

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
November 7, 2016**

A regular meeting of the Lapeer City Commission was held November 7, 2016 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Sprague.
Commissioners Atwood, Bennett, Gates, Marquardt.
Absent: Commissioner Bostick-Tullius.

City Manager: Dale Kerbyson, present.
City Attorney Representative: Denis McCarthy, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

202 2016 11-07

Moved by Gates. Seconded by Bennett.
Approve the Agenda for November 7, 2016 as presented.
Ayes: Atwood, Bennett, Gates, Marquardt.
Nays: None.
Absent: Bostick-Tullius.
MOTION CARRIED.

MINUTES

203 2016 11-07

Moved by Marquardt. Seconded by Gates.
Approve the minutes from the Regular meeting held October 17, 2016 as presented.
Ayes: Atwood, Bennett, Gates, Marquardt.
Nays: None.
Absent: Bostick-Tullius.
MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Janet Adams, Baldwin Road, gave invocation.

Wade Jenkins, N. Main Street, announced that the Refuge will be open beginning November 20, 2016 through April 2, 2016 each evening from 5:30 p.m. through 6:30 p.m.

Alex Lengemann, Oregon Road, voiced a complaint about having to obtain building permits for what he considers to be ordinary home repairs and that his repairs have been shut down by the City; he sees no valid ordinance indicating he needs permits. Mayor Sprague indicated that City Manager Dale Kerbyson will look into the matter and respond to Mr. Lengemann.

CONSENT AGENDA

204 2016 11-07

Moved by Gates. Seconded by Atwood.
Approve the Consent Agenda for November 7, 2016 resulting in the following:
1. Special Event Request from DDA, A Girlfriends Night Out – A Woman’s Walk, November 17, 2016 downtown Lapeer.
2. Approve the Resolution to Support Submission of Fire Department Grant Application For Assistance To Firefighters Grant Program.

Resolution to Support Submission of Fire Department Grant Application
For ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

WHEREAS, the City of Lapeer Fire & Rescue Department is eligible to submit one application for funding assistance for the purchase of certain types of fire service vehicles and equipment; and

WHEREAS, the Federal government has funded a grant program for this purpose; and

WHEREAS, the City of Lapeer Fire & Rescue Department would like to submit a request for funding assistance for the purchase of firefighter protective clothing and portable radios at a total cost not to exceed \$100,000; and

WHEREAS, funding for this project is proposed from a grant from the Department of Homeland Security in an amount not to exceed \$90,000 (90%) and \$10,000 (10%) from the City of Lapeer for the requested equipment; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Lapeer City Commission authorizes submission of a Department of Homeland Security grant application under the Assistance to Firefighters Grant Program and commits up to \$10,000 of City funds to provide a match toward the grant application should it be awarded.

This Resolution adopted this 7th day of November 2016.

Ayes: Atwood, Bennett, Gates, Marquardt.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

BILL LISTING FOR NOVEMBER 7, 2016

205 2016 11-07

Moved by Marquardt. Seconded by Gates.

Approve the Bill Listing for November 7, 2016 in the amount of \$1,297,460.05.

Ayes: Atwood, Bennett, Gates, Marquardt.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Lapeer Team Work, Inc. Charitable Gaming License.

206 2016 11-07

Moved by Marquardt. Seconded by Gates.

Approve the Local Governing Body Resolution For Charitable Gaming License For Lapeer Team Work, Inc.

Ayes: Atwood, Bennett, Gates, Marquardt.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

PUBLIC HEARINGS

Industrial Facilities Tax Exemption Certificate (IFT): Vidon Plastics, Inc.

Patricia Lucas, Lapeer Development Corporation introduced CEO Don Dubee from Vidon Plastics, Inc.; 12 year exemption; request is for building improvement costs of over \$262K; creation of 3 new jobs; answer any questions the Commission may have.

Mayor Sprague opened the public hearing at 6:43 p.m. Hearing no comments, Mayor Sprague closed the public hearing at 6:43 p.m.

207 2016 11-07

Moved by Marquardt. Seconded by Gates.

