

Minutes of Lapeer Township Board
Lapeer Township Offices and Community Building
1500 Morris Road, Lapeer, Michigan 48446
Regular Meeting
July 9, 2007
8:30 a.m.
Dawn Walker, Clerk

Supervisor Jarvis called the meeting to order at 8:33 a.m.

PRESENT: Clerk Dawn Walker, Supervisor Scott Jarvis, Treasurer Lori Ann Taylor, Trustees John Rutzen and Howard Stack.

Also present:

William Marshall
Leonard Lumley, 1031 Pine Tree Lane
April Moore, 150 W. Jefferson, #1300, Detroit
Lenny Schneider, 1450 Tanglewood
Susan Younger
Rosie Cousens

Representing:

Lapeer Township Police Chief
Self
Cindy DeGroat
Board of Commissioners, self
The County Press
LA View

Everyone stood for the Pledge of Allegiance.

CONSENT
AGENDA:

The minutes of the June 11, 2007 regular meeting.
General correspondence for review:
Police Statistics for June 2007
Fire Report for June 2007
Reports from CCA

MOVED by Walker to waive the reading of the minutes from June 11, 2007 and approve as written, support by Rutzen. A vote was taken. Yes: All (5).
MOTION CARRIED.

PUBLIC TIME:

Commissioner Schneider spoke briefly on behalf of the county commission.

AGENDA:

Additions to the agenda include:
New police car.
Carpet Cleaning in the banquet room.
Landscaping project at the Township hall by Education Technology students.
Deputy Treasurer.

TREASURERS
REPORT:

There was no Treasurers report for the month of June.

CLERKS
REPORTS:

Clerk Walker presented the following:

- Vouchers presented from June 16th thru July 15th, including payroll from July 2nd.
- Balance Sheet as of June 30, 2007.
- Budget verses Actual July 2006 thru June 2007.
- Profit and Loss, June 2007.
- Payroll report, July 2, 2007.

Discussion followed.

MOVED by Rutzen, support by Stack to approve payment of the vouchers. A vote was taken. Yes: All (5). **MOTION CARRIED.**

FIRE RUN
2004-007

April Moore appeared before the board regarding fire run 2004-007, Cindy DeGroat. An offer of \$200.00 was made and rejected by the board. Discussion followed. Trustee Rutzen made a motion to counter offer \$650.00. It died for lack of support.

Rosie Cousens entered at 8:50 a.m.

SPRINT HIGH SPEED INTERNET: Clerk Walker received information from PCLapeer regarding high speed internet through Sprint. It involves purchasing a \$300.00 router, a one year commitment, one hour of labor to set up and a \$59.00 monthly fee. This would allow a minimum of four computers to be online simultaneously.

MOVED by Rutzen, support by Stack to allow clerk Walker to move forward and have the high speed Sprint package installed at the Township Offices. A roll call vote was taken: Rutzen; yes, Stack; yes, Taylor; yes, Jarvis; yes, Walker; yes. MOTION CARRIED.

RESOLUTION HB 4780-4788: MTA message points on House Bills 4780-4788 was provided to board members. Clerk Walker attended the Lapeer County MTA meeting at Goodland Township. State Representative John Stahl appeared and answered questions regarding HB 4780-4788. A similar resolution was passed at the County chapter level. Discussion followed. Clerk Walker presented the following resolution for adoption.

LAPEER TOWNSHIP
Resolution in Protest of HB 4780 - 4788

WHEREAS, at a regular scheduled meeting of the Lapeer Township Board held on July 9, 2007 at Lapeer Township Hall located at 1500 Morris Road, Lapeer, MI 48446.

WHEREAS, the Lapeer Township Board has discussed the ramifications of HB 4780 and the affect it may have on townships; and

WHEREAS, no fiscal study has been presented justifying the premise that costs will be lowered if HB 4780 is enacted; and

WHEREAS, the Lapeer Township Board recognizes that passage of HB 4780 could result in higher costs to taxpayers and a lower level of service; and

WHEREAS, the Lapeer Township Board recognizes that HB 4780 strips away townships' authority and further distances local control and the voice of the residents contained therein; and

WHEREAS, the Lapeer Township Board believes issues regarding cost savings and numerous questions about implementation and practical applications should be addressed before HB 4780 is even considered; and

WHEREAS, HB 4780 appears as a vain attempt to justify State budgetary problems and political party differences and will not result in cost savings as tax dollars will be shifted from local employees to an increased county work force; and

WHEREAS, removing the responsibility of election administration from the local jurisdictions to the county will most likely triple the cost of election administration, create an extremely complicated system difficult and expensive to administer while removing the oversight currently in place to prevent election fraud; and

WHEREAS, County Treasurers are not capable of collecting all the taxes in the county without additional staff and resources which could result in a higher cost and inconvenience to the taxpayers; and

WHEREAS, the tax structure currently in place would have to be revised creating difficulties for school districts and their budget process; and

FURTHER BE IT RESOLVED, that townships have the most effective form of government in Michigan and the current relationship between the county and the township is congenial and working well. Issues that are a concern of the State should be the priority of the elected officials in Lansing.

