



**AGENDA
CITY OF LAPEER
CITY COMMISSION
576 LIBERTY PARK, LAPEER, MI 48446
DECEMBER 16, 2024**

6:30 P.M. CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF DECEMBER 16, 2024, AGENDA

A. MINUTES:

1. Minutes of the Regular meeting held December 2, 2024.

B. PUBLIC COMMENTS:

1. Lapeer County Commissioner - Brad Haggadone.

C. CONSENT AGENDA:

D. BILL LISTING:

1. Bill Listing for December 16, 2024.

SUGGESTED MOTION: ON A ROLL CALL VOTE.

Approve the Bill Listing for December 16, 2024, in the amount of \$488,026.32.

E. PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS:

F. PUBLIC HEARINGS:

G. ADMINISTRATIVE REPORTS:

H. CITY MANAGER'S REPORT:

1. Discussion on January 2025 City Commission Meetings.
2. Various matters.

I. CITY ATTORNEY'S REPORT:

1. Closed Session – MCL 15.268(h).

SUGGESTED MOTION: ON A ROLL CALL VOTE.

To enter into a closed session at the conclusion of the regular meeting to discuss a written legal opinion from the City Attorney, which is exempt from disclosure as provided under Section 8 of the Open Meetings Act.

2. Various matters.

J. UNFINISHED BUSINESS:

1. Appointments to Boards and Commissions.

K. DEPARTMENTAL COMMUNICATIONS:

1. Departmental Monthly Reports.

L. PUBLIC COMMENTS:

M. CLOSING COMMENTS:

1. Commissioners.
2. City Manager.
3. Mayor.

N. REMINDER OF MEETINGS:

Next City Commission Meeting:

MONDAY, JANUARY 6, 2025, Regular

O. REMINDER OF PUBLIC HEARINGS:

CLOSED SESSION

ADJOURNMENT

MATERIAL TRANSMITTAL

Notice:

Persons with disabilities needing accommodations for effective participation through electronic means in this meeting should contact the City Clerk at (810) 664-5231 or by email at clerk@ci.lapeer.mi.us at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
DECEMBER 2, 2024**

A regular meeting of the Lapeer City Commission was held December 2, 2024, at the Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Marquardt.

Commissioners: Atwood, Brady, Glisman, Petrie, Swindell.

Absent: None.

City Manager: Mike Womack, present.

City Attorney: T. Allen Francis, present.

Mayor Marquardt led the Pledge of Allegiance.

271 2024 12-02 AGENDA APPROVAL

Moved by Petrie. Seconded by Glisman.

Approve the Agenda for December 2, 2024, with the removal of item G-4, and table the item for a special meeting so the full board can discuss the changes, adding J-1 Unfinished Business, Appointment to Boards and Commission, Audrey Brady and Jeffrey Pattison, Planning Commission.

Ayes: Glisman, Petrie.

Nays: Atwood, Brady, Swindell.

MOTION FAILED 2-3.

272 2024 12-02 AGENDA APPROVAL

Moved by Swindell. Seconded by Brady.

Approve the Agenda for December 2, 2024, with the addition of J-1 Unfinished Business, Appointment to Boards and Commission, Audrey Brady and Jeffrey Pattison, Planning Commission.

Ayes: Atwood, Brady, Glisman, Swindell.

Nays: Petrie.

MOTION CARRIED 4-1.

273 2024 12-02 MINUTES

Moved by Brady. Seconded by Swindell.

Approve the minutes of the regular meeting held November 18, 2024, as presented.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

PUBLIC COMMENTS

Bryan Cloutier, Lapeer resident, commented on marihuana resolutions and Item G-4.

Commissioner Brady gave an invocation.

Jacob Leroy, Mayfield Township, commented on Item G-4 and Item G-3.

274 2024 12-02 CONSENT AGENDA

Moved by Brady. Seconded by Swindell.

Approve the consent agenda for December 2, 2024, 2024, as presented:

1. Fixed Asset Disposal – 2010 Ferris Zero Turn.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

275 2024 12-02 BILL LISTING

Moved by Brady. Seconded by Swindell.

Approve the bill listing for December 2, 2024, in the amount of \$211,963.79.

ON A ROLL CALL VOTE.

Ayes: Brady, Petrie, Swindell, Glisman, Atwood.

Nays: None.

MOTION CARRIED.

PROCLAMATION, RECOGNITIONS AND RESOLUTIONS:

276 2024 12-02 BLUESTAR DISTRICT TROOP 127 OF LAPEER

Moved by Brady. Seconded by Swindell.

Adopt the proclamation for Bluestar District Troop 127 of Lapeer, as presented.

Bluestar District Troop 127 of Lapeer

Whereas the members of the Lapeer City Commission consider it a great privilege to celebrate and proudly extend tribute to all the leaders, parents, friends, family, and scouts who have made the Boy Scouts of America-Scouting America successful across our City. This organization has had a profound impact on countless lives in our state and nation; and

Whereas, the Boy Scouts of America were incorporated on February 8, 1910, in New York City, received their Federal Charter as granted by the United States Congress in 1916, and celebrated their 100th anniversary in 2010. Since the Boy Scouts of America awarded the first Eagle Scout in 1912 to Arthur Eldred, over two and a quarter million scouts have been awarded the Eagle Scout rank; and

Whereas, today, the Scouting program represents the largest voluntary youth movement in the world, with approximately 195 countries having scout programs. The Boy Scouts of America has more than 2.6 million registered scouts, over 1 million leaders, and over 100,000 registered units. Their goal is to train youth in responsible citizenship, character development, and self-reliance through participation in outdoor activities, educational programs, career-oriented programs, and community-service activities. Those scouts and leaders performed over 13.5 million hours of service to their councils and communities, with nearly 1.1 million youth attending a council camp or national high-adventure camp last year; and

Whereas, the City Commission acknowledges the importance of the character building, responsible citizenship and outdoor stewardship instilled into Scouts through the values of the Scout Oath and Scout law in young people throughout Lapeer; and

Whereas, the City Commission recognizes the valuable contributions of all Scouts and specifically to those Eagle Scouts who choose to complete their projects in Lapeer County.

Now therefore, be it resolved that the City Commission expresses its sincere appreciation to the Bluestar District Troop 127 of Lapeer for raising generations of young people who are trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent which help people make ethical and moral choices and by their history of service and leadership development, help raise future leaders of local government.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

ADMINISTRATIVE REPORTS:

277 2024 12-02 AUDIT REPORT – YEAR ENDED JUNE 30, 2024

Doug Detter, Rehmann Robson LLC, presented the City's Audit Report for Year End June 30, 2024, which was an unmodified opinion/clean audit with no findings.

Moved by Glisman. Seconded by Swindell.

Accept and approve the Audit Report for Year Ended June 30, 2024, as presented by Rehmann Robson.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

278 2024 12-02 SLUDGE TRANSFER PUMP

Moved by Brady. Seconded by Swindell.

Approve the purchase of a sludge transfer pump from Hamlett Environmental Technologies for a cost not to exceed \$14,020 and authorize the Director of the Department of Public Works to sign all necessary documents.

ON A ROLL CALL VOTE:

Ayes: Petrie, Swindell, Glisman, Atwood, Brady.

Nays: None.

MOTION CARRIED.

279 2024 12-02 VECTOR TECH GROUP PROPOSAL

Moved by Brady. Seconded by Swindell.

Approve the proposal for onsite IT support services with Vector Tech Group, authorize the purchase of 40 PC's; approve the budget transfer as presented, and authorize Fire Chief Mike Vogt to sign all necessary documents.

ON A ROLL CALL VOTE:

Ayes: Swindell, Glisman, Atwood, Brady, Petrie.

Nays: None.

MOTION CARRIED.

280 2024 12-02 ORDINANCE AMENDMENTS – CHAPTER 7 ZONING, CHAPTER 68 MEDICAL MARIHUANA FACILITIES AND CHAPTER 69 ADULT USE MARIHUANA BUSINESSES AND FACILITIES

Moved by Swindell. Seconded by Atwood.

Adopt an amendment to Chapter 7 (Zoning), §7-6.02 Schedule of Uses; §7-8.02 Schedule of Uses; §7-10.02 Schedule of Uses; §7-13.12 Medical Marihuana Facilities and Adult-Use (recreational) Marihuana establishments; Chapter 68 Medical Marihuana Facilities §68-1 to 68-8 and Chapter 69 Adult Use Marihuana Businesses and Facilities §69-1 to 69-6 of the General Ordinances of the City of Lapeer.

The City Commission held a long discussion about the changes to the ordinances; after which Commissioner Atwood withdrew his support, and the ***MOTION DIED DUE TO LACK OF SUPPORT.***

**281 2024 12-02 ORDINANCE AMENDMENTS – CHAPTER 7 ZONING, CHAPTER 68
MEDICAL MARIHUANA FACILITES AND CHAPTER 69 ADULT USE MARIHUANA
BUSINESSES AND FACILITIES**

Moved by Swindell.

To table this agenda item until the next meeting, December 16, 2024.

MOTION DIED DUE TO LACK OF SUPPORT.

**282 2024 12-02 ORDINANCE AMENDMENTS – CHAPTER 7 ZONING, CHAPTER 68
MEDICAL MARIHUANA FACILITES AND CHAPTER 69 ADULT USE MARIHUANA
BUSINESSES AND FACILITIES**

Moved by Brady. Seconded by Swindell.

Adopt an amendment to Chapter 7 (Zoning), §7-6.02 Schedule of Uses; §7-8.02 Schedule of Uses; §7-10.02 Schedule of Uses; §7-13.12 Medical Marihuana Facilities and Adult-Use (recreational) Marihuana establishments; Chapter 68 Medical Marihuana Facilities §68-1 to 68-8 and Chapter 69 Adult Use Marihuana Businesses and Facilities §69-1 to 69-6; of the General Ordinances of the City of Lapeer; striking ~~unless increased or decreased by resolution of City Commission~~ throughout the table 68-3 A and 69-3 A; 68-3 B and 69-3 B If the City Commission reduces, by resolution Ordinance....

CITY OF LAPEER
LAPEER COUNTY, MICHIGAN

Zoning Ordinance Amendment (2024-09)

An ordinance to amend the City of Lapeer Code of Ordinances by amending Sec. 7-6.02

THE CITY OF LAPEER, LAPEER COUNTY, MICHIGAN ORDAINS:

ARTICLE I.

That § 7-6.02. Schedule of uses (Business and Office Districts) is amended to read in its entirety as follows:

§ 7-6.02. Schedule of uses.

Buildings or land shall not be used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of Table 7.06.1 may be used for the purposes denoted by the following abbreviations:

Key:

Permitted use (P): Land and/or buildings in this district may be used for the purposes listed by right.

Special land use (SLU): Uses which may be permitted by obtaining special land use approval when all applicable requirements in Article XIII, Use Requirements, and the standards of § 7-19.04, Review standards, are met.

Additional requirements: Indicates requirements or conditions applicable to the use.

Table 7.06.1: Business and Office Districts Schedule of Uses					
Use	OS-1	B-1	B-2	B-3	Additional Requirements
Residential Uses					
Transitional housing			SLU	SLU	§ 7-13.01D
Animal and Agricultural Uses					
Veterinary facilities and clinics	—	—	P	—	—
Public and Institutional Uses					
Business schools, or private schools, operated for profit	—	—	P	P	—
Institutional uses, places of public assembly and places of worship, including other facilities normally incidental thereto, excluding large-scale churches	P	P	P	P	§ 7-13.03C
Large-scale places of public assembly and places of worship with a seating capacity of 500 people or more or parking for 250 vehicles or more	—	—	SLU	SLU	§ 7-13.03D

Table 7.06.1: Business and Office Districts Schedule of Uses

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Municipal buildings and post office	—	P	P	P	—
Private clubs or lodge halls	—	—	P	—	—
Publicly owned buildings, public utility buildings, telephone exchange buildings; electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations	SLU	SLU	P	—	—
Wireless telecommunication tower			SLU	SLU	§ 7-13.10E
Retail Uses					
Dry-cleaning establishments, or pickup stations, dealing directly with the consumer	—	P	P	—	—
Commercial establishments up to 80,000 square feet of gross floor area	—	P	P	P	
Commercial establishments consisting of 1 or more uses and a minimum of 80,000 square feet in total gross floor area	—	—	SLU	P	§ 7-13.04A
Funeral homes and mortuary establishments	SLU	P	P	—	§ 7-13.04D
Greenhouses and plant nurseries	—	—	SLU	—	
Home centers and lumber yards	—	—	SLU	P	§ 7-13.04C
Newspaper offices and printing plants	—	—	P	—	—

Table 7.06.1: Business and Office Districts Schedule of Uses

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Offices and showrooms of plumbers, electricians, decorator or similar trades, in connection with which not more than 25% of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise	—	—	P	—	—
Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc), tailor shops, beauty parlors or barber shops, tattoo parlors, day spas, hair salons, photographic studios	P	P	P	—	—
Retail cold storage establishments	—	—	P		—
Self-service laundry	—	P	P		—
Motor Vehicle Uses					
Automobile car wash, automatic or self-service	—	—	P	—	§ 7-13.05F
Automobile service station for sale of gasoline, oil, and minor accessories only	—	—	SLU	SLU	§ 7-13.05A and B
Minor automobile repair shops	—	—	P	—	§ 7-13.05C
Automobile sales or showroom	—	—	P	—	

Table 7.06.1: Business and Office Districts Schedule of Uses

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Outdoor sales space for exclusive sale of secondhand automobiles	—	—	SLU	—	§ 7-13.05E
Lodging and Food Service Uses					
Drive-through restaurants	—	—	SLU	SLU	§ 7-13.04B
Bed-and-breakfast	—	—	P	P	—
Motels and hotels	—	—	SLU	SLU	§ 7-13.06A
Standard restaurants, brew pubs and taverns where the patrons are served while seated within the building occupied by such establishment, and wherein said establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in or open-front store	—	—	P	P	—
Sale and service of food and drink out of doors, provided such use is incidental to a similar principal use indoors and conducted adjacent to said principal use	—	—	P	P	—
Entertainment and Recreation Uses					
Adult entertainment uses	—	—	SLU	—	§ 7-13.07A
Amusement arcades which provide space for patrons to engage in playing of electronic and mechanical video amusement devices or similar activities	—	—	SLU	—	§ 7-13.07B

Table 7.06.1: Business and Office Districts Schedule of Uses

Use		OS-1	B-1	B-2	B-3	Additional Requirements
Bowling alleys, pool or billiard parlor or clubs, indoor archery and indoor tennis clubs, fitness centers, athletic clubs, and other similar indoor commercial recreation establishments		—	—	P	—	—
Commercial or institutional outdoor recreation facilities, including golf courses, water parks, tennis clubs and similar outdoor recreation establishments		—	—	P	P	§ 7-13.07D
Commercially used outdoor recreational space for children's amusement parks, miniature golf courses		—	—	SLU	—	§ 7-13.07C
Multi-screen movie theaters		—	—	—	SLU	§ 7-13.07E
Theaters when completely enclosed		—	—	P		
Finance, Insurance, Real Estate and Professional Uses						
Banks, credit unions, savings-and-loan association, and similar uses						
	Drive- through facilities as an accessory use only	P	P	P	P	§ 7-13.04B
	Standalone drive- through ATM facilities	—	—	P	P	§ 7-13.04B

Table 7.06.1: Business and Office Districts Schedule of Uses					
Use	OS-1	B-1	B-2	B-3	Additional Requirements
Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales	P	P	P	—	—
Business services such as mailing, copying, data processing and retail office supplies	P	P	P	—	—
Data processing and computer centers, including service and maintenance of electronic data processing equipment	P	P	P	—	—
Health and Human Care and Uses					
Adult day-care centers	SLU	P	P	—	
Ambulance service stations	SLU	—	P	P	§ 7-13.09E
Child-care center, nursery schools and day nurseries	SLU	P	P	—	§ 7-13.09A
Convalescent homes, nursing homes and child- care institutions	P	P	P	—	§ 7-13.09B
Hospices	—	—	P	P	
Hospitals	SLU	—	P	P	§ 7-13.09C
Medical office and clinics	P	P	P	—	—
Transportation and Warehousing Uses					
Bus passenger stations	—	—	P	—	—
Off-street parking lots	P	P	P	—	—
Parking lots and parking structures			P	—	—

Table 7.06.1: Business and Office Districts Schedule of Uses					
Use	OS-1	B-1	B-2	B-3	Additional Requirements
Warehouse and storage facilities when incident to and physically connected with any principal use permitted, provided that such facility be within the confines of the building or part thereof occupied by said establishment	—	—	P	—	—
Accessory and Similar Uses					
Accessory building and uses, customarily incident to any of the above permitted uses	P	P	P	P	—
Drive-through pharmacy as an accessory use only, when customarily incident to a principal use permitted in the district	SLU	SLU	P	SLU	§ 7-13.04B
Tent sales and sidewalk sales	P	P	P	P	§ 7-13.10B
Other uses similar to the above uses	SLU	SLU	SLU	SLU	§ 7-13.11
Wireless telecommunication antenna	P	P	P	P	§ 7-13.10D
Other temporary uses	P/SLU	P/SLU	P/SLU P	P/SLU P	§ 7-13.10C
Shipping containers, temporary					§ 7-13.10F

Medical and Adult-Use Marihuana Facility and Establishment Uses					
Use	OS-1	B-1	B-2	B-3	Additional Requirements
Marihuana provisioning center/ marihuana retailer	—	—	—	—	Not Permitted
Marihuana safety compliance facility/establishment	—	—	—	—	Not Permitted
Marihuana grow facility/ marihuana grower	—	—	—	—	Not Permitted
Other marihuana uses	—	—	—	—	Not Permitted

ARTICLE IV. SEVERABILITY

This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE V. CONFLICT

All ordinances and provisions of ordinances of the City of Lapeer in conflict herewith are hereby repealed.

ARTICLE VI. ADOPTION

This amendatory ordinance shall be published as required by law and shall take effect 7 days after publication.

CITY OF LAPEER
LAPEER COUNTY, MICHIGAN
Ordinance #:2024-10

Zoning Ordinance Amendment (2024-10)

An ordinance to amend the City of Lapeer Code of Ordinances by amending Sec. 7-8.02

THE CITY OF LAPEER, LAPEER COUNTY, MICHIGAN ORDAINS:

ARTICLE I.

That § 7-8.02. Schedule of uses (Industrial Districts) is amended to read in its entirety as follows:

§ 7-8.02. Schedule of uses.

Buildings or land shall be not used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of Table 7.08.1 may be used for the purposes denoted by the following abbreviations:

Key:

Permitted use (P): Land and/or buildings in this district may be used for the purposes listed by right.

Special land use (SLU): Uses which may be permitted by obtaining special land use approval when all applicable requirements in Article XIII, Use Requirements, and the standards of § 7-19.04, Review standards, are met.

Additional requirements: Indicates requirements or conditions applicable to the use.

Table 7.08.1: Industrial Districts Schedule of Uses			
Use	I-1	I-2	Additional Requirements
Animal and Agricultural Uses			
Commercial kennels	SLU	—	§ 7-13.02A
Public and Institutional Uses			
Public utilities, including buildings, necessary structures, storage yards and their related uses	P	P	—
Trade or industrial schools	P	P	—
Wireless telecommunication tower	P	P	§ 7-13.10E
Motor Vehicle Uses			

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Automobile service stations for sale of gasoline, oil and minor accessories when developed in conjunction with convenience market and accessory services such as fast-food facilities or automated automobile washes	P	SLU	§ 7-13.05B
Major auto repair shops when completely enclosed	SLU	—	§ 7-13.05D
Finance, Insurance, Real Estate and Professional Uses			
Research and development establishment	P	P	—
Research and office uses related to permitted industrial operations and sales offices	P	P	—
Health and Human Care and Uses			
Ambulance service stations	SLU	—	§ 7-13.09E
Child-care center, nursery schools and day nurseries	SLU	SLU	§ 7-13.09A
Transportation and Warehousing Uses			
Mini-warehouses and storage buildings for lease to the public including the office and residence of a caretaker	P	P	§ 7-13.08D

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Storage facilities for building materials, sand, gravel, stone, lumber, open storage of contractor's equipment and supplies	SLU	SLU	§ 7-13.08A
Warehousing and wholesale establishments when conducted within buildings or within a completely obscured yard area	P	P	—
Warehousing and wholesale establishments, and trucking facilities	P	P	—
Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant	SLU	—	—
Junkyards and places for the dismantling, wrecking and disposing of the junk and/or refuse material	SLU	—	§ 7-13.08E

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Warehouse, storage and transfer and electric and gas service buildings and yards, water supply and sewage disposal plants, water and gas tank holders, heating and electric power generating plants, and all necessary related uses	P	P	—
Railroad transfer and storage tracks, railroad rights-of-way and freight terminals	P	P	—
Manufacturing, Testing and Assembly Uses			
Laboratories: experimental, film or testing	P	P	—
Lumber and planing mills when completely enclosed	SLU	SLU	§ 7-13.08F
Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris or any other potentially noxious material	SLU	SLU	§ 7-13.08G

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Manufacture of musical instruments, toys, novelties, metal or rubber stamps, small molded rubber products, pottery and figurines or other similar ceramic products (using kilns fired only by electricity or gas), electronic instruments and devices, or similar products	P	P	—
Manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns	P	P	—

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Manufacture, compounding, processing, packaging or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die, gauge and machine shops	P	P	—
Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and similar items	P	P	—
Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances	SLU	SLU	—

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products that are not injurious to the occupants of adjacent premises by reasons of the emission or creation of noise, vibration, smoke, dust and other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, or glare or heat	P	P	—
Uses permitted in General Business Districts when such uses are for the convenience of persons in the I-1 Industrial District, subject to the regulations applicable to such uses	SLU	—	—
Restaurants			
Restaurants located within a building occupied by another use(s) allowed by this chapter and not including any service of a drive-in or open front store	SLU	SLU	—
Retail Uses			

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Construction contractor's establishment	P	P	—
Animal crematorium		SLU	§ 7-13.04E
Accessory and Similar Uses			
Outdoor storage, when accessory to a principal use	SLU	SLU	§ 7-13.08B
Accessory building and uses, customarily incident to any of the above permitted uses	P	P	—
Other uses similar to the above uses	SLU	SLU	§ 7-13.11
Wireless telecommunications antenna	P	P	§ 7-13.10D
Wireless telecommunications tower	P	P	§ 7-13.10E
Other temporary uses	P/SLU	P/SLU	§ 7-13.10C
Shipping container temporary	P	P	§ 7-13.10F

Marihuana Facility and Establishment Uses			
Marihuana grow facility/ marihuana grower	—	SLU	§ 7-13.12
Marihuana processor/ processing facility/ establishment	SLU	SLU	§ 7-13.12
Marihuana safety compliance facility/ establishment	SLU	SLU	§ 7-13.12
Marihuana provisioning center/ marihuana retailer	SLU	SLU	§ 7-13.12

ARTICLE IV. SEVERABILITY

This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE V. CONFLICT

All ordinances and provisions of ordinances of the City of Lapeer in conflict herewith are hereby repealed.

ARTICLE VI. ADOPTION

This amendatory ordinance shall be published as required by law and shall take effect 7 days after publication.