Approve Resolution Approving The Application Of Vidon Plastics, Inc. For An Industrial Facilities Tax Exemption Certificate.

CITY OF LAPEER
RESOLUTION APPROVING THE APPLICATION OF
VIDON PLASTICS, INC.
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, Vidon Plastics, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to a building addition within the Industrial Development District No. E; and

WHEREAS, before acting on said application, the City of Lapeer held a hearing on November 7, 2016 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 building addition not begun earlier than six (6) months before October 6, 2016, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Lapeer, after granting this certificate, will exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

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 Vidon Plastics, Inc. for an Industrial Facilities Exemption Certificate with respect to a building addition on the following described parcel of real property situated within the City of Lapeer Industrial Development District No. E, to wit:

Part of the Northeast $\frac{1}{4}$ Section 12 Township 7 North, Range 9 East, City of Lapeer, Lapeer County, Michigan. Described as beginning at a point of the Northerly Line of the "May-White Drain" easement parcel which is located by the following four (4) courses from the North $\frac{1}{4}$ corner of said Section 12: (1) S 01 degrees-38'-19"E, along the North and South $\frac{1}{4}$ Line of said Section 12, 2138.85 feet, and (2) N89 degrees-59'-48"E, 234.32 feet to the Southeast corner of said "May-White Drain" easement parcel, and (3) N 01 degrees-58'-38"E, 160.00 feet along the Westerly Line of said parcel, to the Northwest corner of said parcel, and (4) N 48 degrees-33'-33"E, 20.32 feet to the point of beginning, said point of beginning also being on the Easterly Line of John Conley Drive; thence continuing N 84 degrees-33'-33"E, 1070.00 feet; thence N 21 degrees-40'-31"W, 457.82 feet to the Southerly Line of John Conley Drive; thence along said Southerly and Easterly Line of John Conley Drive the following (3) three courses: (1) on a curve to the right 235.99 feet (said curve having a radius of 764.94 feet, a degree of curve of 07 degrees-29'-25", a central angle of 17 degrees-40'-33", and a chord bearing and distance of S 77 degrees-09'-46"W, 235.05 feet, and (2) S 86 degrees-00'-02"W, 84.93 feet, and (3) on a curve to the left 795.57 feet, said curve having a radius of 654.17 feet, a degree of curve of 08 degrees-45'-31", a central angle of 69 degrees-40'-49", and a chord bearing and distance of S 51 degrees-09'-38"W, 747.44 feet to the point of beginning. Subject to all easements and restrictions of record. Containing 8.00 acres of land.

More commonly known as 3171 John Conley Drive

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 Vidon Plastics, Inc. dated October 6, 2016.

AYES: Atwood, Bennett, Gates, Marquardt.

NAYS: None.

ABSENT: Bostick-Tullius

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

ADMINISTRATIVE REPORTS

Industrial Facilities Tax Exemption Request: Urgent Design & Manufacturing, Inc.

208 2016 11-07

Moved by Marquardt. Seconded by Atwood.

Approve the Resolution To Schedule A Public Hearing To Consider An Application For An Industrial Facilities Exemption Certificate For Urgent Design & Manufacturing, Inc. for November 21, 2016 at 6:30 p.m. or as soon thereafter as may be heard.

CITY OF LAPEER RESOLUTION TO SCHEDULE A PUBLIC HEARING
TO CONSIDER AN APPLICATION FOR AN
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
FOR Urgent Design & Manufacturing, Inc.

WHEREAS, pursuant to Act 198 of the Michigan Public Acts of 1974, as amended, MCLA Section 207.551 et sequ., after a duly noticed public hearing held on October 5, 1987 this City Commission by resolution established Industrial Development District No. E; and

WHEREAS, Urgent Design & Manufacturing, Inc. owner of the realty described below within said District, has applied for an Industrial Facilities Exemption Certificate, under the provision of 1974 Public Act 198, Section 5 (1); and

WHEREAS, 1974 Public Act 198, Section 5 (2) provides that before acting upon an application for an Industrial Facilities Exemption Certificate, the City Commission shall afford the applicant, the Assessor and a representative of the affected taxing units an opportunity for a hearing.

