RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
KEITH LAMBERT
DIRECTOR

SHELLY EDGERTON
DIRECTOR

STATE BOUNDARY COMMISSION

Meeting Location:
702 W. Kalamazoo Ave., Superior Conference Room
Lansing, Michigan 48915

MINUTES
June 8, 2016

LAPEER COUNTY
DOCKET # 15-AP-3

MEMBERS PRESENT
Mr. David Doyle, Chairman
Mr. Michael Rice, State Commissioner
Ms. Pam Jarvis, State Commissioner
Denis McCarthy, Local Commissioner, City of Lapeer

DEPARTMENT PERSONNEL ATTENDING
Mr. Michael Barger, P.S. Director of the Office of Land Survey and Remonumentation
Ms. Toni Nelson, Secretary for the Office of Land Survey and Remonumentation
Mr. Keith Lambert, Director of the Bureau of Construction Codes
Mr. Patrick Fitzgerald, Assistant Attorney General

OTHERS IN ATTENDANCE
Ms. Dawn M. Walker, Lapeer Township
Mr. Phillip Thick, Lapeer Township
Mr. Pete Lucia, Property Owner Representative

1. CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Doyle called the meeting to order at approximately 1:46 p.m. and read the Opening Statement. A quorum was determined present at that time.

2. APPROVAL OF AGENDA

A **MOTION** was made by Commissioner Jarvis and seconded by Commissioner Rice to approve the Agenda for the meeting. **MOTION CARRIED UNANIMOUSLY.**

3. APPROVAL OF DRAFT MINUTES

A **MOTION** was made by Commissioner Rice and seconded by Commissioner Jarvis to approve Draft Minutes for Docket #15-AP-3, Lapeer County for the December 9, 2015 meeting. **MOTION CARRIED UNANIMOUSLY.**

4. DOCKET # 15-AP-3

a. Staff Review of Docket:

Staff and Commissioners reviewed the docket activity.

b. Questions, Answers and Discussions with Involved Parties:

Chairman Doyle asked if there were any questions or comments.

Ms. Walker, Township Clerk, Lapeer Township, expressed her concerns with noise, lights, run-off and traffic. Stated it's a single family community. Ms. Walker also stated there were no petitions brought to the township concerning this annexation.
Mr. Thick, Lapeer Township Board member, expressed concerns with emergency assistance and law enforcement.
Mr. Lucia, Representative for the property owners, stated changes to the plans could be made to address local concerns.
Rebuttals:
Mr. Thick brought up the Inter-local Agreement between the Township and the City. The City and Township, in the agreement, agreed not to annex any land for 50 years. He also stated there is property a little further South that is perfect approved property for this project.
Ms. Walker stated there are commercial buildings in the Township and they support their water and sewer needs.
Mr. Lucia commented the East Side of M-24 has high power water and large capacity sewer systems available, but cannot get Commercial Zoning.

Chairman Doyle asked how the public was notified of the Inter-local Agreement.
Ms. Walker told him it was published in newspapers and all property owners were notified.
The Inter-local Agreement states in part, "#12 "BOUNDARY PROTECTION. The boundaries of the CITY shall not be extended into any lands adjacent to lands described in this Agreement in the absence of explicit TOWNSHIP approval. In the event there is mutual agreement to any such future additional annexations, all terms of this Agreement shall apply to any such annexations. To accomplish the intent of this Agreement provision, the CITY shall not file, support or encourage annexation petitions with the State Boundary Commission. Both the CITY and the TOWNSHIP commit to openly oppose any such annexation petitions which may come up for public hearing at the State Boundary

Commission. The provisions of this section shall be applicable for a period of fifty (50) years from the date of this Agreement."

After some further discussion Chairman Doyle asked the Commission members if they had any additional questions, they did not. Stated they were ready to vote on a recommendation to the Director.

c. Commission Deliberation and Action:

A **MOTION** was made by Commissioner Rice and **SECONDED** by Commissioner McCarthy that The Boundary Commission vote to **Approve** the annexation. A vote was taken and the **MOTION FOR APPROVAL** was **DENIED 3-1;** with Pamela Jarvis, Mike Rice, & David Doyle voting "Nay", and Denis McCarthy voting "Yay". The Commission will recommend **DENIAL** to the Director, for the annexation of the land in Lapeer Township to the City of Lapeer in Docket # 15-AP-3.
Determining factors in the Commissioners recommendation to the Director:

- The overwhelming response from the affected community opposing the annexation to maintain the rural, small community lifestyle of Lapeer Township
- Township was not approached with a request for a zoning change.
- The contents of the Inter-Local Agreement, signed by both the city and the township.

5. <u>ADJOURNMENT</u>

A **MOTION** was made by Commissioner Doyle and seconded by Commissioner Jarvis to adjourn this session on Docket #15-AP-3. **MOTION CARRIED UNANIMOUSLY.** The meeting was adjourned at 2:30 p.m.

APPROVED:

David Doyle

Dave Doyle, Chairman
State Boundary Commission

8-11-16

Date