

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
JANUARY 7, 2019**

A regular meeting of the Lapeer City Commission was held January 7, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Sprague.

Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

1 2019 01-07

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Agenda for January 7, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

2 2019 01-07

Moved by Marquardt. Seconded by Osentoski.

Approve the minutes of the Regular meeting held December 17, 2018 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Caitlyn Habben from Rowe Professional Services Company presented information regarding the recently passed legislation relating to recreational marijuana (Michigan Regulation and Taxation of Marihuana Act (MRTMA)); highlighted the new uses and storage amounts allowed under the MRTMA; communities are automatically opted-in; opt-out must be done by ordinance; Michigan Municipal League (MML) has a lot of good information on their website about this topic.

Bernard Jocuns, West Nepessing Street, commented on about opting into recreational marihuana; City borders six counties; many people come into City for services and support local economy; people have spoken, Proposal 1 passed in Lapeer County at large; stated crime and traffic fatalities went down, along with decreased teen use in states that legalized recreational marihuana; revenues could be used for road repairs; legal adult use of marihuana is no big deal.

Janet Adams, Baldwin Road, gave invocation.

Mike Bahoura, stated he is an attorney and one of the applicants awarded a provisional license for a medical marihuana provisioning center, thanked the City for being progressive and opting into medical marihuana; feels if the City does not opt-out of recreational marihuana, it doesn't mean that by default, the City is opted-in, that is not his reading of the statute; for the first two years under the MRTMA only individuals that have been vetted and approved to sell medical marihuana are eligible to sell recreational marihuana; extra revenue to the City; asked the City to consider items before opting out.

Mark Calvert, Havens Road, Dryden, asked if City Attorney Nolan can apprise the audience on legal action concerning the medical marihuana lawsuits; will the City be enjoined from proceeding with further action until the legal action is remedied. Mayor Sprague responded this portion of the meeting is for public comment and not for the Attorney to respond to questions.

Erin Lammers, Dunaskiss Consulting, read a statement in favor of opting into recreational marihuana facilities; encouraged City to opt-in.

George Brikho, owns property at 1330 and 1333 Imlay City Road, local business owner; applied for a medical marihuana provisioning center license; asked City to consider opting into recreational marihuana and give existing applicants opportunity to apply; let free market decide.

CONSENT AGENDA

3 2018 01-07

Moved by Bostick-Tullius. Seconded by Atwood.

Approve the Consent Agenda for January 7, 2019 resulting in the following:

1. Approve the Lease Agreements for farm land leases as follows:

Parcel A, 20 Acres – Jostock Farms @ \$2,120/year

Parcel 1, 53 Acres – Jostock Farms @ \$5,186/year

and authorize the Mayor and City Manager to sign said Lease Agreements.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR JANUARY 7, 2019

4 2019 01-07

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Bill Listing for January 7, 2019 in the amount of \$961,609.06.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

School Choice Week Proclamation

5 2019 01-07

Moved by Bennett. Seconded by Atwood.

Approve the School Choice Week Proclamation as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Rezoning – R-2 Single-Family Residential to OS-1 Office Service

Parcels #L21-30-014-040-00 (1211 Barry Drive), #L21-30-016-040-00 (1217 Barry Drive) and #L21-30-017-040-00 (1225 Barry Drive)

Commissioner Bostick-Tullius introduced the following amendment to Chapter 7 (Zoning Ordinance) Article 7.02.02(a)(17) of the General Ordinances of the City of Lapeer.

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

- (17) The following properties formerly zoned R-2 Single-Family Residential is hereby rezoned to OS-1 Office Service:

1211 Barry Drive - Parcel #L21-30-014-040-00
CITY OF LAPEER KNOLLWOOD #1 LOT 4, BLOCK B (L=1 P=93 SEC 32, T8N-R10E)

1217 Barry Drive - Parcel #L21-30-016-040-00
CITY OF LAPEER KNOLLWOOD # 1 LOT 5, BLK B "ACT 135 OF 1976" (L=1 P=93 SEC 32, T8N-R10E)

1225 Barry Drive - Parcel #L21-30-017-040-00
CITY OF LAPEER R KNOLLWOOD # 1 LOT 6, BLOCK B (L=1 P=93 SEC 32, T8N-R10E)

Design Engineering Services Contract
2019 Davison Road Rehabilitation Project

6 2019 01-07

Moved by Marquardt. Seconded by Osentoski.

Approve the Contract for Engineering Services between the City of Lapeer and Rowe Professional Services Company in the amount of \$46,925 for the 2019 Davison Road Rehabilitation Project and authorize the Director of Public Works to sign the contract.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson commented most of the Christmas decorations have been taken down; Commissioner Marquardt did an excellent job chairing the last Commission meeting.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan asked for a closed session to discuss pending litigation related to the Green Buddha and FB Lapeer lawsuits.

7 2019 01-07

Moved by Bostick-Tullius. Seconded by Bennett.

Approve a Closed session at the end of the regular meeting to discuss attorney/client privileged information regarding the following pending litigation:

Green Buddha v. City of Lapeer

FB Lapeer v. City of Lapeer

ROLL CALL VOTE:

Ayes: Atwood, Bostick-Tullius, Bennett, Osentoski, Marquardt.

Nays: None.

Absent: None.

MOTION CARRIED.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The DDA Status Report dated December 21, 2018 and the Public Act 202 Pension & OPEB Report were received into the record.

PUBLIC COMMENTS

Katie Kain, Gregory Drive, asked who to contact for Boards and Commissions information; Ms. Kain was directed to contact the City Clerk.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett: Thanked Ms. Adams for prayer; commented on holiday decorations.

Commissioner Bostick-Tullius: commented on the Channel 25 report on the pocket park; visited the park to see the progress; park will be beautiful when finished; casino bus trip fundraiser for the dog park is scheduled for January 27, 2018, contact her if interested.

Commissioner Marquardt: visited pocket park on Sunday, encouraged all to visit the site; nice news report on the pocket park; DDA would like residents comments on what they would like in the downtown area; encouraged residents to contact DDA Director Jim Alt or any member of the DDA.

City Manager Dale Kerbyson: contact information for Jim Alt and DDA members is available on the City's website.

Mayor Sprague: good to see so many people at tonight's meeting, appreciates the opinions and people getting involved; recent news reports on the pocket park were great exposure for the City; MML website is a great resource to get information on recreational marihuana.

Closed Session

The City Commission convened to a Closed Session for the purpose of discussing attorney/client privileged information regarding the Green Buddha v. City of Lapeer and FB Lapeer v. City of Lapeer lawsuits at 7:03 p.m. and returned to its regular meeting at 7:40 p.m.

ADJOURNMENT

8 2019 01-07

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:41p.m.

Mayor William J. Sprague

Renee L. Bullen, City Clerk, CMC

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
JANUARY 22, 2019**

A regular meeting of the Lapeer City Commission was held January 22, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Sprague.

Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

9 2019 01-22

Moved by Bennett. Seconded by Osentoski.

Approve the Agenda for January 22, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

10 2019 01-22

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the minutes of the Regular and Closed meetings held January 7, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Jenny Burkhart, N. Wilder Road, gave invocation.

CONSENT AGENDA

11 2018 01-22

Moved by Bostick-Tullius. Seconded by Atwood.

Approve the Consent Agenda for January 22, 2019 resulting in the following:

1. Special Event Request from the Human Development Commission to hold their Annual Walk for Warmth event on Saturday, February 23, 2019, 9:00 a.m. – 10:30 a.m. using sidewalks around the Historic Court House and on Nepessing Street.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR JANUARY 22, 2019

12 2019 01-22

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Bill Listing for January 22, 2019 in the amount of \$1,706,788.30.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Charitable Gaming License Request.

13 2019 01-22

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Local Governing Body Resolution For Charitable Gaming License for Lapeer High School Athletic Boosters.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Rezoning – R-2 Single-Family Residential to OS-1 Office Service

Parcels #L21-30-014-040-00 (1211 Barry Drive), #L21-30-016-040-00 (1217 Barry Drive) and #L21-30-017-040-00 (1225 Barry Drive)

14 2019 01-22

Moved by Osentoski. Seconded by Bostick-Tullius.

Approve an ordinance amendment to Chapter 7 (Zoning Ordinance), Article 7.02.02(a)(17) of the General Ordinances of the City of Lapeer.

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

- (17) The following properties formerly zoned R-2 Single-Family Residential is hereby rezoned to OS-1 Office Service:

1211 Barry Drive - Parcel #L21-30-014-040-00

CITY OF LAPEER KNOLLWOOD #1 LOT 4, BLOCK B (L=1 P=93 SEC 32, T8N-R10E)

1217 Barry Drive - Parcel #L21-30-016-040-00

CITY OF LAPEER KNOLLWOOD # 1 LOT 5, BLK B "ACT 135 OF 1976" (L=1 P=93 SEC 32, T8N-R10E)

1225 Barry Drive - Parcel #L21-30-017-040-00

CITY OF LAPEER R KNOLLWOOD # 1 LOT 6, BLOCK B (L=1 P=93 SEC 32, T8N-R10E)

ON ROLL CALL VOTE:

Ayes: Atwood, Bostick-Tullius, Osentoski, Bennett, Marquardt.

Nays: None.

Absent: None.

MOTION CARRIED.

2018 Local Street Rehabilitation Project.

Change Order #3 – L.J. Construction, Inc.

15 2019 01-22

Moved by Bostick-Tullius. Seconded by Atwood.

Approve Final Payment #7 to L.J. Construction, Inc.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

16 2019 01-22

Moved by Bostick-Tullius. Seconded by Atwood.

Approve Change Order #3 to the construction contract for the 2018 Local Street Rehabilitation Project revising the contract resulting in a net increase to the construction

contract of \$7,150.00 with L.J. Construction Incorporated bringing the total contract to \$1,226,336.10.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

2018 Local Street Rehabilitation Project.

L.J. Construction, Incorporated – Payment Request #7 – FINAL.

17 2019 01-22

Moved by Marquardt. Seconded by Osentoski.

Approve Final Payment Request #7 to L.J. Construction, Inc. in the amount of \$12,026.74 for services completed on the 2018 Local Street Rehabilitation Projects.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Note: Item G-3 (2018 Local Street Rehabilitation Project – L.J. Construction Incorporated – Payment Request #7 – FINAL) was acted on while Item G-2 (2018 Local Street Rehabilitation Project – Change Order #3 – L.J. Construction, Inc.) was pending; Item G-2 was approved and a subsequent motion to approve Item G-3 was made when it became the pending business item.

New Telephone System.

18 2019 01-22

Moved by Bostick-Tullius. Seconded by Marquardt.

Discussion was held regarding the new telephone system not being in the CIP; approval of this item requires a budget adjustment from fund balance to incorporate the cost of the new system into the current budget. Other items discussed included contract terms, monthly usage and maintenance costs, number of phones included in contract; cost of network switches is approximately \$21,000; cost of system is half of what administration had estimated; includes reduction of phone lines.

Award the telephone system replacement bid to Big Water Technologies in the amount of \$66,538.94 and authorize the City Manager to sign the purchase agreements, pending Attorney review and approval; also approve a budget adjustment in the amount of \$67,000 in the Telephone Communications Fund.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

McCormick Sanitary Forcemain Project (ICE Grant).

Lawrence M. Clarke, Inc. – Payment Request #3.

19 2019 01-22

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve Payment Request #3 in the amount of \$518,041.98 to Lawrence M. Clarke, Inc. for the McCormick Sanitary Forcemain Project.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Ordinance Amendment:

Amendment – Chapter 19 (Offenses Against Public Peace, Safety and Morals Ordinance), Section 19.29.

Commissioner Bennett introduced an ordinance amendment to Chapter 19 (Offenses Against Public Peace, Safety and Morals Ordinance), Section 19.29 of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

19.29 Possession and/or Use of Marihuana

To be deleted in its entirety.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson commented he would send an email to the Commission regarding questions asked in relation to the new phone contract/billing; requested a closed session to discuss the City of Lapeer vs. Clearview.

Closed Session.

20 2019 01-22

Moved by Bostick-Tullius. Seconded by Bennett.

Approve going into a Closed Session at the end of the regular meeting to discuss the pending litigation of City of Lapeer vs. Clearview MHC Holdings.

ON A ROLL CALL VOTE:

Ayes: Atwood, Bostick-Tullius, Bennett, Osentoski, Marquardt.

Nays: None.

Absent: None.

MOTION CARRIED.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan commented he is glad the Big Water contract was approved; City Clerk did a great job and it is a favorable contract. Mr. Nolan also duplicated the request made by Mr. Kerbyson for a Closed Session to discuss the City of Lapeer vs. Clearview, MHC Holdings, Case # 17-051049CZ.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

Monthly Departmental Reports and Monthly Financial Report for October, 2018 were received into the record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Updated the Commission on the most recent Youth Council meeting; next meeting will be this Thursday. He is still looking for help to coordinate the Superheroes Program.

Commissioner Bennett: Thanked Ms. Burkhart for prayer and attending meeting in such poor weather.

Commissioner Osentoski: Requested the next City Commission agenda include a suggested motion for the City to opt out of recreational marihuana.

City Manager Dale Kerbyson: Held a productive meeting with the I-69/NMDC group this morning, discussed their strategic plans, listed goals and objectives; will have a presentation to the Commission once it is all pulled together.

Mayor Sprague: Thanked DPW Director Pam Reid and her staff for handling the roads during such poor weather; thanks to Police/Fire for their efforts in the poor weather as well; stay safe driving home; reported on local events.

The meeting adjourned to a Closed Session at 6:50 p.m. and returned to the regular meeting at 7:02 p.m.

Return to Regular Meeting.

21 2019 01-22

Moved by Marquardt. Seconded by Atwood.

Approve returning to the regular meeting.

Ayes: Atwood, Bostick-Tullius, Bennett, Osentoski, Marquardt.

Nays: None.

Absent: None.
MOTION CARRIED.

Settlement Agreement between City of Lapeer vs. Clearview MHC Holdings, Case # 17-051049CZ.

22 2019 01-22

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Settlement Agreement pursuant to the terms in the Agreement between the City of Lapeer vs. Clearview MHC Holdings, Case # 17-051049CZ.

Ayes: Atwood, Bostick-Tullius, Bennett, Osentoski, Marquardt.

Nays: None.

Absent: None.

MOTION CARRIED.

ADJOURNMENT

23 2019 01-22

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:03 p.m.

Mayor William J. Sprague

Renee L. Bullen, City Clerk, CMC

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
FEBURARY 4, 2019**

A regular meeting of the Lapeer City Commission was held February 4, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Sprague.

Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

24 2019 02-04

Moved by Bennett. Seconded by Bostick-Tullius.

Approve the Agenda for February 4, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

25 2019 02-04

Moved by Marquardt. Seconded by Osentoski.

Approve the minutes of the Regular and Closed meetings held January 22, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Mayor Sprague read the following comments two into the record that were received from individuals who could not attend tonight's meeting:

Linda Brosz, a City Resident, could not make this evening's meeting but wanted to make a public comment that she does not want the City to opt into recreational marihuana, she feels it is not needed in the City.

My name is Daren McLaughlin and I am a local businessman and father of former Lapeer HS students. I would like to go on record stating my strong objection to the City of Lapeer opting into recreational marijuana. Additional access to this drug, I feel, will be a major detriment to the City of Lapeer.

Gary Cooley, Turtle Lake Road, North Branch, in favor of medical and recreational marihuana; wounded in Vietnam and deals with chronic pain and PTSD; has been on opiates and other drugs trying to suppress pain; hopes for dispensaries in Lapeer County, currently goes to a pain clinic in Flint; uses two medical marihuana oils and a cream that helps his chronic pain and allows him to maintain a level of life he wouldn't be able to otherwise; closest dispensary that carries one of the oils is in Grayling; shouldn't have to drive 150 miles to get it; encouraged all to read the editorial in yesterday's Lapeer County Press; recreational marihuana is legal, cannot stop people from using.

Janet Adams, Baldwin Road, gave invocation.

Tom RaCosta, retired Detroit firefighter, responded to a lot of accidents; many caused by alcohol, others by marihuana; marihuana of today is not the marihuana of the sixties, its way stronger; concerned about young people; hopes Commission makes the right decision.

Kim Guzek, N. Calhoun, recently moved back to the City, has two kids in middle school; it's hypocritical to tell kids to stay away from alcohol and drugs, then when kids turn eighteen, tell them to do whatever they want; can't stop what the state decides; wants her kids to stay in Lapeer; kids will go home to parents and families on drugs and grow up to become parents on drugs; contradictory to the mission statement of the community and state; prays state wakes up and reconsider what it is doing.

Marlana Swindell, Pleasant Street, is a parent who uses marihuana medicinally; don't know what the State is going to do; no reason to act immediately; City is not saying yes if they don't say no; City doesn't have all the information to make a decision; thirty three liquor licenses in the City; most domestic violence calls involve alcohol; crashes have gone down in states that have legalized recreational marihuana, will bring information with her next time; wait and see what the rules are.

CONSENT AGENDA

26 2019 02-04

Moved by Bennett. Seconded by Atwood.

Approve the Consent Agenda for February 4, 2019 resulting in the following:

1. Special Event Request from Lapeer Intermediate School District, Great Start Collaborative Family Fun Day, June 26, 2019, 10:00 AM - 2:00 PM, North Court Street.
2. Special Event Request from Lakestone Bank & Trust, Lakestone Bank's 2019 Ice Cream Social; June 21, 2019, 11:30 AM – 2:00 PM, Farmers Market Pavilion.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR FEBRUARY 4, 2019

27 2019 02-04

Moved by Marquardt. Seconded by Osentoski.

Approve the Bill Listing for February 4, 2019 in the amount of \$1,580,478.87.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Audit Report: Layton & Richardson PC

28 2019 02-04

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Audit Report and accept Audit Recommendations for Year Ending June 30, 2018 as presented by Layton and Richardson PC.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Ordinance Amendment - Chapter 19 (Offenses Against Public Peace, Safety and Morals Ordinance), Section 19.29

29 2019 02-04

Moved by Bennett. Seconded by Bostick-Tullius.

Approve an ordinance amendment to Chapter 19 (Offenses Against Public Peace, Safety and Morals Ordinance), Section 19.29 of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

19.29 Possession and/or Use of Marihuana

To be deleted in its entirety.

ON ROLL CALL VOTE:

Ayes: Atwood, Marquardt, Bennett, Osentoski, Bostick-Tullius.

Nays: None.

Absent: None.

MOTION CARRIED.

Recreational Marihuana Discussion

Commissioner Bennett: is there an urgency for the City to decide to opt-out, does the City have to opt-out to not be opted-in; Attorney Nolan responded the City must act to opt-out, which is different than medical marihuana; standard thinking is that opt-out must be done by ordinance; no urgency right now.

Commissioner Osentoski: there are 6,000 voters in the city, 2,800 voted in November, only 27% of voters in favor of recreational marihuana; doesn't think all people are represented in this vote.

Commissioner Bostick-Tullius: suggested having a public hearing before making a decision; people on both sides of the issue want to be heard; thinks a public hearing will get more of a turnout and the Commission can get a better feel of what the citizens want. Commissioners Bennett and Marquardt agreed.

Commissioner Marquardt: received information tonight and would like time to review before making a decision; residents voiced their opinion on Election Day, don't get chance to re-do an election.

Commissioner Atwood: roughly 5% of municipalities opted in to medical marihuana; City is facing legal issues; low amount of opt-in communities creates a "gold rush" model due to the limited amount of space to operate; puts municipalities between a rock and a hard place; not much regulation of recreational marihuana; zoning issues.

Attorney Nolan clarified whether the City opts in or opt out, recreational marihuana is here, people can grow their own product; the City is only discussing licensing storefronts and grow operations; cannot restrict in residential neighborhood; should City decide to opt-in, if the number of licenses is limited, the method of choosing who to license must be merit based; feels items in statute are purposefully vague, fraught with peril for litigation; he is not taking a position one way or the other whether it is right for the City; thinks it is right the City slows down and looks at this issue; if there are questions, he would like to help get the answers; statute is one of the worst he's ever seen; feels City needs to opt either way; if allowed, an ordinance must be established for a licensee to operate under.

Commissioner Marquardt: can the City allow only grow operations; Attorney Nolan responded the City can restrict what it allows, but must have justification for doing so; arguably the statute provides residents option of a voter initiative if they don't like the Commission's decision.

Commissioner Osentoski: read ballot language from the November 2018 ballot, which provides that municipalities can ban or restrict recreational marihuana businesses.

30 2019 02-04

Moved by Bostick-Tullius. Seconded by Bennett.

Schedule a public hearing for Monday, February 18, 2019 to receive public comment regarding recreational marihuana establishments.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.
MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson stated two of the six potential medical marihuana dispensaries are in the process of receiving their licenses and building out their facilities; City didn't have mechanical drawings in time to make the February Planning Commission meeting; will be placed on the March Planning Commission agenda for consideration.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan updated the City Commission on the FB Lapeer vs. City of Lapeer litigation.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The DDA Status reported dated January 18, 2019, Monthly Financial Report for November 2018 and the DDA Annual Financial Report were received into the record.

PUBLIC COMMENTS

Mark Calvert, Havens Road, Dryden, why is Commission unable to reach a consensus in a timely manner; people at tonight's meeting went to great lengths to get here and no decision was made.

Senator Kevin Daley, gave an update on items he is working on in Lansing; speaking as a lifelong citizen of Lapeer County, he encouraged the City Commission to opt out of recreational marihuana; disappointed the City opted-in to medical marihuana but is not an opponent of it; has met with Sheriffs of three counties and many police officers, who all say marihuana is a gateway drug; hates to think the City will be a gateway;

Glenn Alverson, Devonshire Drive, Commission should opt out of recreational marihuana; doesn't feel it's needed; doesn't want the City to be a hub for, or promoting, recreational marihuana; City is a religious community with many churches, to be promoting recreational marihuana is wrong; hopes Commission considers opting out.

Gary Cooley, disagreed with Mr. Daley's comments that marihuana is a gateway drug; have to be twenty-one years old to obtain marihuana; agrees public hearing should be held.

Tom RaCosta, a lot of communities are opting-out; young people will move into the City and be living in neighborhoods with a pot house.

Mayor Sprague reminded the audience that public comment is a time to address the Commission, not each other; respect the person speaking.

Jeanette Osentoski, Jefferson Street, thanked Commissioner Osentoski for reading what was passed by the voters; the decriminalization of recreational marihuana gives the City Commission a job to do; thanked the Commission for doing their job, deciding what is good for the City and for allowing medical marihuana dispensaries; thanked Mr. Cooley for his service; Commission needs to decide if recreational marihuana is something they want to sell in the City; half the City's registered voters did not show up at last election; glad there may be an opportunity for citizens to get something on the ballot if they'd like recreational marihuana facilities in the City; first \$20 million of revenue goes to the State, then money trickles down to the cities; agrees with Mr. Calvert, why delay a decision.

Bernadette Treece, Washington Street, suggested the City opt-out of recreational marihuana establishments; 45 year resident; recreational marihuana is legal but doesn't think the City is the place where everyone should come for it; there is a legal age limit for it but also an age limit on alcohol and young people are able to obtain it; afraid the same thing will happen with marihuana; more problems for law enforcement; any law enforcement person she has spoken to is not in favor of opting in.

Kim Guzek, asked Commission to make a decision to opt-out; everyone that needs medical marihuana can get it; a decision to opt-out of recreational doesn't deprive someone of access to medical marihuana.

Marlana Swindell, more liquor licenses in City than religious places; worked at a dispensary and doctor's office; thousands of people come through for medical marihuana, including pastors, religion not necessarily against; teen use has gone down in states that legalized recreational marihuana, statistics available on government websites; asked Commission not to read into propaganda and do their homework; teens will have access with or without storefronts.

Mark Calvert, early enough in process it would be better to make decision now regarding recreational marihuana; Commission has all the information needed, what they don't have, legal counsel can provide.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: thanked everyone for coming to tonight's meeting; his commission seat is not backed by any political party; decisions are based off logic and common sense; not backed by a special interest group and has no personal agenda; loves the City and wants to see it prosper, prays for City; if he disagrees with something it has nothing to do with lacking compassion or understanding; not passing judgement or being hateful; his right to disagree and remain full of love and compassion; someone's lifestyle or choice will not affect the way he looks at someone; not everyone will like or understand him; can't make everyone happy but can give his very best.

Commissioner Bennett: Thanked Ms. Adams for invocation; after listening to comments made tonight regarding recreational marihuana, the Commission's job has not changed, which is to do the best they can and figure out how their decision will affect the community; he will take the time to do that.

Commissioner Osentoski: Thanked Mr. Cooley for his service; medical marihuana facilities should be available within the City by year end; first time recreational marihuana has been discussed by the Commission; ran for City Commission to make sure the City continues to move forward in a positive direction; doesn't think the sale of recreational marihuana is good for the City, not family friendly; if City opts out, it can always opt back in.

Commissioner Bostick-Tullius: Thanked everyone for coming to tonight's meeting, comments are important for the Commission to take into consideration while working towards a decision; public hearing has not been held on this issue, feels it is important to have one; people will be notified of the public hearing and have the opportunity to speak for or against the issue.

Commissioner Marquardt: Thanked everyone for comments; agrees with holding a public hearing; would like to hear additional comments; received information before tonight's meeting and would like time to review it.

City Manager Dale Kerbyson: glad to see Senator Daley at tonight's meeting; working a list of items to discuss with the Senator; will be at a City Managers' conference beginning tomorrow through the end of the week.

Mayor Sprague: recapped upcoming local events; thanked everyone for coming to tonight's meeting; reiterated that during public hearings and public comments, everyone will respect the person speaking; it is an opportunity to express an opinion, not argue; appreciates Senator Daley attending tonight's meeting; disagrees with what some people say, elections do have consequences; voter turnout significantly higher last November than other off-year elections; have an obligation to listen to the majority, but make sure the right thing is being done for the City.

ADJOURNMENT

31 2019 02-04

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:33 p.m.

Mayor William J. Sprague

Renee L. Bullen, City Clerk, CMC

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
FEBURARY 18, 2019**

A regular meeting of the Lapeer City Commission was held February 18, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Sprague.

Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

32 2019 02-18

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Agenda for February 18, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

33 2019 02-18

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the minutes of the Regular meeting held February 4, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Norm Sorenson, representing Hunters Creek Trailer Park/Clearview MHC Holdings presented the City with a donation of \$55,684.99 towards parks and recreation.

Jenny Burkhardt, Wilder Road, gave invocation.

Rebekah Page, Peppermill Circle, commented on skills, training, infrastructure, daily migration on crumbling roads, city needs to move forward; the city needs to ask more of DTE; city is in an opioid emergency status; has public safety issues; people need to help others; there needs to be more civic involvement; does not want to lose community charm; recreational and medical marihuana are not issues.

Mayor Sprague requested anyone that would like to speak on the subject of the public hearing, to hold their comments until the public hearing is opened.

CONSENT AGENDA

34 2019 02-18

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Consent Agenda for February 18, 2019 resulting in the following:

1. Special Event Application from Michigan Lupus Foundation, Annual Timberly Ranshaw Memorial Walk, May 19, 2019, 8:00 AM-4:00 PM, Rowden Park.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR FEBRUARY 18, 2019

35 2019 02-18

Moved by Atwood. Seconded by Marquardt.

Approve the Bill Listing for February 18, 2019 in the amount of \$1,718,624.79.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

Establishment or Operation of Recreational Marihuana Establishments as defined in the Michigan Regulation and Taxation of Marihuana Act.

Mayor Sprague opened the public hearing at 6:39 p.m. and explained the rules of the hearing; raise your hand; when called on, state and spell your name and give your address for the record; be respectful of others; address comments to the Commission, not each other; not a question and answer session; three minute time limit; everyone wanting to comment will be allowed to speak before someone is allowed to speak for a second time.

Kimberly Guzek, N. Calhoun, respectfully requested the Commission opt out of recreational marihuana; felt it needs to be clarified the hearing is for recreational marihuana, not about access to medical marihuana or alcohol consumption in the community; hearing is to talk about whether or not recreational marihuana store fronts are good for the City.

Art Sieting, First Street, resident since 1976; voted against recreational marihuana in November; City residents voted in favor of it, based on that, City should go along with the vote.

Jennette Osentoski, Jefferson Street, lives in the city and owns a business downtown; gave statistics of the November recreational marihuana vote indicating it is not a fair representation of the entire city; if Commission opts out, issue can be put on the ballot for citizens to voice an opinion.

Patrick Betcher, Mill Street, Dryden stated it is premature to opt out of recreational marihuana; no real necessity to opt out now as state rules are unknown; last vote showed 57% voted for it; go with what the people supported.

Bernard Jocuns, Pine Street, owns a business downtown and lives in the city; asked City to listen to the voters; there is a need for recreational marihuana; concerns are driving and increased crime; studies in Colorado and Washington indicate those things taper off; there is a clear need for it and opting out is not listening to the people; it's a person's own business if they want to use marihuana; doesn't know what the concern is, research has been done; only need to regulate; will be a benefit to the community; time to move forward and accept what county and city residents want.

Mike Bahoura, Imlay City Road, is one of the medical marihuana provisioning center license holders; city needs to opt in to recreational marihuana; pledged to pay employees \$17.00 an hour and will hire from local community when possible; there aren't enough good paying jobs here; can only pay higher wages if his business is successful; can hire more people if allowed to sell recreational marihuana; employees will spend their money here; elections have consequences; he has been vetted and pre-qualified by the state; the city can allow the 6 license holders to sell recreationally; only those licensed to sell medical marihuana can sell recreational marihuana for the first two years; shouldn't be a fear of allowing recreational marihuana facilities; will supply tax revenue; need to bring people out of the shadows.

Rhonda Meldrum, N. Maple Leaf Road, works with the Lapeer County Young Marines; big part of what she does is educate kids about the dangers of drugs and alcohol; doesn't want to make it easier to get into the hands of children; asked City to opt out.

Jen Zielinski, Dunaskiss Consulting, cited data from several other states; marihuana has been used for centuries; adopting adult use laws improves product quality, provides tax revenue, decreases gang related violence and dismantles the illicit market; offered to provide supporting documentation; would like to the City opt in or hold off making a decision until the State puts rules into place.

Pastor Keith Atwood, Baldwin Road, has worked the streets and helped alcoholics and drug users with rehab; marihuana is a gateway drug for other uses and is addictive; a representative from Colorado came to warn us of unfavorable statistics; asking City to opt-out.