NOW, THEREFORE, BE IT RESOLVED:

1. That the application of Urgent Design & Manufacturing, Inc. for Industrial Facilities Exemption Certificate shall remain on file in the office of the City Clerk.
2. That the City Commission shall meet in the City Commission Chambers at 576 Liberty Park, on November 21, 2016 at 6:30 p.m. or as soon thereafter as may be heard. The City Commission will provide the City Assessor and a representative of each of the taxing units an opportunity to be heard on the question of Urgent Design & Manufacturing, Inc. application for an Industrial Facilities Exemption Certificate with regard to proposed operation within the Industrial Development District No. E.
3. That the City Clerk immediately inform by letter, the City Assessor and the legislative body of each taxing unit which levies ad valorem taxes in the City of Lapeer on the property located within the Industrial Development District No. E described as follows:

PART OF NORTHEAST 1/4 OF SECTION 12 T7N-R9E, ELBA TOWNSHIP,
LAPEER COUNTY, MICHIGAN DESCRIBED AS COMMENCING AT THE
NORTH 1/4 CORNER OF SAID SECTION 12 SOUTH 01°38'19" EAST 2138.85
FEET ALONG THE NORTH-SOUTH 1/4 LINE; THENCE NORTH 89°59'48"
EAST 234.32 FEET; THENCE NORTH 18°56'19" WEST .68 FEET; THENCE
959.27 FEET ALONG A CURVE TO THE RIGHT, DELTA ANGLE 8°45'31",
RADIUS OF 654.17 FEET, LONG CHORD BEARING AND DISTANCE OF

NORTH 43°59'30" EAST 875.60 FEET; THENCE NORTH 86 00'02" EAST 84.93 FEET; THENCE NORTH 03°59'58" WEST 86.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 03°59'58" WEST 482.48 FEET; THENCE 386.12 FEET ALONG A CURVE TO THE RIGHT DELTA ANGLE 17°51'47", RADIUS OF 320.75 FEET, LONG CHORD BEARING AND DISTANCE OF NORTH 30°29'13" EAST 363.22 FEET; THENCE NORTH 64°58'23" EAST 360.00 FEET; THENCE SOUTH 25°00'04" EAST 710.10 FEET; THENCE 62.54 FEET ALONG A CURVE TO THE LEFT DELTA ANGLE 44° 57'14", RADIUS 80.00 FEET; LONG CHORD BEARING AND DISTANCE OF SOUTH 56°05'28" WEST 61.17 FEET; THENCE 48.54 FEET ALONG A CURVE TO THE RIGHT DELTA ANGLE 34°45'54", RADIUS OF 80.00 FEET, LONG CHORD BEARING AND DISTANCE OF SOUTH 05°59'45" WEST 47.80 FEET; THENCE SOUTH 68°22'42" WEST 523.00 FEET; THENCE 208.82 FEET ALONG A CURVE TO THE RIGHT, DELTA ANGLE OF 17°37'21" RADIUS OF 678.94 FEET, LONG CHORD BEARING AND DISTANCE OF SOUTH 77°11'22" WEST 208.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 11.43 ACRES AND SUBJECT TO ALL EASEMENTS OR RESTRICTIONS OF RECORD. More commonly known as: 3142 John Conley Drive.

AYES: Atwood, Bennett, Gates, Marquardt.

NAYS: None.

ABSENT: Bostick-Tullius.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Rotary Park Canoe/Kayak Launch.

209 2016 11-07

Moved by Gates. Seconded by Bennett.

Approve the Resolution Rotary Park Canoe/Kayak Launch.

Resolution

Rotary Park Canoe/Kayak Launch

WHEREAS, the Lapeer Sunrise Kiwanis would like to partner with the City of Lapeer to create a convenient, safe place for launching canoes and kayaks for citizens to enjoy the South Branch of Flint River for the following project:

Rotary Park Canoe/Kayak Launch

South Branch Flint River Launch. The proposed project will construct a canoe/kayak launch on the South Branch of the Flint River in Rotary Park, owned by the City of Lapeer. The Lapeer Sunrise Kiwanis Club will provide financial and administrative support for this project in collaboration with the City of Lapeer Parks Department, the Flint River Watershed Coalition and the City of Lapeer Department of Public Works.