CITY OF LAPEER
LAPEER COUNTY, MICHIGAN

Ordinance #: 2024-11

Zoning Ordinance Amendment (2024-11)

An ordinance to amend the City of Lapeer Code of Ordinances by amending Sec. 7-10.02

THE CITY OF LAPEER, LAPEER COUNTY, MICHIGAN ORDAINS:

ARTICLE I.

That § 7-10.02. Schedule of uses (Mixed Us Overlay Districts) is amended to read in its entirety as follows:

§ 7-10.02. Schedule of uses.

Buildings or land shall not be used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of Table 7.10.1 may be used for the purposes denoted by the following abbreviations:

KEY:

Permitted use (P): Land and/or buildings in this district may be used for the purposes listed by right.

Special land use (SLU): Uses which may be permitted by obtaining special land use approval when all applicable requirements in Article XIII, Use Requirements, and the standards of § 7-19.04, Review standards, are met.

Additional requirements: Indicates requirements or conditions applicable to the use.

Table 7.10.1: Mixed-Use Overlay Districts Schedule of Uses ¹		
Use	MU	Additional Requirements
Uses		
Principal uses permitted in the underlying zoning district and which meet the requirements in the underlying zoning district for that use	P	
All uses allowed subject to special conditions in the underlying zoning district and which meet the requirements in the underlying zoning district for that use	SLU	
All uses allowed in the R-1, RM, OS-1, B-1, B-2 and CBD-1 zoning districts as a principal use but not allowed in the underlying zoning district	SLU	__2, 3
All uses allowed in the R-1, RM, OS-1, B-1, B-2 and CBD zoning districts as a special land use but not allowed by right in the underlying zoning district	SLU	__2, 3

Table 7.10.1: Mixed-Use Overlay Districts Schedule of Uses ¹		
Use	MU	Additional Requirements
Accessory building and uses, customarily incidental to any of the above permitted uses	P	§ 7-13.11
Industrial Uses	—	Not Permitted
Marihuana provisioning center/ marihuana retailer	—	Not Permitted
Marihuana safety compliance facility/establishment	—	Not Permitted
Other marihuana uses	—	Not Permitted

NOTES:

- 1 More than one principal use may be permitted on a lot of record with site plan approval by the Planning Commission.
- 2 The use shall meet the requirements in the zoning district in which the use is allowed except as provided for in § 7-10.03 below. Where the use is allowed in more than one district, the Planning Commission shall apply the standards that are closest in intensity as the underlying zoning district.
- 3 Uses permitted under note 2 shall also comply with the following:
 - a. The Planning Commission may impose conditions on the operation of the proposed use, including hours of operation, outdoor operations and delivery and shipping of material that is necessary to ensure the uses compatibility with surrounding uses.
 - b. In portions of the Mixed-Use District where residences and offices predominate, any structure proposed for construction or expansion shall have an exterior appearance consistent with the general character of the area, including scale and mass of the building, arrangement of windows, pitch of roof and type of siding material.
 - c. The Planning Commission may reduce minimum number of parking spaces required for property involving two or more uses if their parking demand could expect to overlap.

ARTICLE IV. SEVERABILITY

This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE V. CONFLICT

All ordinances and provisions of ordinances of the City of Lapeer in conflict herewith are hereby repealed.

ARTICLE VI. ADOPTION

This amendatory ordinance shall be published as required by law and shall take effect 7 days after publication.

CITY OF LAPEER
LAPEER COUNTY, MICHIGAN
Ordinance #:2024-12

Zoning Ordinance Amendment (2024-12)

An ordinance to amend the City of Lapeer Code of Ordinances by amending Sec. 7-13.12
THE CITY OF LAPEER, LAPEER COUNTY, MICHIGAN ORDAINS:

ARTICLE I.

That § 7-13.12. Medical marihuana facilities and adult-use (recreational) marihuana establishments is amended to read in its entirety as follows:

§ 7-13.12. Medical marihuana facilities and adult-use (recreational) marihuana establishments.

- A. Notwithstanding any provision of this Ordinance, any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law are not permitted by the City of Lapeer. In the event that a court with jurisdiction declares some or all of this article invalid, then the City of Lapeer may suspend the acceptance of applications for uses permitted herein and/or suspend processing submitted application pending final resolution of the legal issue in question.
- B. At the time of application for a permit, the marihuana facility/establishment must be prequalified for licensure and/or licensed by the State of Michigan and then must be at all times in compliance with the laws of the State of Michigan, including, but not limited to, the Michigan Medical Marihuana Act, MCLA 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCLA 333.27101 et seq.; the Marihuana Tracking Act, MCLA 333.27901 et seq.; and the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951; and all other applicable rules promulgated by the State of Michigan.
- C. All marihuana facilities and establishments shall provide a security plan in compliance with State of Michigan rules.
- D. The medical marihuana or adult-use use marihuana, establishment or facility must at all times be in compliance with all applicable state laws and ordinances of the City of Lapeer.
- E. Marihuana, alcohol and tobacco products shall not be smoked, ingested, or otherwise consumed inside the building space occupied by a marihuana facility/establishment.
- F. All marihuana facility/establishment activity shall be conducted in a fully enclosed secure building. The outdoor display, outdoor production, outdoor sales, or outdoor storage of any marihuana, or marihuana products is prohibited. Marihuana waste shall not be stored outdoors except for the minimum time necessary to be picked up by a licensed waste hauler, being no longer than 12 hours. Any waste stored outside shall be made unusable as required by law.
- G. A marihuana facility/establishment, or activities associated with the growing, processing, testing, transporting, or sales of marihuana, are not permitted as a home business or accessory use, nor may they include accessory uses except as

otherwise provided in this chapter.

H. Hours of operation.

- (1) Hours of operation of provisioning center facilities, marihuana retailer establishments, and all other marihuana businesses that are open to the public shall be restricted to be between the hours of 9:00 a.m. to 10:00 p.m. of the same day.

Buffer requirements are considered a setback or separation area in which a marihuana facility/establishment permitted under this chapter must maintain a defined spacing from an existing use as stated below. Buffer distances shall be measured in a straight line (regardless of building or other obstructions) from the nearest property line of a protected use to the nearest property line of the parcel(s) where the proposed marihuana facility/establishment is to be located including distances that lie outside of the City of Lapeer. The location of property lines shall be determined by the City of Lapeer Assessing Department. A proposed marihuana facility/establishment must be outside of designated buffer areas as described below.

- (2) A 1,000-foot buffer is required from all preexisting public, parochial and other private schools offering courses in general education and consisting of any grade levels from kindergarten through 12th grade.
 - (3) A 500-foot buffer is required from all preexisting licensed child-care centers, child day-care centers, nursery schools and child-care institutions. All facilities listed herein pertain to child-care facilities that primarily serve children under the age of 18 but excluding those operating out of a private home such as child-care group home and child-care family home licenses. Such facilities, centers and institutions are further defined in Subsection A ("child-care or day-care center") and Subsection B ("childcare institution" of the term "child-care facilities") in § 7.24.03 of this chapter.
 - (4) A 500-foot buffer is required from all preexisting federal owned, used, or operated property. Such federal uses currently include the United States National Guard Armory of Michigan, Telecommunication Exchange Federal Facility, and the United States Postal Office, excluding transportation facilities such as the railroad and Interstate I-69.
 - (5) A 200-foot buffer is required from all designated preexisting public parks within the City of Lapeer, excluding trail ways and cemeteries such as Linear Park and Oakdale Cemetery.
 - (6) Marihuana grower facilities/establishments must be at least 1500 feet away from all R- 1 Single Family Residentially zoned properties within the City of Lapeer.
- I. All buildings and properties used for any licensed or unlicensed marihuana related use shall be equipped with an appropriate and effective odor control system, such as an activated carbon filtration system, which ensures that air leaving the building and property first passes through the odor control system. The filtration system shall, at all times, prevent marihuana odor from being detectable to a reasonable person of normal sensitivities beyond the property line of the licensed or unlicensed marihuana property. The filtration system shall be maintained in good working order and shall be in use at all times. The filters shall be changed a minimum of once every 365 days or as determined by the manufacturer's recommendations, whichever requires more frequent changes. Negative air pressure shall be maintained inside the building at all times so that all air and

marihuana odor must pass through the odor control system prior to leaving the building. Doors and windows shall remain closed, except for the minimum length of time needed to allow ingress or egress of the building.

- (1) All marihuana odor control systems shall be designed and stamped by a Michigan licensed engineer who specializes in odor control, signifying that in their professional opinion, the odor control system will be effective at controlling the marihuana odor.
- (2) An alternative odor control system is permitted if the applicant submits and the City of Lapeer Planning Commission accepts a report by an engineer licensed in the State of Michigan who specializes in odor control, attesting and demonstrating that the alternative system will control odor as well or better than what is required pursuant to this Ordinance. The City of Lapeer may hire an outside expert to review the alternative system design and advise as to its comparability and whether, in the opinion of the expert, it should be accepted. The applicant shall be responsible for all costs and expenses incurred by the City of Lapeer to evaluate an alternative odor control system requested by an applicant.
- (3) All odor control systems shall be installed and operated in conformity with the licensed engineer's plans and all manufacturer requirements.
- (4) In addition to the requirement that all licensed or unlicensed marihuana uses, buildings, and properties install and operate an odor control system, all owners, operators, employees, agents and licensees of all licensed or unlicensed marihuana uses, buildings and properties shall have a continuing obligation and duty to actually prevent marihuana odors from being detectable to a reasonable person of normal sensitivities beyond the property line of the property where the marihuana use is located.
- (5) Installation of an odor control system, including an alternative odor control system, approved by this Ordinance or the City of Lapeer is not a warranty or representation by the City of Lapeer that such system will prevent marihuana odor from being detectable to a reasonable person of normal sensitivities beyond the property line as required by this Ordinance.

ARTICLE IV. SEVERABILITY

This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE V. CONFLICT

All ordinances and provisions of ordinances of the City of Lapeer in conflict herewith are hereby repealed.

ARTICLE VI. ADOPTION

This amendatory ordinance shall be published as required by law and shall take effect 7 days after publication.

CITY OF LAPEER
LAPEER COUNTY, MICHIGAN

Ordinance #: 2024-13

An ordinance to amend the City of Lapeer Code of Ordinances by amending Chapter 68 Medical Marihuana Facilities, § 68-1 to 68.8

THE CITY OF LAPEER, LAPEER COUNTY, MICHIGAN ORDAINS:

ARTICLE I.

That Chapter 68, Medical Marihuana Facilities is amended to read in its entirety as follows:

§ 68-1. Purpose.

- A. It is the intent of this chapter to authorize the establishment of certain types of medical marihuana facilities in the City of Lapeer and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this chapter to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the City of Lapeer through imposition of an annual, nonrefundable fee of not more than \$5,000 on each medical marihuana facility licensee. Authority for the enactment of these provisions is set forth in the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq. The City of Lapeer specifically incorporates the terms and provisions of the Michigan Medical Marihuana Act and the Medical Marihuana Facilities Licensing Act herein as if set forth hereunder.
- B. Nothing in this chapter is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCLA § 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.; the Marihuana Tracking Act, MCLA § 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan. This chapter permits authorizations for activity based on the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq. Nothing in this chapter shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow marihuana uses and activities not in strict accordance with the express authorizations of the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.
- C. As of the effective date of this chapter, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. § 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marihuana, or possess marihuana with intent to manufacture, distribute, or dispense marihuana under federal law. Nothing in this chapter is intended to grant immunity from any criminal prosecution under state or federal laws as they may be enforced by either the federal or state governments relative to such uses and activities. Thus, the authorization of activity and the approval of a license under this chapter shall not have the effect of superseding or nullifying federal or state law applicable to the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, and all applicants and grantees of licenses are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.

§ 68-2. Definitions.

For the purposes of this chapter:

- A. Any term defined by the Michigan Medical Marihuana Act, MCLA § 333.26421 et seq., shall have the definition given in the Michigan Medical Marihuana Act.
- B. Any term defined by the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act.
- C. Any term defined by the Marihuana Tracking Act, MCLA § 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.
- D. Terms defined. As used in this chapter, the following terms shall have the meanings indicated:

GROWER — A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

LICENSEE — A person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.

MARIHUANA FACILITY — An enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCLA § 333.26421 et seq.

MARIJUANA or MARIHUANA — That term as defined in the Public Health Code, MCLA § 333.1101 et seq.; the Michigan Medical Marihuana Act, MCLA § 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.; and the Marihuana Tracking Act, MCLA § 333.27901 et seq.

PERSON — An individual, corporation, limited-liability company, partnership, limited partnership, limited-liability partnership, limited-liability limited partnership, trust, or other legal entity.

PROCESSOR — A licensee that is a commercial entity located in Michigan that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

PROVISIONING CENTER — A licensee that is a commercial entity located in Michigan that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients directly or through the patients' registered primary caregivers. "Provisioning center" includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCLA § 333.26421 et seq., is not a provisioning center for purposes of this article.

SAFETY COMPLIANCE FACILITY — A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

SECURE TRANSPORTER — A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

§ 68-3. Authorization of facilities and fee.

- A. The following medical marihuana facilities may be authorized to operate in the City of Lapeer by the holder of a state operating license, subject to compliance with MCLA § 333.27101 et seq. as may be amended, the rules promulgated thereunder and this chapter:

Facility	Number
Provisioning Center	Six (6) unless increased or decreased by resolution of City Commission.
Grower	Two (2) unless increased or decreased by resolution of City Commission.
Processor	Three (3) unless increased or decreased by resolution of City Commission.
Safety Compliance Facility	Unlimited unless increased or decreased by resolution of City Commission.

Although the maximum number of each type of marihuana facility permitted in the City of Lapeer is established above, no marihuana facility of any type may be located within the Central Business Zoning District or Downtown Development District.

- B. If the City Commission reduces, by ~~resolution~~ Ordinance, the number of licenses available under this Ordinance to a number less than the number of valid licenses issued at the time, such shall not be construed to limit, restrict or prohibit existing Licensees right to request renewal of existing Licenses.
- C. If a license that was issued under this Ordinance is terminated, lapses, vacated, abandoned, revoked, not renewed, or is returned to the City for any reason, such license(s) are not available to be applied for or reissued until/unless the City of Lapeer City Commission adopts a resolution seeking applicants for the same.
- D. The City Clerk shall keep the City Commission informed regarding the status of the marihuana businesses located within the City on a regular basis.
- E. An annual nonrefundable fee shall be paid by each marihuana facility licensed under this chapter in an annual amount of not more than \$5,000 as set forth in the City of Lapeer Fee Schedule as approved by the City Commission.

- (1) Should any person, for whatever reason, not receive a license under § 68-4C(1), Application, or

§ 68-4C(2), Provisional license, 1/2 of the application fee may be returned, provided that no appeal process has occurred.

§ 68-4. Requirements and procedure for issuing license.

- A. No person shall operate a marihuana facility in the City of Lapeer without a valid marihuana facility license issued by the City of Lapeer pursuant to the provisions of this chapter as authorized by the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.

- B. Licenses issued pursuant to this Ordinance are issued based, in part, upon the location of the proposed Marihuana Facility, identity of the Licensee, and the owners Licensee. A marihuana facility license and/or ownership interests in a Licensee are not transferable except as permitted herein.
- (1) The transfer, sale, gift, assignment or other conveyance of any ownership interest in a Licensee and/or a license which are solely amongst persons or entities who had an ownership interest in the Licensee or Licensee at the time the License was issued and who were identified on the application for a license are permitted only if:
- a. The Licensee provides the City Clerk at least thirty days advanced written notice of the proposed transfer which: (1) details the full ownership structure of Licensee prior to and after the proposed transfer; (2) contains a signed affirmation from all persons that will have an ownership interest in the Licensee after the proposed transfer that they have not been charged with or convicted of any criminal offenses since the License was issued; (3) contains a signed reaffirmation from all persons that will have an ownership interest in the Licensee after the proposed transfer and from Licensee that Licensee will comply with all provisions of the City Ordinance, including the City Zoning Ordinance; and (4) contains such other information as the City requests.
 - b. The Department has approved or preapproved the proposed transfer.
 - c. The City Clerk verifies the Licensee is not in default with respect to any obligations with respect to City.
 - d. The City Clerk verifies with City Administration, the City Police Department, the City Building Department, and the City Fire Department that Licensee's Marihuana Facility is not in violation of any rule, regulation, or Ordinance applicable to such facility.
 - e. The City Clerk determines the Licensee has complied with this subsection and issues a written approval of the proposed transfer to the Licensee.
- (2) The transfer, sale, gift, assignment or other conveyance of any ownership in a Licensee and/or a license which, in whole or part, are amongst persons or entities who did not have an ownership interest in the Licensee or the license the time the license was issued or who were not identified on the application for a license are not permitted unless approved by the City Commission. In such case, the Licensee shall apply for the proposed transfer, sale, gift, assignment or other conveyance and the same will be subject to the same application, review, and approval process applicable to Applicants for a new license under this Ordinance.
- (3) Any transfer, sale, gift, assignment or other conveyance permitted in a Licensee or license under this section shall be only for the remainder of the unexpired annual license term. The term of the license shall not be affected.
- C. The City Clerk has broad authority, consistent with the terms of this Ordinance, to establish policies, criteria and forms to implement administrative policies and processes for the application, renewal and reapplication of Licenses under this ordinance. The City Clerk may only accept applications for licenses issued under this Ordinance if directed to do so by the City of Lapeer City Commission. Applications received outside of any application window approved by the City of Lapeer City Commission shall be returned.
- D. The procedure in processing a request for a marihuana facility license will involve three steps as follows:

(1) Application.

- (a) File an application with the City Clerk's office upon a form provided by the City of Lapeer and submittal of the annual nonrefundable fee. Such application shall include, in addition to all other items set forth in the application itself:
 - [1] A criminal background report on the applicant's criminal history. Such reports shall be obtained by the applicant and, if applicable, each stakeholder through the Internet Criminal History Access Tool (ICHAT) for applicants or stakeholders residing in Michigan and/or through another state-sponsored or authorized criminal history access source for applicants or stakeholders who reside in other states or have resided in other states within five years prior to the date of the application. The applicant or stakeholder is responsible for all charges incurred in requesting and receiving the criminal history report, and the report must be dated within 30 days of the date of the application. The applicant shall disclose all arrests, prosecutions and dispositions, whether identified in the applicant's or each stakeholder's ICHAT report or not. Failure to submit a complete criminal history report or supplemental report by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application from the licensure application process.
 - [2] A complete disclosure of the applicant's and each stakeholder's litigation history, by case name, date, jurisdiction and nature or type of litigation. Failure to submit a complete litigation history by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application from the licensure application process.
 - (b) Upon the applicant's completion of the application form and furnishing all required information and documentation, the City Clerk shall accept the application. The City Clerk is authorized to develop a policy that outlines the procedure to be used in determining the issuance of the provisional licenses for marihuana facilities. Said policy to be approved by the City Commission.
 - (c) The City Clerk's office shall refer the application to the Assessing Department to verify that the proposed site is outside the buffer zones stipulated in Chapter 7, Zoning, and to the Planning Department to verify that the property is located in a zoning district that allows the proposed use. The Assessing Department and the Planning Department shall respond to the City Clerk's office as soon as practicably possible.
 - (d) The City Clerk's office shall act to approve or deny an application not later than 20 business days from the date the fully completed application was accepted.
 - (e) If approved, the City Clerk's office shall issue the applicant a provisional license.
- (2) Standards for issuance of provisional license. The Clerk shall issue a provisional license under this chapter when, from a consideration of the application and from such other information as may otherwise be obtained, the Clerk determines that:
- (a) The application (including any required attachments and submissions) is complete and signed by the applicant;
 - (b) The applicant has paid the non-refundable application fee and any other fees required;

- (c) The application does not contain a material falsehood or misrepresentation;
 - (d) The proposed location of the facility is permitted in the location sought to be approved is located in a proper zoning district, that the proposed facility is not located in a required buffer zone and the applicant shall not locate or operate a marihuana facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the City of Lapeer.
- (3) Provisional license.
- (a) A provisional license means only that the applicant has submitted a valid application for a marihuana facility license, that the proposed facility is located in a proper zoning district, that the proposed facility is not located in a required buffer zone and the applicant shall not locate or operate a marihuana facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the City of Lapeer.
 - (b) A provisional license will lapse and be void if such permits and approvals are not diligently pursued as follows:
 - [1] Existing structure with no site changes: 90 days.
 - [2] Existing structure with minimal site changes requiring an administrative zoning review: one year.
 - [3] Proposed construction of a structure requiring site plan review by the Planning Commission: one year.
 - (c) After submission of all other permits and approvals required under the provisional license, and payment of the annual nonrefundable fee, the City Clerk's office shall approve or deny the marihuana facility license within 20 business days.
- (4) Marihuana facility license. A permit issued pursuant to this chapter does not eliminate the need for the applicant to obtain other required licenses and permits related to the operation of the facility(ies) sought to be approved hereunder, including, without limitation, any and all necessary business registration and licenses, building permits, mechanical permits, plumbing permits, or electrical permits. Before a marihuana facility license can be issued under this chapter, all requirements as listed below, including all other applicable provisions within the City of Lapeer's Code, must be met.
- (a) Submit a photocopy of the applicant's valid and current license issued by the State of Michigan in accordance with the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.
 - (b) Maintaining a valid marihuana facility license by the State of Michigan is a condition for the issuance and maintenance of a marihuana facility license under this chapter and continued operation of any marihuana facility.
 - (c) Site plan approval and/or other necessary approved permits per Chapter 7, Zoning, are required before the City Clerk is permitted to issue a license.
 - (d) All City of Lapeer departments are required to sign off on their review of the marihuana facility license once approval has been determined. The City of Lapeer Departments and licensed professionals that are part of the review and approval process are as follows:
 - (e)
 - [1] Planning Department, Planner/Planning Consultant.

- [2] Department of Public Works, Director of Public Works.
- [3] Building Department, Building Official.
- [4] Assessing Department, Assessor.
- [5] Fire Department, Fire Chief.
- [6] Police Department, Police Chief.
- [7] City Engineering Consultant (site plan reviews only).
- (f) Execute a statement to be initialed by the applicant that the applicant and the employees of the facility(ies) may be subject to prosecution under federal marijuana laws.
- (g) Execute a statement to be initialed by the applicant that the City of Lapeer accepts no legal liability in connection with the approval and subsequent operation of the facility.
- E. Extension of expiration dates. Extension of an expiration date for those applicants who hold a provisional license with the City of Lapeer due to the delay of issuance of a license at the state level may be considered as follows:
 - (1) The applicant may provide a written request to the City for an extension of time prior to the expiration date of a City-approved provisional license when such request for extension is premised on either of the following:
 - (a) A state decision to deny a prequalification application or final application and the applicant is actively appealing such denial as provided under the Act or such other available appellate remedies as allowed by law.
 - (b) State delay of issuance of a license for approval of a prequalification application or final application.
 - (2) The written request shall contain the following:
 - (a) Explanation of the reason(s) for the extension.
 - (b) Whether the applicant has been denied by the state for a prequalification application or final application, and proof the applicant has filed an appeal with the state or as otherwise allowed by law.
 - (3) The City Clerk will review the information provided and make a determination as to the accuracy of the information. After said review, the City Clerk may authorize an extension of the expiration date for up to six months.
 - (4) Upon determination and authorization by the City Clerk for an extension of the expiration date, the City Clerk shall provide the City Commission information relating to the request and length of extension.

§ 68-5. Denial or revocation of license and appeal process.