Kelly Crandall, Lincoln Street, would appreciate the testing that would take place on recreational marihuana which would look for harmful additives; people can make their own choice; anxiety and psychotropic drugs can alter brain chemistry forever; marihuana can help manage wellbeing.

John Pietrykowski, Diehl Road, works in the city; doesn't need marihuana as he has Jesus in his heart and is happy to pray one on one with anyone; has seen Jesus set people free.

Sue Carpenter, Flint River Road, a lot of talk of recreational marihuana being restricted to those 21 and over; kids are able to buy cigarettes and alcohol while underage; who is going to police this; how will extra tax dollars come in to fix the roads if it's legal for a person to grow their own; city doesn't need it, take a stance against drugs; this is inviting a lot of bad things into the city.

Mayor Sprague reminded everyone of the rules of the hearing.

Carol Carney, Gray Road, read a blog from American Family Association on marihuana use which indicated marihuana is a gateway drug; medical science has not verified any medical benefit; users are three times more likely to use opiates within three years; cannabis causes psychiatric problems; today's marihuana is much stronger than that from the 1970s.

Barb Hartwig, Brigham Road, Hadley, works in Lapeer; ask that the Commission don't go all the way with this issue; marihuana cannot be controlled once it leaves the store; take dollars out of the equation; look at it morally; age limit of twenty one doesn't keep alcohol out of the hands of people underage; others driving while using puts her at risk as she drives through the city everyday going to work.

Tim Pietrykowski, Rolling Hills Lane, moved to Lapeer in 2004; sold his house and moved into a rental two years ago; is not happy with the way things are moving forward, not sure he will stay in the city; owns a financial company in the city and not sure he will keep that here either; allowing recreational marihuana storefronts will open a new can of worms; good businesses will not stick around; money will move out of the City; towns with a lot of medical marihuana facilities have deteriorated.

Judy Atwood, Baldwin Road, please opt out; sister passed away from overdose, drug use started with marihuana which lead to other drugs; another sister is addicted to cocaine who started with marihuana; police officers already have their hands full.

Brian Trombley, John Conley, please opt out; in conflict with the federal law, tendency to make state and local laws that are in direct conflict with the federal law; his business has a zero tolerance policy for drugs; workers comp insurance don't want to touch this issue; if the City opts in, it will open Pandora's box and lead to litigation; good employees will get hurt; opting out was part of the proposal passed in November.

Bernadette Treece, N. Washington Street, please choose to opt out; neighboring communities have opted out; is Lapeer going to be the place everyone comes to buy pot?

Ken Carpenter, Sawdust Corners Road, six year resident; has seen great things happen in community; is pro-business; plenty of movement to get drugs out of Lapeer; everyone around the city has opted out, creating an island around Lapeer. If the City opts in, it will be a centralized location that people come to; would like to see the City opt out.

Janet Adams, Baldwin Road, impossible to have all the facts, prays for all commissioners, you are accountable for your actions; do not go forward with recreational marihuana; asked Commissioners to search their own heart and be solid in their decision.

Dr. Tim Carney, Gray Road, stated he is a dentist and dealt with pain meds all his life; in dental school his roommate smoked marihuana which lead to other drugs and he never finished dental school, was a gateway for him; marihuana is a mind altering drug which leads to greater drug use; encouraged City to opt out; prayer is better than drugs.

Gary Cooley, Turtle Lake Road, North Branch, hopes the city opts in; been on pain meds all his life; goes to medical marihuana facilities in Flint, Burton, Grand Blanc and Kalkaska to get his marihuana; all were well regulated facilities that are clean and have no trouble with crime; has visited police departments and not one spoke against it; the city could face future litigation and possible recall if they opt out; provided information to City staff to forward to the City Commission.

Melissa Petrie, Lincoln Street, born and raised in Lapeer; be careful with putting money before lives; drugs have an adverse effect; too many overdoses; kids die because of addiction; love of money is the root of all evil; has watched everything change; need to weigh all the options; people showed up just to vote on the marihuana proposal who have never voted in their life, which is their right; listen to everyone's opinions, not just those that voted it in; schools have closed because people are leaving the City.

George Lynch, Farmington, owns a facility in Orion Township, pre-qualified for licenses to grow and process marihuana; is 63 years old; had his first joint in 1969; father is a police officer; has had a successful career; people need to be educated; gave an overview of the history of marihuana in the United States; quit smoking it when his daughter was born; education is needed; uses a medical marihuana cream, it is real medicine.

Marlana Swindell, Pleasant Street, stated it is her choice to use; is allergic to opioids; there have been a lot of opinions but no data or facts; two sides to every story; referenced government websites where statistics are available; property values increase; will bring hundreds of jobs to the City and income tax revenue; this is a gateway off drugs no onto other drugs; helps people get off of opiates.

Hearing no further comments, Mayor Sprague closed the public hearing at 7:29 p.m.

Commissioner Marquardt thanked everyone for coming and voicing their opinion; recreational marihuana doesn't increase usage of 21 and younger; there is no proof relating to traffic infractions; driving impaired is just that, to her knowledge, there is no test for marihuana; THC levels need regulation and this would be an opportunity to have regulations; doesn't think the rate children at which are getting marihuana has changed much over the years; thinks it is important to wait for the State to come up with regulations, then decide if it's appropriate for the City; hold off on making a decision.

Commissioner Osentoski referenced the public hearing notice which indicates any decision the Commission makes will not affect or negate a citizen's right to grow, possess or use recreational marihuana as allowed by law; doesn't want to be the island where people come for recreational marihuana; townships and cities around the City are opting out for a reason; thinks the City needs to opt out.

Commissioner Bennett stated when medical marihuana was discussed, he asked the City Attorney if opting in would violate the Federal law, which it would; he took an oath and has sworn to God to uphold the Constitution, will not vote for any law that would violate the constitution; therefore, he will be voting to opt out of recreational marihuana; will abide by the oath he took.

Commissioner Atwood stated he looks at both sides of everything before making a decision; he represents the city as a whole, and keeps in mind “how will this affect our community”; is not afraid to make a decision based on the upcoming election and whether it will affect his re-election; it’s his right to speak his mind and vote the way he feels; city is seven square miles and had 21 applicants for medical marihuana, a few dropped out bringing it down to 17 applicants; there are over 30 places to buy alcohol in the city, however, a lot of these stores sell a lot of other products such as food and clothing; how much marihuana is needed in seven square miles; thinks if the City opts out, it will be on the ballot in November; is not judging but is looking at the community as a whole and decide whether it will have a positive or negative impact on the City; looking at the pros and cons; things need to change at the federal level first; gave examples of over bombarding of products in general; doesn’t want to see the gold rush effect here; opioids and heroin are an issue; hopes his opinion is respected, believes everyone should stand up for what they believe in.

Commissioner Bostick-Tullius thanked everyone for coming tonight; was one of the commissioners who voted to opt in for medical marihuana; doesn’t regret her decision, thinks there is a medicinal need; whatever is decided tonight will not affect a person’s right to use/consume marihuana; looks at recreational marihuana differently than medical; has done a lot of soul searching on this topic; has two teenagers, the drugs are already here, sees it in the community and doesn’t want to make it any worse than it already is; has thought about how allowing recreational marihuana stores in the City will affect kids, schools and businesses; can’t agree to opting-in; feels the right thing to do is to opt out.

Mayor Sprague thanked everyone for coming tonight to talk through this issue; takes exception to argument that only 50% of register voters voted in the last election, that is a large turnout; voters voted twice for marihuana, first for medical, then recreational; respects everyone’s opinion, will fight for your right to voice an opinion; when something is illegal, money goes to the black market and there is no quality control; could put black market out of business if controlled; doesn’t like the money aspect, likes that people want to come in and establish new businesses; apologized for the medical marihuana dispensaries taking so long but they will be open soon; a veteran should not have to go to Flint and he will stand up for that; would like no vote tonight and wished for more facts from the State prior to a vote.

36 2019 02-18

Moved by Osentoski. Seconded by Bennett.

Direct the City Clerk and City Attorney to draft an ordinance to prohibit the establishment or operation of recreational marihuana establishments within the City of Lapeer, as defined in the Michigan Regulation and Taxation of Marihuana Act (MRTMA).

ON A ROLL CALL VOTE:

Ayes: Atwood, Bostick-Tullius, Osentoski, Bennett.

Nays: Marquardt.

Absent: None.

MOTION CARRIED.

The meeting recessed at 7:53 p.m. and resumed at 7:59 p.m.

ADMINISTRATIVE REPORTS

Fee Schedule Amendment - Water Tower RV Park.

37 2019 02-18

Moved by Osentoski. Seconded by Bennett.

Approve amendments to the City of Lapeer Fee Schedule relating to Water Tower RV Park fees, effective March 1, 2019.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Secondhand Dealer and Pawnbroker License: Cash 4 ALL.

38 2019 02-18

Moved by Bennett. Seconded by Bostick-Tullius.

Mayor approved a Secondhand Dealer License and Pawnbrokers License for Cash 4 All Pawn located at 773 East Street, Lapeer.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Secondhand Dealer License: ecoATM, LLC.

39 2019 02-18

Moved by Osentoski. Seconded by Bostick-Tullius.

Mayor approved a Secondhand Dealer License for ecoATM, LLC located 540 S. Main Street.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

Michigan Department of Transportation (MDOT).

Small Urban Program Project Prioritization.

40 2019 02-18

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve Municipal Resolution Michigan Department of Transportation (MDOT) Small Urban Program Project Prioritization.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

City Manager Dale Kerbyson distributed an updated Roadway Asset Plan to the Commission which states the status of the roads over the last three years; report will be discussed at the upcoming budget workshop.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

41 2019 02-18

Appointed by Mayor Sprague. Moved by Bennett. Seconded by Atwood.

Appoint Bob Rowden, Jr., and Dan Osentoski to the Economic Development Corporation/Tax Increment Finance Authority, Brownfield Redevelopment Authority board with a term ending March 1, 2025.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

42 2019 02-18

Moved by Bostick-Tullius. Seconded by Marquardt.

Appoint Bernard Jocuns to the Income Tax Board of Review with a term ending December 1, 2021.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental Reports were received into the record.

PUBLIC COMMENTS

Kim Guzek, N. Calhoun, appreciates the Commission opting out of recreational marihuana; can always opt in later; she grew up 20 minutes from Detroit and commented on the casino promises and money projections made to the City of Detroit twenty years ago that never happened; opting out is best for community; feels comfortable and blessed to be in the city; is proud of the decision made today which solidifies her move to Lapeer.

Jeanette Osentoski, Jefferson Street, many people are saying 57% of residents of Lapeer citizens wanted recreational marihuana; the City has 6,000 registered voters, 3,000 voted; the 57% is out of the 3,000 votes casts; not a true representation of the entire city; spoke about tax revenue projections; excited for the city to generate money otherwise; is excited about a new business downtown called Downtown Michigan Uniques, a retail store which will open in May, 2019 and will showcase local artists, rustic furniture, ceramics, etc.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bostick-Tullius: Casino trip fundraiser for the Dog Park went well; another fundraiser this Friday from 3:00-7:00 pm, spaghetti dinner at the Lions Club in Metamora to raise funds for the Dog Park.

Commissioner Bennett: Is glad with the decision went the way it went; thanked Commissioner Bostick-Tullius for seeing his side of things; great decision for the community.

Commissioner Osentoski: This was a good meeting; glad for the decision made tonight; thinks majority of citizens will be happy the City opted out.

City Manager Dale Kerbyson: Great meeting, approximately half the audience commented during the public hearing; well-run meeting.

Mayor Sprague: Thanked everyone for showing up and thanked staff for all the extra work they had to do to make tonight run smoothly; we may not always agree but we can move on.

ADJOURNMENT

43 2019 02-18

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 8:11 p.m.

Mayor William J. Sprague

Renee L. Bullen, City Clerk, CMC

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
MARCH 4, 2019**

A regular meeting of the Lapeer City Commission was held March 4, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Sprague.

Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

44 2019 03-04

Moved by Bennett. Seconded by Osentoski.

Approve the Agenda for March 4, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

45 2019 03-04

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the minutes of the Regular meeting held February 18, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Jacquie Wilson, Carriage Hill Circle, representing the Lapeer District Library Board updated the Commission on services available at the library. Notary services are available for free, by appointment, at every branch. She provided literature regarding library events, classes and services.

Janet Adams, Baldwin Road, gave invocation.

CONSENT AGENDA

Commissioner Marquardt asked that Item 'Special Event Request – Stone Soup Pantry' be removed from the Consent Agenda and voted on separately. She also commented a spelling correction is needed for the Fantasy Forest Special Request; the request is from Voiture 1536 40th & 8, not Voiture 1536 40o8.

46 2019 03-04

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Consent Agenda for March 4, 2019 resulting in the following:

1. Special Event Request Special Event Request from Historic Farmers Market of Lapeer LLC, Farmers Market, Wednesdays and Saturdays, May 4, 2019 - October 26, 2019, 9:00 am – 3:00 pm; Farmers Market pavilion; west side of North Court Street, south to Clay Street; North Court Street, west to Cedar Street on the south side of Nepessing Street, subject to relocation during the Lapeer Days and Nightmare on Nepessing Street events, contingent upon receipt of current insurance.
2. Special Event Request from Bishop Kelley Catholic School, Annual Walk-A-Thon, May 17, 2019, 9:00 am – 3:30 pm, rain date of May 20, 2019, begins at Bishop Kelley School throughout sidewalks in the City ending at Annrook Park.
3. Special Event Request, Voiture 1536 40th & 8, Fantasy Forest, October 12, 2019,

Rowden Park, contingent upon receipt of current insurance.

4. Special Event Request, Woodside Bible Church, Easter Festival, April 13, 2019, 10:00 am – 12:00 pm, contingent upon approval from Lapeer County for use of the Old Courthouse lawn and receipt of current insurance.
5. Traffic Control Order #299.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Special Event Request – Stone Soup Pantry

47 2019 03-04

Moved by Bennett. Seconded by Atwood.

Approve the Special Event Request from Stone Soup Pantry, Hunger Awareness Week, May 10-11, 2019 throughout various City intersections on file.

Commissioner Marquardt commented the last few years, this event occurs the same weekend as the postal carrier food drive; food from the postal drive comes back to local churches to provide to people in need; suggested Stone Soup Pantry move their event to the weekend before or after so residents are not asked to give twice on one weekend.

Discussion ensued regarding whether Stone Soup Pantry is aware there is a conflict; possibly ask them to move the date in future years; pantry collects money, not canned goods; can approve the event and allow them to change date if they think there will be competition.

Ayes: Atwood, Bennett, Bostick-Tullius, Osentoski.

Nays: Marquardt.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR MARCH 4, 2019

48 2019 03-04

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Bill Listing for March 4, 2019 in the amount of \$2,280,538.12.

Commissioner Bennett commented bills seem higher this year than in years past, is City spending more money than it's taking in. City Manager Kerbyson commented the bill run contains reimbursements to the schools and county for tax collection.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Proclamation – in Recognition of Robert Govitz

49 2019 03-04

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Proclamation in Recognition of Robert Govitz.

Proclamation In Recognition of Robert Govitz

WHEREAS, Robert (Rob) Govitz began employment with the City of Lapeer on February 20, 1989 with the City of Lapeer Police Department as a Patrolman and rose through the ranks to be promoted Sergeant III on February 20, 2009.

WHEREAS, Rob Govitz, has given conscientious, responsible, and professional service who has taken the Oath to serve the citizens of the City of Lapeer in the law enforcement profession; and

WHEREAS, Rob Govitz has received multiple commendations, including three Life Saving Citation Awards for going over and above his normal duties; and

WHEREAS, Rob Govitz retired on February 28, 2019 after 30 years of service to the City of Lapeer and leaves those in the City of Lapeer proud to have known him and to have served with him.

THEREFORE, LET IT BE KNOWN, that I, Mayor William J. Sprague and the Lapeer City Commission wish to honor and express deep appreciation to Robert (Rob) Govitz for his efforts and devotion to public service and wish him continued success in his retirement.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Mayor Sprague presented Rob Govitz with the proclamation. Mr. Govitz thanked the Commission and everyone he worked with at the City, it's been an honor to work for the City and give back to the community.

Annual Fair Housing Resolution

50 2019 03-04

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Resolution to Approve City of Lapeer Fair Housing Policy.

RESOLUTION TO APPROVE CITY OF LAPEER FAIR HOUSING POLICY

WHEREAS, under the Federal Fair Housing Law, Title VIII of the Civil Rights Act of 1968, it is illegal to deny housing to any person because of race, color, religion, gender, physical or mental disabilities or national origin; and,

WHEREAS, under the Michigan Elliott-Larsen Civil Rights Act, PA 453 of 1976, as amended, it is illegal to deny the opportunity to obtain housing to any person because of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status;

NOW THEREFORE, BE IT RESOLVED:

LET IT BE KNOWN TO ALL PERSONS that it is the policy of the City of Lapeer to implement programs to ensure equal opportunity in housing for all persons regardless of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status; and

BE IT FURTHER RESOLVED, that the City of Lapeer shall not discriminate in the sale, rental, leasing, or financing of housing because of religion, race, color, gender, physical or mental disabilities, national origin, age, height, weight, familial status, or marital status; and

BE IT FURTHER RESOLVED, that the City of Lapeer will assist all persons who feel they have been discriminated against because of religion, race, color, gender, physical or mental disabilities, national origin, age, height, weight, familial status or marital status to seek equity under federal and state laws by providing information to said persons on how to file a complaint with the Michigan Department of Civil Rights; and

BE IT FURTHER RESOLVED, that the City of Lapeer will at a minimum post this policy or the Fair Housing poster or other posters, flyers or other information which will bring to the attention of owners of real estate, developers and builders their respective responsibilities and rights under the Federal Fair Housing Law and Michigan Elliott Larsen Act; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect as of March 4th, 2019.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Baldwin Road Reconstruction Project State of Michigan – Local Share Payment #5

51 2019 03-04

Moved by Atwood. Seconded by Osentoski.

Approve Local Share Payment Request #5 to the State of Michigan in the amount of \$12,335.22 for construction services on the Baldwin Road Reconstruction Project.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED

Secondhand Dealer License: ecoATM, LLC.

52 2019 03-04

Moved by Bostick-Tullius. Seconded by Bennett.

Mayor approve a Secondhand Dealer License for ecoATM, LLC located at 555 E. Genesee Street.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Ordinance: Chapter 69 (An Ordinance to Prohibit the Establishment or Operation of Recreational Marihuana Facilities Pursuant to the Michigan Regulation and Taxation of Marihuana Act).

Commissioner Osentoski introduced Chapter 69 (An Ordinance to Prohibit the Establishment or Operation of Recreational Marihuana Facilities Pursuant to the Michigan Regulation and Taxation of Marihuana Act) of the General Ordinances of the City of Lapeer.

CHAPTER 69

AN ORDINANCE TO PROHIBIT THE ESTABLISHMENT OR OPERATION OF RECREATIONAL MARIHUANA FACILITIES PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT.

THE CITY OF LAPEER ORDAINS:

§ 69-01 Purpose

It is the intent of this Ordinance to exercise the City of Lapeer's authority to prohibit the establishment or operation of marihuana establishments within the City as such facilities are defined in the Michigan Regulation and Taxation of Marihuana Act.

§ 69-02 Prohibition of Recreational Marihuana Establishments

Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Section 6.1, the City of Lapeer elects to prohibit recreational marihuana establishments within its boundaries, including, but not limited to, any marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the State of Michigan under the Michigan Regulation and Taxation of Marihuana Act.

§ 69-03 Severability

In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding

shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

§ 69-04 Effective Date

This Ordinance shall be effective upon publication.

CITY MANAGER'S REPORT

None.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The DDA Status Report dated February 22, 2019 was received into the record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: congratulations to Rob Govitz on retirement, he will be missed.

Commissioner Bennett: thanked Rob Govitz for his service.

Commissioner Osentoski: thanked Rob Govitz for his service to the city, greatly appreciated; glad to see the DDA pledge \$10,000 towards the dog park project.

Commissioner Bostick-Tullius: thanked Rob Govitz for his service, an asset to the community, great retirement party; grant request for dog park was submitted on Friday, thanked Rodney Church for his work on the grant.

Commissioner Marquardt: thanked Rob Govitz for his service, a pleasure to know him; dog park fundraiser went well; thanked the Fire Department for providing the Commission a copy of their annual report.

Mayor Sprague: thanked Rob Govitz for his service to the City, a great asset, encouraged him to stay involved with the City; Paczki Fest fundraiser downtown tomorrow, proceeds benefit The Refuge.

ADJOURNMENT

53 2019 03-04

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 6:50 p.m.

Mayor William J. Sprague

Renee L. Bullen, City Clerk, CMC

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
MARCH 18, 2019**

A regular meeting of the Lapeer City Commission was held March 18, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Sprague.

Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

54 2019 03-18

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Agenda for March 18, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

55 2019 03-18

Moved by Osentoski. Seconded by Atwood.

Approve the minutes of the Regular meeting held March 4, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Devin Falkenhagen, Youth Council Chair, introduced himself and Mr. Thibeault as members of the Youth Council; gave an update on the Youth Council's activities, projects and plans; thanked the City Commission for their support.

Jeremy Thibeault, Youth Council member, said the Youth Council will be getting more involved in the community and thanked the Commission for their support.

Jenny Burkhardt, Wilder Road, gave invocation.

CONSENT AGENDA

56 2019 03-18

Moved by Marquardt. Seconded by Atwood.

Approve the Consent Agenda for March 18, 2019 resulting in the following:

1. Special Event Request Special Event Request from Lapeer Area Chamber of Commerce, Lapeer Food Truck Festival, City Lot #5, 4:00 – 8:00 pm on May 13th, June 10th, July 8th and September 9th, 2019.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR MARCH 18, 2019

57 2019 03-18

Moved by Marquardt. Seconded by Bennett.

Approve the Bill Listing for March 18, 2019 in the amount of \$588,779.55.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Resolution – Grant Request for Second Street Reconstruction Project.

58 2019 03-18

Moved by Bostick-Tullius. Seconded by Osentoski.

To accept the project and approve a Resolution regarding the Second Street Reconstruction Project which establishes a request for funding, designates the City Manager to act as the City's agent, attests to the existence of funds and commits to implementing a maintenance program funded by the Transportation Economic Development Fund Category B Program.

CITY OF LAPEER
MUNICIPAL RESOLUTION

TO ESTABLISH A REQUEST FOR FUNDING, DESIGNATE AN AGENT, ATTEST TO THE EXISTENCE OF FUNDS AND COMMIT TO IMPLEMENTING A MAINTENANCE PROGRAM FUNDED BY THE TRANSPORTATION ECONOMIC DEVELOPMENT FUND CATEGORY B PROGRAM FOR THE FOLLOWING IMPROVEMENTS:

Reconstruct Second Street from Lincoln Street east to Jackson Street, including new curb and gutter, driveway approaches, aggregate base, hot mixed asphalt and replace the existing water main.

(see attached map)

WHEREAS, the City of Lapeer is applying for \$243,000 in funding through MDOT from the Transportation Economic Development Category B Program to reconstruct Second Street from Lincoln Street east to Jackson Street.

WHEREAS, MDOT requires a formal commitment from the public agency that will be receiving these funds and will be implementing and maintaining these infrastructure projects.

NOW, THEREFORE, BE IT RESOLVED THAT, the City has authorized City Manager, to act as agent on behalf of the City to request Transportation Economic Development Fund Category B Program funding, to act as the applicant's agent during the project development, and to sign a project agreement upon receipt of a funding award.

BE IT FURTHER RESOLVED THAT, the City attests to the existence of, and commits to, providing at least \$243,000 toward the construction costs of the project(s), and all costs for design, permit fees, administration costs, and cost overruns.

BE IT FURTHER RESOLVED THAT, the City commits to owning, operating, funding and implementing a maintenance program over the design life of the facilities constructed with Transportation Economic Development Fund Category B Program funding.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Ordinance: Chapter 69 (An Ordinance to Prohibit the Establishment or Operation of Recreational Marihuana Facilities Pursuant to the Michigan Regulation and Taxation of Marihuana Act).

59 2019 03-18

Moved by Bennett. Seconded by Osentoski.

Approve ordinance Chapter 69 (An Ordinance to Prohibit the Establishment or Operation of Recreational Marihuana Facilities Pursuant to the Michigan Regulation and Taxation of Marihuana Act) of the General Ordinances of the City of Lapeer.

CHAPTER 69

AN ORDINANCE TO PROHIBIT THE ESTABLISHMENT OR OPERATION OF
RECREATIONAL MARIHUANA FACILITIES PURSUANT TO THE MICHIGAN
REGULATION AND TAXATION OF MARIHUANA ACT.

THE CITY OF LAPEER ORDAINS:

§ 69-01 Purpose

It is the intent of this Ordinance to exercise the City of Lapeer's authority to prohibit the establishment or operation of marihuana establishments within the City as such facilities are defined in the Michigan Regulation and Taxation of Marihuana Act.

§ 69-02 Prohibition of Recreational Marihuana Establishments

Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Section 6.1, the City of Lapeer elects to prohibit recreational marihuana establishments within its boundaries, including, but not limited to, any marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the State of Michigan under the Michigan Regulation and Taxation of Marihuana Act.

§ 69-03 Severability

In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

§ 69-04 Effective Date

This Ordinance shall be effective upon publication.

ON ROLL CALL VOTE:

Ayes: Bennett, Osentoski, Bostick-Tullius, Atwood.

Nays: Marquardt.

Absent: None.

MOTION CARRIED.

Medical Marihuana Provisioning Centers – Merit System Procedure Policy Amendments.

Commissioner Bostick-Tullius questioned why the new amendment is for five years instead of three years. City Attorney Michael Nolan responded no one anticipated how long the process would take; he suggested five years so the whole application process would not have to start over if all the applicants did not get through the final stages of the process within a three year timeframe. Commissioner Bostick-Tullius indicated five years was too long.

60 2019 03-18

Moved by Bostick-Tullius. Seconded by Bennett.

Approve amendments to City of Lapeer Policy, Medical Marihuana Provisioning Center Application Process for Issuance of Provisional Licenses, Merit System Procedure for Allocation of Limited Provisional Licenses.

Ayes: Atwood, Marquardt, Osentoski.

Nays: Bennett, Bostick-Tullius.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson questioned if the Commission wants to review its Rules and Procedures; after discussion, consensus was the Commission will individually review them and discuss at the April 1, 2019 Commission meeting; Attorney Nolan suggested a change to the Rules and Procedures regarding the recording of meetings; Commissioner Bennett commented it is ridiculous that a person has to give up their current seat to run for any other seat; City Manager Kerbyson clarified that is a City Charter provision; City Manager Kerbyson requested a Closed Session to discuss the sale of property.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

61 2019 03-18

Appointed by Mayor Sprague. Moved by Marquardt. Seconded by Bennett.

To appoint Mike Robinet to the Cemetery Board, term ending 4-1-2024.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

62 2019 03-18

Appointed by Mayor Sprague. Moved by Bostick-Tullius.

To appoint Deborah Marquardt and Dianne Nordberg to the Park Board, term ending 4-1-2022.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

63 2019 03-18

Moved by Marquardt. Seconded by Bennett.

To appoint David Frisch and Terry Kluge to the Prison Liaison Committee, term ending 4-1-2022.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

64 2019 03-18

Moved by Marquardt. Seconded by Bostick-Tullius.

To appoint Paul Parsch to the Zoning Board of Appeals, term ending 4-1-2022.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental Reports was received into the record.

PUBLIC COMMENTS

Brian Cloutier, W. Genesee Street, commented he sold his home in Oakland County to move back to his hometown of Lapeer; thanked the Commission for voting against recreational marihuana; wants to make sure community is safe and community values hold strong.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett: Lapeer is a wonderful place to live, agrees with Mr. Cloutier that the City is a great place and it's the Commission's job to keep it that way.

Commissioner Osentoski: Commented the White building has been vacant since 2005; cost to refurbish or renovate is too much; City doesn't let unrepairable houses stand, why doesn't the City do something to remove this building; there is no tax revenue, needs to be torn down and the lot sold; school district needs to do something about this building, it has stood still long enough.

Commissioners discussed the condition of the White building; the City Manager will have the building looked at by the City's Building Official and will meet with the school superintendent to discuss the building's future.

Commissioner Atwood: The first City Superheroes meeting will be on April 6th at noon at Cream; meeting will include the Youth Council and citizens that contacted the City who are interested in volunteering; cannot stop people from using drugs; maybe a group can be formed that includes community leaders to exchange ideas and come up with a game plan to combat drug use.

Commissioner Bostick-Tullius: there is a huge crack in the road at Millville and Genesee and inquired about having it repaired; Lapeer Main Street Partnership is a task force made up of representatives from the City, County, Chamber and DDA; three meetings have been held, working on a brand for downtown Lapeer; a branding firm will visit in May and will provide an assessment and recommend a brand; after Partnership agrees on a brand, it will be unveiled to the community; no cost for the branding firm, covered through the Michigan Main Street Program.

Commissioner Marquardt: commented on road repairs needed at Millville and Genesee, suggested the area be looked at; the Teamwork ceremony was very nice.

City Manager Dale Kerbyson: attended event at the The Pix that showcased student art throughout the congressional district, event was well attended and art work was fantastic; starting this weekend, artwork by Lapeer County students will be on display; was impressed with our town Saturday; town was very busy with the ABBA tribute concert at the PIX and the Optimist Vegas Night event; it was nice that stores in town donated food for the Teamwork ceremony.

Closed Session.

65 2019 03-18

Moved by Bennett. Seconded by Osentoski.

To go into Closed Session to discuss real estate.

ON A ROLL CALL VOTE:

Ayes: Atwood, Bostick-Tullius, Marquardt, Bennett, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Mayor Sprague: Fantastic job on the Teamworks event; Lapeer Industries will lose 160 workers due to loss of a contract; won't be here for the 4/15/19 meeting, Commissioner Marquardt will chair the meeting; thanks to the DPW, Police, Fire – fabulous job; looking forward to budget meetings.

The meeting adjourned to a Closed Session at 7:16 p.m. and returned to the regular meeting at 7:25 p.m.

It was the consensus of the Commission to move forward with cancelling the purchase agreement with DTE for Lot 18B in the industrial park and move forward with a purchase agreement for Lot 24 at the same price per acre.

ADJOURNMENT

66 2019 03-18

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.
Absent: None.
MOTION CARRIED.