NOW BE IT RESOLVED, the Lapeer Township Board requests that the State of Michigan cease wasting tax dollars and time on HB 4780 and pursue other endeavors that benefit our State, such as creating employment, not shifting employment.

NOW BE IT FURTHER RESOLVED, that the secretary forward this resolution by electronic means to state officials representing Lapeer County districts including Paul Condino Sponsor of HB 4780, MTA executive director, Larry Merrill, and by mail to the Governor of the State of Michigan and Lapeer County Commission.

Upon vote for the adoption of the resolution, the vote was:

Yeas: Board members; Stack, Rutzen, Walker, Taylor and Jarvis.

Nays: None.

Absent: None.

The resolution was thereupon declared adopted by the Supervisor on this 9th day of July 2007.

EMS 2007-08 ASSESSMENT: The Lapeer County EMS 2007-2008 annual assessment was presented.

MOVED by Stack, support by Rutzen to pay the assessment in four quarterly installments of \$3,808.50 each. A vote was taken. Yes': All (5). MOTION CARRIED.

EQUIPMENT REPAIR: The cemetery sexton equipment was damaged while maintaining the cemetery. Supervisor Jarvis presented an invoice to repair the cylinder on his tractor. Discussion followed.

MOVED by Jarvis to pay for repairs to the cemetery sextons' tractor cylinder with the understanding that this is a one time situation. The intent is not to maintain equipment but to repair the damage done. Support by Stack. A vote was taken. Yes': All (5). **MOTION CARRIED.**

POLICY ROAD SIGN REPLACEMENT: A letter was received by Clerk Walker from the road commission in regards to replacing the road sign at Hunters Creek road at the east side of M-24. Discussion followed.

MOVED by Rutzen, support by Stack to authorize Clerk Walker to replace missing road signs as needed. A vote was taken. Yes': All (5). **MOTION CARRIED.**

HUNTER CRK. RD. X-Tube Replacement: An agreement was received from the Road Commission regarding two (2) X-tube replacements on Hunters Creek road between M-24 west to Baldwin. The road commission foreman, Jack Jostock reported that only one would need to be replaced by the Township, the other would be replaced by MDOT as part of the M-24 project.

MOVED by Rutzen, support by Stack to replace the x-tube closest to Baldwin Road. A vote was taken. Yes': All (5). **MOTION CARRIED.**

BUILDING REPAIR QUOTES: Three quotes were received by the board for repair to the cupola on the Township Offices and Community Building. Motion by Rutzen to accept the bid from R.S. Custom Building with the addition of installation of ice and water shield, and ridge vent. Discussion followed. Too many questions arose as too the differences in the three quotes. Motion withdrawn. TABLED.

FEMA RESOLUTION: New FEMA resolution and Ordinance were prepared by Supervisor Jarvis and reviewed by Les Thomas of FEMA and Attorney Gary Howell and presented as follows.

**COMMUNITY RESOLUTION AND INTERGOVERNMENTAL AGREEMENT
TO MANAGE FLOODPLAIN DEVELOPMENT
FOR THE NATIONAL FLOOD INSURANCE PROGRAM**

WHEREAS, Lapeer Township currently participates in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community; and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the FEMA, where the boundaries of the areas of flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E. (*This is to be included only if the FEMA has issued a FHBM for the community*).
3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act", Act No. 230 of the Public Acts of 1972, as amended, (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and is Appendices (specifically Appendix G), if adopted] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

WHEREAS, by the action dates of this document dated _____ Construction Code Authority (CCA) agrees on behalf of Lapeer Township to function as the designated agency to discharge the responsibility of administering, applying, and enforcing the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all development within Lapeer Townships political boundaries, and

WHEREAS, Lapeer Township and CCA enforce floodplain regulations of the construction code act, and Lapeer Township wishes to ensure that the administration of that code complies with requirements of the NFIP, and

NOW THEREFORE, to maintain eligibility and continued participation in the NFIP,

1. Lapeer Township and CCA agree that CCA officially designated enforcing agent for the construction code act, Construction Code Authority be directed to administer on Lapeer Townships behalf the floodplain management regulations as contained in the state construction code (including Appendix G, if adopted) and to be consistent with those regulations, by:
 - a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area, and areas with potential flooding, and
 - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and
 - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, CCA shall implement the following applicable codes according to their terms.
 - i) Appropriate portions and referenced codes and standards of the current Michigan Residential Code.
 - ii) Appropriate portions and referenced codes and standards of the current Michigan Building Code.
 - iii) Appendix G of the current Michigan Building Code, if adopted.
 - d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
 - e. Assisting in the delineation of flood hazard areas; provide information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintain flood proofing and lowest floor construction records, and cooperate with other officials agencies, and persons for floodplain management.
 - f. Advising FEMA of any changes in community boundaries, including appropriate maps, and
 - g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevation to which structures have been floodproofed.
2. Lapeer Township and CCA assure the Federal Insurance Administrator (Administrator) that they intend to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to assure Lapeer Townships compliant participation in the program.
3. Lapeer Township further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

FURTHER BE IT RESOLVED, both communities declare their understanding that, until this resolution is rescinded or Lapeer Township makes other provisions to enforce the construction code act:

1. CCA must administer and enforce the construction code act in accordance with the terms and the conditions contained herein, and
2. For Lapeer Township to continue its participation in the NFIP, the construction code act must be administered and enforced according to the conditions contained herein.