- A. Denial. An application may be denied by the City Clerk in writing setting forth the grounds for such denial for one or more of the following criteria:
 - (1) A failure to meet the conditions or maintain compliance with the standards and requirements established by this chapter in reference to the operation of a licensed facility;
 - (2) One or more violations of the Medical Marijuana Facilities Licensing Act, MCLA § 333.27101 et seq., or any City ordinance on the premises;
 - (3) Maintenance of a nuisance on the premises, including a failure to control marijuana odor as required by law;
 - (4) Nonpayment of real and/or personal property taxes, fines, liens, income tax, hydrant and sprinkler fees or any fees owed to the City;

- (5) A demonstrated history of excessive calls for public safety (police, fire and ambulance); or
 - (6) Applicant has made or provided false information in the application or has otherwise become disqualified for the issuance of a marihuana facility license within any part of the requirement and procedure for issuing a license.
- B. Revocation. A marihuana facility license may be revoked by the City Clerk based on the following:
 - (1) Violation of the standards for approval in § 68-5A of this chapter.
 - (2) Denial, suspension, revocation or restriction of license by the State of Michigan.
 - (3) A violation of the Act, any state or local regulations, the provisions of this chapter or the provisions of a license.
- (4) Failure to control marihuana odor from exiting the property as required under this ordinance.
- (5) Convictions.
 - (a) Conviction of or release from incarceration for a felony under the laws of this state, or any other state, or the United States of the applicant or the applicant's managerial employees within the past 10 years or has been convicted of a controlled-substance-related felony within the past 10 years.
 - (b) Conviction of an applicant or an applicant's managerial employees of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or has been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state within the last five years.
- (6) Operations have ceased at the facility for more than 90 days, including during a change of ownership of the facility.
- (7) Ownership of the facility has been transferred without the new owner obtaining a marihuana facility license pursuant to this chapter.
- C. Notice of decision. The Clerk shall notify the applicant of the decision to deny an application for or the revocation of a marihuana facility license under the terms and provisions of this chapter within three business days of rendering the decision. Notice shall be given by mailing a copy of the Clerk's decision to the applicant or license holder by certified mail and/or personal service postage prepaid, at the address shown in the application. Notice is deemed to have been properly given upon mailing by certified mail and/or personal service.
- D. Appeal process. An applicant or licensee has the right to appeal the Clerk's denial of an application for or the revocation of a marihuana facility license to the Lapeer City Commission.
 - (1) Any person whose application or license has been denied, suspended, revoked or restricted by the State of Michigan has no recourse through the appeal process with the City of Lapeer.
 - (2) Any person whose application or license has been denied or revoked under § 68-5A or 68-5B by the City of Lapeer will have 30 days from the date of the notice to provide a written response and request for appeal to the City of Lapeer.
 - (3) The applicant or licensee shall be provided with not less than 10 days' prior written notice of the appeal hearing to be held by the City Commission.

- (4) The burden of proof in an appeal filed under this section shall be on the applicant or licensee.
- (5) If the Lapeer City Commission finds by a preponderance of the evidence that the decision of the Clerk was correct, the Lapeer City Commission shall uphold the decision of the Clerk. If the Lapeer City Commission finds by a preponderance of the evidence that the decision of the Clerk was incorrect, the Clerk's decision shall be set aside and the marihuana facility license issued (if it was previously denied) or reinstated (if it was previously revoked).
- (6) Any decision made by the Lapeer City Commission pursuant to this section shall be a final decision and may be appealed to a court of competent jurisdiction by any person within 30 days of the date of the City Commission decision. The applicant's or licensee's failure to timely appeal the decision is a waiver the applicant's or licensee's right to contest the denial of the application or the revocation of the marihuana facility license.
- (7) Any person whose license has been denied or revoked shall not be able to reapply for any type of license allowed under this chapter for one year from the date a denial or revocation became effective.

§ 68-6. License renewal.

- A. A marihuana facility license shall be valid for one year from the date of issuance, unless revoked as provided by law.
- B. A valid marihuana facility license shall be renewed on an annual basis by submitting a renewal application upon a form provided by the City of Lapeer and payment of the annual license fee. Application to renew a marihuana facility license shall be filed at least 30 days prior to the date of its expiration.

§ 68-7. Applicability.

The provisions of this chapter shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a marihuana facility were established without authorization before the effective date of this chapter.

§ 68-8. Violations and penalties; enforcement.

- A. Any person who violates any of the provisions of this chapter shall be responsible for a municipal civil infraction and subject to the payment of a civil fine as outlined in Chapter 62, Civil Infractions,
of the Code of the City of Lapeer. A violator of this chapter shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

- B. A violation of this chapter is deemed to be a nuisance per se. In addition to any other remedy available at law, the City of Lapeer may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this chapter.
- C. This chapter shall be enforced and administered by the City of Lapeer Police Department, Code Enforcement Officer or Building Official or such other City of Lapeer official as may be designated from time to time by resolution of the Lapeer City Commission.

ARTICLE IV. SEVERABILITY

This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE V. CONFLICT

All ordinances and provisions of ordinances of the City of Lapeer in conflict herewith are hereby repealed.

ARTICLE VI. ADOPTION

This amendatory ordinance shall be published as required by law and shall take effect 7 days after publication.

CITY OF LAPEER LAPEER COUNTY, MICHIGAN

Ordinance #: 2024-14

An ordinance to amend the City of Lapeer Code of Ordinances by amending Ch 69, Adult Use Marihuana Businesses and Facilities § 69-1 to 69-6.

THE CITY OF LAPEER, LAPEER COUNTY, MICHIGAN ORDAINS:

ARTICLE I.

That Chapter 69, Adult Use Marihuana Businesses and Facilities is amended to read in its entirety as follows:

§ 69-1. Purpose.

- A. Recognizing that there is a potential conflict between federal and state law with respect to the operation of adult use marihuana businesses, it is the purpose and intent of this chapter to give effect to the intent of Initiated Law 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951 et seq. (the "Act"), as approved by the electors. It is the further intent of this chapter to protect the public health, safety, and general welfare of persons and property, and to license certain locations as specified below, as allowed by the Act.
- B. This chapter is designed to recognize the fundamental intent of the Act to facilitate the statutory authorization for the limited cultivation, distribution, and use of marihuana in lawful amounts by those adults 21 and over as allowed by the Act; and to regulate around this fundamental intent in a manner that does not conflict with the Act. It is also the intent of this chapter to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the City of Lapeer through imposition of an annual, nonrefundable fee of not more than \$5,000, or such other amount as may be authorized by law or regulation, on each marihuana facility licensee granted by the City of Lapeer under Michigan law and this chapter. Authority for the enactment of these provisions is set forth in the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951 et seq.

- C. Nothing in this chapter shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, cultivation, growth, possession or control of marihuana not in strict accordance with the express authorizations of the Act and this chapter; and nothing in this chapter shall be construed to undermine or provide immunity from federal law or state law as it may be enforced by the federal or state government relative to the cultivation, distribution, or use of marihuana. Thus, the authorization of activity and the approval of a license under this chapter shall not have the effect of superseding or nullifying federal or state law applicable to the cultivation, use, and possession of marihuana, and all applicants and grantees of licenses are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.
- D. As of the effective date of this chapter, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. § 801 et seq., which makes it unlawful under federal law to manufacture, distribute, or dispense marihuana, or possess marihuana with intent to manufacture, distribute, or dispense marihuana. Nothing in this chapter is intended to grant immunity from any criminal prosecution under state or federal laws as they may be enforced by either the federal or state governments relative to such uses and activities. Thus, the authorization of activity and the approval of a license under this chapter shall not have the effect of superseding or nullifying federal or state law applicable to the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, and all applicants and grantees of licenses are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.

§ 69-2. Definitions.

- A. For the purposes of this chapter, the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All definitions have been drawn from and are intended to have the same meaning as those terms are ascribed in the Act or its Rules as provided in the Act:

ACT — The Michigan Regulation and Taxation of Marihuana Act, 2018 Initiated Law 1, MCLA 333.27951 to 333.27967.

AGENCY — The Marijuana Regulatory Agency.

APPLICANT — A person who applies for a license in the City of Lapeer pursuant to this chapter to operate a marihuana retailer, marihuana grower, marihuana processor, marihuana secure transporter, marihuana safety compliance facility or marihuana microbusiness under this chapter.

- (1) For purposes of this definition, an applicant includes a managerial employee of the applicant, a person holding a direct or indirect ownership interest of more than 10% in the applicant, and the following for each type of applicant:
 - (a) For an individual or sole proprietorship: the proprietor and spouse.
 - (b) For a partnership and limited liability partnership: all partners and their spouses.
 - (c) For a limited partnership and limited liability limited partnership: all general and limited partners, not including a limited partner holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the partnership, and their spouses.
 - (d) For a limited liability company: all members and managers, not including a

member holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the company, and their spouses.

- (e) For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
 - (f) For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
 - (g) For a multilevel ownership enterprise: any entity or person that receives or has the right to receive more than 10% of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.
 - (h) For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws, and their spouses.
- (2) For purposes of this definition, an applicant does not include:
- (a) A person who provides financing to an applicant or licensee under a bona fide financing agreement at a reasonable interest rate.
 - (b) A franchisor who grants a franchise to an applicant, provided that the franchisor does not have the right to receive royalties based upon the sale of marihuana or marihuana-infused products by the applicant who is a franchisee. Nothing in this chapter shall be construed to preclude a franchisor from charging an applicant who is a franchisee a fixed fee. As used in this definition, the terms "franchise," "franchisor," and "franchisee" shall have the meanings set forth in Section 2 of the Franchise Investment Law, 1974 PA 269, MCLA 445.1502.
 - (c) A person receiving reasonable payment for rent on a fixed basis under a bona fide lease or rental obligation.
 - (d) A person receiving reasonable payment under a licensing agreement or contract approved by the agency concerning the licensing of intellectual property, including, but not limited to, brands and recipes.

AUTHORIZED ESTABLISHMENT — That type of marihuana establishment authorized to be licensed in this ordinance within the City of Lapeer.

BUILDING — A combination of materials forming a structure affording an establishment or shelter for use or occupancy by individuals or property. Building includes a part or parts of the building and all equipment in the building. A building shall not be construed to mean a building incidental to the use for agricultural purposes of the land on which the building is located.

BUREAU OF FIRE SERVICES or BFS — The Bureau of Fire Services in the Department of Licensing and Regulatory Affairs.

CITY — The City of Lapeer.

CO-LOCATE — To locate or be in jointly or together; to share or designate to share the same place.

COMMON OWNERSHIP — Two or more state licenses or two or more equivalent licenses held by one person.

COMPLETE APPLICATION — An application that includes all the information required as established in this ordinance or by the City Clerk

CULTIVATE — To propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

DEPARTMENT — The Michigan Department of Licensing and Regulatory Affairs or its successor agency.

DESIGNATED CONSUMPTION ESTABLISHMENT — A commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license as permitted by the Rules and Regulations adopted by the Bureau of Marihuana Regulation (BMR).

EMPLOYEE — A person performing work or service for compensation. An employee does not mean individuals providing trade services who are not normally engaged in the operation of a marihuana establishment.

EQUIVALENT LICENSES — Any of the following held by a single licensee:

- (1) A marihuana grower license, of any class, issued under the Act and a grower license, of any class, issued under the MMFLA.
- (2) A marihuana processor license issued under the Act and a processor license issued under the MMFLA.
- (3) A marihuana retailer license issued under the Act and a provisioning center license issued under the MMFLA.
- (4) A marihuana secure transporter license issued under the Act and a secure transporter license issued under the MMFLA.
- (5) A marihuana safety compliance facility license issued under the Act and a safety compliance facility license issued under the MMFLA.

EXCESS MARIHUANA GROWER — A license issued to a person holding five Class C marihuana grower licenses or more and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

LICENSEE — A person holding a state license under the Act or a person holding a municipal license granted by the City of Lapeer, or both.

MARIHUANA or MARIJUANA — All parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this chapter, marihuana does not include:

- (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
- (2) Industrial hemp; or
- (3) Any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

MARIHUANA ACCESSORIES — Any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use of planting,

propagating, cultivation, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

MARIHUANA ESTABLISHMENT — A marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, marihuana designated consumption establishment, or any other type of marihuana-related business licensed to operate by the Agency under the Act.

MARIHUANA EVENT ORGANIZER — A person licensed to apply for a temporary marihuana event license under these rules.

MARIHUANA GROWER — A person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

MARIHUANA MICROBUSINESS — A person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

MARIHUANA PROCESSOR — A person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

MARIHUANA RETAILER — A person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

MARIHUANA SAFETY COMPLIANCE FACILITY — A person licensed to test marihuana, including certification for potency and the presence of contaminants.

MARIHUANA SECURE TRANSPORTER — A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

MEDICAL MARIHUANA FACILITIES LICENSING ACT or MMFLA — 2016 PA 281, MCLA 333.27101 to 333.27801, which allows for the licensing of medical marihuana facilities.

MUNICIPAL or CITY LICENSE — A license issued by a municipality pursuant to Section 16 of the Act that allows a person to operate a marihuana establishment in that municipality where the Department has failed to timely accept or process an application under the Act.

MUNICIPALITY — The City of Lapeer.

PERSON — An individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

PROPOSED MARIHUANA ESTABLISHMENT — A location at which an applicant plans to operate a marihuana establishment under the Act and this chapter if the applicant is issued a license.

STAKEHOLDER — The officers, directors, and managerial employees of an applicant and any persons who hold any direct or indirect ownership interest in the applicant.

STATE LICENSE — A license issued by the Department that allows a person to operate a marihuana establishment.

TEMPORARY MARIHUANA EVENT LICENSE — A state license held by a marihuana event organizer for an event where the on-site sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license during the dates indicated on the state license.

- B. To the extent that any terms defined herein are not consistent with the definitions of those same terms under the Act, or any Rules promulgated in furtherance of the Act, then those terms as defined in the Act and Rules shall be the controlling definition.

§ 69-3. Licensing and appeals.

- A. License required. It shall be unlawful for any person to operate a marihuana facility or a marihuana establishment in the City of Lapeer without a valid license for such marihuana facility or a marihuana establishment issued by the City Clerk in accordance with the provisions of this chapter.
- B. Authorization of marihuana establishment licenses; licensing and administrative fees.
- (1) Type of authorized license.

- (a) Pursuant to Section 6 of the MRTMA, MCLA 333.27956, the following adult use business licenses may be authorized to operate in the City of Lapeer by the holder of a state operating license, subject to compliance with the Act, as may be amended, the Rules promulgated thereunder, and this chapter:

License Type	Number
Marihuana Retailer	Six (6) unless increased or decreased by resolution of City Commission.
Marihuana Grower (Class A, B or C)	Eight (8) unless increased or decreased by resolution of the City Commission.
Marihuana Processor	Five (5) unless increased or decreased by resolution of the City Commission
Marihuana Safety Compliance Facility	Unlimited unless increased or decreased by resolution of the City Commission

- (b) If the City Commission reduces, by ~~resolution~~ Ordinance, the number of licenses available under this Ordinance to a number less than the number of valid licenses issued at the time, such shall not be construed to limit, restrict or prohibit existing Licensees right to request renewal of existing Licenses.
- (c) If a license that was issued under this Ordinance is terminated, lapses, vacated, abandoned, revoked, not renewed, or is returned to the City for any reason, such license(s) are not available to be applied for or reissued until/unless the City of Lapeer City Commission adopts a resolution seeking applicants for the same.
- (d) A marihuana retailer is an authorized establishment under this chapter and Section 6 of the MRTMA, MCLA 333.27956, but only at a location where a medical marihuana provisioning center license has also been approved (co-located). Any operation of the medical marijuana provisioning center, a marijuana retailer, or combination of the two, shall comply with all zoning and regulatory conditions of the original licensure and site plan approval for the

licensed location.

- (e) Although the maximum number of each type of marihuana facility permitted in the City of Lapeer is established above, no marihuana facility or a marihuana establishment of any type may be located within the Downtown Development Authority District or Central Business Zoning District.
- (2) No other licenses authorized. Pursuant to Section 6 of the MRTMA, MCLA 333.27956, the City shall not authorize any licenses not listed above in subpart (a). The City specifically prohibits the opening or operation of marihuana microbusiness, designated consumption establishments, marihuana event organizers or temporary marihuana events in the City.
- (3) Application, licensing and administrative fees.
 - (a) The city clerk has broad authority, consistent with the terms of this ordinance and the Act, to implement administrative policies and processes for the application and reapplication of licenses under this ordinance.
 - (b) The city clerk will establish written policies, criteria, processes, and forms for the application and reapplication for a license under this ordinance.
 - (c) Pursuant to Section 6 of the MRTMA, an application for a license shall be accompanied by a nonrefundable application fee to help defray administrative and enforcement costs associated with the operation of the proposed authorized establishment, which shall be in the amount as listed in the City of Lapeer Fee Schedule as approved by the City Commission, per license requested.
 - (d) Additionally, for each year in which an applicant has submitted an application for license renewal, a nonrefundable fee shall be paid by each applicant for such renewal, including upon an application for renewal of any license issued pursuant to this chapter, in the amount as listed in the City of Lapeer Fee Schedule as approved by the City Commission, per license requested to defray application, administrative, and enforcement costs associated with the renewal application review and operation of those types of marihuana establishments authorized within the City of Lapeer.

§ 69-4. License applications.

A. Applications required.

- (1) Application from applicant that has applied and received state license prequalification. Any person seeking to operate an authorized marihuana establishment as provided in § 69-3 and who has submitted and received license prequalification from the State of Michigan pursuant to Section 9 of the MRTMA, MCLA 333.27959, shall file a license application with the City Clerk upon a form provided by the City. The application shall include the following information:
 - (a) The full name, date of birth, physical address, email address, and telephone number of the applicant in the case of an individual; or, in the case of an entity, all stakeholders thereof.
 - (b) If the applicant is an entity, the entity's articles of incorporation or organizational documents.
 - (c) If the applicant is an entity, the entity's employer identification number.
 - (d) If the applicant is an entity, the entity's operating agreement or bylaws.

- (e) A proposed marketing, advertising, and business promotion plan for the proposed authorized establishment.
- (f) A description of planned tangible capital investment in the City of Lapeer.
- (g) An explanation of the economic benefits to the City of Lapeer and job creation to be achieved, including the number and type of jobs the authorized establishment is expected to create, the amount and type of compensation expected to be paid for such jobs, and the projected annual budget and revenue of the authorized establishment.
- (h) A description of the financial structure and financing for the proposed authorized establishment.
- (i) Short-term and long-term business goals and objectives for the proposed authorized establishment.
- (j) A criminal background report on the applicant's criminal history. Such reports shall be obtained by the applicant and, if applicable, each stakeholder through the Internet Criminal History Access Tool (ICHAT) for applicants or stakeholders residing in Michigan and/or through another state-sponsored or authorized criminal history access source for applicants or stakeholders who reside in other states or have resided in other states within five years prior to the date of the application. The applicant or stakeholder is responsible for all charges incurred in requesting and receiving the criminal history report, and the report must be dated within 30 days of the date of the application. The applicant shall disclose all arrests, prosecutions and dispositions, whether identified in the applicant's or each stakeholder's ICHAT report or not. Failure to submit a complete criminal history report or supplemental report by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application from the licensure application process.
- (k) A description of the security plan for the proposed authorized establishment that is consistent with the requirements of the Department.
- (l) A floor plan of the proposed authorized establishment.
- (m) A scale diagram illustrating the property upon which the proposed authorized establishment is to be operated, including all available parking spaces, and specifying which parking spaces are handicapped-accessible.
- (n) A depiction of any proposed text or graphic materials to be shown on the exterior of the proposed authorized establishment.
- (o) An affidavit that neither the applicant nor any stakeholder of the applicant is in default to the City of Lapeer.
- (p) A statement by the applicant that the applicant has submitted a valid application for an authorized establishment license under this chapter, that the proposed authorized establishment is located in a proper zoning district, that the proposed authorized establishment is not located in a required buffer zone, and that the applicant understands, acknowledges and agrees that the applicant cannot and shall not locate or operate a proposed authorized establishment without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the City of Lapeer.
- (q) A complete disclosure of the applicant's and each stakeholder's litigation history, by case name, date, jurisdiction and nature or type of litigation. Failure to submit a complete litigation history by the applicant and the stakeholders will

result in disqualification from licensure and removal of the applicant's application from the licensure application process.

- (2) Application from applicant for a municipal license upon Department's failure to timely accept or process applicant's state application, pursuant to Section 16 of the MRTMA, MCLA 333.27966. Any person seeking to operate an authorized marihuana establishment as provided in § 69-3B and who has submitted an application for licensure to the Department, but the Department has failed to timely accept or process the applicant's application as required by Section 16 of the MRTMA, MCLA 333.27966, then the applicant shall provide to the City the applicant's entire application and provide all such information and submissions so as to provide the City with a complete application for review as required by Section 9 of the MRTMA, MCLA 333.27959. In such case, all provisions of the Act and the Rules promulgated by the Department shall be applicable to the applicant's application, the application's review and the operations of the applicant under any resulting municipal license issued by the City. The City shall have available to it all powers and authority reserved to the State of Michigan and the Department not otherwise applicable to the City had the Department issued the applicant a state license under the Act.
- B. Applications exempt from disclosure. Except as provided by law, all materials submitted to the City of Lapeer as part of an application shall be exempt from disclosure under the Freedom of Information Act and exempt from disclosure pursuant to Section 9 of the MRTMA, MCLA 333.27959(7).
- C. Application review.
- (1) The City Clerk may only accept applications for licenses issued under this Ordinance if directed to do so by the City of Lapeer City Commission. Applications received outside of any application window approved by the City of Lapeer City Commission shall be returned.
 - (2) The City Clerk shall review each application to ensure that it is complete, that the information required by this chapter has been submitted, and that the application fee has been paid. The City Clerk may reject any application that is not complete and may deny an application for failure to pay the full application fee.
 - (3) Upon receipt of a completed application meeting the requirements of this chapter and the appropriate license application fee, the City Clerk shall refer a copy of the application to each of the following for their approval: the Police Chief, the Fire Chief, the Building Inspector, the City Planner, and the City Treasurer.
 - (4) No application shall be approved, and no license shall issue, unless:
 - (a) The Police Chief has reviewed the completeness and accuracy of the background information provided by the applicant in the application.
 - (b) The Fire Chief and the Building Inspector have inspected the proposed location for compliance with all applicable laws for which they are charged with enforcement and for compliance with the requirements of this chapter.
 - (c) The City Planner has confirmed that the proposed location complies with the relevant provisions of the City of Lapeer Zoning Ordinance, the zoning requirements of this chapter and any necessary administrative, Planning Commission or Zoning Board of Appeals approvals.
 - (d) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant are not in default to the City of Lapeer.

- (5) Licenses shall be approved on a first come first served basis, upon receipt, review and approval of all required application materials and planning/zoning approval.