The regular meeting adjourned at 7:26 p.m.

Mayor William J. Sprague

Renee L. Bullen, City Clerk, CMC

Tracey S. Russell, Deputy City Clerk

ITEM H-2

INTEROFFICE MEMORANDUM

TO: Mayor and City Commission
FROM: Romona Sanchez, City Clerk
DATE: October 8, 2019
RE: 2020 Census: Complete Count Committee/Commitment Letter

STAFF RECOMMENDATION

Approve Resolution Designating April 1, 2020 as Census Day in the City of Lapeer and Appointing a Complete Count Committee and authorize the Mayor and/or the City Clerk to sign required documents.

CURRENT OR NEW INFORMATION

The US Census Bureau has established a Partnership Program, the Complete Count Committee (CCC), to encourage full participation in the 2020 Census by working with local municipalities to promote awareness of the upcoming census. The intent of the promotion activities is to inform residents of the importance of answering the 2020 Census.

The CCC works with the US Census Bureau to get the word out about Census jobs, address canvassing, the importance of filling out census forms, and data confidentiality. The goal is to inspire every resident within the City of Lapeer to be counted. This Partnership Program is a way to provide citizens information about upcoming census activities while working with local communities to identify ways to ensure a complete count.

The City Clerk will be appointed to act as the Complete Count Committee to assist the U.S. Census Bureau with their outreach activities and to raise overall awareness of the 2020 Census. Members can be added to the Committee in the future if needed; the Census Bureau doesn't require subsequent action by the City Commission to add members, just an initial resolution to establish the Committee. The proposed resolution was reviewed by a Partnership Specialist from the Census Bureau for approval.

CITY MANAGER REVIEW

Meeting Date: 10-21-19
Consent:
Administrative: X
Public Hearing:

Date of Review: 10-14-19

Completed by: Romona Sanchez, City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
APRIL 15, 2019**

A regular meeting of the Lapeer City Commission was held April 15, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Commissioners Atwood, Bennett, Bostick-Tullius, Osentoski.

Absent: Mayor Sprague (excused), Commissioner Marquardt (excused).

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

City Manager Dale Kerbyson led the Pledge of Allegiance.

Acting Mayor.

77 2019 04-15

Moved by Bennett. Seconded by Osentoski.

Approve Commissioner Bostick-Tullius to serve as Acting Mayor for the April 15, 2019 City Commission meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

AGENDA APPROVAL

78 2019 04-15

Moved by Bennett. Seconded by Osentoski.

Approve the Agenda for April 15, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

MINUTES

79 2019 04-15

Moved by Bennett. Seconded by Osentoski.

Approve the minutes of the Regular meeting held April 1, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Jenny Burkhardt, Wilder Road, gave invocation.

CONSENT AGENDA

80 2019 04-15

Moved by Osentoski. Seconded by Atwood.

Approve the Consent Agenda for April 15, 2019 resulting in the following:

1. *Special Event Request from Albar Industries Inc., Albar 50th Anniversary, Saturday, June 8, 2019, 780 Whitney Drive; event not open to the public.*
2. *Special Event Request from Center for the Arts of Greater Lapeer, 50th Anniversary Party of Woodstock, Saturday, May 4, 2019, 5 PM – 12 AM using a section of Court Street north of Nepessing Street, pending State approved liquor license.*
3. *Special Event Request from Lapeer Optimist Club, Nightmare on Nepessing, October 12-13, 2019; downtown with street closures on Nepessing, between Cedar and Court Streets; Event setup begins Friday, October 11th; contingent upon receipt of current insurance.*
4. *Special Event Request from Ray C's Harley-Davidson of Lapeer, Ray C's Food*

Truck Rally, 11 AM – 7 PM on April 20th, May 11th, June 29th, July 27th, August 10th and September 14th, 2019 at the Ray C's dealership located at 1491 South Lapeer Road.

Ayes: Atwood, Bennett, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

BILL LISTING FOR APRIL 15, 2019

81 2019 04-15

Moved by Osentoski. Seconded by Bennett.

Approve the Bill Listing for April 15, 2019 in the amount of \$809,526.87.

Ayes: Atwood, Bennett, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Arbor Day Proclamation.

82 2019 04-15

Moved by Atwood. Seconded by Osentoski.

Approve the Arbor Day Proclamation as presented.

CITY OF LAPEER ARBOR DAY PROCLAMATION

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees, wherever they are planted, are a source of joy and spiritual renewal,

THEREFORE, BE IT RESOLVED that I, William J. Sprague, Mayor of the City of Lapeer and the Lapeer City Commission do hereby declare April 26, 2019 as Arbor Day in the City of Lapeer and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations. Dated this 15th day of April, 2019.

Ayes: Atwood, Bennett, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Marquardt.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Optimist Club Beer Tent Resolution.

83 2019 04-15

Moved by Osentoski. Seconded by Atwood.

Approve City of Lapeer Resolution Lapeer Optimist Club as presented.

RESOLVED: that the request to authorize the Lapeer Optimist Club to use the City sidewalks and Cedar Street north of Nepessing Street for their beer tent on Friday, August 16, 2019 through Sunday, August 18, 2019, be approved.

Ayes: Atwood, Bennett, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Marquardt.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Downtown Outdoor Dining Area Right-of-Way Licenses.

84 2019 04-15

Moved by Atwood. Seconded by Bennett.

Approve Right-of-Way License applications for the following businesses:

1. Blondie's Sweet Boutique/Dagwood's Deli – 193 W. Nepessing Street
2. Popovich Properties, LLC – 393 W. Nepessing Street (Vinyl Bar & Grill)
3. Fat Boys Bar & Grill – 10 E. Nepessing Street
4. Tilted Axis Brewery – 303 W. Nepessing Street (Permanent Enclosure)
5. Tilted Axis Brewery – 303 W. Nepessing Street (Seasonal Enclosure)
6. Woodchips, LLC – 315 W. Nepessing Street (Permanent Enclosure)
7. Woodchips, LLC – 323 W. Nepessing Street (Seasonal Enclosure)

Ayes: Atwood, Bennett, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

Ordinance Amendment – Chapter 25 Public Housing.

Commissioner Osentoski introduced amendments to Chapter 25 (Public Housing) of the General Ordinances of the City of Lapeer.

CHAPTER 25 PUBLIC HOUSING

THE CITY OF LAPEER ORDAINS:

25.01 An Ordinance to create a Municipal Housing Commission for the City of Lapeer (the "Commission") to purchase, acquire, construct, maintain, operate, improve, extend or repair housing facilities and to eliminate housing conditions which are detrimental to the public peace, health, safety, morals or welfare of the City of Lapeer, Michigan:

- (A) Pursuant to Act 18 of the Public Acts of 1933, as amended, there is hereby established a Housing Commission, hereinafter called the Lapeer Housing Commission (sometimes referred to hereafter as "LHC"), with authority to purchase, acquire, construct, maintain, operate, improve, extend and repair housing facilities within the City of Lapeer and to eliminate housing conditions which are detrimental to the public peace, health, safety, morals or welfare of the said City.
- (B) The Commission shall consist of five (5) members who shall be appointed by the Mayor of the City of Lapeer. The term of office of the members of the first Commission appointed hereunder shall be appointed for terms of one (1) year for one member, two (2) years for one member, three (3) years for one member, four (4) years for one member, and five (5) years for one member. The term of office of members of the Commission shall be five (5) years.

One member of the commission shall be a tenant of public or subsidized housing.

Members of the Commission shall serve without compensation and may be removed from office by the Mayor. Any vacancy in office shall be filled by appointment by the Mayor for the remainder of the unexpired term.

- (C) The Commission shall be a public body corporate. Except as otherwise provided in Public Act 18, the commission may do all of the following:
1. Sue and be sued in any court of this state.
 2. Form or incorporate nonprofit corporations under the laws of this state for any purpose not inconsistent with the purposes for which the commission was formed.
 3. Serve as a shareholder or member of a qualified nonprofit corporation organized under the laws of this state.
 4. Authorize, approve, execute, and file with the Michigan Department of Commerce those documents that are appropriate to form and continue one or more nonprofit corporations.
 5. Form or incorporate for-profit corporations, partnerships, and companies under the laws of this state for any purpose not inconsistent with the purposes for which the commission was formed.
- (D) The Commission shall meet at regular intervals after public notice of the time and place of such meeting and all meetings of the Commission shall be open to the public. The Commission shall adopt by-laws and its own rules of procedure not inconsistent with the provisions of Act 18 or of this Ordinance, and shall keep a record of its proceedings. Three (3) members of the Commission shall constitute a quorum for the transaction of its business and a Chairman and a Vice Chairman shall be elected by the Commission. The said Commission may employ and fix the compensation of a Director who may also serve as Secretary and such other employees or officers as shall be necessary. The Commission shall prescribe the duties of all its officers and employees and shall transfer to its officers and Director those functions and that authority which the Commission has prescribed. The Commission may employ engineers, architects, attorneys, accountants, and other professional consultants as necessary. The Commission may solicit, accept, and enter into agreements relating to grants from any public or private source, including the state or federal government or any agency of the state or federal government, and may carry out any federal or state program related to the purposes for which the commission is created.
- (E) The Commission shall have the following enumerated powers and duties per Section 7 of Public Act 18:
1. To determine in what areas of the City of Lapeer it is necessary to provide proper sanitary housing facilities for families of low income and for the elimination of housing conditions which are detrimental to the public peace, health, safety, morals, and/or welfare;
 2. To purchase, lease, sell, exchange, transfer, assign and mortgage any property, real or personal, or any interest therein, or acquire the same by gift, bequest or under the power of eminent domain; to own, hold, clear and improve property; to engage in or to contract for the design and construction, reconstruction, alteration, improvement, extension, and/or repair of any housing project or projects or parts thereof; to lease and/or operate any housing project or projects;
 3. To control and supervise all parks and playgrounds forming a part of such housing development but may contract with existing departments of the City of Lapeer for operation or maintenance of either or both;
 4. To establish and revise rents of any housing project or projects, but shall rent all property for such sums as will make them self-supporting,

including all charges for maintenance and operation, for principal and interest on loans and bonds, and for taxes;

5. To rent only to such tenants as are unable to pay for more expensive housing accommodations;
 6. To call upon other departments for assistance in the performance of its duties, but said departments shall be reimbursed for any added expense incurred therefore.
 7. It shall have such other powers relating to said housing facilities project as may be prescribed by ordinance or resolution of the City of Lapeer or as may be necessary to carry out the purposes of this act.
- (F)** No member of the Lapeer Housing Commission or any of its officers, employees, or staff shall have any interest directly or indirectly in any contract for property, materials or services to be acquired by the Commission.
- (G)** The Commission shall make an annual report of its activities to the City of Lapeer and shall make other reports as the City may from time to time require. The Commission shall also report any action of the commission taken under Section 6 of Public Act 18 in a manner sufficient to allow the City of Lapeer Commission to exercise the authority granted under this act to supervise the activities of the Commission.
- (H)** Municipal housing commission; deeds, mortgages, contracts, leases, purchases.
1. All deeds, mortgages, contracts, leases, purchases, or other agreements regarding real property, including agreements to acquire or dispose of real property, shall be approved and executed in the name of the Lapeer Housing Commission. Contracts or leases with tenants or facility managers shall be executed by and in the name of the Lapeer Housing Commission.
 2. Contracts for the purchase of necessary materials and contracts related to the powers and duties of the commission under section 12 of Public Act 18 do not need to be approved and executed by the City of Lapeer Commission.
 3. The City of Lapeer may transfer property to the commission for use by the commission for a purpose authorized by this act. The transfer of property to the commission, including property taken under the City of Lapeer's power of eminent domain, shall be considered necessary for public purposes and for the benefit of the public.
 4. The Commission is empowered by the City of Lapeer to act as a borrower. For the execution of agreements regarding real property in the name of the Commission, the commission may sue and be sued with respect to those agreements executed or obligations issued by the Commission. This does not preclude the City of Lapeer or Lapeer Housing Commission from asserting a defense of governmental immunity to which it may be entitled under law against any claim made against the City of Lapeer or the Lapeer Housing Commission.
- (I)** Property, income, and operations of the Commission and property of a "qualified entity" that is located in the City of Lapeer are exempt from all taxation by the state or any of its political subdivisions. The City of Lapeer will require the Commission to pay an annual service fee in lieu of all taxes

with respect to projects or facilities of the commission or qualified entities. The fee shall not exceed 10% of the annual shelter rent obtained from the projects or facilities.

For purposes of this section, “qualified entity” means either of the following:

1. A Michigan nonprofit corporation or a Michigan limited partnership having a Michigan nonprofit corporation as its sole general partner, if 1 of the following applies:
 - i. The nonprofit corporation is owned by the Commission;
 - ii. A majority of the members of the board of directors of the nonprofit corporation are elected and removable by the Commission;
 - iii. The Commission is the sole member of the nonprofit corporation.
 2. A for-profit corporation, partnership, or company formed or incorporated by the commission for the sole purpose of syndicating low income housing tax credits in connection with the redevelopment of a housing project that has been owned by the Commission, if the Commission maintains oversight responsibility for the management and operation of the project for which low income housing tax credits were syndicated and the for-profit entity does not engage in any other business activity unrelated to the housing project.
- (J)** The Commission shall have complete control of the entire housing project or projects including the construction, maintenance and operation as fully and completely as if said commission represented private owners. Contracts for construction or purchase of materials entered into by the commission shall not be required to be made through any City of Lapeer purchasing department.
- (K)** The notes, bonds, or other obligations or any claims of whatever nature against said housing project or projects, shall not be debts or charges against the City of Lapeer or against any members of the commission and no individual liability shall attach for any official act done by any member of such commission.
- (L)** All references to bonds and the issuance of bonds within Public Act 18 apply to Lapeer Housing Commission.
- (M)** In the operation or management of housing projects a commission shall at all times observe the following duties with respect to rentals and tenant selection:
1. It may rent or lease the dwelling accommodations therein only to persons of low income;
 2. It may rent or lease the dwelling accommodations therein only at rentals within the financial reach of such persons of low income;
 3. It may rent or lease to a tenant dwelling accommodations consisting of the number of rooms, but no greater number, which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding;
 4. It shall not accept any person as a tenant in any housing project if the person or persons who would occupy the dwelling accommodations have an aggregate annual net income in excess of any maximum

allowed by the federal government pursuant to federal law or regulation in any contract for financial assistance;

5. It shall prohibit subletting by tenants.

(N) The Lapeer Housing Commission shall not terminate tenancy or contract right to occupy housing except for just cause. Just cause to terminate a tenancy or contract right to occupy housing includes, but is not limited to 1 or more of the following:

1. A failure to comply with the obligations of the lease or the lawful rules and regulations of the housing commission;
2. The use of a unit for any unlawful purpose, including any purpose for which the commission is entitled to recover possession of the premises by summary proceedings under section 5714(1)(b) of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.5714 of the Michigan Compiled Laws;
3. The maintenance of any unsafe, unsanitary, or unhealthful condition in any dwelling unit or in any of the common areas.

(O) To the extent not inconsistent with federal law or regulation, state law, or local ordinance, the housing commission shall adopt and promulgate reasonable rules that establish the following:

1. Eligibility requirements for admission to housing;
2. Obligations of tenants, including regulations for the use and occupation of housing units and common areas;
3. Just cause for the termination of the right of use and occupation, so that a tenant may be clearly apprised of the precise reasons for a termination;
4. Conditions for continued occupancy, taking into account factors including, but not limited to, family size, fluctuations in income, availability of standard accommodations elsewhere, and other relevant matters;
5. Operation of homesteading programs under all of the following:
 - i. The urban homesteading in single-family public housing act;
 - ii. The urban homesteading in multifamily public housing act.

The commission may adopt other rules that are necessary for the just and effective administration of local housing projects constructed and operated as provided by this act. All rules to be valid shall be published in a conspicuous place in each housing project operated by the commission.

(P) This Ordinance shall become effective at 12:01 a.m., Tuesday, May 25, 1971, as an emergency ordinance pursuant to Section 7.3 of the Charter of the City of Lapeer, as revised.

Bentley Street Bridge Project - MDOT Local Bridge Program.

85 2019 04-15

Moved by Atwood. Seconded by Osentoski.

Approve City of Lapeer Municipal Resolution for the Replacement of the Bentley Street Bridge through the Michigan Department of Transportation Local Bridge Program as presented.

CITY OF LAPEER
MUNICIPAL RESOLUTION FOR THE REPLACEMENT OF
THE BENTLY STREET BRIDGE
THROUGH THE MICHIGAN DEPARTMENT OF TRANSPORTATION
LOCAL BRIDGE PROGRAM

WHEREAS, the condition of the Bentley Street bridge has deteriorated to such an extent that replacement is necessary; and

WHEREAS, the budget of the City of Lapeer will not allow for replacement of this bridge without additional funds from other sources;

NOW, THEREFORE, BE IT RESOLVED, that the City of Lapeer requests Michigan Department of Transportation Local Bridge Program Funding for replacement of the Bentley Street Bridge for MDOT's Fiscal Year 2022.

Ayes: Atwood, Bennett, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Marquardt.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Turrill/Elm East Neighborhood Grant Program Application and Grant Updates.

86 2019 04-15

Moved by Osentoski. Seconded by Atwood.

Approve Resolution to Approve Michigan State Housing Development Authority (MSHDA) Neighborhood Enhancement Program (NEP) City of Lapeer Housing Improvement Grant Application as presented.

RESOLUTION TO APPROVE
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA)
NEIGHBORHOOD ENHANCEMENT PROGRAM (NEP)
CITY OF LAPEER HOUSING IMPROVEMENT GRANT APPLICATION

WHEREAS, the City of Lapeer is interested in the continuing effort to improve the housing stock and provide affordable housing opportunities for its moderate, low and very low income residents; and

WHEREAS, the Lapeer City Commission accepts the recommendation of the City of Lapeer Housing Improvement Department to apply for \$49,995 through the Michigan State Housing Development Authority Neighborhood Enhancement Program (NEP) for City of Lapeer Housing Improvement Grant; and

WHEREAS, the Michigan State Housing Development Authority requires a resolution authorizing the submission of the aforementioned grant application; and

WHEREAS, said City Commission authorizes the Mayor to sign the grant application form and related documents such as Environmental Review and Collaboration/Leverage Agreements as required by MSHDA and allow the Director of Housing and Neighborhood Development to sign related grant documents when allowed by MSHDA as required; and

THEREFORE, BE IT RESOLVED that the Lapeer City Commission authorizes the City of Lapeer Housing Improvement Department to submit the application for funding through the Michigan State Housing Development Authority's Neighborhood Enhancement Program for a City of Lapeer Housing Improvement Grant, authorizes the Mayor and Director of Housing and Neighborhood Development to sign grant related documents on behalf of the City of Lapeer.

Ayes: Atwood, Bostick-Tullius, Osentoski.

Nays: Bennett.

Absent: Marquardt.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Ordinance Amendment – Chapter 68 Medical Marihuana Facilities.

Commissioner Osentoski introduced amendments to Chapter 68 (Authorize and Regulate the Establishment of Medical Marihuana Facilities) of the General Ordinances of the City of Lapeer.

CHAPTER 68

Lapeer City Commission Regular Minutes

April 15, 2019

Page 8

AN ORDINANCE TO AUTHORIZE AND REGULATE THE ESTABLISHMENT OF
MEDICAL MARIHUANA FACILITIES.

The City of Lapeer Ordains:

§ 68-04(C)(4)(d)

- (d) All City of Lapeer departments are required to sign-off on their review of the ~~provisional~~ 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:

§ 68-04 Requirements and Procedure for Issuing License

D. 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) 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 pre-qualification 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 pre-qualification 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 pre-qualification 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 (6) months. A maximum of three (3) extensions may be awarded.
- (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.

CITY MANAGER'S REPORT

None.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

87 2019 04-15

Moved by Osentoski. Seconded by Atwood.

Appoint Bryan Cloutier to the Zoning Board of Appeals with a term ending April 1, 2022.

Ayes: Atwood, Bennett, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Departmental Monthly Reports and the Monthly Financial Report for February 2019 were received into the record.

PUBLIC COMMENTS

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Saturday is the first City Superheroes event which is to clean up the area around King Buffet; police will be on hand to give a safety presentation; Rick Rhein Disposal volunteered to collect bags of trash after the event.

Commissioner Bostick-Tullius: Announced it was the consensus of the Commission to schedule the Budget Workshop for Tuesday, April 23, 2019 at 6:00 pm.

ADJOURNMENT

88 2019 04-15

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

The regular meeting adjourned at 6:41 p.m.

Catherine Bostick-Tullius, Acting Mayor

Renee L. Bullen, City Clerk, CMC

Tracey S. Russell, Deputy City Clerk

MINUTES OF A BUDGET WORKSHOP MEETING
LAPEER CITY COMMISSION
April 23, 2019

A workshop meeting of the Lapeer City Commission was held April 23, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:00 p.m.

ROLL CALL

Present: Mayor Sprague.
Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.
Absent: None.

City Manager: Dale Kerbyson (present).

Also Present: Deputy City Clerk Tracey Russell, Finance Director Kerry Helmick, Director of Housing Denise Soldenski, Director of Parks, Recreation & Cemetery Rodney Church, Police Chief David Frisch, Fire Chief Terry Kluge, Director of Public Works Pamela Reid.

Mayor Sprague called the meeting to order at 6:00 p.m. and turned the meeting over to City Manager Dale Kerbyson. Mr. Kerbyson reviewed the CIP via individual projects based off the CIP map. Chief of Police David Frisch explained a new item called the Total Station Measurement Recording System which is a cooperation between the City of Lapeer and the Sheriff's Department.

Mr. Kerbyson reviewed three projects that were not in the CIP or the 2019/2020 budget as follows:

Removal of Cobra Lights Downtown

The Downtown Development Authority is requesting the removal of Cobra Lights in downtown Lapeer, requesting \$30,000 from the City to be allocated to this project. James Alt and Tony Stroh presented an outline of the beautification and costs savings this project would bring for the City of Lapeer, indicating a \$81,738 savings over a three year period for the City as it costs the City \$27,246 per year to run the Cobra lights. Mr. Kerbyson indicated he would work with DTE to get an additional 10% reduction in the cost of the lights removal and LED installs. It was the consensus of the Commission to add this project to the CIP/2019-2020 Budget.

Pedestrian Tunnel Ramp Land Acquisition

The City is attempting to purchase property from a residential land owner to complete the Pedestrian Tunnel Ramp Project, the funds will be from TIFA 3 funding, however, if TIFA 3 does not have the funding the funding can be taken out of the Land Acquisition Fund. It was the consensus of the Commission to pull the funds from the Land Acquisition account and add this project to the CIP/2019-2020 Budget.

Lapeer Center for the Arts – Basement Renovation

The request from the Lapeer Center for the Arts (LCA) is to have the City co-fund the basement renovation of the Pix Theatre. This would be a \$156,000 improvement to the building which the LCA is requesting the City to fund \$43,000 for this project. There was discussion on where these funds should be pulled from, the General Fund, the Land Acquisition Fund, Grants. It was the consensus of the Commission to add this project to the CIP/2019-2020 Budget with the funds coming from General Fund.

Director of Public Works Pam Reid arrived at 6:24 p.m.

Fee Schedule

The Fee Schedule was discussed. One new item in particular under the Building Department was challenged on whether or not to keep it as a new item which reads as follows: “Minimum Violation Fee – whenever a violation is processed to appear in court @ \$100.00.” It was the consensus of the Commission to further review this particular item and it was also the Commission consensus that the rest of the changes in the Fee Schedule would move forward as presented to next step of the approval process.

The Commission paused at 7:35 p.m. for a break and returned to the Workshop at 7:44 p.m.

Budget Booklet

The City Commission discussed the Fiscal Year 2019-2020 City of Lapeer Budget fund by fund with various questions by the Commission. It was suggested for next years’ budget book that it include a summary of why particular accounts had increases or decreases so that questions would not have to be asked for each account. There was an inquiry as to whether or not there is a check lists when a new business comes to town as to what the expectations and responsibilities are of the new business. There are several lists and the check lists will be included in the next Commission Agenda packet. With the addition of the three new items to be added to the CIP/2019-2020 Budget, it was the consensus of the Commission that the budget would move forward as presented to next step of the approval process.

Commissioner Comments

Commissioner Osentoski: Great job.

Commissioner Atwood: Good job.

Commission Bostick-Tullius: Knows the department heads do so much and deserve a lot of credit, great job. Next year would like to see the summary details on the increases/decreases so there won’t be so many questions.

Commissioner Marquardt: great job, thanks, would like to see summary details next year as well.

City Manager Kerbyson: Likes the questions from the Commissioners; a lot of expenses are coming down the pike, sees more growth which means more expense, things will happen in our community which will force us to expand and grow our services; the State seems to be taking all our growth funds; possible extra funds could be added by a millage that does not need the vote of the people, could incorporate a Public Safety Mill Increase to help cover future increases in costs of services, something to seriously consider as an additional revenue resource. Thinks workshop went great, thanks to all the department heads for all their work.

Mayor Sprague: Great work everyone. Effective June 1st, will be resigning as Mayor, has already resigned from Ortonville with a final day of May 20th, was happy with tonight's meeting, feels comfortable with the budget. Thanks to all of you, hard decision to leave.

By general consensus the meeting adjourned at 9:03 p.m.

William Sprague, Mayor

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
MAY 6, 2019**

A regular meeting of the Lapeer City Commission was held May 6, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Sprague.

Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

89 2019 05-06

Moved by Marquardt. Seconded by Osentoski.

Approve the Agenda for May 6, 2019 with the addition of Item G-7 – Resolution – Acceptance of Roads within Woodbridge Subdivision.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

90 2019 05-06

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the minutes of the Regular meeting held April 15, 2019 and the Budget Workshop meeting held April 23, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Ben Cummings, Lapeer Center Executive Director, congrats to Mayor on new job; gave an update on grant dollars received and building renovations being done at the Lapeer Center; discussed an awning installation permit and fees/fines totaling almost \$500 that were assessed; wants to bring attention to the issue; how can the City and Lapeer Center work together to resolve this issue, as well as future renovations.

Janet Adams, Baldwin Road, thanked Mayor Sprague for his service; gave invocation.

Patricia Lucas, Lapeer Development Corporation, thanked the Mayor, City Commission and City Manager for their support of economic development projects; wished Mayor Sprague well at his new job.

CONSENT AGENDA

91 2019 05-06

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Consent Agenda for May 6, 2019 resulting in the following:

1. Special Event Request from Downtown Development Authority, Haunted Lapeer Ghost Tours, October 4,5,11,12,18,19,25 and 26, 2019, 7 PM - 10 PM, downtown Lapeer.
2. Special Event Request from Downtown Development Authority, Summer Concert Series, Thursday evenings, June 6 through August 8, 2019, 6 PM – 9 PM, Farmers Market Pavilion.
3. Special Event Request from American Legion Post 16, Memorial Day Parade, May 27, 2019, Nepessing Street to Veterans Park.
4. Special Event Request from Faith Christian Family Church, Vacation Bible School Camp, June 24-28, 2019,6 PM – 8 PM, Cramton Park.
5. Special Event Request from Downtown Development Authority, Lapeer Car Cruise, Monday evenings, May 6 through September 9, 2019, 5:30 PM-9 PM, excluding Memorial Day and Labor Day, Nepessing Street between Mason and Pine Streets.
6. Special Event Request from Downtown Development Authority, Baubles and Broomsticks Women's Walk, Saturday, October 5, 2019, downtown Lapeer.
7. Special Event Request from Flint River Watershed Coalition, Flint River Cleanup, Saturday, April 27, 2019 from 9 AM – 1 PM.
8. Special Event Request from Kiwanis Club of Lapeer, Pancake Breakfast, Saturday, June 22, 2019 from 9AM - 12PM, contingent upon receipt of current insurance.
9. Special Event Request from First Baptist Church, Evening Service in the Park, Sunday, June 23rd and Sunday, September 8th, 2019, 4 PM to 9 PM, Annrook Park Pavilion.
10. Application and 2019 Permit for fireworks with Wolverine Fireworks Display Inc. and authorize the Mayor or City Manager to sign the permit.
11. Special Event Request from Jim Riehl Friendly Automotive Group, Farmer Appreciation Day, August 6, 2019, 3 PM – 7 PM at the Jim Riehl dealership located at 1515 South Lapeer Road.
12. Special Event Request from Calvelli's Eatery and Spirits, Lapeer Bike Nights, Wednesdays, May 8th through October 30th (exception: event rescheduled from August 14th to August 13th), 6 PM – 11 PM, West Park Street between North Saginaw and Pine Streets.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR MAY 6, 2019

92 2019 05-06

Moved by Bennett. Seconded by Marquardt.

Approve the Bill Listing for May 6, 2019 in the amount of \$641,493.35.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

In Recognition of William Sprague.

93 2019 05-06

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve Proclamation in Recognition of William Sprague as presented.

CITY OF LAPEER Proclamation In Recognition of William Sprague

WHEREAS, William (Bill) Sprague was elected City Commissioner on April 2, 2001 and served the citizens of the City of Lapeer in that capacity until September 5, 2006 when he was appointed Mayor; and

WHEREAS, Bill Sprague, has given conscientious, responsible, and professional service and has taken an Oath to serve the citizens of the City of Lapeer during his time on the City Commission and as Mayor; and

WHEREAS, Bill Sprague has devoted time and effort in service to the Downtown Development Authority and Planning Commission, and has been dedicated to local community affairs and the development of projects during his tenure; and

WHEREAS, Bill Sprague has been the voice of Veterans each year at the parade and has served as the MC for the opening of Lapeer Days. Bill Sprague is concerned with neighborhood revitalization and has always put the community first. He has been dedicated in his efforts to end homelessness and assisting with addressing mental health issues in the community. He attended many business grand openings to welcome owners, and gave willingly of his time to announce Lapeer Lightning football games, as well as be available to couples requesting his services to marry them; and

WHEREAS, Bill Sprague was the leader of many City projects including the removal of parking meters, pedestrian trail expansion, a 30 year contract with Great Lakes Water Authority, the DTE Solar Project, establishment of the City Building Department, a \$12 million dollar utility expansion at the I69/M24 corridor, kick off of the Redevelopment Ready Communities Program, along with many other projects too numerous to list; and

WHEREAS, William (Bill) Sprague, is resigning his position as Mayor on June 1, 2019 after over 18 years of service to the City of Lapeer and leaves those in the City of Lapeer proud to have known him and to have served with him.