BE IT RESOLVED THAT:

1. The City of Lapeer wishes to partner with the Lapeer Sunrise Kiwanis for the Rotary Park Canoe/Kayak Launch.
2. Approve the Joint Permit Application submittal to Michigan Department of Environmental Quality attached to this Resolution which includes plans of said project.
3. The City of Lapeer will contribute to said project with in-kind labor and permit costs from the Parks Department and the Department of Public Works.
4. Authorize excavated soil from the construction of said project to be deposited on City property, Parcel L22-03-700-040-00.

AYES: Atwood, Bennett, Gates, Marquardt.

NAYS: None.

ABSENT: Bostick-Tullius.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Ordinance Amendment: Rezoning Request.

885 Baldwin Rd. – Parcel #L21-60-100-040-00.

Commissioner Marquardt introduced the proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.02.02 (a)(9) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

(9) The following property formerly zoned R-2 Single Family Residential is hereby rezoned to B-2 General Business.

885 Baldwin Road; Tax I.D. #L21-60-100-040-00

2016 Oak Street Rehabilitation Project.
Boddy Construction Company – Payment Request #1.

210 2016 11-07

Moved by Gates. Seconded by Atwood.

Approve Payment Request #1 to Boddy Construction in the amount of \$269,668.61 for the 2016 Oak Street Rehabilitation Project.

Ayes: Atwood, Bennett, Gates, Marquardt.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

CITY MANAGER'S REPORT

Closed Session Request: Sale of Real Estate.

211 2016 11-07

Moved by Gates. Seconded by Atwood

Approve a Closed Session at the end of the regular meeting for the purpose of discussing the sale of real estate.

ON A ROLL CALL VOTE:

AYES: Commissioners Bennett, Gates, Atwood, Marquardt.

NAYS: None.

ABSTAIN: None.

ABSENT: Commissioner Bostick-Tullius.

MOTION CARRIED.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The Request for Proposal for MSHDA HOME Funds and Investment Report for the Quarter Ended September 30, 2016 received into the record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett: Feels Zoning Board of Appeals members needs to be reviewed due lack of attendance and difficulty having a quorum. Mayor Sprague indicated City Manager Dale Kerbyson is to follow up.

Commissioner Gates: Thanks to everyone for coming; Jim Alt always has great things to do downtown; get out and vote tomorrow.

Commissioner Atwood: Announced it has been a year since he was voted in and thanks the citizens for the opportunity; will be holding a “date night” contest with his personal funds to support the local economy; get out and vote tomorrow.

Commissioner Marquardt: Wants to enter date night contest more than once; attended MSHDA Veterans Program and would like Veteran video shown at next commission meeting; would like to learn more about veterans; attended a MML event in Flint regarding Loss/Revenue sharing; attending CCR show at PIX; vote tomorrow.

City Manager Dale Kerbyson: Purchased additional Christmas decorations; Commissioner Atwood will be hosting a contest to name the Christmas figurines.

Mayor Sprague: Thanks to everyone for coming to the meeting; announced local events for the next two weeks.

Convene to Closed Session.

City Commission convened to a Closed Session for the purpose of discussing the sale of real estate at 6:59 p.m. and returned to its regular meeting at 7:22 p.m.

Sale of Real Estate.

212 2016 11-07

Moved by Bennett. Seconded by Gates.

Approve a Purchase Agreement to sell City real estate for parcels L20-98-017-025-00, L20-98-017-027-00, L20-98-017-029-00 and L20-98-017-036-00 and authorize the City Manager to sign required documents.

Ayes: Atwood, Bennett, Gates, Marquardt.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

ADJOURNMENT

213 2016 11-07

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Gates, Marquardt.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

The regular meeting adjourned at 7:23 p.m.

William J. Sprague, Mayor

Tracey S. Russell, Deputy City Clerk