D. Transfer of licenses.

- (1) A license issued pursuant to this chapter is valid only for the Licensee named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. Licenses issued pursuant to this Ordinance are issued based, in part, upon the location of the proposed Marihuana Establishment, identity of the Licensee, and the Stakeholders of the Licensee.
- (2) A Licensee may not transfer the location of an Authorized Establishment for which a license was issued under this Ordinance. In the event a Licensee desires to transfer the location of an Authorized Establishment, the Licensee shall submit an application for the proposed location transfer and the same will be subject to the same application, review, and approval process applicable to Applicants for a new license under this Ordinance.
- (3) Licenses and/or ownership interests in a Licensee are not transferable except as permitted herein.
 - (a) The transfer, sale, gift, assignment or other conveyance of any ownership interest in a Licensee and/or a license which are solely amongst persons or entities who had an ownership interest in the Licensee or Licensee at the time the License was issued and who were identified on the application for a license as Stakeholders are permitted only if:
 - i. The Licensee provides the City Clerk at least thirty days advanced written notice of the proposed transfer which: (1) details the full ownership structure of Licensee prior to and after the proposed transfer; (2) contains a signed affirmation from all persons that will have an ownership interest in the Licensee after the proposed transfer that they have not been charged with or convicted of any criminal offenses since the License was issued; (3) contains a signed reaffirmation from all persons that will have an ownership interest in the Licensee after the proposed transfer and from Licensee that Licensee will comply with all provisions of the City Ordinance, including the City Zoning Ordinance; and (4) contains such other information as the City requests.
 - ii. The Department has approved or preapproved the proposed transfer.
 - iii. The City Clerk verifies the Licensee is not in default with respect to any obligations with respect to City.
 - iv. The City Clerk verifies with City Administration, the City Police Department, the City Building Department, and the City Fire Department that Licensee's Authorized Establishment(s) are not in violation of any rule, regulation, or Ordinance applicable to the Authorized Establishment(s).
 - v. The City Clerk determines the Licensee has complied with this subsection and issues a written approval of the proposed transfer to the Licensee.
 - (b) The transfer, sale, gift, assignment or other conveyance of any ownership in a Licensee and/or a license which, in whole or part, are amongst persons or entities who did not have an ownership interest in the Licensee or the license at

the time the License was issued or who were not identified on the application for a license as a Stakeholder are not permitted unless approved by the City Commission. In such case, the Licensee shall apply for the proposed transfer, sale, gift, assignment or other conveyance and the same will be subject to the same application, review, and approval process applicable to Applicants for a new license under this Ordinance.

- (c) Any transfer, sale, gift, assignment or other conveyance permitted in a Licensee or license under this section shall be only for the remainder of the unexpired annual license term. The term of the license shall not be affected.
 - (4) The licensee shall report all proposed material changes to the Department and the City Clerk prior to making such material changes. For purposes of this section., material changes include, but are not limited to, the following:
 - (a) A proposed change in owners, officers, members, or managers of Licensee;
 - (b) A proposed change of location of licensee;
 - (c) The addition or removal of persons named in the application or disclosed; and
 - (d) Any change in Licensee's name, assumed name, or doing business as name;
 - (5) A license granted pursuant to this chapter and the Act is a revocable privilege granted by the City and is not a property right. The issuance of a license does not create or vest any right, title, franchise, or other property interest. Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the City's approval before a license is transferred, sold, or purchased. A licensee or any other person shall not lease, pledge, or borrow or loan money against a license. The attempted transfer, sale, or other conveyance of an interest in a license without prior City and Department approval is grounds for suspension or revocation of the license or for other sanction considered appropriate by the City.
- E. Term of licenses. Approval of a license shall be for a period of one calendar year, subject to review by the City Clerk upon continued compliance with the regulations of this chapter.
- F. Renewal of licensees.
- (1) Application for a license renewal shall be made in writing to the City Clerk 30 days prior to the expiration of an existing license.
 - (2) An application for a license renewal required by this chapter shall be made under oath on forms provided by the City Clerk and shall contain substantially all the information required in an initial application.
 - (3) An application for a license renewal shall be accompanied by a renewal fee as set forth in the
City of Lapeer Fee Schedule as approved by the City Commission.
 - (4) Upon receipt of a completed application for a license renewal meeting the requirements of this chapter and the license renewal fee, the City Clerk shall refer a copy of the renewal application to the Police Chief, Fire Chief, Building Inspector and Treasurer.
 - (5) No application for a license renewal shall be approved unless:
 - (a) The Fire Chief and the Building Inspector or another relevant department have, within the past calendar year, inspected the location for compliance with all state and local building, electrical, fire, mechanical and plumbing requirements.

- (b) The City Planner or another relevant department has confirmed that the location complied with the relevant provisions of the City of Lapeer Zoning Ordinance at the time the license was granted.
- (c) The licensee possesses the necessary state licenses or approvals, including those issued pursuant to the Act.
- (d) The licensee has operated the authorized establishment in accordance with the conditions and requirements of this chapter.
- (e) The licensee is operating the authorized establishment in accordance with the Act.
- (6) If written approval is given by each department or entity identified in this section, the City Clerk shall issue a license renewal to the licensee. The renewal shall be deemed approved if the City has not issued formal notice of denial within 60 days of the filing date of the application for renewal.
- (7) Pursuant to the MRTMA, any license issued by the City of Lapeer shall expire one year from the date of its issuance. Failure to submit a completed application for renewal of an existing license along with the required renewal fee to the City Clerk before the license expiration date shall be grounds for the revocation or suspension of a license as set forth in Subsection G next below. Any authorized establishment that has not timely submitted a renewal application as required herein shall suspend all business operations until such time as a renewal license has been obtained in accordance with this chapter.
- G. Revocation or suspension of a license. Each authorized establishment within the City of Lapeer for which a license is granted shall be operated and maintained in accordance with all applicable laws, rules, and regulations. Upon any violation of this section or any section of this chapter, the City Clerk may, after a notice and hearing, revoke or suspend such license as hereinafter provided.
- H. Procedure for nonrenewal, suspension, or revocation of license. The City Clerk shall notify an applicant or licensee of the reasons for denial of an application for a license or license renewal or for revocation of a license or any adverse decision under this chapter and provide the applicant or licensee with the opportunity to be heard. Any applicant or licensee aggrieved by the denial or revocation of a license or adverse decision under this chapter may appeal to the Lapeer City Commission. Such appeal shall be taken by filing with the City Clerk, within 21 days after notice of the action complained of has been mailed to the applicant or licensee's last known address on the records of the City Clerk, a written statement setting forth fully the grounds for the appeal. The City Clerk shall transmit all written materials received from the applicant or licensee directly to the Lapeer City Commission. The review on appeal of a denial or revocation or adverse action shall be by the Commission pursuant to this chapter. Any decision by the City Commission on an appeal shall be final. The City Clerk and the Lapeer City Commission may engage professional experts to assist with the proceedings under this section.
- I. Criteria for nonrenewal, suspension, or revocation of license. In addition to any other reasons set forth in this chapter, the City may refuse to issue a license or grant renewal of the license or suspend or revoke the license for any of the following reasons:
 - (1) A material violation of any provision of this chapter or other City ordinances.
 - (2) Any conviction of a disqualifying felony by the licensee or any stakeholder of the licensee.
 - (3) Denial, suspension, revocation or restriction of an applicable license by the State of

Michigan.

- (4) Sufficient evidence that the applicant(s) lack, or have failed to demonstrate, the requisite professionalism and/or business experience required to assure strict adherence to this chapter and the rules and regulations governing the MRTMA and the State of Michigan.
- (5) Nonpayment of real and/or personal property taxes, fines, liens, income tax, hydrant and sprinkler fees or any fees owed to the City.
- (6) The applicant has made or provided false information in the application or has otherwise become disqualified for the issuance of a license.
- (7) Operations have ceased at the licensed location for more than 90 days, including during a change of ownership or transfer of license.
- (8) Transfer of the license for any reason without the new owner or transferee having first notified the Department and the City of any material change in owners, officers, members, or managers and having first received from approval by the Department and the City for any such material change as described in the Rules promulgated by the Department in furtherance of the Act.

§ 69-5. Regulations.

A. License requirements. A license issued to an authorized establishment under this chapter shall be subject to the following conditions:

- (1) Compliance with the requirements of this chapter, other applicable City of Lapeer ordinances and codes, including all applicable zoning ordinances and requirements, building, property maintenance, electrical, plumbing and mechanical codes, fire codes and all other applicable state laws, including, but not limited to, the MRTMA and the Rules promulgated in conjunction therewith.
- (2) Signs displayed on the exterior and interior of any authorized establishment shall conform to City of Lapeer sign ordinance requirements as well as all other applicable provisions of Article XVII of Chapter 7, the City Zoning Ordinance.
- (3) No licensee or authorized establishment shall use advertising material that is misleading, deceptive or false or that, as evidenced by the content of the advertising material or by the medium or the manner in which the advertising material is disseminated, is designed to appeal to minors or otherwise advertise in a manner that is inconsistent with the provisions of the Act or Rules of the Department.
- (4) Operation of an authorized establishment shall not, either directly or indirectly, cause or create any noise, dust, vibration, glare, fumes, or odors constituting a nuisance and also detectable to the human senses of a reasonable person beyond the boundaries of the property on which the facility is operated.
- (5) A license that is issued under this chapter shall be posted at all times inside the authorized establishment in a conspicuous location and must be visible to the public near the entrance.
- (6) Consumption of marihuana or alcohol is prohibited at the facility, and a sign shall be posted on the premises indicating that consumption of marihuana or alcohol is prohibited on the premises.
- (7) There shall be posted in a conspicuous location and visible to the public in each establishment a

legible sign containing the content of this section warning that:

- (a) The possession, use or distribution of marihuana is a violation of Federal law;
 - (b) It is illegal under state law to drive a motor vehicle or to operate machinery when under the influence of, or impaired by, marihuana; and
 - (c) No one under the age of 21 years is permitted on the premises or be in possession of marihuana.
- (8) The authorized establishment shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
 - (9) The facility shall be free from infestation by insects, rodents, birds, or vermin of any kind.

B. Sales prohibited during certain hours.

- (1) No licensee, employee, or agent of a licensee shall sell or purchase, by sale, barter, exchange, or otherwise, any item under a license issued pursuant to this chapter from or to any person or entity between the hours of 10:01 p.m. and 8:59 a.m. of the following day.
- (2) No marihuana business shall be open to the public except between the hours of 9:00 a.m. to 10:00 p.m. of the same day, only.

C. Prohibited acts.

- (1) It shall be unlawful:
 - (a) For any licensee or authorized establishment to permit the consumption of marihuana or alcohol beverages on the licensed premises.
 - (b) For any licensee or authorized establishment holding a marihuana retailer license, or for any agent, manager or employee thereof, to:
 - [1] Sell, give, dispense or otherwise distribute marihuana from any outdoor location;
 - [2] Display marihuana or marihuana accessories so as to be visible from a public place outside of the marihuana establishment;
 - [3] Sell or display any marihuana accessory targeted to persons under the age of 21 or minors, such as those fashioned as superhero comic book characters, cartoon characters, children's television characters and the like;
 - [4] Sell or display any unsafe marihuana accessories or glass accessories made of non- Pyrex[®] rated glass materials;
 - [5] Manufacture, sell or display any marihuana accessory fashioned to look like guns or other weapons;
 - [6] Manufacture, sell or display any accessory that contains any name, emblem, badge, mark, seal or logo of the City of Lapeer or its departments or a reasonable facsimile thereof.
 - (c) For retail marihuana establishments to distribute marihuana or marihuana-infused products to a consumer free of charge.
- (2) For any licensee or authorized establishment to permit the consumption of marihuana or marihuana products on the licensed premises. In conformance with the Michigan Regulation and Taxation of Marihuana Act, the sale or consumption of marihuana in any form and the sale or display of marihuana accessories, as defined by that Act, is prohibited in any public places owned, occupied, or managed by the

City of Lapeer.

- (3) This section does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided and authorized by the Act, and does not supersede rights and obligations with respect to the use of marihuana for medicinal purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use.
- D. Compliance with state laws. Each licensee and employee must comply with the terms of state laws, including, but not limited to, the MMFLA and the MRTMA, any amendments thereto, as well as any Rules promulgated pursuant to the MMFLA or the MRTMA. Nothing in this chapter is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCLA 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCLA 333.27101 et seq.; the Marihuana Tracking Act, MCLA 333.27901 et seq.; the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951 et seq., and all other applicable Rules promulgated by the State of Michigan. This chapter permits authorizations for activity based on the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951 et seq. Nothing in this chapter shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow marihuana uses and activities not in strict accordance with the express authorizations of the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951 et seq., or the Medical Marihuana Facilities Licensing Act, MCLA 333.27101 et seq.
- E. Compliance with zoning and other ordinances. Every licensee and employee shall comply with all requirements for the business location at which work, pursuant to any license issued under this chapter, occurs as provided in any applicable zoning and other ordinances of the City of Lapeer.
- F. Minors prohibited. No person shall permit any person under the age of 21 years to come upon or remain on the premises of any business licensed herein, except as provided by the MMFLA.

§ 69-6. Penalties and enforcement.

Any person who violates this chapter shall be responsible for a municipal civil infraction and punished by a fine of not more than \$500 pursuant to Section 6 of the MRTMA, MCLA 333.27956. This chapter shall be enforced and administered by the City of Lapeer Police Department, code enforcement officer, city manager and city attorney or such other City of Lapeer official as may be designated from time to time by resolution of the Lapeer City Commission. In addition to any remedies available at law, the City may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of the ordinance.

ARTICLE IV. SEVERABILITY

This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE V. CONFLICT

All ordinances and provisions of ordinances of the City of Lapeer in conflict herewith are hereby repealed.

ARTICLE VI. ADOPTION

This amendatory ordinance shall be published as required by law and shall take effect 7 days after publication.

BY A SHOW OF HANDS:

Ayes: Atwood, Brady, Glisman.

Nays: Petrie, Swindell.

MOTION CARRIED 3-2.

283 2024 12-02 BUDGET AMENDMENT – FUND 603

Moved by Glisman. Seconded by Brady.

Commissioner Atwood commented on how frustrated he is with the spending of these funds. City Manager Womack explained the POTS lines and indicated it is, unfortunately, unavoidable and that staff are calling on a regular basis to get this resolved as soon as possible.

Approve the budget amendment for fund 603, as presented.

ONE A ROLL CALL VOTE:

Ayes: Glisman, Atwood, Brady, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Womack appreciates Commissioner Brady looking at the Roberts Rules of Order and will increase his knowledge as well. Would like the Commission to consider cancelling the January 6, 2025, meeting and instead have a Regular meeting on January 21, 2025, and a Special meeting on January 27 or 28, 2025, for Goals and Objectives. It was the consensus of the Commission to agree with the dates that were suggested.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

284 2024 12-02 RESIGNATION – EDC/TIFA/BROWNFIELD REDEVELOPMENT AUTHORITY

Moved by Brady. Seconded by Glisman.

To accept the resignation of Kathy Manchester from the EDC/TIFA/Brownfield Redevelopment Authority and declare the seat vacant.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

285 2024 12-02 APPOINTMENT – PLANNING COMMISSION

Moved by Atwood. Seconded by Glisman.

To confirm the Mayor's appointment of Jeffrey Pattison to the Planning Commission for a term to expire August 1, 2027.

Ayes: Atwood, Brady, Swindell.

Nays: Glisman, Petrie.

MOTION CARRIED 3-2.

286 2024 12-02 APPOINTMENT – PLANNING COMMISSION

Moved by Swindell. Seconded by Atwood.

To confirm the Mayor's appointment of Audrey Brady to the Planning Commission for a term to expire August 1, 2027.

Commissioner Petrie asked City Attorney Francis to explain to the public what the Charter, section C-5.13 Nepotism is and why this appointment does violate it.

Ayes: Atwood, Marquardt, Swindell.

Nays: Glisman, Petrie.

Abstain: Brady.

MOTION CARRIED 3-2.

287 2024 12-02 RE-APPOINTMENT – CIVIL DEFENSE COORDINATOR

Moved by Swindell. Seconded by Atwood.

To re-appoint Jeremy Howe as the Civil Defense Coordinator for a term to expire January 1, 2026.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

288 2024 12-02 RE-APPOINTMENT – ELECTION COMMISSION

Moved by Swindell. Seconded by Atwood.

To re-appoint Romona Sanchez, T. Allen Francis, Denise Marinelli to the Election Commission for a term to expire January 1, 2026.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

DEPARTMENTAL REPORTS

The Downtown Development Authority Report was received into the record.

PUBLIC COMMENTS

Bryan Cloutier read information about roll call votes from the Open Meetings Act Handbook.

MAYOR/COMMISSIONER COMMENTS

Commissioner Glisman: Thanked the Eagle Scouts, she is really proud for them. Was sad to read about the two students that tried to commit suicide, those talking to students should handle these incidents in a positive manner, be kind to each other and watch out for your kids, it is important.

Commissioner Brady: Echoed Commissioner Glisman. Shared the projects the Eagle Scouts participated in around the City and the County.

Commissioner Petrie: Read two quotes on the topic of trust. Explained why she voted no on a few items earlier in the meeting; feels the way the two people were removed from the Planning Commission, it was wrong, it is embarrassing, and it was personal. Changing the policy now is embarrassing; what we did to two 18-year volunteers was embarrassing, repeated what Austin Kelly said at a recent Planning Commission. She voted no, because she cares about her character.

Commissioner Swindell: Happy birthday to her son Travis, it's today. Government moves slowly, feels Item G-4 has been in play for nine (9) weeks, if there were questions, Commissioners should have asked in the time given. We need to do what is best for the community and there is a need for better communication. We need to start having better conversations, so we are not doing a bait and switch at the end.

Commissioner Atwood: To piggyback on what Commission Petrie said, understands people voting no, he has had to do it, need to stick with your convictions and move on. Does agree with the Planning Commission appointments, it did cause chaos and was slightly embarrassed over how it was handled, however, that is the decision that the Mayor made. Wants to see a resolution for the next appointments so we don't have this situation again. Has never seen someone that was interested in reappointment not be reappointed. Doesn't like last-minute decisions in general. Does everyone want to have the ugly sweater contest for the next meeting; it was the consensus to be festive at the next meeting and to include the staff and anyone else that wanted to join in.

City Manager Womack: Was a former Boy Scout, enjoyed it and feels it improved him. Proud of the Commission, tonight was a tough meeting. Welcomed and thanked Ms. Brady for wanting to join the Planning Commission, she will do a great job and Mr. Pattison, he did a great job in the past. Thanked staff, does trust them and it is great working with them. The appointment policy, I will bring that back for further review. Quote from his former Mayor quotes you cannot fix the past, but you can fix the future. Feels Ms. Petrie quoted him incorrectly, he would never blame his staff for anything, she misspoke of what he said.

Mayor Marquardt: Is looking forward to the sweater contest. To Commissioner Petrie, she submitted 4 or 5 names to the Planning Commission for appointments which were not supported, tried to do a policy, is following current practice, it is her decision at the particular time and stated why she did not reappoint Jennell RaCosta and Anne Shenck, and it will continue to be her decision until the policy is changed. Thanked the Boy/Eagle Scouts, she was a brownie and a girl scout. Wished everyone a pleasant week and to stay warm.

28 2024 12-02 ADJOURNMENT

Having no further business, Mayor Marquardt adjourned the regular meeting at 8:19 p.m.

Debbie Marquardt, Mayor

Tracey S. Russell, Deputy City Clerk



ITEM D-1

To: Mayor and City Commission
From: Kelly Hanna, Director of Financial Services
Date: December 10, 2024
RE: Bill Listing – November 22, 2024, through December 10, 2024

STAFF RECOMMENDATION

Approve the bill listing as presented.

CURRENT OR NEW INFORMATION

I, Kelly Hanna, Director of Financial Services, have reviewed the bills for November 22, 2024, through December 10, 2024, in the total amount of **\$488,026.32** and find them to be proper charges.

AGENDA ITEM REVIEW

Meeting Date: December 16, 2024

Date Reviewed: December 10, 2024

Consent:

Administrative:

Reviewed By: City Clerk's Office

Public Hearing:

CHECK REGISTER FOR CITY OF LAPEER
CHECK DATE FROM 11/22/2024 - 12/10/2024

Check Date	Check	Vendor Name	Amount
12/05/2024	2577(A)	GREAT LAKES WATER AUTHORITY	152,130.57
12/05/2024	598519	WHITEWATER WEST INDUSTIES LTD.	62,098.20
12/05/2024	2589(A)	ROWE INC	61,378.75
11/25/2024	2572(E)	US BANK	42,572.41
12/05/2024	2594(E)	BLUE CROSS & BLUE SHIELD OF MI	23,815.52
12/05/2024	2586(A)	MUNICIPAL EMERGENCY SERVICES, INC	17,797.43
12/05/2024	598501	LAPEER CO TREASURER	17,362.73
12/05/2024	598508	MONCHILOV SEWER SERVICE, LLC.	15,925.00
12/05/2024	2581(A)	LAKE ORION MECHANICAL	13,394.00
12/05/2024	2593(A)	VECTOR TECH GROUP	13,058.75
12/05/2024	598510	MOTOROLA	10,692.00
12/05/2024	2595(E)	CONSUMERS ENERGY	9,594.60
12/05/2024	2573(A)	ABM COMMERCIAL CLEANING	7,580.00
12/05/2024	2574(A)	CRUISERS, INC	5,788.86
12/05/2024	2591(A)	SPICER GROUP	3,936.75
12/05/2024	598488	ACTION MUNICIPAL SUPPLY, LLC	3,762.83
12/05/2024	2578(A)	HYDRO CORP	1,989.50
12/05/2024	2582(A)	MAUK, JODI	1,807.70
12/05/2024	2590(A)	SMITH, SHANNON	1,807.70
12/05/2024	2575(A)	EUROFINS ENVIRONMENT TESTING	1,528.00
12/05/2024	598504	MEIJER, INC.	1,520.00
12/05/2024	2596(E)	METROPOLITAN LIFE INSURANCE COMPANY	1,447.51
12/05/2024	598514	T. P. ISRAEL CO INC	1,335.00
12/05/2024	598516	TOWN & COUNTRY POOLS, INC	1,200.00
12/05/2024	598494	HOMER CONCRETE PRODUCTS	1,131.00
12/05/2024	2587(A)	NYE UNIFORM CO	1,021.68
12/05/2024	2592(A)	TAYLOR, SARAH	1,000.00
12/05/2024	2588(A)	RICK RHEIN DISPOSAL	992.00
12/05/2024	598513	STATE OF MICHIGAN	932.15
12/05/2024	598498	LAPEER CO CLERK	900.00
12/05/2024	2579(A)	INSOURCE SOLUTIONS GROUP	785.40
12/05/2024	598499	LAPEER CO HEALTH DEPT	750.00
12/05/2024	598502	LINDE GAS & EQUIPMENT INC	682.12
12/05/2024	598490	DEERFIELD DISPOSAL LLC	675.00
12/05/2024	2580(A)	KIRBY BUILT PRODUCTS, INC.	562.42
12/05/2024	598496	JAY'S SEPTIC	510.00
12/05/2024	598497	KRAFTY CONSTRUCTION OF OXFORD	500.00
12/05/2024	598505	MGS ELECTRIC INC.	480.00
12/05/2024	598520	ZIELINSKI, MICHAEL	400.00
12/05/2024	2576(A)	FASTENAL COMPANY	386.79

12/05/2024	598517	UNIFIRST CORPORATION	349.66
12/05/2024	598507	MOBILE & MODULAR HOMES, INC	300.00
12/05/2024	598512	SPECTRUM PRINTERS, INC.	210.00
12/05/2024	598515	THE ROSSOW GROUP	205.00
12/05/2024	598503	MARCO TECHNOLOGIES, LLC	185.81
12/05/2024	598495	JANSEN, DANA	177.00
12/05/2024	598511	SANCHEZ, ROMONA	177.00
12/05/2024	2584(A)	MILNES FORD INC	174.95
12/05/2024	598492	GRAINGER	161.86
12/05/2024	2583(A)	MES LIFE SAFETY LLC	146.52
12/05/2024	598489	BELL LANDSCAPING	137.77
12/05/2024	2585(A)	MUNICIPAL ADVISORY COUNCIL	100.00
12/05/2024	598491	ECKER MECHANICAL CONTRACTORS, INC	100.00
12/05/2024	598493	HOLLAND HEATING & COOLING, INC	100.00
12/05/2024	598506	MICHIGAN HEATING COOLING & PLUMBING	100.00
12/05/2024	598509	MOORS MASONRY	100.00
12/05/2024	598500	LAPEER CO REGISTER OF DEEDS	60.00
12/05/2024	598518	UPS	8.38
			<u>488,026.32</u>



ITEM J-1

To: Mayor and City Commission
Date: December 10, 2024
RE: Boards & Commissions Appointments

MAYORAL APPOINTMENT

BOARD OR COMMISSION	MEMBER NAME	CURRENT TERM EXPIRES	TERM LENGTH	NEW TERM EXPIRATION	COMMENTS Re: STATUS
County Center Board	Vacancy	Jan 1, 2025	1 Year		Awaiting Recommendation
Downtown Development Authority	Vacancy	Jan 1, 2025	4 Year		Awaiting Recommendation
EDC/TIFA/Brownfield	Vacancy	Mar 1, 2030	6 Year		Awaiting Recommendation
Local Officers Compensation Commission	Vacancy	Oct 1, 2029	5 Year		Awaiting Recommendation

COMMISSION APPOINTMENTS

BOARD OR COMMISSION	MEMBER NAME	EXPIRATION	TERM LENGTH	NEW TERM EXPIRATION	COMMENTS Re: STATUS
Board of Review	Vacancy - Alternate	Jan 1, 2026	3 Year		Awaiting Recommendation
Lapeer Building Authority	Vacancy	Jun 1, 2027	3 Year		Awaiting Recommendation
Prison Liaison Committee	Vacancy	Apr 1, 2025	3 Year		Awaiting Recommendation
Zoning Board of Appeals	Vacancy – Alternate	Apr 1, 2027	3 Year		Awaiting Recommendation

Current Board members listing with current term ending date is attached, along with said members new application indicating their willingness to be reappointed.