THEREFORE, LET IT BE KNOWN that the Lapeer City Commission wishes to honor and express deep appreciation to William (Bill) Sprague for his efforts and devotion to public service and wish him continued success.

Dated this 6th day of May 2019.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Mayor Pro Tem Marquardt read the proclamation and presented it to Mayor Sprague.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Ordinance Amendment – Chapter 68 Medical Marihuana Facilities

94 2019 05-06

Moved by Osentoski. Seconded by Marquardt.

Approve amendments to Chapter 68 (Authorize and Regulate the Establishment of Medical Marihuana Facilities) of the General Ordinances of the City of Lapeer.

CHAPTER 68

AN ORDINANCE TO AUTHORIZE AND REGULATE THE ESTABLISHMENT OF MEDICAL MARIHUANA FACILITIES.

The City of Lapeer Ordains:

§ 68-04(C)(4)(d)

- (d) All City of Lapeer departments are required to sign-off on their review of the ~~provisional~~ 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:

§ 68-04 Requirements and Procedure for Issuing License

D. 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) 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 pre-qualification 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 pre-qualification 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 pre-qualification 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 (6) months. A maximum of three (3) extensions may be awarded.
- (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.

ON A ROLL CALL VOTE:

Ayes: Atwood, Osentoski, Bostick-Tullius, Marquardt.

Nays: Bennett.

Absent: None.

MOTION CARRIED.

Ordinance Amendment – Chapter 25 Public Housing

95 2019 05-06

Moved by Bennett. Seconded by Atwood.

Approve amendments to Chapter 25 (Public Housing) of the General Ordinances of the City of Lapeer.

CHAPTER 25
PUBLIC HOUSING

THE CITY OF LAPEER ORDAINS:

25.01 An Ordinance to create a Municipal Housing Commission for the City of Lapeer (the "Commission") to purchase, acquire, construct, maintain, operate, improve, extend or repair housing facilities and to eliminate housing conditions which are detrimental to the public peace, health, safety, morals or welfare of the City of Lapeer, Michigan:

- (A) Pursuant to Act 18 of the Public Acts of 1933, as amended, there is hereby established a Housing Commission, hereinafter called the Lapeer Housing Commission (sometimes referred to hereafter as "LHC"), with authority to purchase, acquire, construct, maintain, operate, improve, extend and repair housing facilities within the City of Lapeer and to eliminate housing conditions which are detrimental to the public peace, health, safety, morals or welfare of the said City.

- (B) The Commission shall consist of five (5) members who shall be appointed by the Mayor of the City of Lapeer. The term of office of the members of the first Commission appointed hereunder shall be appointed for terms of one (1) year for one member, two (2) years for one member, three (3) years for one member, four (4) years for one member, and five (5) years for one member. The term of office of members of the Commission shall be five (5) years.

One member of the commission shall be a tenant of public or subsidized housing.

Members of the Commission shall serve without compensation and may be removed from office by the Mayor. Any vacancy in office shall be filled by appointment by the Mayor for the remainder of the unexpired term.

- (C) The Commission shall be a public body corporate. Except as otherwise provided in Public Act 18, the commission may do all of the following:

1. Sue and be sued in any court of this state.
2. Form or incorporate nonprofit corporations under the laws of this state for any purpose not inconsistent with the purposes for which the commission was formed.
3. Serve as a shareholder or member of a qualified nonprofit corporation organized under the laws of this state.
4. Authorize, approve, execute, and file with the Michigan Department of Commerce those documents that are appropriate to form and continue one or more nonprofit corporations.
5. Form or incorporate for-profit corporations, partnerships, and companies under the laws of this state for any purpose not inconsistent with the purposes for which the commission was formed.

- (D) The Commission shall meet at regular intervals after public notice of the time and place of such meeting and all meetings of the Commission shall be open to the public. The Commission shall adopt by-laws and its own rules of procedure not inconsistent with the provisions of Act 18 or of this Ordinance, and shall keep a record of its proceedings. Three (3) members of the Commission shall constitute a quorum for the transaction of its business and a Chairman and a Vice Chairman shall be elected by the Commission. The said Commission may employ and fix the compensation of a Director who may also serve as Secretary and such other employees or officers as shall be necessary. The Commission shall prescribe the duties of all its officers and employees and shall transfer to its officers and Director those functions and that authority which the Commission has prescribed. The Commission may employ engineers, architects, attorneys, accountants, and other professional consultants as

necessary. The Commission may solicit, accept, and enter into agreements relating to grants from any public or private source, including the state or federal government or any agency of the state or federal government, and may carry out any federal or state program related to the purposes for which the commission is created.

(E) The Commission shall have the following enumerated powers and duties per Section 7 of Public Act 18:

1. To determine in what areas of the City of Lapeer it is necessary to provide proper sanitary housing facilities for families of low income and for the elimination of housing conditions which are detrimental to the public peace, health, safety, morals, and/or welfare;
2. To purchase, lease, sell, exchange, transfer, assign and mortgage any property, real or personal, or any interest therein, or acquire the same by gift, bequest or under the power of eminent domain; to own, hold, clear and improve property; to engage in or to contract for the design and construction, reconstruction, alteration, improvement, extension, and/or repair of any housing project or projects or parts thereof; to lease and/or operate any housing project or projects;
3. To control and supervise all parks and playgrounds forming a part of such housing development but may contract with existing departments of the City of Lapeer for operation or maintenance of either or both;
4. To establish and revise rents of any housing project or projects, but shall rent all property for such sums as will make them self-supporting, including all charges for maintenance and operation, for principal and interest on loans and bonds, and for taxes;
5. To rent only to such tenants as are unable to pay for more expensive housing accommodations;
6. To call upon other departments for assistance in the performance of its duties, but said departments shall be reimbursed for any added expense incurred therefore.
7. It shall have such other powers relating to said housing facilities project as may be prescribed by ordinance or resolution of the City of Lapeer or as may be necessary to carry out the purposes of this act.

(F) No member of the Lapeer Housing Commission or any of its officers, employees, or staff shall have any interest directly or indirectly in any contract for property, materials or services to be acquired by the Commission.

- (G) The Commission shall make an annual report of its activities to the City of Lapeer and shall make other reports as the City may from time to time require. The Commission shall also report any action of the commission taken under Section 6 of Public Act 18 in a manner sufficient to allow the City of Lapeer Commission to exercise the authority granted under this act to supervise the activities of the Commission.
- (H) Municipal housing commission; deeds, mortgages, contracts, leases, purchases.
1. All deeds, mortgages, contracts, leases, purchases, or other agreements regarding real property, including agreements to acquire or dispose of real property, shall be approved and executed in the name of the Lapeer Housing Commission. Contracts or leases with tenants or facility managers shall be executed by and in the name of the Lapeer Housing Commission.
 2. Contracts for the purchase of necessary materials and contracts related to the powers and duties of the commission under section 12 of Public Act 18 do not need to be approved and executed by the City of Lapeer Commission.
 3. The City of Lapeer may transfer property to the commission for use by the commission for a purpose authorized by this act. The transfer of property to the commission, including property taken under the City of Lapeer's power of eminent domain, shall be considered necessary for public purposes and for the benefit of the public.
 4. The Commission is empowered by the City of Lapeer to act as a borrower. For the execution of agreements regarding real property in the name of the Commission, the commission may sue and be sued with respect to those agreements executed or obligations issued by the Commission. This does not preclude the City of Lapeer or Lapeer Housing Commission from asserting a defense of governmental immunity to which it may be entitled under law against any claim made against the City of Lapeer or the Lapeer Housing Commission.
- (I) Property, income, and operations of the Commission and property of a "qualified entity" that is located in the City of Lapeer are exempt from all taxation by the state or any of its political subdivisions. The City of Lapeer will require the Commission to pay an annual service fee in lieu of all taxes with respect to projects or facilities of the commission or qualified entities. The fee shall not exceed 10% of the annual shelter rent obtained from the projects or facilities.

For purposes of this section, “qualified entity” means either of the following:

1. A Michigan nonprofit corporation or a Michigan limited partnership having a Michigan nonprofit corporation as its sole general partner, if 1 of the following applies:
 - i. The nonprofit corporation is owned by the Commission;
 - ii. A majority of the members of the board of directors of the nonprofit corporation are elected and removable by the Commission;
 - iii. The Commission is the sole member of the nonprofit corporation.
 2. A for-profit corporation, partnership, or company formed or incorporated by the commission for the sole purpose of syndicating low income housing tax credits in connection with the redevelopment of a housing project that has been owned by the Commission, if the Commission maintains oversight responsibility for the management and operation of the project for which low income housing tax credits were syndicated and the for-profit entity does not engage in any other business activity unrelated to the housing project.
- (J) The Commission shall have complete control of the entire housing project or projects including the construction, maintenance and operation as fully and completely as if said commission represented private owners. Contracts for construction or purchase of materials entered into by the commission shall not be required to be made through any City of Lapeer purchasing department.
- (K) The notes, bonds, or other obligations or any claims of whatever nature against said housing project or projects, shall not be debts or charges against the City of Lapeer or against any members of the commission and no individual liability shall attach for any official act done by any member of such commission.
- (L) All references to bonds and the issuance of bonds within Public Act 18 apply to Lapeer Housing Commission.
- (M) In the operation or management of housing projects a commission shall at all times observe the following duties with respect to rentals and tenant selection:
1. It may rent or lease the dwelling accommodations therein only to persons of low income;

2. It may rent or lease the dwelling accommodations therein only at rentals within the financial reach of such persons of low income;
 3. It may rent or lease to a tenant dwelling accommodations consisting of the number of rooms, but no greater number, which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding;
 4. It shall not accept any person as a tenant in any housing project if the person or persons who would occupy the dwelling accommodations have an aggregate annual net income in excess of any maximum allowed by the federal government pursuant to federal law or regulation in any contract for financial assistance;
 5. It shall prohibit subletting by tenants.
- (N) The Lapeer Housing Commission shall not terminate tenancy or contract right to occupy housing except for just cause. Just cause to terminate a tenancy or contract right to occupy housing includes, but is not limited to 1 or more of the following:
1. A failure to comply with the obligations of the lease or the lawful rules and regulations of the housing commission;
 2. The use of a unit for any unlawful purpose, including any purpose for which the commission is entitled to recover possession of the premises by summary proceedings under section 5714(1)(b) of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.5714 of the Michigan Compiled Laws;
 3. The maintenance of any unsafe, unsanitary, or unhealthful condition in any dwelling unit or in any of the common areas.
- (O) To the extent not inconsistent with federal law or regulation, state law, or local ordinance, the housing commission shall adopt and promulgate reasonable rules that establish the following:
1. Eligibility requirements for admission to housing;
 2. Obligations of tenants, including regulations for the use and occupation of housing units and common areas;
 3. Just cause for the termination of the right of use and occupation, so that a tenant may be clearly apprised of the precise reasons for a termination;

4. Conditions for continued occupancy, taking into account factors including, but not limited to, family size, fluctuations in income, availability of standard accommodations elsewhere, and other relevant matters;
5. Operation of homesteading programs under all of the following:
 - i. The urban homesteading in single-family public housing act;
 - ii. The urban homesteading in multifamily public housing act.

The commission may adopt other rules that are necessary for the just and effective administration of local housing projects constructed and operated as provided by this act. All rules to be valid shall be published in a conspicuous place in each housing project operated by the commission.

- (P) This Ordinance shall become effective at 12:01 a.m., Tuesday, May 25, 1971, as an emergency ordinance pursuant to Section 7.3 of the Charter of the City of Lapeer, as revised.

ON A ROLL CALL VOTE:

Ayes: Marquardt, Bostick-Tullius, Osentoski, Atwood, Bennett.

Nays: None.

Absent: None.

MOTION CARRIED.

FY 2019-2020 Budget Notice. Set Public Hearing for May 20, 2019.

96 2019 05-06

Moved by Marquardt. Seconded by Bostick-Tullius.

Approved setting a public hearing on May 20, 2019 at 6:30 PM or as soon thereafter as may be heard regarding the Fiscal Year 2019-2020 City of Lapeer Budget and the first year of the proposed 2019-2025 Capital Improvement Program.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Davison Road Rehabilitation Project Construction Contract.

97 2019 05-06

Moved by Osentoski. Seconded by Marquardt.

Award the construction contract for the Davison Road Rehabilitation Project to Ace-Saginaw Paving Company in the amount of \$586,231.21, contingent upon receipt of a 'Notice to Proceed' from MDOT and authorize the City Manager and/or Director of Public Works to sign any necessary documents.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Status of Final Occupancy of Vinyl Bar.

City Manager Kerbyson stated the facility has received final plumbing and electrical inspections; only mechanical inspection is outstanding.

Commissioner Bostick-Tullius asked that this item be placed on the agenda; when this was discussed at the DDA meeting, the City Manager indicated there was no occupancy in the basement or the second floor and fire suppression wasn't needed; it was later discovered there would be occupancy on those two levels and fire suppression was needed; the Building Official determined a way for the business owner to do an alternative to a fire suppression system that would be less expensive; the City Manager indicated a letter would be sent to the business owner providing the alternative; she read the email sent to the owner and thinks it is very different from what was reported at the DDA meeting; asked if fire suppression is the only outstanding issue before final occupancy is granted; the email sent to the owner was not very clear.

City Manager Kerybson stated the City can't direct the owner's actions; the email presented options available to the owner; original architectural plans indicated there was no occupancy on the second story or basement; there was a meeting of everyone involved in the project to discuss why fire suppression was needed; the plans received were a result of that meeting and they weren't followed.

Mayor Sprague clarified the Commission's role in this issue is to ask questions; there is a process in place if someone disagrees with a decision by the Building Official; they can go to the Board of Appeals; if there is no resolution there, the matter will go to court, which is not where the City wants to end up; discussed getting clarification for the definition of "occupancy"; people have always gone to the basement for beer deliveries or to change a keg under previous owners; if Commission is unhappy with how the building department is being operated, the Commission's role in the process is to hold the City Manager accountable since he holds the building department accountable or to defund the building department; the Commission cannot direct the building department.

Commissioner Bostick-Tullius inquired if "occupancy" is defined in the building code; Commissioners were invited to walk through Vinyl Bar and she toured the building; except for a computer upstairs used for the security system, she would not consider the upstairs occupied; doesn't know if nitpicking the definition is doing a service to business owners; email sent to the owner is confusing and did not clearly state the options; not business friendly.

Commissioner Osentoski commented safety is very important but there needs to be flexibility; he talked to the state Fire Marshal who indicated local officials dictate the regulation and application of the fire code; City should have flexibility to work with business owners; asked the Attorney about the definition of "occupancy"; Attorney Nolan responded the building official is the individual designated under state law to interpret the building code.

City Manager Kerbyson stated he has been working to get grants in place to help fund fire suppression requirements; these are not requirements of the City or Building Official; they are state fire code requirements and are designed for new establishments;

when trying to suppress an older building, its becomes very expensive; he read the definition of “occupancy” as it is defined in the building code; City is required to enforce codes; email to owner was not in greater detail as it is not up to the City to design something for a private business or individual; the City provides options and it is up to the individual to work with the appropriate experts;

Commissioners inquired about granting occupancy now with requirement that fire suppression be in place within a certain amount of time; Attorney Nolan responded doing that would create a health and safety issue.

Commissioner Marquardt suggested the City Manager work with the Building Official to expedite a resolution; City Manager Kerbyson stated the original email sent out asked for a meeting to talk about the issues; he will try to get some forward movement on this issue.

Commissioner Atwood stated fire suppression has been an issue with other building owners; asked if fire suppression is state law; City Manager Kerbyson responded it is state code; Commissioner Atwood asked what happens if the building opens without fire suppression and the building burns down; who is at fault; Attorney Nolan advised if the Commission is going to err on this issue, to err on the side of caution.

City Manager Kerbyson stated everyone took an oath to uphold the laws and constitution; the laws needs to be followed even when we don’t like them.

After discussion, it was requested that the Building Official send a clearer letter which identifies the three definite options that are available to the business owner and suggested a meeting take place between all parties involved to work toward a solution.

Resignation of Mayor

98 2019 05-06

Moved by Osentoski. Seconded by Marquardt.

Accept the letter of resignation from Mayor William Sprague.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED

Resolution – Acceptance of Roads within Woodbridge Subdivision.

99 2019 05-06

Moved by Osentoski. Seconded by Marquardt.

Approve Resolution of the City Commission of the City of Lapeer Accepting a Roadway/Street Dedication Regarding Land Described in Exhibit A.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAPEER ACCEPTING A ROADWAY/STREET DEDICATION REGARDING LAND DESCRIBED IN EXHIBIT A

WHEREAS, property owners, Affinity Land Holdings, LLC, a Michigan limited liability company, have acquired property within the City of Lapeer commonly known to the City as "Woodbridge Subdivision," with said property generally depicted and described on Exhibit A hereto, and said property owners have offered to the City of Lapeer a roadway/street dedication in the form of its official offer of same attached hereto as Exhibit B; and

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of the City of Lapeer that the Roadway Dedication offer as made and presented to the City of Lapeer by Affinity Land Holding, LLC is hereby accepted in the form and deed attached hereto as Exhibit A.

ON A ROLL CALL VOTE:

Ayes: Bennett, Atwood, Marquardt, Bostick-Tullius, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

Building Department Fee Schedule

Postponed to the May 20, 2019 City Commission meeting.

Closed Session

100 2019 05-06

Moved by Bostick-Tullius. Seconded by Atwood.

To go into Closed Session to discuss a confidential attorney communication regarding real estate at the end of the regular meeting.

ON A ROLL CALL VOTE:

Ayes: Atwood, Bostick-Tullius, Marquardt, Osentoski, Bennett.

Nays: None.

Absent: None.

MOTION CARRIED.

CITY ATTORNEY'S REPORT

Attorney Nolan read a prepared statement thanking Mayor Sprague for his years of service to the City, Lapeer Community Schools and the Lapeer community as a whole.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The Investment Report for the Quarter Ended September 30, 2018, the DDA Status Report dated April 18, 2019 and the Monthly Financial Report for March 2019 were received into the record.

PUBLIC COMMENTS

Bernard Jocuns, Pine Street, thanked Mayor Sprague for his service.

Scott Jankovic, Nepessing Street, asked why his business is the only business that needs fire suppression when other businesses on Nepessing Street don't need it.

Kevin Shaffer, Levalley Road, Columbiaville, stated he is part owner of a large corporation; when looking at places to locate he runs into situations where there is confusion with building codes and rules; City should work with people willing to invest and revitalize; after discussions tonight, he is not sure he will continue to look at locating in Lapeer.

Cathy St. Aubin, Davisburg, asked if the owner of Vinyl Bar is unable to finish the project, will it become a vacant building; what will happen.

Ed (no last name given), Village Court, Commission is tripping over definition of 'occupancy'; comes down to interpreting definition.

Patricia Lucas, commented on the Vinyl Bar project; hopes a collaborative resolution can be reached that allows business to open and jobs to be created.

Scott Jankovic, commented regarding ceiling height as it is defined in the building code related to occupancy.

Cathy St. Aubin, asked for an answer to her previous question; Mayor Sprague explained public comment is a time to accept comments from the audience, not a question and answer period.

Karen Mikito, Baldwin Road, lived in Lapeer for over forty years; frustrated with what is happening downtown; would like the downtown to thrive; building inspectors need to be available more than once a week.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Congratulations to Mayor Sprague; has been an honor to serve with him; he will be missed.

Commissioner Bostick-Tullius: echoed Attorney Nolan's earlier comments; has worked with Mayor Sprague since she was appointed to the Commission in 2008; he has been very professional and gracious and has set a good example for the community with his leadership; thanked the Mayor for serving and wished him well.

Commissioner Bennett: Will miss arguing with the Mayor; respects the Mayor and wishes him the best.

Commissioner Osentoski: Thanked the Mayor for his years of service to the City of Lapeer, Godspeed in his future endeavors; would like the City to do what it can to help expedite the opening of Vinyl Bar; would like a more definite description of occupancy and ceiling height.

Commissioner Marquardt: Thanked Mayor Sprague for serving the City for eighteen plus years; been an honor and privilege to serve with him; he will be missed; best of luck.

City Manager Dale Kerbyson: Best wishes to Mayor Sprague.

Mayor Sprague: reviewed upcoming local events; thanked Irma Gelhousen, who gave his name to the Mayor back in 1997 to serve on the TIFA board; thanked Sam Williams for talking him into running for City Commission and circulating his petitions; thanked the previous Mayors he served with, Al Gelhousen and Chuck Treece; thanked various staff members he has worked with over the years including Donna Cronic and Renee Bullen who served as City Clerk during his time on the Commission; thanked Tracey Russell for keeping his appointments and schedule straight; thanked Police Chief Frisch and Director of Public Works Pam Reid; thanked City retirees Paul Boucher and Tom Hubble who are in the audience tonight; apologized if he forgot to thank anybody; blessed to work with George Strand and Dale Kerbyson as City Managers; staff does a fantastic job and loves the City; last but not least, thanked his wife, son and daughter.

The meeting adjourned to Closed Session at 7:36 PM and reconvened to Open Session at 7:44 PM.

ADJOURNMENT

101 2019 05-06

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:44 p.m.

Mayor William J. Sprague Mayor

Renee L. Bullen, City Clerk, CMC

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
MAY 20, 2019**

A regular meeting of the Lapeer City Commission was held May 20, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Commissioners Atwood, Bennett, Marquardt, Osentoski.

Absent: Mayor Sprague(excused) and Commissioner Bostick-Tullius (excused).

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Pro-Tem Marquardt led the Pledge of Allegiance.

AGENDA APPROVAL

102 2019 05-20

Moved by Osentoski. Seconded by Bennett.

Approve the Agenda for May 20, 2019 with the addition of Item G-4 – Michigan Council for the Arts and Cultural Affairs Resolution.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

MINUTES

103 2019 05-20

Moved by Osentoski. Seconded by Atwood.

Approve the minutes of the Regular and Closed Session meetings held May 6, 2019 as presented.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

None.

CONSENT AGENDA

104 2019 05-20

Moved by Osentoski. Seconded by Atwood.

Approve the Consent Agenda for May 20, 2019 resulting in the following:

1. Special Event Request from Lapeer City Police Officers Charitable Fund, Cops for the Community 5k, July 6, 2019 from 7 AM – 11 AM, on the Mott Campus utilizing Lake Drive and the Prairies and Ponds areas, contingent upon receipt of current insurance.
2. Special Event Request from Lapeer Suicide Prevention Network, Into the Light Walk, September 28, 2019 from 11 AM – 5 PM, Rowden Park, contingent upon receipt of current insurance.
3. Special Event Request from Lapeer Area Home School Athletes, Lapeer Lakers 5k, August 24, 2019 from 8 AM – 2 PM, Rowden Park, traveling through Audubon Park, contingent upon receipt of current insurance.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

BILL LISTING FOR MAY 20, 2019

105 2019 05-20

Moved by Atwood. Seconded by Osentoski.

Approve the Bill Listing for May 20, 2019 in the amount of \$403,387.98.

Lapeer City Commission Regular Minutes

May 20, 2019

Page 1

Ayes: Atwood, Bennett, Marquardt, Osentoski.
Nays: None.
Absent: Bostick-Tullius.
MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

In Recognition of Timothy Bentley.

106 2019 05-20

Moved by Bennett. Seconded by Marquardt.

Approve Proclamation in Recognition of Timothy Bentley as presented.

CITY OF LAPEER Proclamation In Recognition of Timothy Bentley

WHEREAS, Timothy (Tim) Bentley began employment with the City of Lapeer on August 23, 1995 with the City of Lapeer Police Department as a Patrolman and rose through the ranks to be promoted to Patrolman IV on July 1, 2016.

WHEREAS, Tim Bentley has given conscientious, responsible, and professional service who has taken the Oath to serve the citizens of the City of Lapeer in the law enforcement profession; and

WHEREAS, Tim Bentley has received multiple commendations, including a Life Saving Citation Award for going over and above his normal duties; and

WHEREAS, Tim Bentley will retire on May 31, 2019 after over 23 years of service to the City of Lapeer and leaves those in the City of Lapeer proud to have known him and to have served with him.

THEREFORE, LET IT BE KNOWN, that I, Mayor William J. Sprague and the Lapeer City Commission wish to honor and express deep appreciation to Timothy (Tim) Bentley for his efforts and devotion to public service and wish him continued success in his retirement.

Dated this 20th day of May 2019.

Ayes: Atwood, Bennett, Marquardt, Osentoski.
Nays: None.
Absent: Bostick-Tullius.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

FY 2019-2020 Budget Public Hearing.

Mayor Pro-tem Marquardt opened the public hearing at 6:33 p.m., hearing no comments, closed the public hearing at 6:33 p.m.

107 2019 05-20

Moved by Marquardt. Seconded by Bennett.

Approved postponing agenda item 'Resolution for the Budget of the City of Lapeer for the Fiscal Year July 1, 2019 to June 30, 2020 and to Make Appropriations Therefore, and the first year of the proposed 2019-2025 Capital Improvement Program' and to schedule a Special City Commission meeting for Tuesday, May 21, 2019 at 6:00 PM for consideration of this item.

Ayes: Atwood, Bennett, Marquardt, Osentoski.
Nays: None.
Absent: Bostick-Tullius.

MOTION CARRIED.

ADMINISTRATIVE REPORTS

Rezoning – R-2 Single-Family Residential to B-2 General Business. Parcel #L20-94-600-030-00 – DeMille Boulevard.

108 2019 05-20

Commissioner Bennett introduced the following amendment to Chapter 7 (Zoning Ordinance), Article 7.02.02(a) (18) of the General Ordinances of the City of Lapeer.

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

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

Parcel #L20-94-600-030-00

CITY OF LAPEER T7N, R10E, SEC 6 W 350.09 FT OF S 350.09 OF SE 1/4 EX RD R/W.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

Davison Road Resurfacing Project.

MDOT Contract #19-5240.

109 2019 05-20

Moved by Osentoski. Seconded by Atwood.

Approve the City entering into Contract #19-5240 with the Michigan Department of Transportation by approving City of Lapeer Municipal Resolution Michigan Department of Transportation Contract No.: 19-5240 – Category “F” Funded Project.

CITY OF LAPEER
MUNICIPAL RESOLUTION
MICHIGAN DEPARTMENT OF TRANSPORTATION
CONTRACT NO.: 19-5240 - Category “F” Funded Project

Municipal Resolution for acceptance of Contract #19-5240 for the Davison Road Rehabilitation Project including:

Rehabilitation of Davison Road from the roundabout at the Lake Nepessing Road intersection eastward to the west side of the DeMille Blvd./Millville Road intersection. The project will include cold milling existing HMA surface and Constructing HMA overlay, replace existing culvert's and ditch cleanout for improved drainage, shoulder improvements, striping and new street signs.

BE IT RESOLVED THAT the Michigan Department of Transportation Contract #19-5240 for the Davison Road Rehabilitation Project – Category “F” Funded Project as described above between the Michigan Department of Transportation and the City of Lapeer is hereby accepted and City Manager Dale Kerbyson and Director of Public Works Pam Reid are authorized to sign the required documents.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

City Wide Fee Schedule.

110 2019 05-20

Moved by Bennett. Seconded by Osentoski.

Approve the City Wide Fee Schedule, effective July 1, 2019 as presented.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

Michigan Council for Arts and Cultural Affairs Resolution.

111 2019 05-20

Moved by Osentoski. Seconded by Marquardt.

Approve Michigan Council for Arts and Cultural Affairs Resolution as presented.

RESOLUTION TO APPROVE
MICHIGAN COUNCIL FOR ARTS AND CULTURAL AFFAIRS (MCACA)
CITY OF LAPEER HOUSING IMPROVEMENT GRANT APPLICATION

Approve the Michigan Council for Arts and Cultural Affairs grant application resolution for the City of Lapeer Center for the Arts of Greater Lapeer Lower Level Renovation Project.

Municipal Resolution for acceptance of Contract #19-5240 for the Davison Road Rehabilitation Project including:

Rehabilitation of Davison Road from the roundabout at the Lake Nepessing Road intersection eastward to the west side of the DeMille Blvd./Millville Road intersection. The project will include cold milling existing HMA surface and Constructing HMA overlay, replace existing culvert's and ditch cleanout for improved drainage, shoulder improvements, striping and new street signs.

BE IT RESOLVED THAT the Michigan Department of Transportation Contract #19-5240 for the Davison Road Rehabilitation Project – Category “F” Funded Project as described above between the Michigan Department of Transportation and the City of Lapeer is hereby accepted and City Manager Dale Kerbyson and Director of Public Works Pam Reid are authorized to sign the required documents.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson reminded everyone to attend the DDA Main Street Branding Workshop at 4:30 PM this Wednesday, brand unveiling will be Thursday at 5:30 PM at the historic courthouse; met with a potential investor to purchase the old foundry building on Court Street, they are looking at making a \$12 million dollar investment in a medical marihuana grow and process facility; currently in negotiations with AFSCME; an offer of employment has been extended for the LDC Executive Director position who will start June 1st; DTW is working on Demille replacing/repairing the lights.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental Reports were received into the record as presented.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Superheroes swept sidewalks downtown Saturday, meet once per month, let him know of any project ideas; attended mid-Michigan Builders Association meeting with City Manager and City Building Official, made some good connections and had good brainstorming sessions.

Commissioner Bennett: Sent letter of interest to fill Mayoral vacancy.

Commissioner Osentoski: Branding for the DDA will be at the old courthouse Thursday at 5:30 pm, would be great if everyone could come.

City Manager Dale Kerbyson: Attended mid-Michigan Builders Association meeting which is a merging of Lapeer, Genesee and Shiawassee counties, there were a lot of trades at this meeting including CCA, there were approximately 70 attendees; he volunteered City Hall for their next meeting. Cramton Park is now open and ready for the holiday weekend. The Mayor's first day at his new job, he had to take cover two times due to tornado warnings.

Mayor Pro-Tem Marquardt: Attended the Beverly Hillbillies at the PIX, was good to see how active the downtown was Saturday; announced local events; also sent letter of interest to fill Mayoral vacancy; discussed the need for a special meeting to discuss Mayoral candidates, it was the consensus of the Commission that a special meeting is unnecessary.

ADJOURNMENT

112 2019 05-20

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

The regular meeting adjourned at 6:52 p.m.

