in no event more than one year from the date of its issuance.

9.232 CERTIFICATE OF COMPLIANCE – MIXED USES (formerly 9.233)

No change.

9.233 APPEALS TO THE HOUSING BOARD OF APPEALS (formerly 9.234)

No change.

9.234 PROCEDURE FOR FILING APPEAL (formerly 9.235)

No change.

9.235 CONTINUATION OF EXISTING USE (formerly 9.236)

No change.

9.236 RECORDS TO BE MAINTAINED (formerly 9.237)

No change.

9.237 RELEASE OF RECORDS (formerly 9.238)

No change.

9.238 COMPLIANT CONFIDENTIALITY (formerly 9.239)

No change.

9.239 COVENANTS OF LESSOR OR LICENSOR: CONSTRUCTION (formerly 9.240)

No change.

9.240 ENFORCEMENT GENERALLY (formerly 9.241)

No change.

9.241 CIVIL REMEDIES FOR VIOLATIONS (formerly 9.242)

No change.

9.242 DELAYING OR TERMINATING PROSECUTION (formerly 9.243)

No change.

9.243 PENALTY (formerly 9.244)

No change.

SECTION 9.300 HOUSING BOARD OF APPEALS

9.301 through 9.302 no change.

9.303 MEETINGS (HEARINGS)

(A) no change.

(B) no change.

(C) Three members of the Board shall constitute a quorum for the conduct of its business.

(D) through (G) no change.

9.304 through 9.306 no change.

9.307 DECISIONS

(A) no change.

(B) The concurring vote of three (3) members of the Board shall be necessary to reverse any Order, requirements, decisions, or determination of any officer or department, board, or commission of the City of Lapeer, or to decide in favor of the applicant in the manner upon which it is authorized by this Ordinance to render a decision.

(C) through (D) no change.

ON A ROLL CALL VOTE:

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

Nays: None.

Abstain: None.

Absent: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 9 DECLARED ADOPTED.

Secondhand and/or Junk Dealer License Application: Timothy Andrews – Green Back Buy & Sell.

82 2010 04-19

Motion by Mayor Sprague.

To deny approval of the application made from Timothy S. Andrews for a Secondhand and/or Junk Dealer license located at 300 W. Genesee Street, Green Back Buy & Sell due to the fact he did not present factual information on the application reference to being convicted of any crime, misdemeanor, or local ordinance with support of the Commission.

Supported by Bennett. Seconded by Bostick-Tullius.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED.

Awarding Resolution for the Sale of General Obligations and Special Assessment Bonds.

83 2010 04-19

Moved by Bennett. Seconded by Farrington.

Approve Awarding Resolution for the Sale of the \$350,000 2010 Special Assessment Bonds and \$200,000 2010 General Obligation Bonds for the S. Main Street Sanitary Sewer Extension (2009-01) and N. Saginaw Street Reconstruction (2009-02) projects.

AWARDING RESOLUTION
CITY OF LAPEER
County of Lapeer, State of Michigan

WHEREAS, April 19, 2010, at 2:00 o'clock p.m., Eastern Daylight Time, has been set as the date and time for opening bids for the purchase of the Issuer's \$350,000 2010 Special Assessment Bonds (Limited Tax General Obligation) and the \$200,000 2010 General Obligation Limited Tax Bonds (together, the "Bonds"); and

WHEREAS, said bids have been publicly opened and read; and

WHEREAS, the bids attached hereto as Exhibit A have been received; and

WHEREAS, it is appropriate for the Issuer to award the sale of the Bonds to the bidder whose bid meets the requirements of law and which has been determined to produce the lowest true interest cost to the Issuer.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Award. The bid of The PNC Financial Services Group, as attached hereto as Exhibit A, is determined to produce the lowest true interest cost to the Issuer and said bid is hereby approved and accepted.

2. Bond Details. The Bonds shall mature, bear interest, be subject to redemption and otherwise conform to the terms set forth in the Official Notice of Sale with respect to the Bonds as published in *The Bond Buyer* and the winning bid with respect to the Bonds as attached hereto as part of Exhibit A.

3. Designation of Transfer Agent. The Bank of New York Mellon Trust Company, Detroit, Michigan, is hereby designated to act as transfer agent for the Bonds.

4. Tax Covenant. The Issuer hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the bonds from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended, including, but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of bond proceeds and moneys deemed to be bond proceeds.