AGENDA ITEM REVIEW

Meeting Date: December 16, 2024

Date Reviewed: December 10, 2024

Reviewed By: R. Sanchez, City Clerk

The following residents have applied to a Board or Commission:

Board/Commission:	Name:	Date Application Submitted:	
Board of Review	Didrik Krogh	11-19-2024	Would like to be reappointed
Downtown Development Authority	Megan Gillingham	11-24-2024	Would like to be reappointed
	Jeff Hogan	12-02-2024	Would like to be reappointed
	Mindy Schwab	11-21-2024	Would like to be reappointed

Current Board Listing with members name and term of expiration:

BOARD OF REVIEW

APPOINTED BY: CITY COMMISSION
Charter 9.6: members need to be “freeholders” of the City which is interpreted as “an estate in land.”

3 MEMBERS	TERM ENDS	TERM
DIDRIK KROGH	JAN 1, 2025	3 <u>YEAR</u>

DOWNTOWN DEVELOPMENT AUTHORITY

APPOINTED BY: MAYOR

13 MEMBERS	TERM ENDS	TERM
MEGAN GILLINGHAM	JAN 1, 2025	4 <u>YEAR</u>
VACANCY	JAN 1, 2025	4 <u>YEAR</u>
JEFF HOGAN	JAN 1, 2025	4 <u>YEAR</u>
MINDY SCHWAB	JAN 1, 2025	4 <u>YEAR</u>



Application for Boards and/or Commissions
Please complete, sign and date the application and return to:
City Clerk's Office, 576 Liberty Park, Lapeer, MI 48446
810-664-5231
Email: clerk@ci.lapeer.mi.us

☐ Accuracy Board	☐ Downtown Development Authority	☐ Lapeer Neighborhoods, Inc.
☒ Board of Review	☐ Economic Development Corporation / Tax Increment Financing Authority / Brownfield Redevelopment Authority	☐ Local Development Finance Authority
☐ Cemetery Board	☐ Greater Lapeer Transportation Authority	☐ Local Officers Compensation Commission
☐ Center for the Arts of Greater Lapeer	☐ Income Tax Board of Review	☐ Park Board
☐ Construction Board of Review	☐ Lapeer Building Authority	☐ Planning Commission
☐ County Center Board	☐ Lapeer Housing Commission	☐ Zoning Board of Appeals
☐ District Library Board	☐ Lapeer Housing Board of Appeals	

Please tell us why you wish to serve on this Board or Commission; describe your relevant experience; and what do you feel you can contribute to the Board or Commission:

RENEW

Applicant Information:

Print Name: DIDRIK (RIK) KROGH
(First) (Last)

Street Address: [REDACTED] LAPEER, MI 48446

Home Phone: 7 [REDACTED] Cell Phone: [REDACTED]

Email: didrik.krogh@lapeer.mi.us

Employer: _____ Occupation: _____

Educational Background:

Community Activities and/or Work Experience:

R Krogh
Signature

11/19/2024
Date

Thank you for your interest in serving on one of our Boards or Commission. All information on this application is public information and subject to disclosure in response to public records request made pursuant to the Freedom of Information Act.



Application for Boards and/or Commissions
Please complete, sign and date the application and return to:
City Clerk's Office, 576 Liberty Park, Lapeer, MI 48446
810-664-5231
Email: clerk@ci.lapeer.mi.us

☐ Accuracy Board	☒ Downtown Development Authority	☐ Lapeer Neighborhoods, Inc.
☐ Board of Review	☐ Economic Development Corporation / Tax Increment Financing Authority / Brownfield Redevelopment Authority	☐ Local Development Finance Authority
☐ Cemetery Board	☐ Greater Lapeer Transportation Authority	☐ Local Officers Compensation Commission
☐ Center for the Arts of Greater Lapeer	☐ Income Tax Board of Review	☐ Park Board
☐ Construction Board of Review	☐ Lapeer Building Authority	☐ Planning Commission
☐ County Center Board	☐ Lapeer Housing Commission	☐ Zoning Board of Appeals
☐ District Library Board	☐ Lapeer Housing Board of Appeals	

Please tell us why you wish to serve on this Board or Commission; describe your relevant experience; and what do you feel you can contribute to the Board or Commission:

I hope to continue to serve on the DDA to help contribute to local events, encourage new businesses and network with existing business owners

Applicant Information:

Print Name: Megan (First) Gillingham (Last)

Street Address:

Home Phone:

Email: Megan.Gillingham@owenscorp.com

Employer:

OWENS

Occupation:

sales

Educational Background: Bachelors of Business Administration
in automotive marketing + management at
Northwood

Community Activities and/or Work Experience:

Lapeer Holiday Depot

Megan Gillingham
Signature

11.27.24
Date

Thank you for your interest in serving on one of our Boards or Commission. All information on this application is public information and subject to disclosure in response to public records request made pursuant to the Freedom of Information Act.



Application for Boards and/or Commissions

Please complete, sign and date the application and return to:
City Clerk's Office, 576 Liberty Park, Lapeer, MI 48446
810-664-5231

Email: clerk@ci.lapeer.mi.us

☐ Accuracy Board	☒ Downtown Development Authority	☐ Lapeer Neighborhoods, Inc.
☐ Board of Review	☐ Economic Development Corporation / Tax Increment Financing Authority / Brownfield Redevelopment Authority	☐ Local Development Finance Authority
☐ Cemetery Board	☐ Greater Lapeer Transportation Authority	☐ Local Officers Compensation Commission
☐ Center for the Arts of Greater Lapeer	☐ Income Tax Board of Review	☐ Park Board
☐ Construction Board of Review	☐ Lapeer Building Authority	☐ Planning Commission
☐ County Center Board	☐ Lapeer Housing Commission	☐ Zoning Board of Appeals
☐ District Library Board	☐ Lapeer Housing Board of Appeals	

Please tell us why you wish to serve on this Board or Commission; describe your relevant experience; and what do you feel you can contribute to the Board or Commission:

I like serving on the Lapeer DDA because I believe strongly that a strong and healthy downtown is essential to the long-term viability of the entire community. I think my skillset as a reporter and ability to see around the corner on trends and development can be an asset to the DDA.

Applicant Information:

Print Name:

Jeff

(First)

Hogan

(Last)

Street Address:

Home Phone:

Email:

Employer:

The County Press

Occupation:

Journalist

Educational Background:

Wayne State University; BA in journalism with minor in business management.

Community Activities and/or Work Experience:

Formerly on Lapeer Center Building Board

Signature

Date

12/2/2024

Thank you for your interest in serving on one of our Boards or Commission. All information on this application is public information and subject to disclosure in response to public records request made pursuant to the Freedom of Information Act.



Application for Boards and/or Commissions

Please complete, sign and date the application and return to:
City Clerk's Office, 576 Liberty Park, Lapeer, MI 48446
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☐ Accuracy Board	☒ Downtown Development Authority	☐ Lapeer Neighborhoods, Inc.
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☐ Construction Board of Review	☐ Lapeer Building Authority	☐ Planning Commission
☐ County Center Board	☐ Lapeer Housing Commission	☐ Zoning Board of Appeals
☐ District Library Board	☐ Lapeer Housing Board of Appeals	

Please tell us why you wish to serve on this Board or Commission; describe your relevant experience; and what do you feel you can contribute to the Board or Commission:

I've been serving on the DDA board for more than a year. As a downtown resident, business owner, + property owner, I think I bring valuable insight to the Board + the District.

Applicant Information:

Print Name:

Mindy

(First)

Schwab

(Last)

Street Address:

Home Phone:

Email:

Employer:

PASS

Occupation:

Business Owner

Educational Background:

BA in Communication
Fort Hays State University
Hays, KS

Community Activities and/or Work Experience:

Lapeer Community Church, Lapeer DDA,
School district

Signature

Date

Thank you for your interest in serving on one of our Boards or Commission. All information on this application is public information and subject to disclosure in response to public records request made pursuant to the Freedom of Information Act.



ITEM K-1

To: Mayor and City Commission
Date: December 10, 2024
RE: MONTHLY OPERATIONAL REPORTS

CITY DEPARTMENTS:

- 1. BUILDING DEPARTMENT**
- 2. FINANCIAL SERVICES DEPARTMENT**
 - A. ASSESSING DIVISION
 - B. INCOME TAX DIVISION
 - C. ACCOUNTING/DATA PROCESSING DIVISION
- 3. FIRE AND RESCUE DEPARTMENT**
- 4. HOUSING AND NEIGHBORHOOD DEVELOPMENT DEPARTMENT**
 - A. LAPEER HOUSING COMMISSION (LHC)
 - B. LAPEER NEIGHBORHOOD'S INC. (LNI)
 - C. COMMUNITY DEVELOPMENT
- 5. PLANNING DEPARTMENT**
 - A. DEVELOPMENT ACTIVITIES
- 6. POLICE DEPARTMENT**
 - A. POLICE
 - B. ORDINANCE ENFORCEMENT
 - C. PARKING DIVISION
- 7. PUBLIC WORKS DEPARTMENT**
 - A. SEWER UTILITY DIVISION
 - B. STREET DIVISION
 - C. WATER DIVISION
 - D. WASTEWATER DIVISION
- 8. MARIJUANA MONTHLY REPORT**

AGENDA ITEM REVIEW

Meeting Date: December 16, 2024

Date Reviewed:

December 10, 2024

Reviewed By:

City Clerk's Office

Permit Summary Report

12/05/24

Building Department
576 Liberty Park
Lapeer, MI 48446
810-245-9621

DATE ISSUED	PERMIT TYPE	PERMIT CATEGORY	ADDRESS	FEES PAID	STATUS
11/13/2024	Building	Commercial	3135 JOHN CONLEY DR SOUTH	\$1,053.00	ISSUED
11/05/2024	Building	Sign	348 W NEPESSING ST	\$262.00	ISSUED
11/05/2024	Building	Sign	393 W NEPESSING ST	\$443.00	ISSUED
11/26/2024	Building	Sign	1073 S MAIN ST	\$424.00	ISSUED
11/21/2024	Building	Single Family Home	401 GOLFSIDE DR	\$1,492.00	ISSUED
11/05/2024	Building	Roof	521 S ELM ST	\$196.00	ISSUED
11/18/2024	Building	Sign	455 LAKE NEPESSING RD	\$501.00	ISSUED
11/06/2024	Building	Sign	276 N SAGINAW ST	\$458.00	ISSUED
11/12/2024	Building	Sign	3056 DAVISON RD 5	\$100.00	ISSUED
12/02/2024	Window	Egress	358 DEVONSHIRE DR	\$196.00	ISSUED
11/18/2024	Deck >200SqFt	Deck >120SqFt	1089 RUTHERFORD ST	\$324.00	ISSUED
11/19/2024	Building	Tenant Space Finish	1200 BARRY DR SUITE 3600	\$2,030.00	ISSUED
11/20/2024	Building	Window Replacement	55 HARTLEY ST	\$181.00	ISSUED
11/21/2024	Building	Miscellaneous	1421 LINCOLN ST	\$243.00	ISSUED
11/21/2024	Building	Miscellaneous	1419 LINCOLN ST	\$243.00	ISSUED
12/05/2024	Building	Sign	10 E GENESEE ST	\$658.00	ISSUED
12/04/2024	Building	Residential Add/Alter/Repair	1684 LIBERTY ST	\$439.00	ISSUED
11/05/2024	Electrical	Electrical	393 W NEPESSING ST	\$180.00	ISSUED
11/19/2024	Electrical	Electrical	1073 S MAIN ST	\$180.00	ISSUED
11/06/2024	Electrical	Electrical	637 S MAIN ST	\$261.00	ISSUED
11/18/2024	Electrical	Electrical	455 LAKE NEPESSING RD	\$186.00	ISSUED
11/18/2024	Electrical	Electrical	336 COURTNEYS PL	\$113.00	ISSUED
11/18/2024	Electrical	Electrical	407 GOLFSIDE DR	\$324.00	ISSUED
11/21/2024	Electrical	Electrical	1200 BARRY DR SUITE 3600	\$636.00	ISSUED
11/21/2024	Electrical	Electrical	1200 BARRY DR SUITE 1600	\$648.00	ISSUED
12/05/2024	Electrical	Electrical	10 E GENESEE ST	\$195.00	ISSUED
12/02/2024	Electrical	Electrical	347 KYLES PL	\$580.00	ISSUED
12/02/2024	Electrical	Electrical	251 DEVONSHIRE DR	\$505.00	ISSUED
12/02/2024	Electrical	Electrical	253 DEVONSHIRE DR	\$490.00	ISSUED

Permit Summary Report

12/05/24

Building Department
576 Liberty Park
Lapeer, MI 48446
810-245-9621

DATE ISSUED	PERMIT TYPE	PERMIT CATEGORY	ADDRESS	FEES PAID	STATUS
12/02/2024	Electrical	Electrical	265 DEVONSHIRE DR	\$490.00	ISSUED
12/02/2024	Electrical	Electrical	267 DEVONSHIRE DR	\$490.00	ISSUED
12/02/2024	Electrical	Electrical	279 DEVONSHIRE DR	\$490.00	ISSUED
12/03/2024	Electrical	Electrical	1466 LINCOLN ST	\$416.00	ISSUED
12/03/2024	Electrical	Electrical	1468 LINCOLN ST	\$416.00	ISSUED
12/03/2024	Electrical	Electrical	1470 LINCOLN ST	\$416.00	ISSUED
12/03/2024	Electrical	Electrical	700 S MAIN ST STE 102	\$438.00	ISSUED
11/04/2024	Mechanical	Mechanical	46 OLD CARRIAGE LN	\$194.00	ISSUED
11/04/2024	Mechanical	Mechanical	1374 LUXINGTON DR	\$194.00	ISSUED
11/13/2024	Mechanical	Mechanical	1466 LINCOLN ST	\$267.00	ISSUED
11/13/2024	Mechanical	Mechanical	1468 LINCOLN ST	\$267.00	ISSUED
11/13/2024	Mechanical	Mechanical	1470 LINCOLN ST	\$267.00	ISSUED
11/06/2024	Mechanical	Mechanical	1234 RUTHERFORD ST	\$243.00	ISSUED
11/19/2024	Mechanical	Mechanical	1466 LINCOLN ST	\$198.00	ISSUED
11/19/2024	Mechanical	Mechanical	1468 LINCOLN ST	\$198.00	ISSUED
11/19/2024	Mechanical	Mechanical	1470 LINCOLN ST	\$198.00	ISSUED
11/20/2024	Mechanical	Mechanical	809 WASHINGTON ST	\$90.00	ISSUED
11/20/2024	Mechanical	Mechanical	350 ADAMS ST	\$194.00	ISSUED
12/02/2024	Mechanical	Mechanical	637 CEDAR ST	\$185.00	ISSUED
12/03/2024	Mechanical	Mechanical	39 OLD CARRIAGE LN	\$90.00	ISSUED
12/03/2024	Mechanical	Mechanical	2825 SOMERSET ST	\$243.00	ISSUED
12/03/2024	Mechanical	Mechanical	336 COURTNEYS PL	\$105.00	ISSUED
11/04/2024	Plumbing	Plumbing	715 S MAIN ST	\$512.00	ISSUED
11/05/2024	Plumbing	Plumbing	347 KYLES PL	\$501.00	ISSUED
11/19/2024	Plumbing	Plumbing	1466 LINCOLN ST	\$461.00	ISSUED
11/19/2024	Plumbing	Plumbing	1468 LINCOLN ST	\$461.00	ISSUED
11/19/2024	Plumbing	Plumbing	1470 LINCOLN ST	\$461.00	ISSUED
11/19/2024	Plumbing	Plumbing	2825 SOMERSET ST	\$465.00	ISSUED
11/21/2024	Plumbing	Plumbing	3231 JOHN CONLEY DR	\$263.00	ISSUED

Permit Summary Report

12/05/24

Building Department
576 Liberty Park
Lapeer, MI 48446
810-245-9621

DATE ISSUED	PERMIT TYPE	PERMIT CATEGORY	ADDRESS	FEES PAID	STATUS
12/04/2024	Plumbing	Plumbing	1200 BARRY DR SUITE 3600	\$661.00	ISSUED
11/06/2024	R.O.W.	Right of Way	3135 JOHN CONLEY DR SOUTH	\$250.00	ISSUED
11/13/2024	R.O.W.	Right of Way	54 HARTLEY ST	\$250.00	ISSUED
11/21/2024	R.O.W.	New Construction Home	401 GOLFSIDE DR	\$250.00	ISSUED
12/03/2024	R.O.W.	Right of Way	814 S MAIN ST STE 1	\$250.00	ISSUED
12/04/2024	R.O.W.	New Construction Home	538 S ELM ST	\$250.00	ISSUED
11/21/2024	Sewer	Sewer	401 GOLFSIDE DR	\$4,000.00	ISSUED
11/21/2024	Water	Water	401 GOLFSIDE DR	\$2,750.00	ISSUED
11/21/2024	COMPLIANCE PERMIT	Certificate of Compliance/Occu	509 S MAIN ST	\$81.00	ISSUED
12/04/2024	Compliance	Certificate of Compliance/Occu	350 N COURT ST UNIT 202C	\$81.00	ISSUED
12/04/2024	Compliance	Certificate of Compliance/Occu	1200 BARRY DR SUITE 3600	\$81.00	ISSUED
12/04/2024	Compliance	Certificate of Compliance/Occu	1200 BARRY DR SUITE 3600	\$81.00	ISSUED
12/04/2024	Compliance	Certificate of Compliance/Occu	3056 DAVISON RD 4	\$81.00	ISSUED
12/04/2024	Compliance	Certificate of Compliance/Occu	452 S MAIN ST	\$81.00	ISSUED

TOTAL FEES PAID: \$31,901.00

Monthly Rental Certificates

12/05/2024

BUILDING DEPARTMENT
576 LIBERTY PARK
LAPEER, MI 48446
810-245-9621

Property Address	Holder Name	Certificate Number	Status	Date Issued	Date Expires	Total Amount
220 W PARK ST	MAGNUSON, DANIELLE & KA	CR24-0324	Certified	11/14/2024	03/28/2026	268.50
222 W PARK ST	MAGNUSON, DANIELLE & KA	CR24-0325	Certified	11/14/2024	03/28/2026	141.00
1309 ADAMS ST	NEILSEN, LEE & PATRICIA	CR24-0546	Certified	11/13/2024	10/01/2026	231.00
608 N SAGINAW ST 1	NEIGHBORS OF LAPEER OFFI	CR24-0609	Certified	11/04/2024	09/27/2026	200.00
608 N SAGINAW ST 2	NEIGHBORS OF LAPEER OFFI	CR24-0610	Certified	11/04/2024	09/27/2026	50.00
608 N SAGINAW ST 3	NEIGHBORS OF LAPEER OFFI	CR24-0611	Certified	11/04/2024	09/27/2026	50.00
734 HURON ST	HEMINGER, BENJAMIN C	CR24-0613	Certified	11/07/2024	10/05/2026	150.00
830 WEST ST	830 WEST STREET LLC	CR24-0615	Certified	11/13/2024	10/26/2026	150.00
333 S ELM ST 2	BURLEY, CHARLES	CR24-0617	Certified	11/12/2024	09/23/2026	150.00
337 TURRILL AVE	MARLER HARLOW	CR24-0618	Certified	11/06/2024	10/21/2026	150.00
859 SECOND ST	DEBOLT, SCOTT L	CR24-0619	Certified	11/26/2024	09/23/2026	150.00
Total # of Certificates:		11	Total Amount Billed:		\$1690.50	

Population: All Records

Certificate.DateIssued Between 11/4/2024 12:00:00 AM AND
12/5/2024 11:59:59 PM AND

Certificate.Status = Certified AND

Certificate.CertType = Rental



Item K-1-2-A

To: Mike Womack, City Manager
C.C. City Board of Commissioners
From: Denise Marinelli, Assessor
Date: December 9, 2024
RE: Monthly Departmental Report

ASSESSING DEPARTMENT CONCENTRATION:

- Property Transfers are processed and are currently up to date. Deeds and Property Transfer Affidavits have been processed through November.
- Current Deed breakdown:

Deeds	November	Vacant land	New Construction	Prior Month
Transfers	12	2	2	10
Non-Transfers	17			08
Forcl/Redmptn	0			0
Total	29			18

- The Assessing Department is currently working on determining the 2025 Land Values and Economic Condition Factors, 20% Review and Building Permit Construction Review, and end of the year Permit Inspections. The annual Personal Property canvass is nearly complete, and the 2025 Personal Property Statements will be sent by the end of this month.
- The December Board of Review met on Tuesday December 10 at 10 a.m. We currently have an alternate position open for the Board of Review .
- We currently have one Michigan Tax Tribunal Small Claims case for the 2024 tax year.
- The department continues to investigate, correct, and update property description discrepancies, omissions, errors, and changes. We assist departments, property owners, realtors and appraisers with questions and concerns as well as processing address and lot split requests.
- As always, please contact me if you have any questions or concerns.