Mayor Pro-Tem Deborah Marquardt

Renee L. Bullen, City Clerk, CMC

Tracey S. Russell, Deputy City Clerk

**MINUTES OF A SPECIAL MEETING
LAPEER CITY COMMISSION
May 21, 2019**

A special meeting of the Lapeer City Commission was held May 21, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:00 p.m.

ROLL CALL

Present: Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: Mayor Sprague (excused).

City Manager: Dale Kerbyson (present).

Mayor Pro-Tem Marquardt led the Pledge of Allegiance.

2019-2020 FY Budget

113 2019 05-21

Moved by Bostick-Tullius. Seconded by Osentoski.

To approve a modified budget that does not include Fund 249 (Building Department Fund).

Commissioner Bostick-Tullius: this has been bothering her since the budget workshop; the Commission went through budget details for all departments and thought everything looked good, then there was an issue at the May 6th City Commission meeting regarding the building department; Mayor Sprague indicated many times the City established its own building department to be more efficient and cheaper, or no more expensive, than Construction Code Authority (CCA); City's fee schedule relating to building department fees was modified to match CCA's rates; if City is charging the same as CCA, why does the City need a building department; why can't residents utilize CCA to get permits; is not saying the Building Official is not a good official or that anybody in the building department is doing a bad job but questioned if the City is doing any better than CCA would; there is a wait to get inspections based on the availability of inspectors; City could take funds from the building department and put towards other things residents need; does not think the reasons the building department was established are still valid or how continuing a building department benefits residents.

Commissioner Bennett: if the City goes back to CCA, will rental inspections be done and would any part of the inspection fee come to the City.

Commissioner Osentoski: CCA does rental inspections.

City Manager Kerbyson: CCA isn't the City's only option; the state could take over inspections or the City could contract with an independent firm; when the City matched CCA's rates, most building department related fees increased; City would not get part of a rental inspection fee if the inspection is performed by someone else; a building department run by an independent firm could be maintained, or building department activities could be turned over to the state; CCA performed rental inspections for the City in the past; the first year the City did their own rental inspections after establishing a building department, 187 cracked heat exchangers were found; one reason the City left CCA was because of poor quality of work; budget review was a month ago; wishes he had been contacted before tonight so he could have addressed these items.

Commissioner Bostick-Tullius: her comments are related to the creation of the building department, not negative comments received about the department; the department was supposed to be cheaper and more efficient than CCA; respectfully disagrees with the City Manager's statement that most fees increased when the fee schedule was modified to match CCA.

Commissioner Bennett: does the building department pay for itself.

City Manager Kerbyson: building department fund operates similar to an enterprise funds, it generates the revenue needed to operate itself; no general fund money goes into the fund.

Commissioner Osentoski: \$58,000 is going to the building department to balance the fund.

City Manager Kerbyson: clarified the \$58,000 is not from general fund but from the building department's fund balance.

Commissioners discussed the issue with the Center Building and fines the contractor received who was doing work there and working to maintain good relationships;

Commissioner Bennett: building official is very good about stopping work being done without a permit; who will do that if the City doesn't have a building department.

City Manager Kerbyson: no one will do that; CCA only initiates an inspection after it has been paid for; regularly hears compliments about the availability of City's inspectors.

Mayor Pro-tem Marquardt: building department issues have been discussed many times; seems to be other directions the City can go; City needs to know the costs involved with options other than CCA.

Commissioner Bostick-Tullius: doesn't see a savings having a building department; if the City isn't doing more than CCA does, why not send residents or individuals interested in opening a business to CCA for permits, there would be no cost to the City; why spend money for an independent contractor to do what CCA does.

Commissioner Bennett: would a planning department be needed.

City Manager Kerbyson: the planning department handles zoning issues and plan reviews; individual getting an inspection pays for it; City does not spend money on inspections, it's a break even scenario; over 160 housing starts this year along with potential name brand restaurants coming to town; ton of work going on; five derelict properties were demolished in the last six months, which is a function of the building department; service of the building department and the quality of housing are very important aspects of the community, 51% of housing market are rentals.

Mayor Pro-tem Marquardt: what happens to the 160 housing starts and any new projects if the building department was not funded as of July 1, 2019.

City Manager Kerbyson: work would have to be turned over to someone who could perform those functions; his first thought is to have the state come in;

Commissioner Bostick-Tullius: open permits/projects could be turned over to CCA to follow up on.

City Manager Kerbyson: cited the issue with the plans for Vinyl Bar; plans were reviewed and approved by various departments; construction varied greatly from the original plans; does not know if CCA would require work to stop until plans were resubmitted; CCA is a for-profit business, not there to do the work of the City to keep the public safe and builders moving in the right direction; CCA has no motivation to force a builder to follow the code.

Commissioner Atwood: how many staff members are at the building department?

City Manager Kerbyson: five, a full time building official and office manager, a part-time office assistant and two contracted inspectors.

Commissioner Osentoski: what is covered in the contractual services budget line item?

City Manager Kerbyson: contracted inspectors and possibly attorney fees are included in the contractual services line item.

Commissioner Osentoski: understands Commissioner Bostick-Tullius's point of view but at the same time is concerned CCA won't check on construction sites the way the City's

building department does; that is a safeguard the City may lose; does not make sense to hire an independent firm.

Commissioner Atwood: a carpenter friend of his said the City is on the right track having its own building department; state is lacking inspectors; CCA is overworked now and does not have enough staff to take on City projects, City is at a tipping point with development; there is a reason for building codes; City would lose control of the quality of jobs; current building official has spent significant time learning the medical marihuana code; not sure CCA wants to take that on as no one else in the county opted into recreational or medical marihuana; building department will always be under scrutiny; no one wants to pull permits and spend extra money; need to make sure citizens are getting good, quality work; going back to CCA is a huge mistake at this point in time, too much going on in the City; not willing to give up on the building department just yet.

Commissioner Bennett: another reason the building department was established is a lot of development was anticipated in the I-69/M-24 area; City expected development much faster than what happened; understands Commissioner Bostick-Tullius's concerns but thinks there are a lot of things CCA does not do that the building department does;

Mayor Pro-Tem Marquardt stated if a move away from the building department is made, it needs to be down the road to make sure all concerns are taken care of; if the City is not going to fund the building department, the Commission needs to look at when that would start and make sure that moving forward, there are solutions that are better for businesses and residents.

City Manager Dale Kerbyson commented on the recent meeting with Canndescent who is proposing a \$12 million dollar investment in a medical marihuana facility; he talked to representatives from Canndescent today who indicated they were very happy they were able to talk to the building official about the project and appreciates that the City has their own building department; a \$23 million hospital expansion is scheduled; if the City was so difficult to deal with, these things would not be on the horizon; department does a very good job; it is cheap insurance to get a rental or building inspection so if there is an issue down the line, the inspection proves things were done right.

ON ROLL CALL VOTE:

Ayes: Osentoski, Bostick-Tullius.

Nays: Bennett, Atwood, Marquardt.

Absent: None.

MOTION FAILED.

114 2019 05-21

Moved by Bennett. Seconded by Atwood.

To approve the budget as presented.

ON ROLL CALL VOTE:

Ayes: Bennett, Atwood, Marquardt.

Nays: Osentoski, Bostick-Tullius.

Absent: None.

MOTION CARRIED.

Mayor Pro-Tem Marquardt: voted to approve budget because of the situation the City is in; would like to continue looking at this issue and see if there are other options that might support businesses and residents in a better form; doesn't want to not support the building department and move to CCA without looking at other options; suggested scheduling a workshop to discuss the building department and other available options.

City Manager Kerbyson: will prepare options for the different directions the City can go in and how they would work; can get proposals from the organizations that can potentially do the job of the building department.

115 2019 05-21

Moved by Marquardt.

To schedule a Special Workshop meeting to look over other options for the building department by the end of August.

Motion was not seconded and no vote taken. Commissioners continued discussing proposed workshop dates; discussed forming a committee to hear complaints on behalf of individuals and make recommendations; Construction Board of Review currently exists that anyone can appeal to; discussed the steps involved in appealing a building department decision; part of the problem may be people do not know this Board exists; building official was requested to attend the workshop meeting, would be helpful to have him there to 'pitch' why the City should keep its own building department; work together to improve the department or come up with a better solution; City needs to hear problems and issues; does it make sense financially and from a performance standpoint to continue doing what is done now, not about an individual; discussed checklists being provided by the building department to individuals who are opening a business, building a house, deck, etc.

116 2019 05-21

Moved by Bostick-Tullius. Seconded by Bennett.

To schedule a Special Workshop Meeting to review and discuss building department options for Tuesday, August 6, 2019 at 6:00 PM.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

Bryan Cloutier, West Genesee Street, commented he is pleased the City is keeping the building department and that the Commission will go through an adequate process to evaluate the department moving forward; building departments are very important and crucial to the community; safety is first and foremost, outsourcing is not always the answer; recommended checking with the City's contracted Planner as many planning firms offer building department type services; if outsourced, City would have more control with local planning firm.

ADJOURNMENT

117 2019 05-21

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

The special meeting adjourned at 7:13 p.m.

Mayor Pro-Tem Deborah Marquardt

Renee L. Bullen, City Clerk, CMC

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
JUNE 3, 2019**

A regular meeting of the Lapeer City Commission was held June 3, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Pro-Tem Marquardt led the Pledge of Allegiance.

AGENDA APPROVAL

118 2019 06-03

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Agenda for June 3, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

119 2019 06-03

Moved by Osentoski. Seconded by Bennett.

Approve the minutes of the Regular meeting held May 20, 2019 and Special meeting held May 21, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Police Chief Frisch introduced Austin Seybert as the newest member of the Police Department, along with Field Training Officer Trevor Johnson.

Jacquie Wilson, District Library Board member, updated Commissioners on library services and activities.

Janet Adams, Baldwin Road, gave invocation.

CONSENT AGENDA

120 2019 06-03

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Consent Agenda for June 3, 2019 resulting in the following:

1. Approve final costs for Special Assessment District 2004-04, M-24/I-69 Corridor Utility Expansion.
2. Special Event Request from Friends of Lapeer Dog Park, Help Let the Dogs Out Dog Walk, June 22, 2019, 12 PM – 2 PM, beginning at Lapeer Crossfit and utilizing sidewalks along Demille, McCormick and South Saginaw Streets.
3. Special Event Request from Chef G's, Father's Day BBQ and Corn Hole Tournament, June 15, 2019, 5 PM- 9 PM located at Chef G's, 450 W. Nepessing Street.
4. Special Event Request from Friends of Lapeer Dog Park, 3rd Annual Lapeer Dog Park Expo, September 15, 2019, 1 PM – 4 PM, Rotary Park.
5. Special Event Request from Chef G's, Bohemian Summer Nights, July 20th and August 24th, 2019, 7 PM – 9 PM, located at Chef G's, 450 W. Nepessing Street.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR JUNE 3, 2019

121 2019 06-03

Moved by Atwood. Seconded by Bostick-Tullius.

Approve the Bill Listing for June 3, 2019 in the amount of \$578,014.02.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Appointment of Mayor

City Clerk Bullen and Attorney Nolan explained the process to fill the vacant Mayor seat as stated in the Rules and Procedures of the City Commission. Commissioners must name the candidate they are voting for. Once a candidate receives a majority 'vote', they are the appointee nominated by the Commission to fill the Mayoral Seat. City Manager Kerbyson asked each Commissioner to name their candidate for Mayor.

Commissioner Bostick-Tullius: Deborah Marquardt

Commissioner Atwood: Glenn Alverson

Commissioner Bennett: Glenn Alverson

Commissioner Osentoski: Glenn Alverson

Commissioner Marquardt: Deborah Marquardt

122 2019 06-03

Moved by Osentoski. Seconded by Atwood.

Appoint Glenn Alverson as Mayor effective June 3, 2019 until 12:01 am, November 11, 2019.

Ayes: Atwood, Bennett, Osentoski.

Nays: Bostick-Tullius, Marquardt.

Absent: None.

MOTION CARRIED.

123 2019 06-03

Moved by Bennett. Seconded by Osentoski.

Appoint Glenn Alverson to the following Boards as Mayoral Representative:

Planning Commission with a term expiring November 11, 2019.

Downtown Development Authority with a term expiring November 11, 2019.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

City Clerk Bullen provided the Oath of Office to Mayor Alverson.

Rezoning – R-2 Single-Family Residential to B-2 General Business.

Parcel #L20-94-600-030-00 – DeMille Boulevard.

124 2019 06-03

Moved by Bostick-Tullius. Seconded by Bennett.

To adopt the following amendment to Chapter 7 (Zoning Ordinance), Article 7.02.02(a) (18) of the General Ordinances of the City of Lapeer.

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

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

Parcel #L20-94-600-030-00
CITY OF LAPEER T7N, R10E, SEC 6 W 350.09 FT OF S 350.09 OF SE
1/4 EX RD R/W.

ON ROLL CALL VOTE:

Ayes: Bennett, Atwood, Osentoski, Bostick-Tullius, Marquardt.

Nays: None.

Absent: None.

MOTION CARRIED.

FY 2019-2020 Downtown Development Authority Operating Budget.

125 2019 06-03

Moved by Osentoski. Seconded by Bostick-Tullius.

Approve the FY Downtown Development Authority Operating Budget.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Custodial Services Contract for City Buildings.

126 2019 06-03

Moved by Osentoski. Seconded by Atwood.

Award the bid for custodial services to CleanNet of Greater Michigan and Approve City of Lapeer Buildings Custodial Service Agreement between the City of Lapeer and Clean Net of Greater Michigan in the amount of \$26,448.00 per year for the following years: July 1, 2019-June 30, 2020, July 1, 2020-June 30, 2021 and July 1, 2021-June 30, 2022, subject to all specifications and conditions of the Invitation to Bid and authorize the City Manager to sign the Agreement.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Kerbyson asked for a closed session to discuss a confidential attorney communication regarding real estate and union contract negotiations at end of the regular meeting; shared comments from County Administrator John Biscoe regarding how well the gasoline leak situation was handled; Police Chief Frisch recently had a birthday and DPW Director Reid has a birthday this week, all sang happy birthday.

127 2019 06-03

Moved by Bostick-Tullius. Seconded by Bennett.

To go into Closed Session to discuss a confidential attorney communication regarding real estate and union contract negotiations.

ON A ROLL CALL VOTE:

Ayes: Bennett, Atwood, Osentoski, Bostick-Tullius, Marquardt.

Nays: None.

Absent: None.

MOTION CARRIED.

CITY ATTORNEY'S REPORT

City Attorney Nolan updated the Commission on pending litigation regarding medical marihuana, cases have been adjourned to July; litigation with 39 Genesee Inc. has been dismissed.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The DDA Status Report dated May 16, 2019 was received into the record as presented.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett: congratulations to Mayor Alverson on his appointment, hope he will continue to support the constitution; attended Memorial Day parade, forgot to bring a chair and a young lady offered him her chair.

Commissioner Osentoski: congratulated Mayor Alverson; thanked the City departments that responded to the gasoline leak situation that occurred downtown last week, handled very professionally.

Commissioner Bostick-Tullius: congratulations to Mayor Alverson; thanked everyone who came to the unveiling of the downtown brand, event went really well and had a nice turnout; glad everybody worked together to resolve the gasoline leak issue; stopped by the new Downtown Michigan Uniques store and it was very busy, a great grand opening for the business and good for the downtown.

Commissioner Atwood: congratulations to Mayor Alverson; City staff did an amazing job responding to the gasoline leak downtown; glad people pray over the community; thanked everyone who expressed an interest in being appointed Mayor; looks forward to working with the Mayor and City Commission to move the City forward; expressed concerns with trains blocking roads for long periods of time, asked if anything could be done.

Commissioner Marquardt: looks forward to working with Mayor Alverson; Saturday is the dog park fundraising trip to Comerica Park; attended Memorial Day parade, former Mayor Sprague did a great job representing the City; attended grand opening for Downtown Michigan Uniques; attended the brand unveiling ceremony and is looking forward to how that will progress.

City Manager Kerbyson: the Police Chief recently met with railroad representatives and is working on steps to mitigate the problem; thanked Mayor Pro-Tem Marquardt for filling in.

Mayor Alverson: thanked City Commissioners for their support; it is an honor to be Mayor and have the opportunity to serve citizens, loves Lapeer; thanked the City for their response to the gasoline leak event; there was no panic because of good communication; happy about all the activity taking place in the City.

The meeting adjourned to Closed Session at 7:05 PM and reconvened to Open Session at 7:55 PM.

AFSCME Contract.

128 2019 06-03

Moved by Bennett. Seconded by Bostick-Tullius.

To approve the AFSCME contract as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

ADJOURNMENT

129 2019 06-03

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:58 p.m.

Mayor Glenn Alverson

Renee L. Bullen, City Clerk, CMC

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
JUNE 17, 2019**

A regular meeting of the Lapeer City Commission was held June 17, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Alverson

Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: City Manager Dale Kerbyson, excused.

City Attorney: Michael Nolan, present.

Mayor Alverson led the Pledge of Allegiance.

AGENDA APPROVAL

130 2019 06-17

Moved by Bennett. Seconded by Osentoski.

Approve the Agenda for June 17, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

131 2019 06-17

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the minutes of the Regular and Closed meetings held June 3, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Brian Trombley, Lapeer, gave invocation.

CONSENT AGENDA

132 2019 06-17

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Consent Agenda for June 17, 2019 resulting in the following:

1. Special Event Request from Kiwanis Club of Lapeer, Rubber Duck Dash, September 14, 2019, 11AM to 3PM, Cramton Park; contingent upon receipt of current insurance.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR JUNE 17, 2019

133 2019 06-17

Moved by Osentoski. Seconded by Bennett.

Approve the Bill Listing for June 17, 2019 in the amount of \$778,270.66.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Component Unit 2019-20 Budgets & Amendments.

134 2019 06-17

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve 2019-20 budgets and revised 2018-19 budgets for Brownfield Redevelopment Authority, Tax Finance Increment Authorities 1, 2 & 3, Local Development Finance Authority and the Economic Development Corporation.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Resolutions to Change Bank Accounts.

Commissioner Marquardt questioned why the change to the current accounts. Director of Finance Kerry Helmick indicated the interest rate is much better on the new accounts.

135 2019 06-17

Moved by Atwood. Seconded by Osentoski.

Approve Lakestone Bank & Trust Resolutions to change four of the City's current savings accounts to Choice accounts.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Delinquent Special Assessments to be added to the 2019 Tax Roll.

Commissioner Osentoski requested an explanation. Director of Finance Kerry Helmick indicated tax bills levied last year that are not paid need to be paid, the amounts unpaid are therefore added to the tax roll. Osentoski questioned why Lapeer Crossing was on the list, Ms. Helmick indicated the 2018 taxes were not paid.

136 2019 06-17

Moved by Bennett. Seconded by Atwood.

Add Special Assessment Districts 2008-04, 2009-02, 2010-01, 2010-02, 2010-03, 2017-01, 2017-02 and 2017-03 Delinquent Special Assessment installments as of May 1, 2019 to the 2019 Summer Tax Roll as authorized by City Charter.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

2019-2020 Solid Waste Licenses.

137 2019 06-17

Moved by Bostick-Tullius. Seconded by Bennett.

Approval Solid Waste Collection Licenses for 2019-2020 for Republic Services, Rick Rhein Disposal, Advanced Disposal and Deerfield Disposal.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Income Tax Withholding Direct Deposit Account.

138 2019 06-17

Moved by Marquardt. Seconded by Osentoski.

Approve Lakestone Bank & Trust Resolution which establishes a bank account to receipt City Income Tax withholding payments from payroll processing companies.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

2019 Davison Road Rehabilitation Project.
Rowe Professional Services Co. - Construction Engineering Agreement.

139 2019 06-17

Moved by Marquardt. Seconded by Bennett.

Approve Contract for Engineering Services between the City of Lapeer and Rowe Professional Services Company in the amount of \$61,100 for the 2019 Davison Road Rehabilitation project and authorize the Director of Public Works to sign all necessary documents.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Secondhand Dealer and Pawnbrokers License: Lapeer Gold and Loans.

140 2019 06-17

Moved by Osentoski. Seconded by Bostick-Tullius.

Mayor approve a Secondhand Dealer License and Pawnbrokers License for Lapeer Gold and Loans located at 801 East Street, Lapeer.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

None.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The Departmental Monthly Report, the Monthly Financial Report for April, 2019 and the 2018 Consumers Confidence Report was received into the record as presented.

PUBLIC COMMENTS

Bryan Cloutier, Lapeer, commented he has been observing various Lapeer meetings and requested that the commission read the full action item being voted on, feels more information would be helpful to the residents.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Thanked Chief Frisch for his work with CN Railroad on the issue of trains blocking city roads, making it safer for citizen to travels; is proud of the team that worked on this issue to come to a resolution.

Commissioner Bennett: Questioned Chief Frisch if a camera could be added to the speed machine located in front of his house to take pictures of the speeders; the kids on their bikes enjoy the sign; Chief Frisch stated he will keep this in mind and will have the machine back out after a few repairs.

Commissioner Bostick-Tullius: Echoed Commissioner Atwood on CN Railroad; replied to Mr. Cloutier indicating they get in a rush and forget to read the motion and will make an effort to correct that at the next meeting.

Commissioner Marquardt: Thanked Rodney Church and the Dog Park committee for a fun event at the Tigers game – a job well done; announced another opportunity to support the Dog Park with an upcoming dog walk; has been driving around the city and noticed worn flags, long twisted flags, signage varies, would like everyone to have the same rules for flags/signage, she will discuss with the City Manager, feels everyone should be treated the same. Announced the Pancake breakfast which is fun for everyone; thanked Chief Frisch and the committee for CN resolution.

Mayor Alverson: reminded everyone of upcoming local events; youth means so much to the city; has been taken around the city to see all the projects, the industrial park is available for expansion; the city is growing and is being noticed by outside companies; the city has a lot going on; working on improving the façade at the Team Work building downtown, would like to see it completed by Lapeer Days.

ADJOURNMENT

141 2019 06-17

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 6:53 p.m.

Mayor Glenn Alverson

Renee L. Bullen, City Clerk, CMC

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
JULY 1, 2019**

A regular meeting of the Lapeer City Commission was held July 1, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Alverson

Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Alverson led the Pledge of Allegiance.

AGENDA APPROVAL

142 2019 07-01

Moved by Marquardt. Seconded by Osentoski.

Approve the Agenda for July 1, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

143 2019 07-01

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the minutes of the Regular meeting held June 17, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Janet Adams, Baldwin Road, gave invocation with reference to the Great Wall of China and gatekeepers.

Bryan Cloutier read his letter to the Commission requesting it be entered into the record as part of the minutes:

Mayor and City Commissioners:

I am writing to express serious concerns I have regarding lack of both procedural and legal rules of order at the Zoning Board of Appeals level. I understand and respect that I serve at the pleasure of the Mayor and City Commission; however, during my short tenure on the ZBA I have made observations that either border on, or outright violate, Open Meetings Act. As a government administrator and public official, I have a higher obligation to uphold the legal requirements of the Act and to call for immediate action for remediation when I witness a violation. OMA, along with Freedom of Information Act, were established to give transparency to citizens in holding their elected officials and their actions accountable. I take both very seriously.

At the ZBA meeting held on Monday, 24 June 2019, the topic of bylaws for the ZBA was both brought up for discussion and voted on without the matter being listed on the agenda. The motion to consider not adopting bylaws passed with my vote being the only dissenting vote. When I questioned the validity of the vote the response I was given was that it fell within the title: "Other Business." I am maintaining that "Other Business" is not a line item nor does it accurately

portray action taken on Zoning Board of Bylaws under OMA. This is only one example of a number of infractions I have observed while serving on the ZBA.

The Office of Attorney General publishes an "Open Meetings Act Handbook" https://www.michigan.gov/documents/ag/OMA_handbook_287134_7.pdf, and excellent resource for elected officials. Not only does it spell out the intent of the law, it provides for best practices. I am recommending everyone who sits in an elected capacity in our City take the time to refresh themselves with this topic. I have the background experience and the knowledge in government structure, procedural order and in drafting and implementing policy to help be part of the solution, but the first step in this process is admitting that there is a problem. If you would like to discuss this matter in hopes of concluding with much stronger accountability and transparency then I welcome your consideration and appreciate your desire to move this City forward with my help. If you choose not to take up this matter, it is your prerogative, but then please accept this letter as my official resignation from the Zoning Board of Appeals. I would hope that you could respect that I cannot continue to be part of a judicial level board that does not have established structure and blatant disregard for OMA. I may be reached via email at: bcloutier@miopl.org. Thank you for your time and consideration. I am looking forward to hearing from you soon.

Regards,
Bryan J. Cloutier, Bam MLIS

CONSENT AGENDA

144 2019 07-01

Moved by Osentoski. Seconded by Bostick-Tullius.

Approve the Consent Agenda for July 1, 2019 resulting in the following:

1. Special Event Request from Lapeer Team Work, Inc., Annual Picnic, July 19, 2019, 10:30 AM – 3 PM, Farmers Market Pavilion.
2. Special Event Request from Lapeer Chamber of Commerce, Annual Fireworks Show, July 4, 2019, beginning at dusk on the grounds of Roland Warner Middle School.
3. Fixed Asset Disposal as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR JULY 1, 2019

145 2019 07-01

Moved by Marquardt. Seconded by Osentoski.

Approve the Bill Listing for July 1, 2019 in the amount of \$690,408.11

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Charitable Gaming License Request.

146 2019 07-01

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Local Governing Body Resolution for Charitable Gaming License for Friends of Lapeer Dog Park.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Electrical Contract: Mark Griessel.

Mechanical and Plumbing Contract: Timothy P. Israel.

147 2019 07-01

Moved by Bostick-Tullius. Seconded by Atwood.

Approve the Electrical Contract with Mark Griessel, Mechanical and Plumbing Contract with Timothy P. Israel and authorize the Mayor and City Manager to sign required documents.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

2019-2020 Property and Liability Insurance Renewal.

148 2019 07-01

Moved by Atwood. Seconded by Osentoski.

Recommend approval of Peterson McGregor & Associates (formerly Cadillac Insurance Center) for the City of Lapeer Property and Liability Insurance at a cost of \$170,988 for the Fiscal Year July 1, 2019 to June 30, 2020 and authorize the City Manager to sign required documents.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Training Plan – Redevelopment Ready Communities Best Practice.

149 2019 07-01

Moved by Marquardt. Seconded by Osentoski.

Adopt the Training Plan as presented as a Redevelopment Ready Communities (RRC) Best Practice.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Copier Purchase for Public Safety Building.

150 2019 07-01

Moved by Osentoski. Seconded by Bennett.

Approve the purchase of a Kyocera Model Taskalfa 40021 copier/fax/scanner machine, supporting service and supply plan for the Public Safety Building as approved in the 219-2020 Capital Improvement Plan (Project #20610).

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Discussion Regarding Approval of New Branding Logo for the City of Lapeer.

Commissioner Bostick-Tullius opened the discussion by describing the handout of several types of logos and seals. Several of the samples were liked by the commission. City Manager Kerbyson indicated he would look into what all needed to be changed which would include the pathway finding system project and what the cost would be as well as a timeframe to get all items changed over, as it was the consensus of the Commission to move forward with a new City logo and to decide on which one to use at a later date.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson reported a small urban grant for \$375K for Oregon is being considered; Senate Bill 324 is moving forward by Senator Daley to allow local taxes to be collected by the State for lottery winnings and then forwarded to the local municipality; received approval from Consumers to begin the repair on Genesee DeMille, project should start July/August, Mott sign will be relocated due to the pathway coming through.

Closed Session to Discuss Real Estate.

151 2019 07-01

Moved by Osentoski. Seconded by Bennett.

To have a Closed Session, Attorney/Client Privileged Communication regarding real estate.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

CITY ATTORNEY'S REPORT

City Attorney Mike Nolan reported the two lawsuits for FB Lapeer and Green Buda have been delayed due to new information presented, still awaiting a decision.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The Investment Report for Quarter Ending December 31, 2018 and the DDA Status Report dated June 21, 2019 were received into the record as presented.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett: Sorry to hear Commissioner Bostick-Tullius will not be re-running.

Commissioner Atwood: The mountain bike trail is hard to cross the street under the bridge. City Manager Kerbyson indicated he will check with Pete McCreedy on making this more accessible and there is an app you can download saying where it is. We are currently working towards a sidewalk on both sides of the street with chain link fencing which will go up to the platform to cross, however, have hit a snag with the railroad right of way, may need to work with Rowe to resolve.

Commissioner Osentoski: Requested that the City Manager look into getting Walmart to fix their parking lot on their private entrance by the Mexican restaurant; attended the Cramton Play Scape dedication and thanked Optimist for their generous donation. Questioned the gas leak, will City be reimbursed for time/equipment involved. City Manager Kerbyson indicated that yes, we will receive reimbursement. DPW Director Reid indicated she spoke with EGLE, they have run into cobblestone near the holding tanks for product, a meeting will be held next week with the engineers to see how it will move forward. City Manager Kerbyson indicated the City's utilities are below the holding tanks. Condolences to the drowning victim's family.

Commissioner Bostick-Tullius: The partnership committee that was doing the rebranding will continue to work on future projects, possible upcoming project as a shared event with other downtown communities. Congratulations to Jeff Hogan on a well written article on the drowning victim, is on the CMH board and everyone needs to be aware of those that need the help, thank you.

Commissioner Marquardt: Stated that the Kamax trucks are ruining the City roads and thought a route was in place that they are to be taking to avoid City roads. City Manager Kerbyson indicated a route has been in place and he will reach out to Kamax to make sure they are using the correct route. Is on the Lapeer Days Committee, Chief's Frisch & Kluge are representing the City well, did not realize how much work goes into putting on Lapeer Days. Thank you to Optimist for their donation to the Cramton Play Scape; have a safe 4th of July; thank you to Jeff Hogan on the drowning victim story.

City Manager Kerbyson: 69/24 bridge construction will be July 8th, which will be a two week project; Donna Cronce will be returning tomorrow to help out until we can hire a

replacement for City Clerk position; reminded Commission he will be off the rest of the week.

Mayor Alverson: announced local up-coming events; July 8th 69/24 bridge construction project to go until the end of July with ramp closure, can use Lake Nepessing as an alternate route. Veterans have Vets to Wellness with GLTA, should see more about this in up-coming news articles. Attended Play Scape dedication, Optimist have done so much for the City's youth; has visited the new Pocket Park and is glad to see socializing and people taking advantage of this new City park.