Upon vote for the adoption of the resolution, the vote was:

Yeas: Board members; Stack, Rutzen, Walker, Taylor and Jarvis.

Nays: None.

Absent: None.

The resolution was thereupon declared adopted by the Supervisor on this 9th day of July 2007.

**ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS OF THE STATE
CONSTRUCTION CODE
Township of Lapeer, County of Lapeer**

Ordinance No: 15.1

An ordinance to designate an enforcing agency to discharge the responsibility of the Township of Lapeer located in Lapeer County, and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended.

THE TOWNSHIP OF LAPEER ORDAINS:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the Township of Lapeer is hereby designated as the enforcing agency to discharge the responsibility of the Township of Lapeer under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The Township of Lapeer assumes responsibility for the administration and enforcement of said Act through out the corporate limits of the community adopting this ordinance.

Section 2. CODE APPENDIX ENFORCED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency with the Township of Lapeer

Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Lapeer County, Michigan (all jurisdictions) and dated September 19, 2007 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26087C, 0262E, 0264E, 0266E, 0267E, 0268E, 0269E, 0300E, 0400E & 0425E and dated September 19, 2007 are adopted by reference for the purpose of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

Section 4. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed. The Lapeer Township Flood Plain Management Resolution adopted on 2/12/1990 is hereby repealed.

Section 5. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

MOVED by Rutzen, support by Stack to adopt ordinance 15.1.
Upon a roll call vote for adoption, the vote was:

Yeas: Board members; Rutzen, Stack, Jarvis, Walker and Taylor.
Nays: None.
Absent: None.

The Supervisor declared the ordinance adopted upon publication.

CONFERENCE: Clerk Walker requested attendance at the MTA conference in Flint, on August 27. "Examining Financial Statements & Exploring Township Investments".

MOVED by Jarvis, support by Stack to allow attendance of the one day conference. A vote was taken. Yes': All (5). **MOTION CARRIED.**

CHARTER FRANCHISE AGREEMENT: Received the Lapeer Township Uniform Video Service Local Franchise Agreement from Charter Communications. It was reviewed by attorney Steven Jarvis. Discussion followed. Currently the Township collects a four-percent (4%) franchise fee.

MOVED by Walker, support by Rutzen to have the Supervisor sign the ten year contract continuing with a four percent (4%) franchise fee. A roll call vote was taken: Walker; yes, Rutzen; yes, Taylor; yes, Stack; yes, Jarvis; yes. **MOTION CARRIED.**

NEW POLICE CAR: Police Chief Marshall requested that the board purchase a new police car. The one being replaced is a 2003 Ford Crown Victoria. It will be replaced with a 2008 Chevy Impala.

MOVED by Jarvis, support by Stack to allow Chief Marshall to purchase a new police car not to exceed \$20,000 in cost for the car and detailing. A vote was taken. Yes': All (5). **MOTION CARRIED.**

CARPET CLEANING: Supervisor Jarvis requested that the board approve the carpet cleaning of the banquet room by Serve-Pro.

MOVED by Stack, support by Rutzen to have the carpet in the banquet room cleaned. A vote was taken. Yes': All (5). **MOTION CARRIED.**

LANDSCAPE PROJECT: Clerk Walker provided a packet with a landscape project for the Township Hall grounds, around the flagpole and around the sign. Discussion followed.

MOVED** by Rutzen, support by Stack to pay for and complete the landscape project as presented with the exception of the purchase of the annual flowers. A vote was taken. Yes': All (5). **MOTION CARRIED.

DEPUTY TREASURER: Treasurer Taylor reported that her deputy has taken another job. Statutorily Treasurers must have a deputy. She presented to the board a request for secretary Nancy Bradford to fill that position. Ms. Bradford is already the Deputy Clerk. MTA suggests against it. In our instance the Township attorney sees no conflict, and the Township auditors feel the same. Discussion followed.

MOVED** by Rutzen, support by Stack to allow the appointment with no additional compensation. A vote was taken. Yes': All (5). **MOTION CARRIED.

PUBLIC TIME: There were no additional persons wishing to address the board during public time.

REPORTS: Reports given on Planning Commission, Zoning Board of Appeals and Greater Lapeer Transportation Authority.

ADJOURNMENT: ***MOVED** by Walker, support by Rutzen to adjourn the meeting. The meeting was unanimously adjourned (at 10:10 a.m.).*

Dawn M. Walker, Clerk