Item # K-1-2-B

To: Mike Womack, City Manager
From: Kelly Hanna, Director of Financial Services
Date: December 5, 2024
RE: Income Tax Monthly Report for November 2024

CITY OF LAPEER
Monthly Financial Statement
Income Tax Department
November 2024

Fiscal Year	Net Monthly Income	Net Total Yr-to-date	Original Budget for year	Current Budget for year	Actual Total for year	Excess (Deficit) Revenue
2014/15	\$262,013	\$1,320,382	\$2,590,000	\$2,590,000	\$2,953,553	\$363,553
2015/16	\$247,803	\$1,269,034	\$2,785,000	\$2,785,000	\$3,069,571	\$284,571
2016/17	\$196,441	\$1,418,679	\$3,065,000	\$3,065,000	\$3,212,298	\$147,298
2017/18	\$283,036	\$1,526,097	\$3,165,000	\$3,165,000	\$3,349,223	\$184,223
2018/19	\$252,114	\$1,513,955	\$3,175,000	\$3,175,000	\$3,520,679	\$345,679
2019/20	\$332,857	\$1,446,569	\$3,265,000	\$3,265,000	\$3,881,826	\$616,826
2020/21	\$359,697	\$1,441,536	\$3,495,000	\$3,495,000	\$3,783,095	\$288,095
2021/22	\$498,412	\$1,869,561	\$3,476,000	\$3,476,000	\$4,527,734	\$1,051,734
2022/23	\$412,987	\$1,794,442	\$4,090,000	\$4,140,076	\$4,984,764	\$844,688
2023/24	\$199,392	\$1,957,650	\$4,833,000	\$4,833,000	5,145,549	\$312,549
2024/25	\$428,538	\$1,896,861	\$5,428,000	\$5,428,000		

Original Budget and Current Year Budget columns for FYE 2013- 2020 adjusted to include budgeted p&l & prosecution



Item # K-1-2-C

To: Mike Womack, City Manager
From: Kelly Hanna, Director of Financial Services
Date: December 10, 2024
RE: Finance Department Report for November 2024

- 1) 135 – accounts payable checks were issued.
- 2) 368 - payroll payments were issued (there were 3 pays in August).
- 3) 43 - income tax refund checks were issued.
- 4) Records were reviewed with those needing information on burial location. There were three (3) graves purchased (1 resident / 2 non-resident); four (4) full burials; one (1) burial of cremains; two burials (1 full / 1 cremains) on a Saturday; and three (3) foundations purchased (for a total of \$771.20).
- 5) Thirty-four (34) summer 2024 property tax bills were receipted for \$65,277.28 and two (2) delinquent 2023 personal property tax bills were receipted for \$145.86.
- 6) There were 58 additions, and 55 cancellations received regarding the voter registration records.



ITEM K-1-3

To: Mike Womack, City Manager
From: Mike Vogt, Fire Chief
Date: December 4, 2024
RE: November 2024

MONTH SUMMARIZED:

Training: The department conducted a total of six training sessions (3 days/3 nights). A total of 127.5 personnel-hours were spent on training during the month.

Community Risk Reduction: No activities.

Fire & Life Safety: Eight annual inspections, eight re-inspections, three other types of inspections, and two site visits were completed in the city, with 35 violations being identified. There were four businesses inspected that were without any fire code violations. One fire alarm plan was reviewed for the Building Department for the month of November.

Responses: The department responded to a total of 23 incidents during the month, requiring a total of 162.0 personnel-hours. This is five responses less than we had for the same period in 2023. 52% of these responses occurred Monday-Friday between the hours of 6:00 am and 6:00 pm. There was no dollar loss for the month leaving the estimated annual loss for the year at \$1,661,366.

The number of responses for the month by municipality was: City of Lapeer-11, Lapeer Twp-4, Mayfield Twp-4, Oregon Twp-2, Automatic/Mutual Aid-2.

The average emergency response time (in minutes) to each municipality was: City of Lapeer-0.0, Lapeer Twp-0.0, Mayfield Twp-0.0, Oregon Twp-0.0.

The calendar year's annual percentage of responses by municipality is: City of Lapeer-54.77%, Lapeer Twp-12.86%, Mayfield Twp-18.18%, Oregon Twp-7.54%, Assists-6.65%.

The number of burn permits issued for the month by the municipality was: Lapeer Twp-38, Mayfield Twp-48, Oregon Twp-28.

The breakdown of responses by type is as follows:

Fire Alarm-Malicious	0	Fire Alarm-Unintentional	2
Fire Alarm-Malfunction	1	Fire Alarm-Residential	2
Building Fire-Residential	0	Building Fire-Commercial	0
Building Fire-Other	0	Vehicle Fire	0
Grass/Brush Fire	0	Rescue	0
Good Intent	2	Electrical Related	1
Smoke Investigation	1	Gasoline/Diesel Spill/Leak	0
Natural Gas/Propane Leak	0	Carbon Monoxide (alarm & actual)	3
Other Type Fires	2	Other Type Response	7
Assist to Other Agencies	2	Washdown	0

City of Lapeer Activities Calendar

City of Lapeer Fire & Rescue						
November 2024						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 Incident 24-429 Incident 24-430	2 Incident 24-431
3 Incident 24-432	4 Incident 24-433 Training	5 Incident 24-434	6	7 Incident 24-435 Incident 24-436	8 Incident 24-437	9 Incident 24-438
10	11 Incident 24-439	12	13 Incident 24-440 Incident 24-441 Incident 24-442	14 Incident 24-443	15	16
17 Incident 24-444	18 Training	19	20 Incident 24-445 Dept & Officer Mtg Training Comm Mtg	21 Incident 24-446 Incident 24-447 Incident 24-448 Incident 24-449	22	23
24	25 Incident 24-450 Training	26 Incident 24-451	27	28	29	30
		Notes Incidents (Monthly Total - 23) Training Public Events Meetings/Department Work New Hiring Process Public Assistance				



Dept: Housing Improvement Department
Submitted To: Mr. Mike Womack, City Manager
From: Denise Soldenski, Director of Housing and Neighborhood Development
Date: December 19th, 2024
RE: November 13th, 2024 – December 10th, 2024
copy: Lapeer Housing Commission/Lapeer Riverview Towers, LLC

LAPEER HOUSING COMMISSION (LHC)/LAPEER RIVERVIEW TOWERS, LLC (LRT)

A. RIVERVIEW TOWERS: HUD PROJECT BASED VOUCHER (PBV)

1. As of December 10, Riverview Towers has one vacant unit which is expected to be filled on 12/13/2024.
2. The Riverview waitlist contains a sufficient supply of applicants to fill future vacant units.
3. Riverview will be having a resident Christmas party on 12/18/24 from 2pm to 4pm. Staff will attend a portion to pass out tenant appreciation items.

B. HOUSING CHOICE VOUCHER PROGRAM (HCV)

1. As of December 10, 91 vouchers are under contract.
2. Pulling applicants from the waitlist will continue as funding allows to fill vacant vouchers.

C. ADMINISTRATION

1. **Attachment #1** Lapeer Housing Commission/Lapeer Riverview Towers, LLC financials.
2. The single audit for the LHC/LRT for FYE 6/30/2024 was reviewed and approved by the board at the November 2024 meeting. Kudos to staff as the audit passed with no findings!
3. **Ms. Soldenski would like to introduce the 5 Year PHA Plan for 7/1/2025 – 7/1/2029 and Annual PHA plan beginning 7/1/2025.** The attached plan describes both administrative and capital expenditures planned for the upcoming years. A meeting for Riverview Towers residents was conducted on 11/26/24 to obtain their comments on the plan, with no negative comments. Pest control and emergency preparedness were also presented. The public hearing for the 5 Year and Annual PHA Plan will be scheduled for the 3/20/25 board meeting and the plans are due to HUD no later than 4/17/25 via electronic submission on another new HUD system.
4. HUD released the Final Rule of the Housing Opportunity Through Modernization Act (HOTMA) of 2016, Sections 102, 103 and 104 on February 14th, 2023. This rule provides for income and asset changes that will affect the HCV and PBV programs. HUD released PIH Notice 2023-27 which provides implementation guidance. *On 4/24/24 HUD released PIH Notice 2024-12 that covers "Housing Information Portal (HIP) Implementation"; however, that notice was officially rescinded by HUD on 7/3/24 with further guidance pending.* LHC must be on-boarded to the new HUD HIP prior to implementing HOTMA. Prior to full implementation, staff training and tenant/landlord notifications must take place. *LHC HCV Admin Plan has been modified for HOTMA Sections 102 & 104; yet cannot be approved for use until HIP implementation is completed. HUD released a notice on 9/18/24 that PHAs will NOT be required to be compliant with HOTMA Sections 102 & 104 by 1/1/2025 except for the Earned Income Disregard provision due to HIP not being ready.*

5. HUD has changed the process/standard for Housing Quality Standard Inspections (HQS) to National Standards for the Physical Inspection of Real Estate (NSPIRE). The new standard is an inspection model that is now common across the various HUD programs. HUD has issued PIH Notice 2023-28 for implementation guidance and administrative procedures for HCV/PBV. On 6/14/24, HUD announced that they have delayed the mandatory conversion to NSPIRE until October 1st, 2025 due to the burden on PHAs with so many other HUD changes in progress. *The LHC will need to use a HUD NSPIRE cell phone application which has not yet been released. HUD has initiated many "office hours" and webinars through the end of 2024 in preparation for NSPIRE compliance deadline of 10/1/2025.*
6. With the new administration, the proposed rule for Affirmatively Furthering Fair Housing may be changed significantly. This item will be removed from the report until HUD's final ruling has been established.
7. HUD has been releasing updated chapters in the "Housing Choice Voucher Program Guidebook". As the chapters are released, Ms. Soldenski reviews, updates and requests approval for our HCV Administrative Plan, if necessary. *There are no updates to the Guidebook this month that affect policy.*



ITEM K-1-4-b



To: Housing Improvement Department
Submitted To: Mr. Mike Womack, City Manager
From: Denise Soldenski, Director of Housing and Neighborhood Development
Date: December 19th, 2024
RE: November 13th, 2024 – December 10th, 2024
copy: Lapeer Neighborhoods Inc.

A. HOUSING IMPROVEMENT DEPARTMENT (HID)

1. **MSHDA MI-HOPE Grant:** Ms. Lincoln is working on gathering bids and additional documents to start the process for each applicant.
 - a. **Project 3 – Dewey St. – Homeowner** – Project complete.
 - b. **Project 6 – Hartley St. – Homeowner** – Project complete.
 - c. **Project 7 – Park Way – Homeowner** – Roof-Insulation-HVAC - Project in process.
 - d. **Project 9 – N. Main St. – Homeowner** – Lead and Asbestos testing scheduled.
 - e. **Project 10 – First St. – Rental** – Insulation, Doors and Windows – Project in process.
 - f. **Project 11 – 2nd St. – Homeowner** - Windows/Doors – Project in process.
 - g. **Project 13 – Jefferson St. – Homeowner** – Doors, HVAC, Insulation, Electrical and Appliances – Contracts being signed and ready to start.
2. **MSHDA MI Neighborhood**
 - a. **MI-Neighborhood Grant 2024:** – Grant agreements complete and City of Lapeer amenity projects can begin.
 - b. **MI-Neighborhood Grant 2025 application:** The grant application has been submitted to MSHDA with a request for \$200,000 for homeowner rehabilitation funds. Application determination is expected to take 30-60 days.
3. **MSHDA Housing Choice Vouchers / Section 8**
 - a. MSHDA voucher allocations have been updated recently for the limitations on MSHDA/HUD funding. Effective 12/1/24, Lapeer County allocation is 315 regular Housing Choice Vouchers, 6 Project Based Vouchers, 15 Emergency Housing Vouchers for a total in Lapeer County of 336. Tuscola County allocation is 81 Housing Choice Vouchers, 5 Project Based Vouchers, and 3 Emergency Housing Vouchers for a total in Tuscola County of 89. Huron County allocation is a total of 43 Housing Choice Vouchers, and 1 Emergency Housing Vouchers for a total of 44. Our total VASH allocation remains at 35, Moving Up is 3, and Balance of State is 7 (only 1 leased). The total allocation as of 12/1/24 is 514. Given this, MSHDA is allowing for a Q1 2025 waitlist pull of 32 for Lapeer, 8 for Tuscola and 8 for Huron which, if we are successful in leasing and terminations are minimal; may put total leased over our 12/1/24 allocation.
 - b. Lease up rate is being waived by MSHDA until 6/30/2025.
 - c. MSHDA has announced that it is anticipating homeless waitlists for the Housing Choice Voucher HCV program to be opened before the end of 2024 and they are requiring the HARA's (Housing Assessment and Resource Agencies) to complete training to fill waitlists using a new process based on Coordinated Entry through the local Thumb Planning Body so that those people in most need will be placed first.

Housing Agencies should be able to begin pulling from waitlists by mid-Jan. 2025 and will be given a finite number of vouchers to pull for Q1 2025 in order to better manage funding levels.

B. LAPEER NEIGHBORHOODS INCORPORATED (LNI)

1. Projects –

- a. 405 S. Elm: Vacant: Board has decided to hold on to this property for a future new build. Continuing to search for potential grant funds or possibly a buyer of the property if the right opportunity becomes available.

C. FINANCE

1. Attachment #1: Financial report.

D. ADMINISTRATION

1. Ms. Soldenski is working on a potential project for 18 E. Nepessing, a city owned commercial building.
2. Ms. Lincoln would like to let the Commission know that this month's meeting packet will not include pictures of current grant projects. This is due to privacy requirements with MSHDA. For clarification, Ms. Lincoln has contacted MSHDA to discuss using pictures in our commission packets. MI-HOPE and MI-Neighborhood grant agreements contain different wording, however MI-Neighborhood has very clear guidelines on protecting Nonpublic Personal Information, which is the following: *Nonpublic Personal Information is defined as any information received from or provided by the other party which pertains to or identifies an individual, such as a name, postal address, e-mail or IP address, facsimile or phone number, mother's maiden name, social security or identification number, transactional, employment, or financial data, medical or health records, personal, gender, political, profile, account, and password information.* Because this could possibly provide the public with identifiable information of an applicant or recipient of grant funding, we will not provide pictures in the monthly packet until Ms. Lincoln has received a response from MSHDA. More information to follow.

TO: Lapeer City Planning Commission
FROM: Planning Department
DATE: December 3, 2024
RE: December 2024 Development Activities Report



This report summarizes activity on various development projects in the City over the past month listed by full site plans for developments reviewed and approved by the Planning Commission and administratively reviewed site plans for projects currently in the review and development process.

Site Plans Reviewed by Planning Commission

1. Lapeer County Animal Control Addition – 2396 W. Genesee St.

General Information – Construction of a 3,265 sq. ft. addition to the existing 3,500 sq. ft. Animal Control facility owned and operated by Lapeer County.

Project Status – The site plans were received on September 3, 2024. Staff comments were provided to the applicant on Sept. 17, 2024. Revised plans were received Sept. 26, 2024. The site plan was approved with conditions by the Planning Commission on October 10, 2024. Revised plans were received on Nov. 26, 2024 and are being reviewed by staff.

2. Lapeer Cultivation (#3) – John Conley Dr. Parcel #L20-83-358-030-00

General Information – Construction of a new 11,480 sq. ft. marihuana grow facility.

Project Status – The site plans were received on August 29, 2024. The site plan was approved with conditions by the Planning Commission on September 12, 2024. City staff is currently waiting on submittal of revised plans.

3. Urgent Design Addition – 3123 John Conley Dr.

General Information – Construction of a 70,514 sq. ft. addition to the existing 55,866 sq. ft. industrial facility.

Project Status – The site plans were received on July 1 and August 5, 2024 and approved with conditions at the August 8, 2024 Planning Commission meeting. City is waiting on revised plans.

4. Farley Commercial Building – DeMille Blvd.

General Information – Construction of a new 5,000 sq. ft. commercial building on the north side of DeMille Blvd. The previous plan submittal in February 2021 has expired and the project is now being re-submitted for a full review.

Project Status – The 2nd full review submission of the site plan was received on June 28, 2024 and revised plans were received on July 25, 2024. The site plan was approved at the August 8, 2024 Planning Commission meeting with the condition of receiving confirmation whether a permit is required from the Lapeer County Drain Commission.

5. Tommy's Express Car Wash – 1068 S. Main Street

General Information – Construction of a new automatic car wash with vacuum stations with related site improvements.

Project Status – The 2nd full review submission of the site plan was received on May 31, 2024 and revised plans were received on June 24, 2024. Site plan was approved with conditions at the July 11, 2024 Planning Commission meeting and the applicant is working on the required easement and EGLE Permit. The draft Wakkott Road paving agreement was received on Nov. 26, 2024 and is being reviewed by staff for a response to the applicant.

6. EL Cozumel Restaurant – 1109 S. Main Street

General Information – Construction of new 5,692 sq. ft. restaurant and related site improvements.

Project Status – The site plan was submitted on October 31, 2023 and conditionally approved at the December 14, 2023 Planning Commission meeting. Site plan submission #3 was received on May 3, 2024. Submission #4 received on July 29, 2024. On November 19, 2024 the Planning Dept. received confirmation of MDOT's approval of the Right-of-Way permit as submitted by the applicant pending submittal of the required bond and certificate of insurance to MDOT. Site plans are ready for approval signatures with condition that the applicant provide the final approved MDOT permit and recorded required easements to the Planning Department prior to Building Department's issuance of a Building Permit.

7. DTE Energy – Apollo Substation – 3135 John Conley Dr. South

General Information – Construction of a new electrical substation and control building.

Project Status – The site plan was submitted on October 27, 2023 and approved with conditions at the January 11, 2024 Planning Commission meeting. On February 26, 2024 the ZBA approved a variance to allow a gravel drive and vehicle maneuvering area and revised plans were received March 14, 2024. Revised plans received April 12, 2024 were approved, signed and distributed on April 26, 2024. Building permits were approved and ready to be issued, however, on November 27, 2024 the City received notice from DTE the project has been postponed with construction now planned for 2026. This schedule will require resubmittal of site plans in 2026 for a full review prior to construction in 2026. Therefore, this project will be removed from the next report.

8. Security Credit Union – 1073 S. Main St.

General Information – Construction of a 3,438 sq. ft. credit union facility with 4 drive through lanes.

Project Status – The site plan was submitted on August 31, 2023. Revised plans were submitted on September 27, 2023 and approved with conditions by the Planning Commission on October 12, 2023. Revised plans were submitted on January 12 and April 1, 2024. Revised plans received April 10, 2024 were approved, signed and distributed April 26, 2024. Construction is underway.

9. Carriage Hill Circle – New Multiple-Family Residential Units

General Information – Construction of a new phased multiple-family residential development consisting of 32 units on Carriage Hills Circle.

Project Status – The site plan was submitted on April 3, 2023 and revised plans were received on April 26th, June 9th, July 21st. The Planning Commission approved the site plan with conditions on August 10, 2023. Revised plans were received on Aug. 31st & Oct. 19th 2023. The site plan was approved on Oct. 19, 2023 and final signed plans were distributed Oct. 31, 2023. The applicant indicated final building plans would be submitted in Spring 2024. A one-year site plan approval extension until Aug. 10, 2025 was approved by the Planning Commission on July 11, 2024.

10. Sunoco Station – 715 S. Main St.

General Information – Construction of a 2,135 sq. ft. addition to the existing Sunoco Gas Station.

Project Status – The site plan was submitted on April 3, 2023 and conditionally approved on July 13, 2023. Final plans were approved on September 14, 2023. A one-year site plan approval extension until July 13, 2025 was approved by the Planning Commission on July 11, 2024. Building Department has issued permits and construction is underway.

11. Lapeer Villas – Baldwin Rd. – Site Plan Amendment

General Information – Construction of 147 Multiple-Family units on a vacant parcel on the north side of Baldwin Road. An amendment to the previous plan was approved to convert some of apartment building (5, 6 & 7) garage spaces into apartments and construct a club house with pool.

Project Status – The site plan was originally submitted and approved in 2019. An amended site plan was received July 26, 2022 and approved on August 11, 2022. Construction of the clubhouse and pool is planned for future Phases (3 and 4). The applicant's request for a waiver from landscaping buffer requirements to not construct a perimeter privacy fence was denied at the November 2023 Planning Commission meeting. The City requested final as-built site plan prior to building plan review given the number of changes to the site with various phases and minor

changes to exterior improvements. The applicant submitted a revised performance bond to the Planning Department for remaining work items, a Final C of O has been issued for Buildings #1-4 and temporary occupancy has been issued for buildings 5, 6 and 7. The property owner's request for a variance to the fencing requirement on the west side of the property was denied by the ZBA on October 22, 2024. Applicant has been directed to submit current site topography information in order to determine areas of sufficient existing berm height and areas where fencing is required.

12. Woodchips Mixed Use Building #2 – Vacant Lot - 480 W. Nepessing St.

General Information – Construction of a new three-story mixed-use building on the vacant lot with commercial and restaurant uses on the 1st floor and apartments on the 2nd and 3rd floors.

Project Status – Site plans originally received in May 3, 2022 and contingently approved on June 9, 2022 have expired. A new site plan submittal was received on June 12, 2024 and approved with conditions at the July 11, 2024 Planning Commission meeting. Planning Department is waiting for final approved and recorded easements. Building Department has reviewed and approved the building plans and is waiting on permit application submittals from the General Contractor.

13. Beasley – Building Remodel and Parking Lot Improvements – 891 Baldwin Rd

General Information – Construction of a rear parking lot area, with landscaping, and building exterior remodeling to an existing building for a professional office.

Project Status – The site plan was received on November 18, 2021 and received contingent approval by the Planning Commission on January 13, 2022. Final approved plans were distributed November 29, 2022. The Zoning Board of Appeals approved a variance for exterior materials on April 24, 2023. Building permit was issued in June 2023 and construction is underway.

14. Popeye's – Drive-Through Facilities – 1040 S. Lapeer Rd.

General Information – Construction of two new buildings (a 2,143 sq. ft. building to the north and a 2,529 sq. ft. to the south) for drive-through facilities and shared parking.

Project Status – The site plan for Phase 1 was received on November 1, 2021. Special land use was approved December 9, 2021 and the site plan received contingent approval on January 13, 2022. MDOT required changes to the access drive location on M-24. A site plan extension was approved until January 13, 2024. Revised plans were received on March 24, June 14 and August 9 and September 27, 2023. Recorded Easement agreements have been received and EGLE permits have been issued. Final site plans were approved on February 21, 2024. Signed plans were distributed March 13, 2024. Demolition of the existing structures has been completed. New building permit applications have been submitted by a new general contractor.

15. Woodbridge Park II – North and West of existing Woodbridge Park Development

General Information - Construction of 58 additional attached conventional condominium units north and west of the existing Woodbridge Park development. Individual condo units will be constructed in two, three and four unit attached structures.

Project Status - The site plan was approved by the Planning Commission on January 10, 2019. Revised site plans were received on June 7, 2019 and approved by staff on June 14, 2019. The required performance bond was submitted on March 3, 2020 and final approved/signed were distributed March 4, 2020. Permits were renewed in June 2023. Construction is underway.

Administrative Review Site Plans in Process

None at this time.

Projects on Hold:

HTF Hydraulic Tubes & Fittings – 524 McCormick St.

General Information – Construction of a 3,645 sq. ft. building addition and resurfacing of the existing parking lot at the existing site.