With no further comments the Commission adjourned to a Closed Session at 7:26 p.m. and returned to the regular session at 7:56 p.m.

ADJOURNMENT

152 2019 07-01

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:56 p.m.

Mayor Glenn Alverson

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
JULY 15, 2019**

A regular meeting of the Lapeer City Commission was held July 15, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Alverson

Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Alverson led the Pledge of Allegiance.

AGENDA APPROVAL

153 2019 07-15

Moved by Bennett. Seconded by Bostick-Tullius.

Approve the Agenda for July 15, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

154 2019 07-15

Moved by Osentoski. Seconded by Bennett.

Approve the minutes of the Regular and Closed Session meeting held July 1, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Jenny Burkhart, gave invocation.

CONSENT AGENDA

155 2019 07-15

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Consent Agenda for July 15, 2019 resulting in the following:

1. Special Event Request from Murphy USA, Walk/Run To Make A Difference, July 27, 2019 at Rowden Park, 11:00 a.m. to 5:00 p.m., contingent upon receipt of current insurance.
2. Special Event Request from United Way of Lapeer, 9/11 Memorial 3K Run/Walk, September 11, 2019 at Rowden Park, 5:00 p.m. to 9:00 p.m.
3. Purchase of 8 Tasers with Axon Enterprise, Inc., in the amount of \$11,475.00.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR JULY 15, 2019

156 2019 07-15

Moved by Bennett. Seconded by Marquardt.

Approve the Bill Listing for July 15, 2019 in the amount of \$605,159.06.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

None.

CITY MANAGER'S REPORT

Closed Session Request: Union Contracts and Attorney-Client Privilege Communication.

157 2019 07-15

Moved by Bennett. Seconded by Osentoski.

To convene to a Closed Session at the end of the regular meeting to discuss Union Contracts and Attorney-Client Privilege Communication.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

City Manager Dale Kerbyson commented on MEDC Grant through RRC that will fund \$11,000 out of \$14,000 costs for the City's Master Plan 5 Year Review.

Special Meeting Request.

Mr. Kerbyson indicated the bid process for the Public Safety Building for a Standby Generator, special meeting to approve the purchase, Building Department Update and other items.

158 2019 07-15

Moved by Bennett. Seconded by Bostick-Tullius.

Approve a Special Meeting July 16, 2019 at 6:00 p.m. to discuss the bids for the Standby Generator for the Public Safety Building, Building Department Update and other items.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

CITY ATTORNEY'S REPORT

City Attorney Mike Nolan reported on Finance Director Kerry Helmick and Court date for cancellation of uncollectible personal property debt.

UNFINISHED BUSINESS

159 2019 07-15.

Moved by Marquardt. Seconded by Bostick-Tullius.

To appoint the following:

Jeffrey Pattison Board of Review, term ending 01-01-22.

Cathy Malmrose Board of Review, term ending 01-01-20.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

160 2019 07-15

Moved by Bostick-Tullius. Seconded by Bennett.

Appoint Donna Cronce to the Election Commission, term ending 01-01-20.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Departmental Monthly Reports and Monthly Financial Report for May 2019 were received into record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Building Department advisory board meeting, does Commission need to have a meeting regarding the Building Department; discussion held on reviewing letters received, purpose of advisory committee, seats on committee, differences between Construction Board of Appeals and advisory committee.

Commissioner Marquardt: Kamax and trucks going through the City, resident complaints.

City Manager Kerbyson: WalMart road complaints, Police Chief to reach out and meet with WalMart representatives.

Mayor Alverson: Toured Building Department and met with Darry (Building Official), the different codes he needs to understand and changes that occur constantly to the different codes, well organized department, on track with advisory committee. Visit to Devonshire Village assistant care building and lunch with residents, tour of facility in memory care unit, not prepared for how this would impact him, the need to go over once in a while and socialize with these citizens of our community.

The Commission adjourned to a Closed Session at 6:55 p.m. and returned its regular session at 8:05 p.m.

161 2019 07-15

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Technical Professional and Officeworkers Association of Michigan (TPOAM) Union Contract as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

162 2019 07-15

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Police Officers Labor Council (POLC) Union Contract as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

ADJOURNMENT

163 2019 07-15

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 8:06 p.m.

Mayor Glenn Alverson

Donna L. Cronic, City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A SPECIAL MEETING
JULY 16, 2019**

A regular meeting of the Lapeer City Commission was held July 16, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:00 p.m.

ROLL CALL

Present: Mayor Alverson

Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

Mayor Alverson led the Pledge of Allegiance.

ADMINISTRATIVE

Standby Generator for Public Safety Building

165 2019 07-16

Moved by Bennett. Seconded by Osentoski.

To open for discussion the purchase of the Standby Generator for Public Safety Building.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

City Manager Dale Kerbyson indicated the Public Safety Building generator needs replacement, current use of Public Works mobile generator, bid process. Fire Chief Terry Kluge commented on Kohler input and issues with current generator, obtained list of dealers in Michigan, specifications sent out to 11 companies and received only two bids were received, Goyette as low bid however did not have all the detailed work included, met with Goyette, also requesting authorization for up to \$20,000 from the City's Contingency Fund to cover anticipated associated costs with project. Discussion followed.

166 2019 07-16

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the purchase of a Standby Generator for the Public Safety Building from Goyette Mechanical in the total amount of \$54,637.00 and authorize up to \$20,000 from the Contingency Fund to cover additional costs that may be incurred.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Building Department Update

167 2019 07-16

Moved by Bennett. Seconded by Atwood.

To open discussion for an update on the Building Department.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

City Manager Dale Kerbyson indicated the Commission requested to have a presentation on August 6, 2019 for different options to operate the Building Department, placement and meeting of advisory committee to review and be a liaison/buffer between Building Department and those that have issues, member responses received and presented, does Commission still feel need to bring in other groups and have meeting. Discussion held on gathering of information, having a different company do rentals, wanting of information for various reasons, set meeting far in advance to have information gathered for presentation to Commission, have presentation from State, CCA, WadeTrim, Safebuilt, etc. so that each may prepare their own proposal as to what

they would do, having committee is good, in the past have heard good/bad comments and at least Commission can say they reviewed all the information and did what was best for the community, other companies would be more than happy to give a proposal and costs, not have same service as currently provide, not give opportunity to slam department, meeting would be detrimental to department and perception to public that Commission wants to defund department, advisory members credentials and opinion that department is running well. Commission does not intend to look at changes to State codes, continue to allow committee to review conflicts in an advisory capacity to department. Chief Kluge commented on fire service, inspections and investigation, issues with CCA and why City left, current issues and where lack of inspection in past is coming into play, Vinyl example and meeting with owner and advised what was needed and still attempted to go around the rules. Discussion continued on people not understanding what to do, rentals and lack of previous inspection issues, to continue with department as is and use of advisory committee, no need to review other options, Commission due diligence to review all information and give credibility to decision made in reviewing all information towards Building Department, have committee members at August meeting to give ways on fixing department, take all information and recommendations to review and make decision at August meeting, ability for public to come and express their opinion. Mayor Alverson indicated he met with Building Official at department building, now understands ramification of codes and constant changes to code, transparency within department, feels advisory committee is working. Continued discussion on having Building Official at Commission meetings, to have Building Official share his plan of action and ways of improving department, inability to review information prior to meeting, have not seen any information on other options to run Building Department and would like to see any contracts and costs received by the City Manager, complaints received by builders and people regarding the department, original motion was to defund Building Department, Mr. Boudell with Wade Trim provided a review of the department and his recommendation to maintain department and completion of guides for various regular maintenance on items, rack in department for guides, current projects within department, what are the specific issues with the Building Department, review of fees and implementing same fees as charged by CCA and now have complaints that fees are too high, circulation of rumors that does not pinpoint any particular issue, businesses and persons submitting plans and then change things that were not submitted, to continue with August 6th meeting and have companies give proposals, provide information ahead of time for review, Building Official to have ways to improve processes, receiving too many complaints, previous Mayor saying department to be cheaper and be more efficient than CCA, review all options to make an informed decision, have committee members at meeting, ability to review issues in department and ways to fix, want to review State fees.

Commissioner Bostick-Tullius commented on previously requesting a workshop to review the Goals and Objectives, no meeting has been scheduled and now it is July, will bring back up again in August if no meeting has been set.

ADJOURNMENT

168 2019 07-16

Moved by Bennett.

Adjourn the special meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:33 p.m.

Mayor Glenn Alverson

Donna L. Cronce, City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
AUGUST 5, 2019**

A regular meeting of the Lapeer City Commission was held August 5, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Alverson
Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney Representative: Denis McCarthy, present.

Mayor Alverson led the Pledge of Allegiance.

AGENDA APPROVAL

169 2019 08-05

Moved by Marquardt. Seconded by Bennett.

Approve the Agenda for August 5, 2019 with the addition of Item E-1 Proclamation In Recognition of Kerry Helmick.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

170 2019 08-05

Moved by Bennett. Seconded by Bostick-Tullius.

Approve the minutes of the Regular and Closed Session meeting held July 15, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

171 2019 08-05

Moved by Bennett. Seconded by Osentoski.

Approve the minutes of the Special meeting held July 16, 2019 a presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Christopher Aiello & Justin Dunaskiss: Recreational Marihuana.

Mr. Aiello and Mr. Dunaskiss thanked the Board for the opportunity to speak about recreational marihuana, State Rules in place, willing to assist City with formation of committee to review rules and licenses for recreational use, current licensees could be on committee as part of educational outreach, licensing tracking system, medical vs recreational licenses, City need to review and look at differences, look at policies and ordinances, open channels and have discussion.

Mr. Aiello indicated that his client has provisioning license and is moving forward, dumpsters in place at location for cleanup, slow market in obtaining product, is a huge demand for product.

Mr. Dunaskiss commented on product sold in stores verses those licensed, testing involved and tracking system in place, appreciate time and if there were any questions, willing to work with the City.

Mayor Alverson noted that the information would be taken into consideration. Mr. Aiello asked who to send any information for review with response to City Clerk. Mr. Aiello stated that the current Clerk has been wonderful to deal with, very fortunate to have her back at this time. Their business is getting ready to open, take a look at recreational use in business perspective, thank you for your time.

Janet Adams, gave invocation.

Marlana Swindell, Pleasant Street, to look at recreational rules, State to begin taking applications in November, take the time to learn about it, thank you.

CONSENT AGENDA

172 2019 08-05

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Consent Agenda for August 5, 2019 resulting in the following:

1. Special Event Request from Families Against Narcotics, Run Drugs Out of Town, Rowden Park, August 18, 2019.
2. Special Event Request from Center for the Arts of Greater Lapeer, Inc., Oktoberfest, September 21, 2019, Court Street between Nepessing and Alley, contingent upon receipt of current insurance.
3. Approve the Amended Building, Mechanical and Plumbing Contract with Timothy P. Israel and authorize the Mayor and City Manager to sign required documents.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR AUGUST 5, 2019

173 2019 08-05

Moved by Marquardt. Seconded by Atwood.

Approve the Bill Listing for August 5, 2019 in the amount of \$1,355,711.37.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Proclamation In Recognition of Kerry Helmick.

174 2019 08-05

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Proclamation In Recognition of Kerry Helmick.

CITY OF LAPEER Proclamation In Recognition of Kerry Helmick

WHEREAS, Kerry Helmick began employment with the City of Lapeer on April 29, 2013 as the Director of Finance, Department of Financial Services.

WHEREAS, Kerry Helmick, has given conscientious, responsible, and professional service to the City of Lapeer and to the residents of the City; and

WHEREAS, Kerry Helmick will retire on August 16, 2019 after 6+ years of service to the City of Lapeer and leaves those in the City of Lapeer proud to have known her and to have served with her.

THEREFORE, LET IT BE KNOWN, that I, Mayor Glenn Alverson and the Lapeer City Commission wish to honor and express deep appreciation to Kerry Helmick for her efforts and devotion to public service and wish her continued success in retirement.

Dated this 5th day of August 2019.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Matt Wandrie, Superintendent of Lapeer Schools: School Millage and Various Matters.
Mr. Wandrie updated the Commission on the millage request, long term plans, statistics of area, consolidation of programs, millage information on school website and he is willing to answer any questions and speak with anyone via telephone, email, etc. Discussion followed.

CITY MANAGER'S REPORT

Closed Session Request: Attorney-Client Privilege Communication.

175 2019 08-05

Moved by Atwood. Seconded by Bennett.

To convene to a Closed Session at the end of the regular meeting to discuss Attorney-Client Privilege Communication.

ROLL CALL VOTE:

AYES: Atwood, Bostick-Tullius, Bennett, Osentoski, Marquardt.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

City Manager Dale Kerbyson commented on Workshop tomorrow to discuss Building Department options. Meeting request for Goals and Objectives, discussion with general consensus to have meeting September 9, 2019 at 5:30 p.m. with invitation to Commission candidates to attend; received FOIA request for his contracts, all addendums and credit card receipts for several years, Commissioner Bennett asked who requested with a response of Mr. Jocuns.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

176 2019 08-05

Appointed by Mayor Alverson. Moved by Osentoski. Seconded by Bennett.

Jim Mikus Lapeer Housing Commission, term ending 08-01-24.

Kerri Roberts Lapeer Neighborhoods Inc., term ending 08-01-21.

Chuck Dixon Lapeer Neighborhoods Inc., term ending 08-01-21.

Robin Chesnutt Lapeer Neighborhoods Inc., term ending 08-01-21.

Don Dube Local Development Finance Authority, term ending 08-01-23.

Art Sieting Local Development Finance Authority, term ending 08-01-23.

Denis McCarthy Local Development Finance Authority, term ending 08-01-23.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

177 2019 08-05

Moved by Marquardt. Seconded by Atwood.

Appoint the following:

Bonnie Pattison Board of Review – Alternate, term ending 01-01-23.

Mike Robinet Lapeer Building Authority, term ending 06-01-22.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

Downtown Development Authority Status Report, July 19, 2019 received into record.

PUBLIC COMMENTS

Eric Cattane, Peppermill Circle, commented on community needs and to come together.

Bryan Cloutier, resident of City, asked to read his letter into the record.

Mayor and City Commissioners:

Thank you for having your City Administrator review procedure and legal compliance regarding actions taken at the Zoning Board of Appeals level. Mr. Kerbyson has subsequently shared his findings of fact with me after reviewing the Open Meetings Act and consulting a Parliamentarian. His response, for the sake of legal compliance, is not entirely inaccurate, but this is not a black and white issue. If a governmental body posts an agenda, under the spirit of the Open Meetings Act they have an obligation to stick to that agenda. I would concur that parliamentary procedure does provide a provisional measure allowing for the ability to amend an agenda; this is actually a fairly common practice. However, it is best practice to do so at the beginning of the meeting supported with a motion to that affect. Likewise, it is generally not acceptable practice to arbitrarily do so 'on the fly' within the context of the meeting itself unless it is truly an emergency situation and unavoidable. Even then, in context of municipal operations any reputable legal counsel would advise to follow a set procedure.

I would content that all governmental boards have both a moral and ethical obligation to extend levels of transparency beyond that of which is considered minimally obligatory under the law. This is not about who is right, or who is wrong-but how well our government works for its constituency, and how clear and concise and transparent its decision making process is. Any governmental board, especially one with judicial authority like the Zoning Board of Appeals or City Commission for that matter, should adopt best practices that not only comply with the law, but takes into consideration the *intent* as well.

My tenure on the City of Lapeer's Zoning Board of Appeals was the shortest of any board or commission that I have had the honor and privilege of serving on. In every other appointment the difference was that we adopted strong and concise processes and procedures that not only met the legal obligatory transparency under the law, but concurrently took into consideration the true intent of the law outside of its textual constraints. I cannot understand why the bare minimum appears to be the benchmark considered to be acceptable for the City of Lapeer. Its taxpayers deserve better.

Regards,
Bryan J. Cloutier, BA, MLIS

City Clerk Donna Cronic indicated it is the Commission's meeting and the need for the Commission to accept Mr. Cloutier's letter into the record. By general consensus, Mr. Cloutier's letter was accepted into the record.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennet: Thanked lady for prayer; if Commission looks at recreational marijuana would like to hear opposing views as well.

Commissioner Atwood: Opportunity to do a ride-along with Sgt. Jeff Jones, great experience, handling of situations, do great job, main goal is to have officers make it home safely and safety of citizens, proud of City police and all department heads.

Commissioner Osentoski: Thanked Matt Wandrie for the update and explanation; thanked City Manager Dale Kerbyson and Chief of Police Dave Frisch for action on the Walmart road.

Commissioner Bostick-Tullus: Ceremony for Pocket Park was well attended; thanked Matt Wandrie for information and explaining background.

Commissioner Marquardt: Thanked two young ladies on the 4th of July that were selling lemonade on a hot day as well as necklaces and bracelets; is on Lapeer Days Committee and all should attend Soapbox Derby Sunday at 1 pm which will also have a derby between the Fire and Police Departments; mentioned Park Board meeting and playground equipment for Cramton designed for children 13 years and up, improvements to park.

City Manager Dale Kerbyson: Asked if the Gorsline's were at the Pocket Park event, they were the people whose building burned down and donated funds to demo and cleanup; Tracey's birthday.

Mayor Alverson: Upcoming events, Pocket Park dedication and donations to make this happen; MSHDA presentation of \$50,000 check through Housing Department to be used for roofs on five homes and pavilion roof in Cramton Park.

The Commission convened to a Closed Session at 7:44 p.m. and returned to its regular session at 7:53 p.m.

ADJOURNMENT

178 2019 08-05

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:53 p.m.

Mayor Glenn Alverson

Donna L. Cronic, City Clerk

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A SPECIAL WORKSHOP MEETING
AUGUST 6, 2019**

A special workshop meeting of the Lapeer City Commission was held August 6, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:00 p.m.

ROLL CALL

Present: Mayor Alverson

Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

Mayor Alverson led the Pledge of Allegiance.

ADMINISTRATIVE REPORTS

Building Department Options

City Manager Dale Kerbyson commented on request in May for list of options for running building department, presented five options 1) State, 2) Wade Trim, 3) SAFEbuilt, 4) CCA, 5) Continue with established department, comparison sheet between the State and CCA / City, asked what other questions the Commission may have related to proposals.

Discussion held on other options not cost effective, requested to have Darryl Oliver provide input on ways to make department better now and going forward. Mr. Oliver responded that the department has completed continuing education, BSA training, customer relations, goal of department is to work well with customers, review of fees, availability and has provided contractors with his cell number, established review board on top of Construction Board of Appeals (CBA) to help understand how code are interpreted, speak with Fire Department and other departments daily, is open for other ideas, if issue occurs with contractors they come in and discuss, usually in office at 6 a.m. and builders/contractors are aware of this and know they can knock on door to come in and speak with him. Discussion continued on official office hours is 7 a.m. to 5:00 p.m., committee availability to make sure all issues are heard, committee to meet at least once a quarter and to invite representative from DTE, Consumers, Fire and other departments if needed, what about businesses and residential customers and advertising to general public about availability of committee with response of website, publication in newspaper, sign at office and that ultimately it is up to the individual to read the information, include notifying DDA members, good idea to include DDA Director Jim Alt on board as well, complaint process on a "treating me" issue and having committee meet more than once a quarter, watchful of not getting out of hand and expectation of someone wanting to complain, what would determine committee meeting more than once a quarter, development of a formal process, City Clerk indicated the difference between the CBA that hears issues with interpretation of law and committee to hear more office procedural issues and those that were treated unfairly. Fire Chief Terry Kluge indicated that his and building department already to a lot behind the scene work, if a unique issue arises they meet and talk it out and resolve before any meeting of a committee comes into play, which could be a trigger to send to committee. Does CCA have a similar committee with response of no, will not have communication if go with another company, to come up with a specific time and place for committee to meet, ability for homeowners who work to have the availability of a night meeting, contractors inability to make a night meeting. Inspections and told have to wait a week before someone can come back out, how often does this occur, Mr. Oliver indicated that he is out on inspections every day, electrical is usually within three days, mechanical/plumbing is on Wednesday's or he can do if needed and it is communicated to him. City Manager Dale Kerbyson asked if there were different options in running department or any other options to investigate further.

Commission end comments:

Commissioner Bostick-Tullius: Review of building department or if don't make sense to go back to CCA, agrees financially not feasible to go with State and others are too high,

two main options was to either stay with our department or CCA, still not certain but hear that fees are too high when calculating fees for a job that ours are still higher than CCA, Darryl and questioning of ways to improve, ability to have committee to get feedback from, feels that it is worthy to work with our Building Department, review the calculation of fees within different projects.

Commissioner Bennett: Motion to keep our Building Department with City Clerk Donna Cronic advising that this is a Workshop and that no motions may be made and Workshop was for discussion only, City has made several steps to look at fees and have same fees as CCA, Fire Chief acknowledging that Darryl is doing a good job, it is our department and cannot have control if done at CCA, State or other group as they will do it their way.

Commissioner Atwood: Foresee that these would not be great options, costs, availability and customer service would not be there, time spent collectively reviewing these issues and fees, fees approved by Commission, feel complete waste of City Manager's time and energy, when motion was made to defund department did not send correct message to our City, part of problem is lackadaisical of previous personnel to strict interpretation, when someone complained to him he would send info to Dale who would check into it and have it resolved, difficulty to do his job while under constant scrutiny, cannot always make everyone happy, feels on right track to work on short comings and be there for our Building Department, goals to be safe, Mr. Oliver's job is to enforce codes, have process for complaints wo work through issues.

Commissioner Osentoski: Happy with committee, to not look bad for our City with Building Department, make sure our people are taken care of, people do get fired up, looking at ways to improve, letters from committee members, CCA not available every day, good thing for us to have own department, make sure to publicize committee, is content with Building Department, ability to review fees, remembers issue with an electrician and saying that fees were higher than Rochester Hills.

Commissioner Marquardt: Hope that through all these meetings have complete info and not be a waste of time, do all we can to look at options for best of people, believes Darryl does a good job, doing rentals is very important, is interested to hear of any way that contractors may have to improve our services, other options are not cheaper route to go and have the same quality of service.

Commissioner Bostick-Tullius: Commission sets fee schedule but does not establish formula for when a project is put together, Building Department figures out costs, committee to meet quarterly and to have them look at fees and how a project is billed; does not feel this has been a waste of time, accountability to our residents and those who come to us, City goal to be business friendly and to have businesses want to come in, to have everyone feel that they can ask questions, Commission does not rubber stamp everything placed in front of them, did the right thing in reviewing options, ability to give confidence to our Building Department, to have committee have topics at every quarterly meeting.

City Manager Dale Kerbyson: Before hearing from public wanted to explain that "how to" manuals have been completed and are posted at Building Department, asked how many Commissioners have seen them, feels that all these issues that keep coming up are demeaning to the department and is sending wrong message out to the community, received call yesterday on someone that needs a permit feels they don't need one and was told that City is going to be taken over by CCA within a week, CCA Plumbing contractor contacting Darryl and asking how many outstanding permits there are because was told CCA will be taking on the City, all this time and energy has been sowing distrust in the Building Department, enough is enough and need to get on with it.

PUBLIC COMMENTS

Kim Hodge, Planning Department, been with City 29 years with 25 in Planning, CCA had a lot of issues and problems, accountability, staffing and lack of communication between CA and Planning, Zoning violation enforcement, permits and time, lack of local oversight, creation of Building Department changed all that, communication between Planning and Building is high, Commissioner Bostick-Tullius knows and understands due to sitting on Planning board all the projects going on with hospital, Baldwin Road,

Phase 2 of the Woodbridge Park Condominiums, smaller development plans as well as the number of medical marihuana facilities; all developments will be completed in a quality and safe environment, if Building Department is eliminated and go with CCA would be detrimental to Planning Department.

Todd Walker, Twin Quality Homes: 25 years in industry, current department is best for City, Darryl Oliver is always by the book.

Jessie Garris, Brian's Restaurant: Working with them since fire, Ron Best and Darryl Oliver has been there, has been frustrating at time but has never felt that he could not talk to them or have inspections completed, plumbing/mechanical could be more than one day, remembers his Dad complaining about CCA.

David Nash, Elba Township: Has built over 600 homes since 2002, only one within the City, out of all the inspectors he has known Darryl Oliver is completely by the book, has helped him out and returned phone calls even on a Saturday, haven't seen many inspectors set off smoke alarms during an inspection and can say Darryl takes care of safety, City has a conservative, willing and smart inspector.

Jim Landmark: Agrees that things been timely, Darryl Oliver is by the book and there when you need him, keep Darryl and the department.

David Nash: Fees have been cheaper before July.

Todd Walker: Fees in City for home construction is within the water and sewer tap-ins which is a huge amount.

Mayor Alverson closed the public comments, indicated he has visited Darryl Oliver at the office, found that codes do change which may have some repercussions, feels and inspections can be reviewed, there are updated samples in office, left office feeling that everyone is doing a good job. Respect all for coming out, reinforces decision to keep Building Department, goal to have meeting and hear input.

Commissioner Osentoski asked if gentleman could let us know on Birmingham fees and what is cheaper since July.

ADJOURNMENT

There being no further discussion, by general consensus meeting was adjourned.

The special workshop meeting adjourned at 7:14 p.m.

Mayor Glenn Alverson

Donna L. Cronic, City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
AUGUST 19, 2019**

A regular meeting of the Lapeer City Commission was held August 19, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Alverson

Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Alverson led the Pledge of Allegiance.

AGENDA APPROVAL

179 2019 08-19

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Agenda for August 19, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

180 2019 08-19

Moved by Bennett. Seconded by Osentoski.

Approve the minutes of the Regular and Closed Session meetings held August 5, 2019 and Special meeting minutes held August 6, 2019.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Quentin L. Bishop – Executive Director, Lapeer Development Corporation – Update.

Mr. Bishop commented on replacement for Patricia Lucas; provided an update that include concept of site readiness, Lapeer will host 12 site consultants on October 2nd; workforce development which includes working with schools to develop job skills in area; any questions. Discussion on what particular type of business is being targeted with response of automotive supply training and other business clusters.

Jenny Burkhart, Wilder Road, gave invocation, thanked Police Department and ER room for keeping everyone safe over the Lapeer Days weekend.

CONSENT AGENDA

181 2019 08-19

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Consent Agenda for August 19, 2019 resulting in the following:

1. Special Event Request from Brotherhood Resolve, Ruck for the Fallen 2019, September 7, 2019. This walk will start in Lake Orion at 8:00 AM and travel north bound along M-24 thru the City of Lapeer at approximately 4:00 PM, concluding at the VFW Hall on Daley Road at 6:00 PM.
2. Special Event Request from Lapeer County Community Mental Health, Area 13 Local Cycling Race, September 15, 2019 from 5:00 PM – 7:30 PM, Lincoln Street and Lexington Drive loop in Woodbridge Subdivision, contingent upon receipt of current insurance.

3. Special Event Request from Tilted Axis Brewing Company, Oktoberfest, September 14th from 12 pm to 12 am, Cedar Street south of Nepessing Street continuing south to the alley behind the Tilted Axis building, contingent upon receipt of insurance and approval of Liquor Control Commission for an outdoor liquor license.
4. Special Event Request from Lapeer Community Schools, Annual Homecoming Parade, September 20, 2019, 4:00 PM – 6:00 PM, Nepessing Street, contingent upon receipt of current insurance.
5. Special Event Request from Stone Soup Pantry, Hunger Awareness Week, October 11 and 12, 2019, 9:00 AM – 5:00 PM at various intersections on file within the City of Lapeer, contingent upon receipt of current insurance.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR AUGUST 19, 2019

182 2019 08-19

Moved by Marquardt. Seconded by Atwood.

Approve the Bill Listing for August 19, 2019 in the amount of \$2,964,658.46.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Proclamation – National Railway Safety Week.

183 2019 08-19

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Proclamation for National Railway Safety Week.

CITY OF LAPEER Proclamation National Railway Safety Week

WHEREAS, 2,214 rail grade crossing collisions resulted in 819 personal injuries and were responsible for 270 fatalities in the United States during 2018; and

WHEREAS, 1,050 trespassing incidents have occurred in the United States resulting in 571 pedestrians being killed and another 479 injured while trespassing on railroad property rights of way during 2018; and

WHEREAS, educating and informing the public about rail safety, reminding the public that railroad rights of ways are private property, enhancing public awareness of the dangers associated with highway rail grade crossings, ensuring pedestrians and motorists are looking and listening while near railways, and obeying established traffic laws will reduce the number of fatalities and injuries; and

WHEREAS, the International Association of Chiefs of Police, National Operation Lifesaver, United States Department of Transportation, and all local, state, county, and railroad law enforcement officers, first responders, and railroad corporations commit to partnering together in an effort to educate at a national level all aspects of railroad safety, to enforce applicable laws in support of National Rail Safety Week;

NOW, THEREFORE, BE IT RESOLVED, that I, Glenn Alverson, Mayor of the City of Lapeer, and the Lapeer City Commission do hereby proclaim the week of September 22 to 28, 2019 as National Rail Safety Week and encourage all citizens to recognize the importance of rail safety education.

Dated this 19th day of August 2019.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

MDOT Contract # 19-5419 & Resolution.
Genesee Street & Davison Road Trail Project.

184 2019 08-19

Moved by Atwood. Seconded by Bostick-Tullius.

Approve the Municipal Resolution, Michigan Department of Transportation (MDOT), Contract #19-5419 for Non-Motorized path construction work along Genesee Street and Davison Road Trail from Polar Palace.

CITY OF LAPEER
MUNICIPAL RESOLUTION
Michigan Department of Transportation (MDOT)
Contract #19-5419

WHEREAS, the Michigan Department of Transportation (MDOT) Contract #19-5419 includes the following project:

PART A – FEDERAL PARTICIPATION

Non-Motorized path construction work along Genesee Street and Davison Road Trail from Polar Palace to approximately 300 feet east of Lake Drive; including aggregate base, open-graded drainage course, geotextile stabilization, miscellaneous concrete curb and gutter, concrete sidewalk ramp, shared use path grading, shared use path hot mix asphalt, and permanent signing work; and all together with necessary related work.

PART B – NO FEDERAL PARTICIPATION

Audio video route survey work along the limits as described in PART A; and all together with necessary related work.

BE IT RESOLVED THAT:

1. The MDOT Contract #19-5419 for the project described above between MDOT and the City of Lapeer is hereby accepted.
2. The City Manager Dale Kerbyson and Director of Parks, Recreation & Cemetery Rodney Church are authorized representatives to sign required documents.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Rezoning – B-2 General Business to I-1 Industrial.
Parcel #L20-83-321-040-00 – 3301 Davison Rd.