5. Repealer. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

S. Main Street Sanitary Sewer Extension Project.

Brief discussion was held regarding bidding process and budgeted amounts for the project.

83 2010 04-19

Moved by Marquardt. Seconded by Robinet.

To Approve the low bid of \$105,928.00 submitted by Sinatech Construction Company for the S. Main Street Sanitary Sewer Extension Project and authorize the Director of DPW to sign required documents.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED.

S. Main Street Sanitary Sewer Extension Project: Construction Engineering Agreement.

Discussion was held regarding bids, Rowe involvement with the design process from the beginning, and to have the City Manager review previous engineering contracts to get a trend on what percentages of cost to projects have been before making a decision on future projects.

84 2010 04-19

Moved by Bennett. Seconded by Robinet.

To Approve the City of Lapeer enter into a Contract for Engineering Services with Rowe Professional Services Company for the S. Main Street Sanitary Sewer Extension Project in the amount of \$13,518.00 authorize the Director of DPW to sign required documents.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

Policy #216 – Tobacco Use – Revision.

Discussion was held regarding where City employees were allowed to smoke, whether or not designated areas are marked at all City facilities, effect on City employees during personal time in City-owned parks, intention of new legislation, the policy only effects City employees not the public, and ability to modify policy.

85 2010 04-19

Moved by Farrington. Seconded by Robinet.

To Approve the revision to City Personnel Policy and Procedure Manual, Tobacco Use Policy # 216.

ON A ROLL CALL VOTE:

Ayes: Commissioners Bostick-Tullius and Robinet.

Nays: Commissioners Farrington, Marquardt and Bennett.

Abstain: None.

Absent: None.

MOTION FAILED.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan thanked City Clerk Donna Cronce for all the work completed on agenda items she presented to the Commission, review and compiling of the agenda in general, indicated the City is lucky to have her on staff, and her attention to detail and organization.

UNFINISHED BUSINESS

No appointments.

DEPARTMENTAL COMMUNICATIONS

Monthly Departmental Reports was received into record.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bostick-Tullius echoed City Attorney Michael Nolan's comments in regard to City Clerk Donna Cronce, she's doing an excellent job. Attendance to the MML Conference and listened to some good issues on health care.

Commissioner Farrington thanked City Clerk Donna Cronce for the work completed on agenda items. Questioned what the increase in water fees would be due to Detroit Water raising the rates, clarification of increase to the authorities involved, and spread to City residents; review of smoking policy and to make sure City buildings have the required designated areas per new legislation.

Commissioner Bennett indicated he is disappointed that his colleagues did not support his invocation request, however, holds no grudges.

Commissioner Marquardt commented on the Lapeer Center Building 60th Anniversary Gala on May 1, 2010; lack of support for the invocation request does not mean each individual is not praying on their own, and indicated government and church should remain separate.

Commissioner Bennett commented he completed a much wider survey in regards to who and who does not hold an invocation. Mayor Sprague reviewed survey results received in agenda packet.

Commissioner Robinet commented on the MML Conference, attended the MDOT meeting and feels we need somebody that knows what they are doing in this area; and the loss of retiree Becky Minto.

Closed Session Request: Purchase or lease of property.

87 2010 04-19

Moved by Robinet. Seconded by Farrington.

To approve a closed session at the end of the Regular Meeting to discuss the purchase or lease of property.

ON A ROLL CALL VOTE:

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

Nays: None.

Abstain: None.

Absent: None.

MOTION CARRIED.

City Manager Dale Kerbyson commented on the MML Conference, attended a transportation meeting, and will present a Resolution on diesel/gas tax increase at the next meeting.

Mayor Sprague recognized City Clerk Donna Cronce as well as the rest of the staff on the agenda process and direction they provide, echoed sentiments of Commissioner Robinet's in regards to the passing of Rebecca Minto; indicated the Commission does not always agree on issues and focuses on what is best for the City.

By general consensus, a recess was provided from 7:52 p.m. to 8:03 p.m.

Closed Session: Purchase or lease of property.

The Lapeer City Commission convened to a closed session for the purchase or lease of property at 8:03 p.m. and returned to its regular meeting at 8:21 p.m.

ADJOURNMENT

88 2010 04-19

Moved by Bennett. Seconded by Farrington.

To adjourn the meeting.

MOTION CARRIED.

The regular meeting adjourned at 8:21 p.m.

William J. Sprague, Mayor

Donna L. Cronce, MMC, City Clerk

Tracey S. Russell, Deputy City Clerk