Project Status – The site plan was received on Sept. 29, 2020. Site plans were approved on Nov. 10, 2020. The Building Department has revoked their Temporary Certificate of Occupancy. The City is waiting for construction to be completed in accordance with the approved site plan.



MEMORANDUM

CITY OF LAPEER POLICE DEPARTMENT

TO: Mike Womack, City Manager
FROM: Jeremy Howe, Chief of Police
DATE: 12/09/2024
RE: Monthly Report; November 1 – November 30, 2024

In the month of November 2024, our Police Department Officers responded to 831 calls for service. Of these 831 calls for service, 129 were criminal activity reports, of which 62 required submissions to the Michigan Incident Crime Reporting System (MICRS). Our officers made 16 arrests in November, 4 felony crimes and 12 misdemeanor crimes, with 1 arrest for operating under the influence of alcohol or drugs.

This month our officers made 181 traffic stops, issued 20 citations, and gave 161 verbal warnings. Officers also handled 50 vehicle crashes.

There was one overdose case that were reported in the month of November, which did result in a fatality.

Officers from the department attended 123 hours of advanced training. That included Crime Prevention for places of Worship, Rape and Aggression Defense instructor school and 27 hours of on-line mandatory training for Michigan Commission on law enforcement Standards (MCOLES).

Code enforcement for November resulted in 25 complaint numbers issued through Clemis reporting system. There were 17 complaints for signs, 4 for blight, 1 for abandoned vehicle and 1 for improper registration. Code Enforcement Officer Pete Haggadone continues to work with our businesses owners and residents in getting compliance over issuing citations.

The total amount of overtime hours was 297. The vast majority of those hours, 262, come from holiday pay as officers receive time and half for working those days. The remainder of the hours were from special events, investigations, call-ins and training. We work diligently on keeping our overtime at a minimum.

During the City Commission meeting this past month, the police department was honored by the Michigan Association Chief of Police for the accomplishment of becoming an accredited police department. This was a huge achievement for the police department as we became the 86th police department, out of 588, to become an accredited police agency.

I would also like to wish the City Commissions, our Mayor, the City Manager and the rest of the great staff a wonderful and Merry Christmas!

Lapeer City Police Department			
Monthly Report			
NOVEMBER 2024			
	<u>Current</u>	<u>Calendar Year</u>	<u>Previous Year</u>
	<u>Month</u>	<u>To Date</u>	<u>To Date</u>
Complaints Received and Investigated	831	9350	10353
District Court Fines Received	\$ 730.95	\$ 12,677.61	\$ 13,699.29
OUIL-Cost of Prosecution	\$ 125.00	\$ 4,020.00	\$ 4,625.00
Charges for Copies of Police Reports	\$ 118.56	\$ 1,700.96	\$ 3,126.00
<u>ACCIDENTS:</u>			
Fatal	0	0	2
Property Damage	28	288	272
Private Property Damage	17	186	210
Personal Injury	5	48	62
<u>ARRESTS:</u>			
Misdemeanor	12	188	174
Felony	4	94	54
<u>HEROIN/OVERDOSE INCIDENTS:</u>			
Heroin Possession/Usage	0	1	2
Overdose	1	1	7
Overdose Deaths	1	1	0



Interoffice Memo

To: Mike Womack, City Manager
From: Jeff Graham, Director of Public Works
Date: December 9, 2024
RE: Public Works Monthly Report – November 2024

Department of Public Works Division Summary:

Water/Sewer Utilities Division and Streets Division:

In November the DPW continues with our annual leaf pickup and fire hydrant winterization. The city had 2 days this month we needed to apply salt to our city streets using 22 tons of salt.

Other tasks completed in this month include but are not limited to the following items:

- Cut trees off cable lines on Saginaw St.
- Cleaned Lift Stations for WWTP.
- Fixed sink hole on Park St.
- Work on downtown street lighting.
- Water main break by Chatfield school.
- Traffic signal repairs at Millville and Genesee St.
- Lead and Copper sampling.
- Set up and take down voting precincts.
- Jetted 600' of sewer line on County Center St.
- Multiple curb box repairs.
- Set up Christmas decorations at City Hall.
- Work at Genesee and DeMille traffic signal.

Training and Safety:

EGLE S1-3 certification testing.

Tom Tomkinson, Dustin Johnson, Jered Laur and Ross Slusher attended MRWA distribution and math classes.

Water/Sewer/ Streets Monthly Routine Task included:

- Water Samples: Bacteria samples, Water Quality testing of distribution system
- Operate Wells and well house maintenance.
- Meter Reading and Meter Repair
- Miss Dig Staking
- Routine water samples (backup water supply)
- Rotation of PRV's in GLWA LA-02 Meter pit
- Barricade placement Downtown.
- Dump maintenance, haul compost.

Wastewater Treatment Plant Summary:

Waste Treatment

- Check all lift stations 2 times a week with 2 employees
- Read meters, record utility and chemical usage
- Read, record, and email all weather conditions to the National Weather Service
- Daily WWTP inspection
- Weekly equipment greasing
- Rotate equipment sequences
- Empty trash cans, disinfect, clean break room, clean grounds
- Weekend work schedule
- Holiday work schedule

NPDES/IPP

- Daily Laboratory Analysis
- Monthly PFAS sampling for WWTP effluent and biosolids
- NPDES monthly Selenium sampling
- Monitor weekly PFAS sampling via LP&P
- PFAS file updates
- Submitted monthly NPDES PFAS POTW effluent monitoring report via MiEnviro
- Submitted monthly DMR via MiEnviro
- Thumb Correctional annual inspection
- LP&P annual inspection
- Elite annual inspection
- McLaren annual inspection

Electrical Work

- Lift station generators checks and repairs
- Repair downtown Christmas lights
- Replaced heater at well house 1&2
- Replaced lighting at WWTP
- Replace photo eye on west street light control cabinet
- Install outlet at building department
- Test streetlights

Mechanical/Operations

- Change oil 3 pumps at Saginaw
- Cleaned and greased Raw and return Pumps
- McCormick plug valve replacement
- HVAC belt replacement
- Replaced seals on pump 1&2 Saginaw
- Changed Dams on centrifuge
- Repaired PEW leak
- Replaced O-rings on Effluent check valve

Miscellaneous

- Met with Kennedy (Raw Screw Pumps)
- Met with Michigan Fence and American Fence (WWTP Gate)
- Met with Topline Concrete (Building Repairs)

Safety/Training

- RC/JM Lab Seminar
- Safety training (Winter Safety Discussion)

Bio-Solids Disposal Status

- 2-North tanks hold 474,980 gallons /we have 0 gallons in storage
- 2-south tanks hold 430,120 gallons/we have 394,510 gallons in storage
- Total – 394,510 gallons in storage

CITY OF LAPEER

SEWER DEPARTMENT - MONTHLY REPORT

	HOURS
DPW maintenance	2
Clean cemetery lift stations	10
Clean lift stations	1
Take 5 for Safety - You're Responsible	0.5
Cold patch sink hole on Park St.	4
Assist with holiday décor at City Hall	2
Vactor maintenance	2
Jet County Center St.	2
Check quarterly sanitary mains	1
Clean lift station at campground	3

OVERTIME SEWER MONTHLY REPORT

[illegible]

CITY OF LAPEER
STREET DEPARTMENT - MONTHLY REPORT

	HOURS
Tree trimming/removal throughout the city	3
DPW maintenance	38
Brush/compost	9
Pick up debris from accident	1
Traffic signal maintenance	6
Take 5 for Safety - You're Responsible	0.75
Leaf pick up	269.5
City Hall building maintenance	8
School flashers	6
Sweep main break	1
Barricades & cones	1
City Hall holiday décor	5
Sweep police parking lot	2
Elections	4

OVERTIME STREETS MONTHLY REPORT

[illegible]

CITY OF LAPEER
WATER DEPARTMENT - MONTHLY REPORT

	HOURS
Meter reading	3
Service requests	53
Number of work orders, re-reads & MXU repairs	75
DPW building/grounds maintenance	99
Miss Dig	34
Vehicle maintenance	1
EGLE testing	30
Main break repair near Chatfield School	27
Meeting with Rowe	2
Restorations of water service line sites and daylighting	1
Take 5 For Safety - You're Responsible	1
Curb stop repair	22
Rotate PRV's	2
Elections	4
Fire hydrant winterization	186.5
Equipment maintenance	7
Drop off/pick up water sample boxes	6
City Hall building maintenance	2
Investigate main break	2
Water service turn ons/turn offs	12
Water/Well samples - take to Lansing	31
One Day Math Review class	24
Water/sewer inspections	4
Inspection work with the Building Dept.	8
<i>Water Shut offs</i>	48

OVERTIME WATER MONTHLY REPORT

[illegible]

WWTP MONTHLY REPORT

WWTP	HOURS
AM walk through	35
Wasting	33
Process	106
Headworks	
Lift Stations	77
Minor repairs	6
Major repairs	18
Greasing	9
Cleaning	39
PM walk through	34
Painting	
Grounds	4
Meetings	8
Equipment	22
Lab	137.5
Computer	27
IPP	42
Electrical	88
Winter Safety review	1
Lab Practices Seminar	16

OVERTIME WWTP - MONTHLY REPORT

WWTP	HOURS
AM walk through	14
Wasting	1
Process	12
Headworks	
Lift Stations	9
Minor repairs	
Major repairs	
Greasing	
Cleaning	
PM walk through	1
Painting	
Grounds	
Meetings	
Equipment	
Lab	34
Computer	
IPP	
Electrical	

**MEDICAL MARIHUANA LICENSES
PROVISIONING CENTER - GROWER – PROCESSOR –
SECURE TRANSPORTER – SAFETY COMPLIANCE FACILITY**

Approved Licenses:				Updated: November 2024
Applicant Name	DBA	Address	License	Status
PROVISIONING CENTERS				
SPMI LLC	Shango Lapeer	224 E Genesee St	Facility	App: Exp 12-12-24
FB Lapeer PRV, LLC	The Jazz Club Center	1333 Imlay City Road	Provisional	App: Exp 04-26-25
DNVK Lapeer Inc	The Pier Provisioning Center	2401 W Genesee St	Facility	App: Exp 06-11-25
The Pure Lapeer, LLC	Pure Lapeer	1330 Imlay City Road Units C&D	Facility	App: Exp 06-21-25
Alternative RX, LLC	Xplore Cannabis	824 S Main Street	Facility	App: Exp 10-30-25
TRC Lapeer LLC	The ReLeaf Center of Lapeer	200 E Genesee St	Facility	App: Exp 10-23-25
Ox Tail, Inc.	Heads	111 W Genesee St	Facility	App: Exp 11-19-25
GROWER				
Green Thumb Growers	Green Thumb Growers	840 Whitney	Prov – Class A	App: Exp 04-24-25
PROCESSOR				
Berry Green Management, Inc.	Berry Green Management, Inc	1330 Imlay City Road	Facility	App: Exp 08-28-25
Northwest Confections Michigan LLC	WYLD	525 S. Court Street, Suite 110	Facility	App: Exp 10-07-25
Berry Green Management, Inc	Berry Green Management, Inc	1356 Imlay City Road	Facility	App: Exp 12-11-25
SECURE TRANSPORTER				
None.				
SAFETY COMPLIANCE FACILITY				
None.				

ADULT USE MARIHUANA LICENSES
PROVISIONING CENTER – GROWER – PROCESSOR –
SECURE TRANSPORTER – SAFETY COMPLIANCE FACILITY

Approved Licenses:				Updated: November 2024
Applicant Name	DBA	Address	License	Status
PROVISIONING CENTERS				
SPMI, LLC	Shango Lapeer	224 E. Genesee St	Facility	App: Exp 12-15-24
TRC Lapeer LLC	H.O.D.	200 E Genesee St	Facility	App: Exp 12-03-25
The Pure Lapeer, LLC	Pure Lapeer	1330 Imlay City Road Units C&D	Facility	App: Exp 12-03-25
Alternative RX	Xplore	824 S. Main St.	Facility	App: Exp 12-21-25
DNVK Lapeer Inc	The Pier Provisioning Center	2401 W Genesee St	Facility	App: Exp 11-19-25
Ox Tail, Inc.	Heads	111 W Genesee St	Facility	App: Exp 12-16-25
GROWER				
Fresh Water Gardens, LLC		39 W. Genesee	Prov – Class C	App: Exp 12-16-24
SDRK Group, LLC #1		207 S. Saginaw St.	Facility – Class C	App: Exp 12-18-24
SDRK Group, LLC #2		207 S. Saginaw St.	Facility – Class C	App: Exp 12-18-24
SDRK Group, LLC #3		207 S. Saginaw St.	Facility – Class C	App: Exp 02-12-25
Old School Organics, LLC	Old School Organics, LLC	350 County Center Street	Facility – Class C	App: Exp 04-08-25
Ka Ulu Ana LLC #1		244 S. Court St	Facility – Class C	App: Exp 10-15-25
Ka Ulu Ana LLC #2		244 S. Court St	Facility – Class C	App: Exp 10-15-25
PROCESSOR				
Berry Green Management		1356 Imlay City Road	Facility	App: Exp 01-05-25
Atwater Management LLC	Culture Complex	525 S. Court St., Suite 120	Facility	App: Exp 01-25-25
Berry Green Management, Inc.	Berry Green Management, Inc	1330 Imlay City Rd, Ste F-G-H	Facility	App: Exp 08-28-25
Northwest Confections Michigan	WYLD	525 S. Court Street, Suite 110	Facility	App: Exp 10-07-25
SECURE TRANSPORTER				
None.				
SAFETY COMPLIANCE FACILITY				
None.				

2025 MEETING DATES

In accordance with the Open Meetings Act, MCL 15.261 et. Seq., notice is hereby given that every meeting of the City Council, Boards, Authorities and Commissions of the City of Lapeer shall be open to the public. Notice is further given that the following City Council, Boards, Authorities and Commissions are regular meeting dates for 2024. A public notice of each special or rescheduled meeting will be posted at least 18 hours prior to the time of the meeting.

Board/Commission	Location	Time	January	February	March	April	May	June	July	August	September	October	November	December
City Commission	Commission Chambers	6:30 P.M.	6, 21	3, 18	3, 17	7, 21	5, 19	2, 16	7, 21	4, 18	2, 15	6, 20	3, 17	1, 15
1 st & 3 rd Monday of each Month														
Cemetery Board	Mt. Hope Cemetery Building	2:00 P.M.	--	--	--	--	--	--	--	--	--	16	--	--
3 rd Thursday of October														
Downtown Development Authority	City Hall - 2 nd Floor Conference Room	8:00 A.M.	22	26	26	23	28	25	23	27	24	22	26	24
4 th Wednesday of each Month														
Economic Development Corp (EDC) & Tax Increment Finance Auth (TIFA)	City Hall - 2 nd Floor Conference Room	8:00 A.M.	8	12	12	9	14	11	9	13	10	8	12	10
2 nd Wednesday as Needed														
Housing Commission	City Hall - 2 nd Floor Conference Room	4:00 P.M.	16	20	20	17	15	19	17	21	18	16	20	18
3 rd Thursday of each Month														
Local Development Finance Authority (LDFA)	City Hall - 2 nd Floor Conference Room	8:00 A.M.			4			3			2			2
1 st Tuesday March/June/Sept/Dec As Needed														
Park Board	Commission Chambers	6:30 P.M.	--	--	--	--	--	--	--	--	--	--	5	--
1 st Wednesday in November														
Planning Commission	Commission Chambers	6:30 P.M.	9	13	13	10	8	12	10	14	11	9	13	11
2 nd Thursday of each Month														
Zoning Board of Appeals	Commission Chambers	6:30 P.M.	27	24	24	28	26	23	28	25	22	27	24	22
4 th Monday of each Month														

Address of the above locations are as follows:

Commission Chambers City Hall, 576 Liberty Park
City Hall - 2nd Floor Conference Room City Hall, 576 Liberty Park
Mt. Hope Cemetery 1230 Park Street

Romona Sanchez, CMC, MiPMCIII
City Clerk

City of Lapeer
576 Liberty Park, Lapeer
Lapeer County, Michigan 48446 (810) 664-5231



MAT. TRANS.

To: City Commission
Date: December 10, 2024
RE: Material Transmittals

1. EMS Incident Report – October 2024.
2. City of Lapeer Title VI Non-Discrimination Plan.



Incident Count by Agency per Municipality



2024 October

	EMS calls	LCEMS	MEDSTAR	MARLETTE	LCEMS %
Almont Township	20	20	0	0	100.00%
Almont Village	16	16	0	0	100.00%
Arcadia Township	21	21	0	0	100.00%
Attica Township	35	35	0	0	100.00%
Burlington Townsnp	3	3	0	0	100.00%
Burnside Township	11	2	0	9	18.18%
Clifford Village	3	1	0	2	33.33%
Columbiaville Village	11	11	0	0	100.00%
Deerfield Township	45	39	6	0	86.67%
Dryden Township	14	14	0	0	100.00%
Dryden Village	9	9	0	0	100.00%
Elba Township	38	38	0	0	100.00%
Goodland Township	5	4	0	1	80.00%
Hadley Township	24	24	0	0	100.00%
Imlay city	79	79	0	0	100.00%
Imlay Township	16	16	0	0	100.00%
Lapeer City *	343	146	197	0	42.57%
Lapeer Township	27	21	6	0	77.78%
Marathon Township	30	30	0	0	100.00%
Mayfield Township	81	54	27	0	66.67%
Metamora Township	19	19	0	0	100.00%
Metamora Village	3	3	0	0	100.00%
North Branch Township	12	12	0	0	100.00%
North Branch Village	13	13	0	0	100.00%
Oregon Township	40	40	0	0	100.00%
Otter Lake Village	1	1	0	0	100.00%
Rich Township(Mayville)	12	9	0	3	75.00%
Totals	931	680	236	15	73.04%
Emergency Calls (less transfers)	765	671	79	Percentage of E-Call Lapeer County	87.71%
Lapeeer City transfers *	166	9	157		
Lapeer E-Calls *	177	137	40	Percentage of E-Call Lapeer City	77.40%

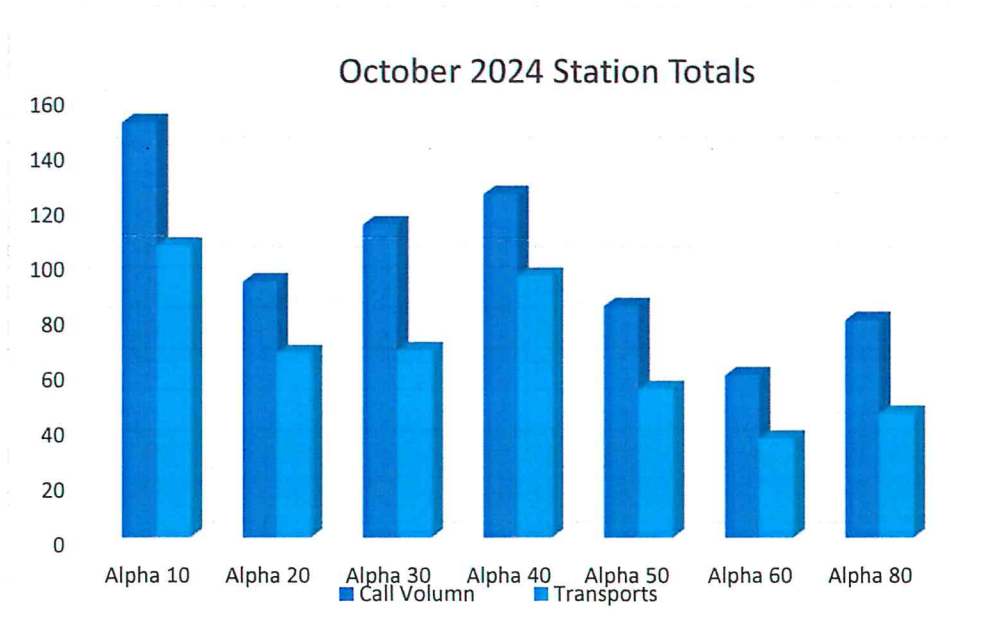
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NOV 25 2024

CITY MANAGER
LAPEER, MI

	Station	Call Volume	Transports	Transport % of Volume
Lapeer North Branch Imlay City Elba Mayfield Metamora Dryden	Alpha 10	151	106	70.20%
	Alpha 20	93	67	72.04%
	Alpha 30	114	68	59.65%
	Alpha 40	125	95	76.00%
	Alpha 50	84	54	64.29%
	Alpha 60	59	36	61.02%
	Alpha 80	79	45	56.96%
	Totals	705	471	
	Average Transport % per call		66.81%	
	Wheelchair Va	14		
	TOTAL	719		

Lapeer County Incidents	680
Other Activity (transfers)	3
	683





CCAD - Monthly Incident Count By Agency for Lapeer Summary By Department By Incident Type

For 10/01/2024 Thru 11/01/2024



For Cities: LAPEER CITY

Agency Code	Type Code	Num Of Incidents
1E - Lapeer County EMS	AB - ASSAULT & BATTERY	1
	ALARMM - MEDICAL ALARM	6
	AMB - AMBULANCE CALL MEDICAL	111
	HITRUN - HIT AND RUN ACCIDENT	1
	ILLEGAL - ILLEGAL FIRE	1
	MENTAL - PERSON WITH MENTAL PROBLEMS	6
	OWI - OPERATING WHILE INTOX	1
	PDA - PROPERTY DAMAGE ACCIDENT	2
	PIA - PERSONAL INJURY ACCIDENT	2
	PTTRANS - PATIENT TRANSFER MEDICAL	9
	STRUCTURE - STRUCTURE FIRE	2
	TRAF - TRAFFIC OFFENSE	1
	UNACCL - UNKNOWN ACCIDENT	1
	WELFAR - WELFARE CHECK	2
Total Incidents for 1E - Lapeer County Ems		146

Sum:

146



CITY OF LAPEER TITLE VI NON-DISCRIMINATION PLAN

City of Lapeer
576 Liberty Park
Lapeer, Michigan 48446
Telephone: 810-664-5231
Fax: 810-882-5461
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Title VI Coordinator:
City Manager
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Email: manager@ci.lapeer.mi.us

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INTRODUCTION

The City of Lapeer serves all people of the City, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse the State of Michigan. The City of Lapeer recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation.

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance." Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice Initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)," provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a recipient of federal financial assistance, City must provide access to individuals with limited ability to speak, write, or understand the English language. The City will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially

impairing accomplishment of the objectives of the program because of race, color or national origin. Therefore, the primary goals and objectives of the City's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by the City's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in the City programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, and all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within the City;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in the City services, programs or activities.

As the sub-recipient of federal transportation funds, the City must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, religion, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The City shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. The City, as a sub-recipient who distributes federal transportation funds, shall monitor their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the City will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

Discrimination under Title VI

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is "disparate treatment." Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is "disparate impact." Disparate impact discrimination occurs when a "neutral procedure or practice" results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The City's efforts to prevent such discrimination must address, but not be limited to, a program's impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching functions of planning, project development and delivery, right-of-way, construction, and research.

The City has developed this Title VI Plan to assure that services, programs, and activities of the City are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities (see Title VI Assurances).