Commissioner Osentoski introduced the ordinance amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02 (a) (19) to the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

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

Parcel #L21-33-305-040-00

CITY OF LAPEER RICH'S ADDITION (L=5 P=1/2 SEC 8, T7N-R10E)
OUTLOT 1 EX BEG AT THE NE COR OF OUTLOT 1, TH S14°42'39"W
100 FT ALG W'LY LN OF W ST; TH N89°53'18"W 135.42; TH
N01°34'32"W 92 FT; TH N88°25'28"E 163.40 FT TO P.O.B.

Rezoning – R-2 Single-Family Residential to B-2 General Business.

Parcel #L21-33-305-040-00 – 840 West St.

Commissioner Marquardt introduced the ordinance amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02 (a) (20) to the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

- (20) The following property formerly zoned B-2 General Business is hereby rezoned to I-1 Industrial:

Parcel #L20-83-321-040-00

CITY OF LAPEER T79,R9E, PART OF SEC 1, PART OF E 1/2 OF SE 1/4 OF SEC 1 LYNG SLY OF DAVISON RD. EX COM INT OF N-S 1/4 AND DAVISON RD C/L TH SW'LY ALNG SD C/L 720 FT; TH S 28*31E E TO N-S 1/4 LN; TH N'LY ALNG N-S 1/4 TO POB, 44-08-001-009-00 24.57 A

Medical Marihuana Licenses: Update.

City Clerk Donna Cronce indicated this is an annual update letting the Commission know the status of license approved and/or in progress of applications. Report received into the record as presented. Commissioner Marquardt moved to have the review of the number of licenses in relation to the medical marihuana licenses to the second meeting in November so the new Commission would be able to update/take action. Commissioner Bennett disagreed as he will not be a Commissioner at that time and wants his voice heard on the matter.

185 2019 08-19

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve to review of the maximum number of licenses for Medical Marihuana Facilities to November 18, 2019.

Ayes: Atwood, Bostick-Tullius, Marquardt, Osentoski.

Nays: Bennett.

Absent: None.

MOTION CARRIED.

Davison Road Rehabilitation Project.

Change Order #1 – Ace-Saginaw Paving Co.

186 2019 08-19

Moved by Marquardt. Seconded by Osentoski.

Approve Change Order #1 to the Construction Contract with Ace-Saginaw Paving Co., resulting in a net increase of \$34,048.01 revising the contract amount to \$620,279.22 for the Davison Road Rehabilitation Project.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Davison Road Rehabilitation Project.

Payment Request #1 – Ace-Saginaw Paving Co.

187 2019 08-19

Moved by Bennett. Seconded by Marquardt.

Approve Payment Request #1 to Ace-Saginaw Paving Co. in the amount of \$553,965.37 for services completed on the Davison Road Rehabilitation Project.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

Michigan Municipal League Annual Meeting.

188 2019 08-19

Moved by Marquardt. Seconded by Bennett.

Nominate and approve to designate Commissioner Bostick-Tullius to be the official representative to cast any votes on behalf of the City of Lapeer at the Michigan Municipal League Annual Meeting to be held September 25, 2019.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

City Manager Dale Kerbyson commented the Planner sent a new Redevelopment Ready Communities Training Plan to achieve new status level; working on letter to DEQ regarding May 3rd gasoline incident, DEQ states their remediation work is completed and is walking away, letter is to push for further cleanup as there is still 100% fuel in the City's sanitary sewer lines and other issues. Mr. Kerbyson stated Chief Frisch provided stats over the Lapeer Days weekend with 127 calls total with 22 related to festival, 62 man-hours of regular time and 153 hours of overtime which was a 19% reduction, plus 40 hours regular time and 9 hours overtime for administrative staff, plus Fire and DPW departments with cleanup of trash and barricades, festival is a huge commitment for the City.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

189 2019 08-19

Moved by Marquardt. Seconded by Bostick-Tullius.

Appoint the following:

Bonnie Pattison Board of Review – term ending 01-01-22.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

Monthly Departmental Reports and Downtown Development Authority Status Report, July 19, 2019 received into record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Redevelopment Ready Communities (RRC): Training Plan

Mayor Glenn Alverson indicated that this portion of the agenda will be an ongoing item for Commission members to report on any training completed.

Commissioner Bennett: Welcome to Romona Sanchez, the new Clerk.

Commissioner Osentoski: Questioned Chief Frisch on statistics that showed crime is down 91% from last year, has recreational marijuana played a role, Chief Frisch indicated no police tracks legal activity; retail theft is up 50%, is this all over or big box stores, Chief Frisch indicated is mostly big box stores, numbers are skewed as loss prevention is not always timely in supplying their reports; incidents look down 30% from last year, people should know this as it shows volumes for our police force and the community.

Commissioner Marquardt: Thanks to all City departments for Lapeer Days, ran smoothly, thanks to the Chamber and the volunteers, the event does cost the City a lot but is worth it and shows off the City.

City Manager Dale Kerbyson: City staff did an excellent job for Lapeer Days, clean up went well, cannot even tell we had a big event this weekend as of 7:00 am this morning.

Mayor Alverson: Lapeer Days was great and smooth, weather was good for the most part, felt attendance was up, DPW and clean up, wouldn't even know we had an event due to their timeliness as well as assistance from the Parks and other departments, and now hosting a car show downtown, amazing!

ADJOURNMENT

190 2019 08-19

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:05 p.m.

Mayor Glenn Alverson

Donna L. Cronic, City Clerk

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
SEPTEMBER 3, 2019**

A regular meeting of the Lapeer City Commission was held September 3, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Alverson

Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Alverson led the Pledge of Allegiance.

AGENDA APPROVAL

191 2019 09-03

Moved by Marquardt. Seconded by Osentoski.

Approve the Agenda for September 3, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

192 2019 09-03

Moved by Osentoski. Seconded by Bennett.

Approve the minutes of the Regular meeting held August 19, 2019.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Kelly Bales, Greater Lapeer transportation Authority (GLTA) – Update.

Ms. Bales provided information on the Vets to Wellness program, regional service area, grant funding and donations received, 65 ride requests in the first month, this is a pilot program for six months and hope to continue this service.

Janet Adams, Baldwin Road, gave invocation.

CONSENT AGENDA

193 2019 09-03

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Consent Agenda for September 3, 2019 resulting in the following:

1. Special Event Request from Bishop Kelley Catholic School, Bishop Kelley Oktoberfest, October 12, 2019, with change to time of 10:30 AM to 10:00 PM, vacated N. Washington Street between the school and church.
2. Special Event Request from Lapeer Community Schools, LHS Swing Out, June 4, 2020, Nepessing Street, contingent upon receipt of current insurance.
3. Special Event Request addendum from Friends of Lapeer Dog Park, addition of two food trucks to their approved event on 09-15-19, Rotary Park.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR SEPTEMBER 3, 2019

194 2019 09-03

Moved by Atwood. Seconded by Osentoski.

Approve the Bill Listing for September 3, 2019 in the amount of \$1,405,870.47.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Rezoning – R-2 Single-Family Residential to B-2 General Business.

Parcel #L21-33-305-040-00 – 840 West St.

195 2019 09-03

Moved by Osentoski. Seconded by Bostick-Tullius.

Adopt the ordinance amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02 (a) (19) to the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

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

Parcel #L21-33-305-040-00

CITY OF LAPEER RICH'S ADDITION (L=5 P=1/2 SEC 8, T7N-R10E)
OUTLOT 1 EX BEG AT THE NE COR OF OUTLOT 1, TH S14°42'39"W
100 FT ALG W'LY LN OF W ST; TH N89°53'18"W 135.42; TH
N01°34'32"W 92 FT; TH N88°25'28"E 163.40 FT TO P.O.B.

ON A ROLL CALL VOTE:

AYES: Atwood, Bennett, Osentoski, Bostick-Tullius, Marquardt.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

Rezoning – B-2 General Business to I-1 Industrial.

Parcel #L20-83-321-040-00 – 3301 Davison Rd.

196 2019 09-03

Moved by Marquardt. Seconded by Bostick-Tullius.

Adopt the ordinance amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02 (a) (20) to the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

- (20) The following property formerly zoned B-2 General Business is hereby rezoned to I-1 Industrial:

Parcel #L20-83-321-040-00

CITY OF LAPEER T79,R9E, PART OF SEC 1, PART OF E 1/2 OF SE 1/4
OF SEC 1 LYNG SLY OF DAVISON RD. EX COM INT OF N-S 1/4 AND
DAVISON RD C/L TH SW'LY ALNG SD C/L 720 FT; TH S 28°31'E E TO
N-S 1/4 LN; TH N'LY ALNG N-S 1/4 TO POB, 44-08-001-009-00 24.57 A

ON A ROLL CALL VOTE:

AYES: Atwood, Bostick-Tullius, Marquardt, Osentoski.

NAYS: Bennett.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

Contract for Construction Engineering Services with ROWE for Non-Motorized Path along Genesee Street and Davison Road. CIP#91690.

197 2019 09-03

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Contract for Construction Engineering Services with ROWE Professional Services Company for the Non-Motorized Path along Genesee Street and Davison Road in the amount of \$62,847.00 and authorize the Director of Parks, Recreation and Cemetery to sign required documents.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

None.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

Downtown Development Authority Status Report, July 22, 2019 received.

PUBLIC COMMENTS

Clare Longoria, property owner on M-24 commented on Zoning Board of Appeals approval/recommendation on Culvers, high volume traffic area, access drives on Baldwin with inclusion of apartment housing will draw more traffic, she is all for growth in the right areas, owns commercial property on M-24 which has been annexed into City and development ready, issues with MDOT and taking away of curb cuts in area and Planning Commission not wanting drive thru business on M-24, feels very frustrated.

Janet Adams, Baldwin Road, commented on Culvers and that corner traffic is already a bedlam area.

Eric Cattane, Peppermill Circle, commented on Kiwanis Club event, September 14th, rubber ducks in river and tickets are \$5 per duck.

MAYOR/COMMISSIONER COMMENTS

Redevelopment Ready Communities (RRC): Training Plan

No updates provided.

Commissioner Bennett: Thanked Ms. Adams for prayer; thanked Kelley Bales for GLTA update; voted no on Baldwin rezoning, can remember Meijer's and nightmare traffic, area where Culvers is going is confusing and will only increase the traffic problem.

Commissioner Atwood: Thanked Kelly Bales for GLTA update; recommends Planning Commission review traffic flow by Meijer's and look at safety concerns; City Superhero meeting next Saturday, noon at Cream, found someone to help with the Superhero program; thank you to all for coming out and speaking to Commission.

Commissioner Osentoski: Thanked Kelly Bales for GLTA update; Planning Commission should review the traffic in area with the addition of Culvers, agrees with Ms. Longoria on issues with drive thru restrictions on M24.

Commissioner Bostick-Tullius: Thanked Kelly Bales for GLTA update, hope it goes beyond six months.

Commissioner Marquardt: Thanked Kelly Bales for GLTA update, spread info on program and Mr. Hogan could place a newspaper article; thanked Clare Longoria for speaking up and that through the Planning process traffic will be worked out. Asked when/where hospital project will start? City Manager Dale Kerbyson responded on status of plan review with hospital, Phase I includes demos of houses on Barry Drive, goal to shift road over and road will be closed during construction, start date in October.

Mayor Alverson: GLTA Vets to Wellness program, many do not ask for help, thanked Kelley Bales for work done, fund is growing; reminder of Special meeting scheduled for September 9th and Regular meeting on September 16th.

ADJOURNMENT

198 2019 09-03

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:09 p.m.

Mayor Glenn Alverson

Donna L. Cronce, City Clerk

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A SPECIAL MEETING
SEPTEMBER 9, 2019**

A special meeting of the Lapeer City Commission was held September 9, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 5:30 p.m.

ROLL CALL

Present: Mayor Alverson.
Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.
City Manager, Dale Kerbyson
Absent: None.

Also Present: City Clerk Romona Sanchez, Chief Deputy City Clerk Donna Cronic, Executive Assistant Tracey Russell, DPW Director Pam Reid, Housing Director Denise Soldenski, Chief of Police Dave Frisch, Parks Recreation & Cemetery Director Rodney Church, Building Official Darryl Oliver, Jeff Pattison, Tony Stroh-Piechowski, Clare Longoria, LapeerNow crew.

Mayor Alverson led the Pledge of Allegiance.

ADMINISTRATIVE:

DRAFT Goals and Objectives: 2019 - 2025.

City Manager reviewed completed goals and objectives and draft goals and objectives for 2019 – 2025; discussion held on areas of Marketing, Infrastructure Improvements, Neighborhood Revitalization, Parks, Recreation, Cemetery, Community Center, Campground, Train Depot, Police Department, and general area topics, history of General Fund Balance, Mission Statement,

There being no further discussion, the workshop meeting was adjourned at 8:05 p.m.

PUBLIC COMMENTS:

None.

ADJOURNMENT

199 2019 09-11

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 8:05 p.m.

Glenn Alverson, Mayor

Romona Sanchez, City Clerk

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
SEPTEMBER 16, 2019**

A regular meeting of the Lapeer City Commission was held September 16, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:28 p.m.

ROLL CALL

Present: Mayor Alverson

Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Alverson led the Pledge of Allegiance.

AGENDA APPROVAL

199 2019 09-16

Moved by Bennett. Seconded by Osentoski.

Approve the Agenda for September 16, 2019 with the addition of item G-1 A New City Branding Logo.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

200 2019 09-16

Moved by Osentoski. Seconded by Attwood.

Approve the minutes of the Regular meeting held September 3, 2019 and a Special meeting held September 9, 2019.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

None

CONSENT AGENDA

201 2019 09-16

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Consent Agenda for September 16, 2019 resulting in the following:

1. Special Event Request from Lapeer Downtown Development Authority, Treat Walk and PumpkinFest, downtown Lapeer, October 26, 2019 from 10:00 AM - 2:00 PM.
2. Special Event Request from Lapeer Downtown Development Authority, Downtown Lapeer Zombie Walk, downtown Lapeer, October 12, 2019 from 12:00 PM -8:00 PM.
3. Special Event Request from Kiwanis Club of Lapeer, Kiwanis Annual Cider & Donut Sale, various intersections throughout Lapeer, October 17 & 18, 2019 from 9:00 AM – 5:00 PM.
4. Special Event Request from St. Paul Evangelical Lutheran Church, Octoberfest, located at 90Millville Road, October 5, 2019 from 11:00AM - 4:00PM.
5. Traffic Control Order No. 300.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR SEPTEMBER 16, 2019

202 2019 09-16

Moved by Marquardt. Seconded by Osentoski.

Approve the Bill Listing for September 16, 2019 in the amount of \$682,601.47

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Resolution Supporting Lapeer Community Schools

Moved by Osentoski. Seconded by Bostick-Tullius.

Approve the resolution supporting Lapeer Community Schools, School Improvement Bond Proposition.

RESOLUTION SUPPORTING LAPEER COMMUNITY SCHOOLS SCHOOL IMPROVEMENT BOND PROPOSITION

WHEREAS, an efficient, effective and well-funded education system is a paramount responsibility of its citizens; and

WHEREAS, the Lapeer Community Schools is requesting a bond proposition be approved by voters for the purpose of paying for the costs of the following projects:

- Erecting, completing, equipping and furnishing additions to the new High School building;
- Remodeling, equipping, re-equipping, furnishing, re-furnishing school buildings, playgrounds and other facilities to convert the current High School building to a Lower Elementary School building and a current Middle School building to an Intermediate School building and for other purposes;
- Acquiring and installing instructional technology infrastructure and equipment in school buildings and other facilities; and
- Preparing, developing and improving sites at school buildings, playgrounds and other facilities, which will include parking lot improvements, and the purchase of school buses.

WHEREAS, the Lapeer Community Schools is asking for an amount not to exceed Ninety-Four Million Nine Hundred Thousand Dollars (\$94,900,000) and issue general obligation unlimited tax bonds, in one or more series for not more than twenty-five (25) years.

NOW, THEREFORE, BE IT RESOLVED, that I, Glenn Alverson, Mayor of the City of Lapeer, and the Lapeer City Commission supports the efforts of the Lapeer Community Schools and their request for a School Improvement Bond Proposition and urge its citizens to vote in favor of this proposal to ensure quality education and a quality learning environment for future generations; and

BE IT FURTHER RESOLVED THAT a copy of this resolution be delivered to the Board of Education of the Lapeer Community Schools.

Dated this 19th day of September 2019.

ON A ROLL CALL VOTE:

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DELCARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

New City Branding Logo

203 2019 09-16

Moved by Bostick-Tullius. Seconded by Marquardt.

Discussion held regarding the ability to review goals and objectives again prior to its expiration. Mr. Kerbyson explained they can be reviewed and amended at any time.

Adopt the new City Branding Logo for entire City of Lapeer.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

CITY MANAGER'S REPORT

Goals & Objectives 2019-2025.

204 2019 09-16

Moved by Osentoski. Seconded by Atwood.

Approve Goals & Objectives Resolution 2019-2025

**CITY OF LAPEER
GOALS & OBJECTIVES RESOLUTION
2019 - 2025**

WHEREAS, the future prosperity of the City of Lapeer is dependent upon rational, purposeful and foresighted leadership; and

WHEREAS, the City of Lapeer is committed to the allocation of resources to the fundamental needs of the City while continuing to pursue higher level needs such as cultural enhancements and assets that contribute to the quality of life of the City and greater Lapeer community; and

WHEREAS, such leadership requires identification, review and prioritization of the City needs so that appropriate resources and activities are devoted toward the fulfillment of said needs; and

WHEREAS, the establishment of goals and objectives promotes unity of purpose between the City Commission and the staff.

NOW, THEREFORE, BE IT RESOLVED THAT: The City Commission adopts the following Goals and Objectives for FY 2019-2025, Mission Statement and Vision Statements and Guiding Principles.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DELCARED ADOPTED.

CITY ATTORNEY'S REPORT

City Attorney Mike Nolan had nothing to report, however, thanked the Commission for supporting the school bond resolution.

UNFINISHED BUSINESS

205 2019 09-16

Moved by Marquardt. Seconded by Atwood.

Appoint Romona Sanchez to Election Commission board with a term ending January 1, 2020.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Departmental Monthly Reports for August, 2019 and the Medical Marihuana Licenses Provisioning Center, Grower, Processor, Secure Transporter, Safety Compliance Facility Update were received into the record as presented.

PUBLIC COMMENTS

Eric Cattane, Peppermill Circle, stated the Kiwanis Club Rubber Duck event on September 14th was a huge success and thanked the Commission for their support.

MAYOR/COMMISSIONER COMMENTS

Redevelopment Ready Communities (RRC): Training Plan

No updates provided.

Commissioner Bennett: No comments.

Commissioner Atwood: Thanked the Commission for their support of the Lapeer Community School Bond and feels it is an investment in our future; the Kiwanis event was exciting and he helped at the Flint Watershed clean-up event.

Commissioner Osentoski: Participated at the Flint Watershed clean up event and the NOW building is looking great.

Commissioner Bostick-Tullius: Attended the 3rd year expo for the Dog Park which was excellent; there will be a Grand Opening for Vinyl Bar & Grill on September 20, 2019, at 5:00 p.m.; and was happy the commission was unified on the school resolution.

Commissioner Marquardt: Is happy to support the school millage which is an investment in the children; shared an invitation she received for the Commissioners to attend a dinner from Fleis & Vanderbrink while at the MML.

City Manager Dale Kerbyson informed the Commission he will be offsite with the NMDC group going to Washington, DC to lobby on behalf of the I69 corridor, working with other states visiting with Senate and Congress members to promote the corridor; construction will begin on a new traffic light at M-24/Turrill on September 30, 2019. He explained the delay in getting the school resolution to the Commission due to the request of having it on the agenda arriving late Friday afternoon after the agenda was completed, ran this by the Michigan Municipal Executives and has found it to be ethical for him to support the resolution as well.

Mayor Alverson: Had the opportunity to speak to 400+ guests at the DTE Solar Park on Saturday, was able to suggest they visit Lapeer's Historic downtown and he was happy to express how great our community is; attended dog park event on Sunday, they have raised \$18,000, however need to reach \$60,000 to start the project and are looking for more support.

ADJOURNMENT

206 2019 09-16

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 6:59 p.m.

Mayor Glenn Alverson

Romona Sanchez, City Clerk

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
OCTOBER 7, 2019**

A regular meeting of the Lapeer City Commission was held October 7, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Alverson

Commissioners: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Alverson led the Pledge of Allegiance.

207 2019 10-07 AGENDA APPROVAL

Moved by Bennett. Seconded by Osentoski.

Approve the Agenda for October 7, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

208 2019 10-07 MINUTES

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the minutes of the Regular meeting held September 16, 2019.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Jacquie Wilson from the Lapeer District Library provided information about the Digital Services available to library patrons.

Janet Adams, Baldwin Road, gave an invocation.

209 2019 10-07 CONSENT AGENDA

Moved by Marquardt. Seconded by Osentoski.

Approve the Consent Agenda for October 7, 2019 resulting in the following:

1. Approve the Resolution to Opt Out of PA 152 of 2011 for the 2020 Year.
2. Set Halloween Trick or Treat Hours from 6:00 p.m. to 8:00 p.m. on Halloween Night, October 31, 2019.
3. Special Event Request from the Lapeer Area Chamber of Commerce, Annual Christmas Parade, December 7, 2019; 11:00 a.m., Nepessing Street in the downtown area.
4. Special Event Request from the Lapeer County Young Marines, Young Marine Red Ribbon Week, October 17, 2019 – November 7, 2019, Downtown Lapeer, contingent upon receipt of current insurance.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

210 2019 10-07 BILL LISTING FOR October 7, 2019

Moved by Osentoski. Seconded by Atwood.

Approve the Bill Listing for October 7, 2019 in the amount of \$1,027,964.12.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

211 2019 10-07 Rezoning – R-2 single-Family Residential to B-2 General Business; Parcel #L21-16-550-008-00 (1101 S. Mail Street)

Commissioner Bostick-Tullius introduced the ordinance amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02 (a)(21) to the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

- (21) The following property formerly zoned R-2 Single Family Residential is hereby rezoned to B-2 General Business:
Parcel #L21-16-550-008-00 addressed as 1101 S. Main Street
SEC 8 T7N R10E CHURCHILL FARMS SUBDIVISION LOT
8.4629.65+2054.90

212 2019 10-07 Housing Improvement Division: Approval for CDBG Grant Amendment.

Motion by Attwood. Seconded by Bennett.

Approve the Grant Amendment Request and Re-Evaluation Of An Environmental Assessment for the Michigan Economic Development Corporation (MEDC) Community Development Block Grant (CDBG) for the Lapeer Team Works Inc. Building Façade Project and authorize the Mayor to sign required documents.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

213 2019 10-07 Signatories on Lakestone Bank & Trust Accounts

Motion by Atwood. Seconded by Osentoski.

Approve the resolutions to change signatories on the Lakestone Bank & Trust accounts.

RESOLUTION

BANK & TRUST

GOVERNMENTAL ENTITY

LAKESTONE

83 W Nepessing St
Lapeer, Michigan 48446
LAKESTONEbank.com

GOVERNMENTAL ENTITY NAME AND ADDRESS

CITY OF LAPEER

TREASURERS OPERATING

PARK FUND
GENERAL SAVINGS
FIRE INS W/H ESCROW
SPECIAL ASSESSMENT BOND DEBT
NON VOTED BONDS DBS SER
DOG PARK
2017 GO BONDS CONSTRUCTION FUND
INCOME TAX WITHHOLDING
576 LIBERTY PARK
LAPEER, MI 48446-2140

This Resolution supersedes all previous Resolutions, effective October 7, 2019.

DATE OF RESOLUTION	ACCOUNT NUMBER	Tax	Identification
October 7, 2019	Savings #		

By signing below, I certify to LAKESTONE BANK & TRUST ("Financial Institution") that: I am the ACCOUNTING MANAGER of the above named Governmental entity ("Entity"), validly chartered and operating under the laws of the State of Michigan; the following is a true and complete copy of the resolution, properly adopted at a duly called open legal meeting of the officers of the Entity held on October 7, 2019 in accordance with the charter of the Entity, if any; this Resolution is contained in the minutes of that meeting and that such Resolution is still in force and effect and has not been amended or rescinded, and was and still is in accordance with the charter of the Entity, if any; the Financial Institution has been provided a true and complete copy of the charter of the Entity, if any, as in effect as of the date of this Resolution; provided below are the correct names, titles, and genuine signatures of the persons authorized to exercise the powers provided in the Resolution ("Authorized Signers"); and the Financial Institution may rely upon my certification as to my authority to execute this Resolution and to make the representations in this Resolution.

IT IS RESOLVED:

The Authorized Signers shall possess the powers indicated as contained in this Resolution.

DEPOSITORY ACCOUNT. Perform the following activities in regards to the depository account(s) indicated above in the name of the Entity, subject to any terms and conditions governing the account(s), including:

- Account Opening and Maintenance. Open and maintain the Entity account(s).
Number of signers required: 1
- Make Deposits. Make deposits to the Entity Account(s).
Number of signers required: 1
- Endorsements. Endorse for negotiation, negotiate, and receive the proceeds of any negotiable instrument, check, draft, or order for the payment of money payable to or belonging to the Entity, by writing, stamp, or other means permitted by this Resolution without the designation of the person endorsing.
Number of signers required: 1
- Make Withdrawals. Make withdrawals from the Entity account(s) in any manner permitted by the account(s) regardless whether such action will create or increase an overdraft of the involved account.
Number of signers required: 1
- Transfer Funds. Transfer funds from the Entity account(s) in Financial Institution to any account whether or not held at this Financial Institution and whether or not held by this Entity and execute any agreement related to such transfers.
Number of signers required: 1
- Approve, Endorse, Guarantee and Identify Payees. Approve, endorse, guarantee, and identify the endorsement of any payee or any endorser of any negotiable instrument, check, draft, or order for the payment of money and to guarantee the payment of any such negotiable instrument, check, draft, or order for the payment of money.
Number of signers required: 1
- Delegate Authority. Delegate to others the authority to approve, endorse, guarantee, and identify the endorsement of any payee or endorser on any negotiable instrument, check, draft, or order for the payment of money and to

guarantee the payment of any such negotiable instrument, check, draft, or order for the payment of money.

Number of signers required: 1

SAFE DEPOSIT BOX. Lease a Safe Deposit Box(es) with Financial Institution, make inspections of, deposits to and removals from the Box(es), and exercise all rights and be subject to all responsibilities under the Lease.

Number of signers required: 1

NIGHT DEPOSITORY. Enter into a Night Depository Agreement with Financial Institution and exercise all rights and be subject to all responsibilities under the Agreement.

Number of signers required: 1

LOCKBOX. Enter into a Lockbox Agreement with Financial Institution and exercise all rights and be subject to all responsibilities under the Agreement.

Number of signers required: 1

DEBIT CARD/ACCESS CARD. Apply for, receive and utilize debit, automated teller machine cards, or other access devices to exercise those powers authorized by this Resolution or other Resolutions then in effect.

Number of signers required: 1

CASH MANAGEMENT. Enter into a Cash Management Agreement with Financial Institution, and exercise all rights and be subject to all responsibilities under the Agreement

Number of signers required: 1

IT IS FURTHER RESOLVED THAT:

DESIGNATED DESPOSITORY, Financial institution is designated as a depository for the funds of the Entity and to provide other financial accommodations indicated in this Resolution.

AUTHORIZED SIGNER'S POWERS. Authorized Signers are authorized to make any and all other contracts, agreements, stipulations, and orders which the Authorized Signers may deem advisable for the effective exercise of their powers.

SIGNATURES. The Financial Institution shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from the honoring of any signature, authorized by this Resolution, or refusing to honor any signature not so authorized, regardless of whether or not such signature was genuine, if such signature reasonably resembles the specimen provided to the Financial Institution. The Financial Institution shall also be permitted to rely upon non-signature security and verification codes which it provides to or receives from an Authorized Signer and shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from their use.

IMPROPER ENDORSEMENT. Any negotiable instrument, check, draft or order for the payment of moneys not clearly endorsed by an Authorized Signer may be returned to the Entity by the Financial Institution. The Financial Institution, in its sole discretion, alternatively may endorse on behalf of the Entity any negotiable instrument, check, draft, or order for the payment of money not clearly endorsed in order to facilitate collection. Financial Institution shall have no liability for any delay in the presentment or return of any negotiable instrument, check, draft, or order for the payment of money which is not properly endorsed.

DISPOSITION OF FUNDS. When withdrawal or transfer powers are granted to an Authorized Signer, the Financial Institution is directed and authorized to act upon and honor withdrawal or transfer instructions issued and to honor, pay, transfer from, and charge to any depository account(s) of the Entity, all negotiable instruments, checks, drafts, or orders for the payment of money so drawn when signed consistent with the Resolution without inquiring as to the disposition of the proceeds or the circumstances surrounding the issuance of the negotiable instrument, check, or order for the payment of money involved, whether such negotiable instruments, checks, drafts, or orders for the payment of money are payable to the order of, or endorsed or negotiated by any Authorized Signer signing them or any Authorized Signer in their individual capacities or not, and whether they are deposited into the individual credit of or tendered in payment of the individual obligation or account of any Authorized Signer signing them or of any other Authorized Signer.

PRIOR ENDORSEMENTS. All negotiable instruments, checks, drafts, or orders for the payment of money deposited with prior endorsements are guaranteed by the Entity.

PRE-RESOLUTION TRANSACTIONS. All actions by Authorized Signers in accordance with this Resolution but before the adoption of this Resolution are approved, ratified, adopted, and confirmed by the Entity.

WARRANTY. That the Financial Institution may rely upon the certification as to the Entity authority to execute this Resolution and make the representations in this Resolution.

NOTIFICATION OF CHANGES. The Entity shall notify Financial Institution in writing at its address shown above in advance of any changes which would affect the validity of any matter certified in this Resolution.

REVOCATION AND MODIFICATION. An Act (“Act”) to modify, terminate, amend or replace this Resolution will not immediately affect the ability of the Financial Institution to rely upon this Resolution. The Act shall not affect any action by the Financial Institution in reliance on this Resolution before the date the Act becomes effective as set forth in the next sentence. An Act will not become effective until all of the following occur: (a) Financial Institution receives written notification of the Act in a form and substance satisfactory to the Financial Institution and (b) the Financial Institution has had a reasonable period of time to act upon such notification. Until the Act is effective, this Resolution shall remain in full force and bind the Entity, its legal representatives, heirs, successors and assigns.