**CITY OF LAPEER
POLICY STATEMENT**

The City reaffirms its policy to allow all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” In applying this policy, the City and its sub-recipients of federal funds shall not:

1. Deny any individual with any services, opportunity, or other benefit for which such individual is otherwise qualified;
2. Provide any individual with any service, or other benefit, which is inferior (in quantity or quality) to, or which is provided in a different manner from that which is provided to others;
3. Subject any individual to segregated or disparate treatment in any manner related to such individual's receipt of services or benefits;
4. Restrict an individual in any way from the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others;
5. Adopt or use methods of administration, which would limit participation by any group of recipients or subject any individual to discrimination;
6. Address any individual in a manner that denotes inferiority because of race, color, or national origin;
7. Permit discriminatory activity in a facility built in whole or in part with federal funds;
8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of a federally funded program;
9. Fail to provide information in a language other than English to potential or actual beneficiaries who are of limited English speaking ability, when requested and as appropriate;
10. Subject an individual to discriminatory employment practices under any federally funded program whose objective is to provide employment;

11. Locate a facility in any way, which would limit or impede access to a federally-funded service or benefit.

The City will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues all within a period not to exceed 90 days.

The City of Lapeer designates Dale Kerbyson, City Manager as the Title VI Coordinator. The City Manager will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the City of Lapeer complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the City of Lapeer and Title VI please contact:

Mike Womack, City Manager
576 Liberty Park
Lapeer, Michigan 48446
Telephone: 810-664-5231
Fax: 810-882-5461
Email: Mwomack@ci.lapeer.mi.us

Debbie Marquardt, Mayor

Date

Mike Womack, City Manager

Date

**CITY OF LAPEER
TITLE VI ASSURANCE**

The City of Lapeer (hereinafter referred to as the "Recipient") hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs for the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of gender, race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient received Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and hereby gives assurances that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) and (b) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to the Federal Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

"The (Recipient) in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Sub Title A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United Sates effecting a transfer of real property, structures, or improvements thereon, or interests therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

The City of Lapeer, Michigan

Mike Womack, City Manager

Date

AUTHORITIES

Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h);

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin (including Limited English Proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, low income, and disability.

The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

Federal Aid Highway Act of 1973, 23 USC 324: No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title.

Age Discrimination Act of 1975, 42 USC 6101: No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

Americans With Disabilities Act of 1990 PL 101-336: No qualified individual with a disability shall, by reason of his/her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.

Section 504 of the Rehabilitation Act of 1973: No qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.

USDOT Order 1050.2: Standard Title VI Assurances

EO12250: Department of Justice Leadership and coordination of Non-Discrimination Laws

EO12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

28 CFR 50.3: Guidelines for the enforcement of Title VI of the Civil Rights Act of 1964.

EO13166: Improving Access to Services for Persons with Limited English Proficiency.

DEFINITIONS

- **Adverse Effects** – The totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to: (See Appendix E for additional discussion of “significant”)
 - Bodily impairment, infirmity, illness or death
 - Air, noise and water pollution and soil contamination
 - Destruction or disruption of man-made or natural resources
 - Destruction or diminution of aesthetic values
 - Destruction or disruption of community cohesion or community’s economic vitality
 - Destruction or disruption of the availability of public and private facilities and services
 - Adverse employment effects
 - Displacement of person’s businesses, farms or non-profit organizations
 - Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
 - Denial of, reduction in, or significant delay in the receipt of benefits of the City programs, policies and activities
- **Federal Assistance** – Includes grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel, federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.
- **Limited English Proficiency** - Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the City.
- **Low-Income** – A person whose median household income is at or below the Department of Health and Human Service Poverty guidelines.
<http://aspe.hhs.gov/poverty/>
- **Low-Income Population** – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.
- **Minority** – A person who is:
 - a. **Black** – A person having origins in any of the black racial groups of Africa;

- b. Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
 - c. Asian American – A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or
 - d. American Indian and Alaskan Native – A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.
- **Minority Population** – Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.
 - **Non-Compliance** – A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.
 - **Persons** – Where designation of persons by race, color or national origin is required, the following designation ordinarily may be used; “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native”. Additional sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.
 - **Program** – Includes any road or park project including planning or any activity for the provision of services financial aid or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.
 - **Recipient** - Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.
 - **Significant Adverse effects on Minority and Low-Income Populations** – An adverse effect that:
 - a. Is predominantly borne by a minority population and/or a low-income population, or
 - b. Will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

- **Sub-Recipient** – Any agency such as a council of governments, regional planning agency, or educational institution, for example, that received Federal Highway Administration (FHWA) funds through the State DOT and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

ADMINISTRATION – GENERAL

The City Manager shall have lead responsibility for coordinating the administration of the Title VI and related statutes program, plan and assurances.

1. **Complaints:** If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or disability, he/she may exercise his/her right to file a complaint with the City. Complaints may be filed with the City Manager. Every effort will be made to resolve complaints informally at the lowest level.
2. **Data Collection:** Statistical data on race, color, national origin, English language ability and sex of participants in and beneficiaries of the City programs; e.g., impacted citizens and affected communities will be gathered and maintained by the City. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.
3. **City Program Reviews:** Special emphasis program reviews will be conducted based on the annual summary of Title VI activities accomplishments and problems. The reviews will be conducted by the City to assure effectiveness in their compliance of Title VI provisions. The City Manager will coordinate efforts to ensure the equal participation in all their programs and activities at all levels. The City does not have any special emphasis programs at this time.
4. **Title VI Reviews on Sub-Recipients:** Title VI compliance reviews will be conducted annually by the City Manager. Priority for conducting reviews will be given to those recipients of Federal (U.S. Department of Transportation) funds with the greatest potential of impact to those groups covered by the act. The reviews will entail examination of the recipients' adherence to all Title VI requirements. The status of each review will be reported in the annual update and reported to relevant U.S. Department of Transportation (USDOT) modes upon request.
5. **Annual Reporting Form:** The City Manager will be responsible for coordination, compilation, and submission of annual reporting form data to the Michigan Department of Transportation (MDOT), Civil Rights Program Unit via the Sub-Recipient Annual Certification Form (MDOT form #0179) by October 5th.
6. **Title VI Plan Updates:** If updated, a copy of Title VI Plan will be submitted to the MDOT, Civil Rights Program Unit as soon as the update has been completed, or as soon as practicable, and no later than 30 days if significant changes are made.
7. **Public Dissemination:** The City will disseminate Title VI Program information to the City employees and to the general public. Title VI Program information will be submitted to sub-recipients, contractors and beneficiaries. Public dissemination will include inclusions of Title

VI language in contracts and publishing the Title VI Plan on the City of Lapeer internet website, at www.ci.lapeer.mi.us

8. **Remedial Action:** The City through the City Manager will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

LIMITED ENGLISH PROFICIENCY

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiencyⁱ, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounterⁱⁱ. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, "LEP," or Limited English Proficient. The Executive Order states that:

"Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities."

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, and use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient's entire program or activity. This means all parts of a recipient's operations are covered, even if only one part of a recipient's organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The City of Lapeer receives funds from the US Department of Transportation via the Federal Highway Administration.

The United States Department of Transportation published *Policy Guidance Concerning Recipients' responsibilities to Limited English Proficient Person* in the December 14th, 2005 Federal Register.ⁱⁱⁱ The Guidance implies that the City of Lapeer is an organization that must follow this guidance:

This guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one part of the recipient receives the Federal assistance. For example, if

DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation—not just the particular highway program or project—are covered by the DOT guidance.

Elements of an Effective LEP Policy

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing an LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Identifying ways in which language assistance will be provided
3. Training Staff
4. Providing notice to LEP persons
5. The recommended method of evaluating accessibility to available transportation services is the Four-Factor Analysis identified by the USDOT.

These recommended plan elements have been incorporated into this plan.

Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy

The DOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP Community.
4. The resources available to the City of Lapeer and overall cost.

The greater the number or proportion of eligible LEP persons, the greater the frequency with which they have contact with a program, activity, or service and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The DOT guidance is modeled after the Department of Justice's guidance and requires recipients and sub-recipients to take steps to ensure meaningful access to their programs and activities to LEP persons. More information for recipients and sub-recipients can be found at <http://www.lep.gov>.

The Four-Factor Analysis

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to City of Lapeer services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

Factor 1: The Proportion, Numbers and Distribution of LEP Persons

The Census Bureau has a range for four classifications of how well people speak English. The classifications are: 'very well,' 'well,' 'not well,' and 'not at all.' For our planning purposes, we are considering people that speak English less than 'very well' as Limited English Proficient persons.

As seen in Table #1, the Census 2010 Data for the City of Lapeer shows a small amount of the population that would speak English less than 'very well.'

TABLE #1

LANGUAGE SPOKEN AT HOME	# of Individuals	Percent
Population 5 years and over	8,490	8,490
English only	7,981	94.0%
Language other than English	509	6.0%
Speak English less than "very well"	139	1.6%
Spanish	208	2.4%
Speak English less than "very well"	67	0.8%
Other Indo-European languages	164	1.9%
Speak English less than "very well"	10	0.1%
Asian and Pacific Islander languages	62	0.7%
Speak English less than "very well"	62	0.7%
Other languages	75	0.9%
Speak English less than "very well"	0	0.0%

Factor 2: Frequency of Contact with LEP Individuals

The city has conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions and found that they have not had any encounters with LEP individuals. We have offices accessible to the public and therefore accessible to LEP individuals and we have staff that work in the field that could encounter LEP individuals. Additionally, City Commission meetings are held the first and third Monday of each month which could potentially bring LEP individuals to these meetings. Given

the small concentration of LEP individuals as displayed in Table #1 (above) the probability of our employees to encounter and LEP individual is very low.

Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP

The City of Lapeer serves individuals throughout the City in a variety of ways including managing roads, water, sewer, police, fire, elections, and other services to citizens of the City and individuals from outside of the city, such as visitors and those traversing the state. The nature of the services that the City provides is very important to an individual's day-to-day life. Therefore the denial of services to an LEP individual could have a significant detrimental effect. Although the LEP population in the city is small we will ensure accessibility to all of our programs, services, and activities.

Factor 4: The Resources Available to the City of Lapeer and Overall Cost

US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

"Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan."

The City of Lapeer does serve very few LEP persons and has very limited resources; therefore it has decided to include a LEP section in its Title VI Plan in order to comply with the Executive Order.

Safe Harbor Stipulation

Federal law provides a "Safe Harbor" situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A "safe harbor" means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written translation obligations under "safe Harbor" includes providing written translations of vital documents for each eligible LEP

language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

This “safe harbor” provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Given the small number of LEP language group members, the City of Lapeer budget and number of staff, it is deemed that written translations of vital documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for the City of Lapeer to use oral interpretation options for compliance with LEP regulations.

Providing Notice to LEP Persons

USDOT LEP guidance says:

Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage in languages that an LEP individual would understand when free language assistance is available with advance notice.
2. Stating in outreach documents that free language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of the recipient’s services, including the availability of language assistance services.

Statements in languages that an LEP individual would understand will be placed in public information and public notices that persons requiring language assistance or special accommodations will be provided free of charge, with reasonable advance notice to the City of Lapeer.

Options and Proposed Actions

Options:

Federal fund recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.^{iv}

The City of Lapeer is defining an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and a translator as a person who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.^v

Considering the relatively small size of the City of Lapeer, the small number of LEP individuals in the service area, and limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services.

What the City of Lapeer will do. What actions will the City of Lapeer take?

- With advance notice of seven calendar days, the City will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.
- The City will utilize the *Translators Resource List* as provided by MDOT for translation services and verbal interpretation.
- Ensure placement of statements in notices and publications in languages other than English that interpreter services are available for public meetings.
- The Census Bureau “I-speak” Language Identification Card will be distributed to all employees that may potentially encounter LEP individuals.
- Once the LEP individual’s language has been identified, an agency from the *Translators Resource List* will be contacted to provide interpretation services.
- Publications of the city’s complaint form available at public meetings.
- In the event that a City employee encounters a LEP individual, they will follow the procedure listed below:

OFFICE ENCOUNTER

1. Provide an I-speak language identification card to determine the language spoken of the LEP individual.
 2. Once the foreign language is determined, provide information to Title VI coordinator who will contact an interpreter from MDOT’s *Translators Resource List*.
 3. If the need is for a document to be translated, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.
-

ROAD ENCOUNTER

1. Road crew employee will as soon as possible contact the Title VI coordinator for assistance, and provide an I-speak language identification card to the LEP individual to determine the language spoken of the individual.
2. Once the foreign language is determined, provide information to Title VI coordinator who will contact an interpreter from MDOT's *Translators Resource List* to provide telephonic interpretation.
3. If the need is for a document to be translated, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.

IN WRITING

1. Once a letter has been received it will be immediately forwarded to the Title VI Coordinator.
2. The office of the Title VI Coordinator will contact a translator from the MDOT's *Translators Resource List* to determine the specifics of the letter request information.
3. The office of the Title VI Coordinator will work with the selected agency to provide the requested service to the individual in a timely manner.

OVER THE PHONE

1. If someone calls into City offices speaking another language every attempt will be made to keep that individual on the line until an interpreter can conference into the line and if possible determine the language spoken by the caller.
2. Once the language spoken by the caller has been identified City will proceed to provide the requested assistance to the LEP individual.

The City of Lapeer Staff Training

The City of Lapeer staff will be provided training on the requirements for providing meaningful access to services for LEP persons.

ENVIRONMENTAL JUSTICE

Compliance with Title VI includes ensuring that no minority or low income population suffers “disproportionately high and adverse human health or environmental effect” due to any “programs, policies and activities” undertaken by any agency receiving federal funds. This obligation will be met by the City of Lapeer in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The City will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the City will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment, etc.,
- The project’s impact is unavoidable,
- The benefits of the project far out-weigh the overall impacts, and
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low income population groups are present in the project area, the City will document how the conclusion was reached. If it is determined that one or more of these population groups are present in the area, the City will administer potential disproportionate effects test.

The following steps will be taken to assess the impact of project on minority and/or low income population groups:

STEP ONE: Determine if a minority or low income population is present within the project area. If a conclusion is that no minority and/or low income population is present within the project area, document how the conclusion was reached. If the conclusion is that there is minority population and/or low income population groups present, proceed to Step Two.

STEP TWO: Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts and questions contained in Appendix E. If it is determined that there are disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

STEP THREE: Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

STEP FOUR: If after mitigation, enhancements and off setting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

STEP FIVE: Include all findings, determinations or demonstrations in the environmental document prepared for the project.

FILING A TITLE VI COMPLAINT

I. Introduction

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the City programs, activities and services as required by statute.

II. Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the City for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

III. Roles and Responsibilities

The Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at his/her discretion assign a capable person to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

IV. Filing a Complaint

The complainant shall make himself/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Applicability: The complaint procedures apply to the beneficiaries of the City programs, activities and services, including but not limited to: the public, contractors, sub-contractors, consultants, and other sub-recipients of federal and state funds.

Eligibility: Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the City or its sub-recipients, consultants and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age or disability may bring forth a complaint of discrimination under Title VI.

Time Limitation on Filing Complaints: Title VI complaints may be filed with the Title VI Coordinator's office. In all situations, the employees of the City must contact the Title VI Coordinator immediately upon receipt of Title VI related statutes complaints.

Complaints must be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know that the act was discriminatory within the 180 day period, he/she will have 60 additional days after becoming aware of the illegal discrimination to file the complaint.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

Items that should not be considered a formal complaint: (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

1. An anonymous complaint that is too vague to obtain required information
2. Inquiries seeking advice or information
3. Courtesy copies of court pleadings
4. Newspaper articles
5. Courtesy copies of internal grievances

V. Investigation: The investigator shall prepare a written plan, which includes, but is not limited to the following:

Investigation Plan: The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s)
- Basis for complaint
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against
- Information needed to address the issue
- Criteria, sources necessary to obtain the information
- Identification of key people
- Estimated investigation time line
- Remedy sought by the complainant(s)

Conducting the Investigation:

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.

- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- If a Title VI complaint is received on a MDOT related contract against the City of Lapeer, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the City of Lapeer, the complaint and any pertinent information should immediately be forwarded to the MDOT, Civil Rights Program Unit.

Investigation Reporting Process:

- Complaints made against the City's sub-recipient should be investigated by the City following the internal complaint process.
- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the office of the City Manager for review.
- The City Manager reviews the file and investigative report. Subsequent to the review, the City Manager makes a determination of "probable cause" or "no probable cause" and prepares the decision letter.

Reporting Requirements to an External Agency:

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the MDOT, Civil Rights Program Unit within 60 days of the date the complaint was received.

Retaliation:

The laws enforced by this the City of Lapeer prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint please contact:

City Manager
576 Liberty Park
Lapeer, Michigan 48446
Telephone: 810-664-5231
Fax: 810-882-5461
Email: manager@ci.lapeer.mi.us

Records:

All records and investigative working files are maintained in a confidential area. Records are kept for three years.

Appendix Summary

Appendix A: Applies to all Federal-aid contracts and is included as a contract provision.

Provisions include but are not limited to the following:

1. Construction contracts and vendor/supply agreements.
2. Consultant agreements for performance of work in connection with Federal-aid roadway projects. Typical contract of this nature are for design work and environmental studies.
3. Research agreements with colleges, universities or other institutions.
4. Fee appraiser and fee attorney contracts in connection with Federally-aided right-of-way work.
5. Contracts between the City and contractors for relocation of utilities. Appendix A would not apply if the utility itself or its contractor relocates the utilities.

Appendix B: Applies to conveyances of land or property to the City of Lapeer by the Federal government. It requires non-discrimination in connection with the City's use of the property.

Appendix C: Contains all causes to be contained in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation.

Examples:

- Leases and Property Management Agreements
- Permits and Licenses, except where they are issued for the construction of utilities on roadway right-of-way that cost of which is paid by the utility company without Federal participation.
- Tenancy Agreements
- Air Space Agreements
- Railroad Agreements

Once the purpose for which the Federal financial assistance is extended terminates and/or the City no longer retains ownership or possession of the property Title VI assurances do not apply.

Examples of agreements where Appendix C is not applicable area as follows:

- Pit Agreements
- Stockpiling Agreements
- Relocation Agreements
- Determination of Vacation and Abandonment
- Quick Claim Deeds
- Contracts with property owners, i.e., royalty agreements for obtaining materials
- Warranty Deeds

Appendix D: Appendix D represents the City of Lapeer's Title VI Complaint Form.

Appendix E: Appendix E identifies how to determine/distinguish significant/non-significant effects.

Appendix F: Outlines the plans for compliance activities for the current plan year.

APPENDIX A – [TO BE INSERTED IN ALL FEDERAL-AID CONTRACTS]

The following clauses will be inserted into every Federal-Aid Contract subject to Title VI of the Civil Rights Act of 1964, 78 Stat.252,42USC 2000d-42 USC 200d-4 (hereinafter referred to as the “ACT”), and all requirements imposed by and pursuant to Title 49, Code of Federal Regulations, Department of Transportation. During the performance of this contract, the contractor, for itself, its assignees and successors, in interest (hereinafter referred to as the “contractor”) agrees, as follows:

1. **Compliance with Regulations:** The contractor shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issues pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department of the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the contractor under the contract until the contractor complies and/or
 - b. Cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B - TRANSFER OF PROPERTY

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the State of Michigan, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)*

TO HAVE AND TO HOLD said lands and interests therein unto the State of Michigan, and its successors forever, subject, however, the covenant, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the State of Michigan, its successors and assigns.

The State of Michigan, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed and *(2) that the State of Michigan shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended

and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this deed.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

APPENDIX C - PERMITS, LEASES AND LICENSES

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 8(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases, add, "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall remain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the license, lease, permit, etc., and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc., had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter lands and facilities here on, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Michigan Department of Transportation and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

APPENDIX D - TITLE VI COMPLAINT FORM

CITY OF LAPEER TITLE VI COMPLAINT FORM

Title VI of the Civil Rights Act of 1964 states that "No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal assistance."

This form may be used to file a complaint with the City of Lapeer based on violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint. **Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180 day period, you have 60 days after you became aware to file your complaint.**

If you need assistance completing this form due to a physical impairment, please contact Dale Kerbyson by phone at 810-664-5231, or by fax at 810-882-5461, or via e-mail at manager@ci.lapeer.mi.us.

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

Individual(s) discriminated against, if different than above (use additional pages, if needed).

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

Please explain your relationship with the individual(s) indicated above: _____

Name of agency and department or program that discriminated:

Agency or department name: _____

Name of individual (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Date(s) of alleged discrimination:

Date discrimination began _____ Last or most recent date _____

ALLEGED DISCRIMINATION:

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

____ Race

____ Religion

____ Color

____ National Origin

____ Age

____ Sex

____ Disability

____ Income

Explain: Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets, if necessary, and provide a copy of written material pertaining to your case).

Signature: _____ Date: _____

Please return completed form to: City of Lapeer, 576 Liberty Park, Lapeer Michigan 48446, and Title VI Coordinator: Dale Kerbyson, telephone: 810-664-5231, fax: 810-882 5461, email: manager@ci.lapeer.mi.us

Note: *The City prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the City. Please inform the person listed above if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.*

APPENDIX E - DETERMINE/DISTINGUISH SIGNIFICANT/NON-SIGNIFICANT EFFECTS

"Significant" requires considerations of both context and intensity:

- (a) *Context*. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, nation), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short-and long-term effects are relevant.
- (b) *Intensity*. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
 - (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect would be beneficial.

"Non-significant effect" means no substantial change to an environmental component and this no material bearing on the decision-making process.

Scientific, technical, institutional, the public's value, and the local economic conditions influence the meaning of significant effect.

If an alternative would provide a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, the effect might be significant or the effect might be non-significant.

Determinations of "significant" and "non-significant" effects will be made by the City Manager.

APPENDIX F - PROGRAM COMPLIANCE/PROGRAM REVIEW GOALS FOR CURRENT PLAN YEAR

1. The City of Lapeer Title VI Plan will be communicated to each City Department Head who will review the plan with departmental employees.
2. The City of Lapeer Title VI Plan will be published on the City of Lapeer website, following acceptance from MDOT Civil Rights Program Unit (www.ci.lapeer.mi.us).
3. Appendix A will be included in all City of Lapeer contracts as outlined in the Title VI Plan.
4. The language in Number 2 of the City of Lapeer Title VI Assurance will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
5. The procedure for responding to individuals with Limited English Proficiency will be implemented.
6. All City employees will be trained or made aware of the LEP procedure and the Title VI complaint procedure.
7. A review of City facilities will be conducted in reference to compliance with the American Disabilities Act.
8. The following data will be collected and reviewed by the City Manager and included, where appropriate, in the annual report submitted to MDOT.
 - a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
 - b. **Public Meetings:** The number of open meetings. How meeting dates and time are communicated to the general public and to individuals directly affected by the meeting.
 - c. **Construction Projects:** The number of construction projects, number of minority contractors bidding and the number selected; Verification that Title VI language was included in bids and contracts for each project.
 - d. **LEP Needs:** How many requests for language assistance were requested or required and the outcome of these requests.
 - e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.

- f. **Timeliness of Services:** Number of requests for services; Amount of time from request to when service was delivered; Number of requests denied.
- g. **Right of Way/Imminent Domain:** Numbers of such actions and diversity of individual affected.
- h. **Program Participants:** Racial Data of program participants where possible.

ⁱ The executive order verbatim can be found online at <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>.

ⁱⁱ Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

ⁱⁱⁱ The DOT has also posted an abbreviated version of this guidance on their website at <http://www.dotcr.ost.dot.gov/asp/lep.asp>.

^{iv} <http://www.dotcr.ost.dot.gov/asp/lep/asp>

^v Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.