DESIGNATION OF AUTHORIZED SIGNERS

NAME/TITLE/SIGNATURE	AUTHORITY CODE/LIMITATIONS
Tracey Russell, Executive Assistant Harry L. Green, Accounting Manager Romona J. Sanchez, City Clerk Kaye L. Hodges, Income Tax Administrator	Account Opening and Maintenance; Lease Safe; Night Depository; Lockbox; Debit Card/Access Card; Cash Management; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees; Delegate Authority

City Manager Kerbyson informed the commission with retirement of Karry Helmick new signatories are needed, therefore, Tracey Russell, Harry Green, Romona Sanchez and Kaye Hodges will be the signatories on each account.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DELCARED ADOPTED.

213 2019 10-07 CITY MANAGER’S REPORT - Real Estate Purchase Agreement for Industrial Property - City of Lapeer and DTE Electric Company

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Real Estate Purchase Agreement with DTE Electric Company for vacant land on John Conley Drive, Lot #24 (part of parcel #L20-83-358-080-00) in the amount of \$220,000 and authorize the Mayor and City Manager to sign the required documents.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED

CITY ATTORNEY’S REPORT

City Attorney Mike Nolan stated that it is because of City Manager Kerbyson diligence that the purchase agreement with DTE Electric Company was finalized.

214 2019 10-07 APPOINTMENT TO BOARDS AND COMMISSIONS

Moved by Marquardt. Seconded by Bostick-Tullius.

Appoint Richard Fassezke to Local Officers Compensation Commission for a term to expire 10-01-2024; appoint Bailey RaCosta to Zoning Board of Appeals for a term to expire 04-01-2022.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.
MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Departmental Monthly Report for Downtown Development Authority and the Medical Marihuana Licenses Provisioning Center, Grower, Processor, Secure Transporter, Safety Compliance Facility Update were received into the record as presented.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Redevelopment Ready Communities (RRC): Training Plan

No updates provided.

Commissioner Osentoski: Read a section of the City of Lapeer Charter relating to the Duties of Mayor as he felt miss information is being circulated.

Commissioner Atwood: Would like to see the Christmas parade held at night.

Commissioner Bennett: Would also like the parade to be held at night; wanted to know why Commissioner Osentoski thought it necessary to read the Charter; thinks Mayor Alverson is doing well.

Commissioner Bostick-Tullius: Agreed that the Mayor's duties are as stated in Charter; attended RRC training; MML conference was the last one for her and was a success.

Commissioner Marquardt: Has concerns about construction at Saginaw and Genesee as she wants the area to be safe for residents; asked for clarification of Zoning Board of Appeals and Board of Review, if Mayor and Commission can serve on those boards; MML conference was productive and informative.

City Manager Kerbyson: Informed the Commission he is aware of the construction at Saginaw and Genesee, which will be addressed before winter; thanked City Attorney Nolan for teaching Seaver Title that cities do not pay transfer tax on property sales; wrote a letter to Governor Whitmore indicating the negative impacts to the City with her line-item cuts of the budget; October 13, 2019 is the Fire Department Open House.

Mayor Alverson: Commissioner Osentoski's comments are not directed at him, but misinformation that is has not been clarified and is being shared with voters; excited about the extension of the walking paths along Genesee Road.

215 2019 10-07 ADJOURNMENT

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 6:55 p.m.

Mayor Glenn Alverson

Romona Sanchez, City Clerk

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
OCTOBER 21, 2019**

A regular meeting of the Lapeer City Commission was held October 21, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Alverson

Commissioners: Atwood, Bennett, Marquardt, Osentoski.

Absent: Commissioner Bostick-Tullius (excused).

City Manager: Dale Kerbyson, present.

Mayor Alverson led the Pledge of Allegiance.

216 2019 10-21 AGENDA APPROVAL

Moved by Bennett. Seconded by Osentoski.

Approve the Agenda for October 21, 2019 as presented.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

217 2019 10-21 MINUTES

Moved by Osentoski. Seconded by Bennett.

Approve the minutes of the Regular meeting held October 7, 2019.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

PUBLIC COMMENTS

Jenny Burkhart, Lapeer, gave an invocation.

218 2019 10-21 CONSENT AGENDA

Moved by Atwood. Seconded by Osentoski.

Approve the Consent Agenda for October 7, 2019 resulting in the following:

1. Contract for Planning Services: Rowe Professional Services Company.
2. First National Bank Credit Card Resolution and Flagstar Bank Resolution.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

219 2019 10-21 BILL LISTING FOR October 21, 2019

Moved by Bennett. Seconded by Atwood.

Approve the Bill Listing for October 21, 2019 in the amount of \$557,552.83.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

220 2019 10-21 Rezoning – R-2 single-Family Residential to B-2 General Business; Parcel #L21-16-550-008-00 (1101 S. Main Street)

Moved by Osentoski. Seconded by Atwood.

Adopt the ordinance amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02 (a)(21) to the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

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

Parcel #L21-16-550-008-00 addressed as 1101 S. Main Street

SEC 8 T7N R10E CHURCHILL FARMS SUBDIVISION LOT 8.4629.65+2054.90

Commissioner Bennett questioned why the owners were asking for changes in zoning and what the plans for the property are. City Manager Kerbyson explained that at this time the owners have no plans for development however; they want it to be zoned commercial.

Commissioner Marquardt questioned if there are any issue with the property as it was annexed from Lapeer Township. City Manager Kerbyson stated there are no issues.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

221 2019 10-21 InSource Solutions Group, Inc. - Service Agreement Addendum

Moved by Osentoski. Seconded by Marquardt.

Approve the service agreement addendum with InSource Solutions Group, Inc. and allow the City Manager and Income Tax Administrator to sign the required documents.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

222 2019 10-21 CITY MANAGER'S REPORT – Request to Purchase Years of Service Credit.

Moved by Bennett. Seconded by Marquardt.

Approve the Municipal Resolution for Denise Soldenski to purchase Years of Service Credit through the Municipal Employee's Retirement System (MERS).

CITY OF LAPEER MUNICIPAL RESOLUTION TO PURCHASE YEARS OF SERVICE CREDIT MICHIGAN EMPLOYEES RETIREMENT SYSTEM (MERS) For Denise Soldenski

At a regular meeting of the Lapeer City Commission of the City of Lapeer, County of Lapeer, Michigan, held in said City on the 21st day of October, 2019 there were:

WHEREAS, Denise Soldenski, Director of Housing, requests to purchase Years of Service Credit from the City of Lapeer through Municipal Employees Retirement System (MERS) for five (5) years in the assumed amount of \$97,404.00. Said purchase will allow Housing Director Soldenski to retire on July 1, 2026 or anytime thereafter.

NOW, THEREFORE, BE IT RESOLVED, by the City of Lapeer's Governing Body, at its meeting on October 21, 2019, as provided by the MERS Plan Document, and in accordance with the

employer's policy, the employer hereby authorizes the participant named above to make a service credit purchase from MERS as described above. The employer understands this is an estimated cost, calculated using actuarial assumptions approved by the Retirement Board. Any difference between the assumptions and actuarial experience will affect the true cost of the additional service to the employer. The calculation assumptions are outlined above and the employee understands and agrees he/she is accountable for any difference between estimated and actual costs.

This resolution adopted this 21st day of October, 2019.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

223 2019 10-21 2020 Census: Complete Count Committee

Moved by Osentoski. Seconded by Atwood.

Approve the resolution designating April 1, 2020 as Census Day in the City of Lapeer, and appoint the City Clerk to the Complete County Committee for the City of Lapeer.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

224 2019 10-21 Small Urban Task Force Funding

Moved by Atwood. Seconded by Osentoski.

Approve the City Manager to commit and reserve matching funds needed to complete the Millville Street project to the Michigan Department of Transportation (MDOT) as part of the Capital Improvement Program for 2020/2021.

City Manager Kerbyson provided a brief description of the program and indicated the Millville Street project is in addition to the Bronson Lake Road project.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

City Manager Kerbyson stated that he will be speaking to the State of Michigan Senate about Senate Bill 324, which was introduced by Senator Daley.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The Departmental Monthly Reports and the Monthly Financial Report for February 2019 were received into the record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Redevelopment Ready Communities (RRC): Training Plan

No updates provided.

Mayor Alverson: Announced local events.

Commissioner Bennett: Happy to see the candidates running for City Commission in the audience.

Commissioner Atwood: Wished everyone a good week and stay safe.

City Manager Kerbyson: Michigan Council of Arts & Cultural Affairs did not authorize the grant application that was submitted. Leaf pickup begins the week of November 4.

Mayor Alverson: Impressed with the walking path being installed.

225 2019 10-21 ADJOURNMENT

Moved by Bennett.

Adjourn the regular meeting.

MOTION CARRIED.

The regular meeting adjourned at 6:55 p.m.

Mayor Glenn Alverson

Romona Sanchez, City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
NOVEMBER 4, 2019**

A regular meeting of the Lapeer City Commission was held November 4, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Alverson.

Commissioners: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney, Michael Nolan

Mayor Alverson led the Pledge of Allegiance.

Mayor Alverson requested a motion to approve the 11/4/2019 agenda; Commissioner Bostick-Tullius made a motion to approve the Minutes; Deputy City Clerk Tracey Russell interrupted Mayor Alverson to have the motion corrected to approve the Agenda and not the Minutes for 11/4/2019.

226 2019 11-04 AGENDA APPROVAL

Moved by Bostick-Tullius . Seconded by Osentoski.

Approve the Agenda for November 4, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

227 2019 11-04 MINUTES

Moved by Bennett. Seconded by Bostick-Tullius.

Approve the minutes of the Regular meeting held October 21, 2019.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

Janet Adams, Baldwin, gave an invocation.

228 2019 11-04 CONSENT AGENDA

Moved by Marquardt; requesting Item #2 be removed and voted on separately with open discussion. Seconded by Bostick-Tullius .

Approve the Consent Agenda for November 4, 2019 resulting in the following:

1. Special Event Request: Lapeer Downtown Development Authority.
3. Chemical Bank Master Signature Card
4. City of Lapeer 2020 "Official" Meeting Calendar.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

229 2019 11-04 CONSENT AGENDA

Moved by Bostick-Tullius. Seconded by Bennett.

Commissioner Marquardt explained that she would have to abstain from voting on Item # 2, as she thought it was a conflict of interest due to her presidency with the Holiday Depot. Approve the Consent Agenda, Item #2 for November 4, 2019 resulting in the following:

2. Special Event Request: Marine Corps Reserve Toys for Tots Program.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Abstain: Marquardt.

Absent: None.

MOTION CARRIED.

230 2019 11-04 BILL LISTING FOR NOVEMBER 4, 2019

Moved by Bennett. Seconded by Atwood.

Approve the Bill Listing for November 4, 2019 in the amount of \$754,340.97.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

231 2019 11-04 CHARITABLE GAMING LICENSE REQUEST

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Local Governing Body Resolution For Charitable Gaming License for Friends of the Lapeer County Historic Courthouse, Inc.

Local Governing Body Resolution for Charitable Gaming Licenses

That the request from Friends of the Lapeer County Historic Courthouse of Lapeer county of Lapeer, asking that they be recognized as a nonprofit organization operating in the community, for the purpose of obtaining charitable gaming licenses, be considered for approval.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

232 2019 11-04 RESOLUTION FOR THE STREET ADDITION.

Moved by Marquardt. Seconded by Atwood.

Approve the Resolution for the street addition of Rustic Drive.

RESOLUTION FOR STREET ADDITION – RUSTIC DRIVE

WHEREAS, the City of Lapeer did on August 30, 2010 acquire title to a certain street; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the centerline of said street is described as:
COM N88°50'W 520.96 FT & N28°56'40"E 340.525 FT FRM E 1/4 COR, SEC 7,
TH N88°52'51"W 295.835 FT TO POINT OF ENDING
2. That said street is located within a City right-of-way and is under the control of the City of Lapeer.
3. That said street is a public street and is for public street purposes.
4. That said street is accepted into the City Local Street System.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

233 2019 11-04 MSHDA STAFF CONTRACTS FOR JANUARY 1, 2020 THROUGH DECEMBER 31, 202

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the budgeted staff contracts for Sarah Taylor, Two T's (aka Jodi Mauk) and GH Smith (aka Shannon Smith) for the period of January 1, 2020 – December 31, 2020

which coincides with the City of Lapeer/Michigan State Housing Development Authority Housing Choice Voucher Administration 2020 Contract.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

234 2019 11-04 RESOLUTION TO APPROVE THE HID ACCEPTANCE OF THE MSHDA HCV ADMINISTRATION CONTRACT EXTENSION FOR 2020.

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Resolution to Approve Michigan State Housing Development Authority (MSHDA) Division of Rental Assistance and Homeless Solutions Housing Choice Voucher Program Proposal for Housing Choice Voucher Administration 2020.

RESOLUTION TO APPROVE
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA)
DIVISION OF RENTAL ASSISTANCE AND HOMELESS SOLUTIONS
HOUSING CHOICE VOUCHER PROGRAM
PROPOSAL FOR HOUSING CHOICE VOUCHER ADMINISTRATION 2020

WHEREAS, the City of Lapeer is interested in continuing the contract with the Michigan State Housing Development Authority (MSHDA) to administer Housing Choice Vouchers for Lapeer and Tuscola Counties and Bad Axe Veteran's Administration Supportive Housing (VASH) Vouchers for the 2020 contract term in its continuing effort to improve the housing stock and provide affordable housing opportunities for the region's low and very low income HCV applicants/participants; and

WHEREAS, the Lapeer City Commission accepts the recommendation of the City of Lapeer Housing Improvement Department to sign the 2020 contract for administration of Housing Choice Vouchers for Lapeer and Tuscola Counties and Bad Axe VASH; and

WHEREAS, the Michigan State Housing Development Authority requires a resolution authorizing the submission of the aforementioned contract; and

WHEREAS, said City Commission authorizes the Director of Housing and Neighborhood Development to sign the related contractual documents; and

THEREFORE, BE IT RESOLVED that the Lapeer City Commission authorizes the City of Lapeer Housing Improvement Department to contract with the Michigan State Housing Development Authority's (MSHDA) Rental Assistance and Homeless Solutions Division on or after November 4th, 2019 to administer the Housing Choice Voucher program for Lapeer and Tuscola Counties and Bad Axe VASH, and authorizes the Director of Housing and Neighborhood Development to sign related contractual documents on behalf of the City of Lapeer upon receipt.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson reported that the lights that have been out on DeMille will be restored very soon; will be attending a MEDC conference tomorrow in Detroit; thanked the outgoing Commissioners for their service and enjoyed working with them; requested a Closed Session to discuss his review.

235 2019 11-04 CLOSED SESSION

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve a Closed Session to discuss City Manager's review.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan thanked each outgoing Commissioner for all that they have done; great working with them, they have been great stewards on behalf of the City. Also reported that the two litigations have begun; one regarding the gas station one regarding LP&P.

UNFINISHED BUSINESS:

None.

DEPARTMENTAL COMMUNICATIONS

The Downtown Development Authority Status Update and the Medical Marihuana Licenses Provisioning Center, Grower, Processor, Secure Transporter, Safety Compliance Facility Update were received into the record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett: This is his last meeting and will end with saying repent or parish.

Commissioner Atwood: Indicated it was an honor working with the outgoing Commissioners, learned a lot from them, they have done a very good job, may have disagreed in the past but doesn't mean he doesn't like you, appreciates them all.

Commissioner Osentoski: Thanked the outgoing Commissioners, they have given dedication and great service, appreciates it; a lot of good things have happened, they've done a good job; his vote tomorrow has nothing to do with gender, race, etc. There are 1,300 communities that have banded recreational marihuana so the City is not alone on this.

Commissioner Bostick-Tullius: This is a bitter-sweet moment, has served for the past 11 years; been a humbling experience to be voted in by the city residents and has earned the citizens trust; however, the best part is the relationships that have been built over the years as well as networking throughout the county and hopes to maintain these relationships.

Commissioner Marquardt: States it has been a privilege to serve with all the Commissioners and Mayors; nice to be a part of the process and represent the citizens of the City. There is a grant that has been awarded to the Greater Lapeer Center for the Arts in the amount of \$15,000 for education and women's sufferance (right to vote). Was glad to see Item G-3 approved as these Housing Choice Vouchers for the Veterans will continue to increase and will help end homelessness in Lapeer. Emailed Ms. Sanchez ahead of time that she will not be able to stay for the Closed Session.

City Manager Kerbyson: Again, thank you to the outgoing Commissioners for working with him, will continue connecting with them. Thank you for the great review.

Mayor Alverson: Not everyone can say they were appointed to be Mayor, it is a privilege; has high respect for everyone, has known Commissioner Bennett for years and knows he always helps out the little guy, he has done so much for the City, respects him and hates to see him go. Commissioner Bostick-Tullius does her homework before meetings and is very articulate, states her pros and cons, is going to miss it and wishes her good luck. Stated it has been a pleasure working with Chief's Frisch and Kluge as well as all the City administration, everyone's commitment is awesome. Would like to move to the Closed Session.

The Commission convened to a Closed Session at 6:54 p.m. and returned to its regular session at 7:36 p.m.

236 2019 11-04 CITY MANAGER CONTRACT

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve City Manager's contract amendments as follows:

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- 1) One year extension, contract will now expire on 12/31/2024.
- 2) Under the Termination Clause, adding the following statements:
Under PARAGRAPH ONE & TWO: Should the City Manager Dale Kerbyson be terminated without cause, he shall continue to receive health care/dental/vision benefit coverage as in retirement, on the same plan as he is receiving at the time of said termination. Should City Manager Dale Kerbyson become deceased at any time during his employment with the City of Lapeer, his spouse at the time of death, shall receive health care/dental/vision benefit on the same level as he is receiving at the time of said death.
- 3) Under the Termination Clause, PARAGRAPH THREE will read as follows:
City may also terminate this contract prior to its expiration with no notice to Manager if Manager breaches this contract, if Manager commits any felony or any crime of moral turpitude, illegal act or Manager is guilty of any substantial misconduct in office.
- 4) Under the Termination Clause, PARAGRAPH ONE, #1 & #2, will read as follows:
 1. A lump sum severance payment equal to the amount of salary due (with no reduction to present value) under the contract.
 2. Continuation, at City expense, of his life insurance and medical insurance for the time remaining on this contract.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

237 2019 11-04 ADJOURNMENT

Moved by Bennett.

Adjourn the regular meeting.

MOTION CARRIED.

The regular meeting adjourned at 7:38 p.m.

Mayor Glenn Alverson

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A SPECIAL MEETING
November 7, 2019**

A special meeting of the Lapeer City Commission was held November 7, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 5:16 p.m.

ROLL CALL

Present: Mayor Alverson
Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.
Absent: None.

City Manager: Dale Kerbyson, present.

PUBLIC COMMENT

None.

238 2019 11-07 Closed Session

Moved by Bennett. Seconded by Bostick-Tullis

To move to a closed session for the purpose of the Personnel Evaluation which is exempt from disclosure as provided for under Section 8 of the Open Meetings Act.

ON A ROLL CALL VOTE:

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt. Osentoski

Nays: None.

MOTION CARRIED.

The Commission convened to a Closed Session at 5:17 p.m. and returned to the special session at 5:41 p.m.

239 2019 11-07

Moved by Bennett Seconded by Osentoski

To increase the City Manager's salary by \$3,500.

ON A ROLL CALL VOTE:

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt. Osentoski

Nays: None.

MOTION CARRIED.

ADJOURNMENT

240 2019 11-07

Moved by Bennett.

Adjourn the special meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt. Osentoski

Nays: None.

MOTION CARRIED.

The special meeting adjourned at 5:42 p.m.

Mayor Glenn Alverson

Romona Sanchez, City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
NOVEMBER 18, 2019**

Prior to the start of the regular meeting, Honorable Laura Cheger Barnard, 71A District Court Judge presided over the Swearing-In Ceremony of the Mayor Elect Debbie Marquardt and Commissioners Elect Joshua Atwood, Eric Cattane, Jeff Pattison and Tony Stroh.

A regular meeting of the Lapeer City Commission was held November 18, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:35 p.m.

ROLL CALL

Present: Mayor Marquardt.

Commissioners: Atwood, Cattane, Osentoski, Pattison, Stroh.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney, Michael Nolan

Mayor Marquardt led the Pledge of Allegiance.

241 2019 11-18 ELECTION OF MAYOR PRO-TEM.

Moved by Cattane. Seconded by Stroh.

Approve Commissioner Pattison as Mayor Pro-Tem.

Ayes: Cattane, Osentoski, Pattison, Stroh.

Nays: Atwood.

MOTION CARRIED.

242 2019 11-18 ADDITION TO AGENDA.

Moved by Pattison. Seconded by Osentoski.

Add Item H-2 presentation of Public Advisory for Drinking Water Customers.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

243 2019 11-18 AGENDA APPROVAL.

Moved by Osentoski. Seconded by Pattison.

Approve the Agenda for November 18, 2019 with addition.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

244 2019 11-18 MINUTES.

Moved by Osentoski. Seconded by Cattane.

Approve the minutes of the Regular & Closed Session meeting held November 4, 2019 and Special Meeting held November 7, 2019.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

PUBLIC COMMENTS.

Mike Bahoura congratulated the Mayor and asked the Commission to consider allowing recreational marihuana into the City of Lapeer.

Jenny Burkhart, Lapeer, gave an invocation.

245 2019 11-18 CONSENT AGENDA.

Moved by Osentoski. Seconded by Stroh.

Approve the Consent Agenda for November 18 2019 resulting in the following:

1. Special Event Request: Lapeer Downtown Development Authority.

2. Budget Adjustment for Interfund Transfer.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

246 2019 11-18 BILL LISTING FOR NOVEMBER 18, 2019.

Moved by Atwood. Seconded by Pattison.

Approve the Bill Listing for November 18, 2019 in the amount of \$467,056.30.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

247 2019 11-18 Medical Marihuana Assessment 2019.

Moved by Osentoski. Seconded by Stroh.

To keep the same number limit for medical marihuana facilities as is.

Caitlyn Habben, Planning Consultant from Rowe Professional Services provided the Commission with an update of the Medical Marihuana establishments in the City and a review of the entire City of Lapeer as well, since June of 2018.

Commissioner Stroh asked how the City arrived at the decision to limit provisioning centers to six (6) throughout the City. Ms. Habben stated that there was a review of what other communities of similar size were doing and it is a quantifiable number in comparison to the number of drug stores in the area. City Manager Kerbyson stated that we were anticipating 21 applications were going to be submitted which was also taken into consideration.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

248 2019 11-18 Capital Improvement Program (CIP) Public Safety – Police In-Car Video Recording Equipment. Project #20050.

Moved by Atwood. Seconded by Cattane.

Approve the purchase of In-Car Video recording equipment and related computer server system in the amount of \$17,743.00.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

249 2019 11-18 Lapeer Main Street, Michigan Main Street Program – Selected Level Continued.

Moved by Osentoski. Seconded by Pattison.

To approve the City Manager to sign the Michigan Main Street Program Community Requirements and Expectations Agreement and to approve the resolution of support and cooperation of Michigan Main Street.

**LAPEER CITY COMMISSION
RESOLUTION OF SUPPORT AND COOPERATION
MICHIGAN MAIN STREET PROGRAM**

WHEREAS, the City of Lapeer Downtown Development Authority has fulfilled the requirements of the Associate Level of the Michigan Main Street Program and has been awarded the status of Select Level Michigan Main Street community; and

WHEREAS, the Lapeer City Commission and its Downtown Development Authority recognize the importance of the downtown district to the community and region; and

WHEREAS, the downtown district is vital to our community's identity and quality of life and it is the City's intent to reverse the historic trend which has led to the loss of

population, jobs and businesses in the downtown district and to work on the continued improvement, revitalization and development of the downtown district.

NOW, THEREFORE, BE IT RESOLVED that the Lapeer City Commission will support and provide cooperation with its Downtown Development Authority to fulfill the requirements of the Select Level Michigan Main Street Program in 2020.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

250 2019 11-18 Contract With Rowe Professional Services For Millville Road Rehabilitation. Project #22300.

Moved by Atwood. Seconded by Osentoski.

Approve the contract with Rowe Professional Services for Design Engineering Services for the Millville Road Rehabilitation project in the amount of \$85,300.

City Manager Kerbyson stated this a part of a Michigan Department of Transportation Illustrative grant project to reconstruct Millville Road, which was submitted under the Small Urban Task Force. Matching funds was committed to the project at the October 21, 2019 meeting.

Commissioner Stroh asked how much of the total project is being funded by the City. City Manager Kerbyson stated the grant cap is \$375,000. on Small Urban Projects.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

251 2019 11-18 Contract With Rowe Professional Services for Millville Road Water Main. Project #22310.

Moved by Cattane. Seconded by Stroh.

Approve the contract with Rowe Professional Services for Design Engineering Services for the Millville Road Water Main Replacement project in the amount of \$29,400.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

252 2019 11-18 Strength Environmental Service Agreement for Removal and Processing of PFOS tainted Biosolid within the Waste Water Treatment Plant.

Moved by Pattison. Seconded by Osentoski.

Approve the service agreement with Strength Environmental in the amount of \$350,400; not to exceed \$375,000.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson reported that there will be an informational class on the hazards of Carbon Monoxide in grow facilities December 2, 2019 at the Public Safety Building.

Department of Public Works Director Pam Reid gave a presentation on Public Advisory for Drinking Water Customers.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan congratulated the new Mayor and Commissioners and stated the City Department Heads are really good at what they do. Also, of the five (5) original lawsuits regarding Medical Marihuana, only two (2) remain and are in the discovery phase.

UNFINISHED BUSINESS:

253 2019 11-18 Appointment to Planning Commission.

Appointed by Mayor Marquardt. Moved by Pattison. Seconded by Cattane.

Appoint Catherine Bostick-Tullius to the Planning Commission, terming ending 08-01-2022.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

254 2019 11-18 Appointment to Greater Lapeer Transportation Authority (GLTA).

Moved by Commissioner Stroh. Seconded by Cattane.

Appoint Russell Adams to the Greater Lapeer Transportation Authority, as a City Representative.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

255 2019 11-18 Appointment to Zoning Board of Appeals.

Moved by Commissioner Stroh. Seconded by Pattison.

Appoint Eric Cattane to the Zoning Board of Appeals, term ending with Commission Appointment (Nov 2023).

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Downtown Development Authority Status Update and the Medical Marihuana Licenses Provisioning Center, Grower, Processor, Secure Transporter, Safety Compliance Facility Update were received into the record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Cattane: Thanked everyone for coming; appreciates community; thanked previous commissioners and looks forward to working with the group.

Commissioner Atwood: Congratulated the new Mayor and Commissioners; thanked voters for re-election; looks forward to working with the new commission.

Commissioner Stroh: Echoed everyone's comments; happy to be back in Michigan; this is a great opportunity to make significant growth; thank you for the support.

Commissioner Osentoski: Congratulated the Mayor and fellow commissioners; of the 1700 cities in the State of Michigan, roughly 1300 or 70% have opted out of recreational marihuana sales in those cities.

Commissioner Pattison: Lapeer is home; proud of the City; thanked everyone; and is available by phone.

City Manager Kerbyson: It will be a lot of fun working with this commission and this will be a very busy time to come; thanked those that volunteered for boards.

Mayor Marquardt: provided reminders of upcoming events; wished everyone a Happy Thanksgiving; excited for the next couple of years; thank you for your support and encouragement; looks forward to working with the Department Heads and know that the City is in good hands.

256 2019 11-18 ADJOURNMENT

Moved by Cattane.

Adjourn the regular meeting.

MOTION CARRIED.

The regular meeting adjourned at 7:43 p.m.

Mayor Debbie Marquardt

Romona Sanchez, City Clerk

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
DECEMBER 2, 2019**

A regular meeting of the Lapeer City Commission was held December 2, 2019 at 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, Cattane, Osentoski, Pattison, Stroh.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Marquardt led the Pledge of Allegiance.

257 2019 12-04 AGENDA APPROVAL.

Moved by Osentoski. Seconded by Cattane.

Approve the Agenda for December 4, 2019 as presented.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

258 2019 12-04 MINUTES.

Moved by Osentoski. Seconded by Pattison.

Approve the minutes of the Special Meeting held November 7, 2019 and Regular Meeting held November 18, 2019, as amended to read:

“255 2019 11-18 Appointments to Zoning Board of Appeals”

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

PUBLIC COMMENTS.

Chris Aiello, Lapeer Infused, provided an update of progress for the business and the status of the license; indicated the company had recently let their provisional license for medical marihuana provisioning center expire in error; City Clerk has revoked the license; will be filing an appeal of revocation.

Janet Adams, Lapeer, gave an invocation.

Don Flory, ask the commission for serious consideration of zoning changes for 1356 Imlay City Road; building is for sale; the buyer is asking for change in zoning; allow for building to be used for something else.

259 2019 12-02 CONSENT AGENDA.

Moved by Atwood. Seconded by Stroh.

Approve the Consent Agenda for December 2, 2019 resulting in the following:

1. Traffic Control Order #301.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

260 2019 12-02 BILL LISTING FOR DECEMBER 2, 2019.

Moved by Atwood. Seconded by Pattison.

Approve the Bill Listing for December 2, 2019 in the amount of \$536,375.14.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

261 2019 12-02 Resolutions in Recognition of Samuel J. Isaac, Bryan D. Kirby and Zebadiah E. Schons.

Moved by Osentoski. Seconded by Stroh.

Approve the resolution in recognition of Samuel J. Isaac.

**RESOLUTION
CITY OF LAPEER
In Recognition of Samuel J. Isaac**

WHEREAS, Samuel J. Isaac served as a Firefighter with the City of Lapeer Fire & Rescue Department from June 16, 2008 through May 31, 2019; and

WHEREAS, Samuel J. Isaac is an individual of great personal integrity and has given conscientious service to the citizens of the City of Lapeer and Lapeer County; and

WHEREAS, Samuel J. Isaac exemplifies professionalism, dependability, caring and hard work in his service as a Firefighter; and

WHEREAS, through his persistence, hard work, and dedication, Samuel J. Isaac has set an example for all Firefighters and is honored by his community;

NOW, THEREFORE BE IT RESOLVED, that I, Deborah G. Marquardt, Mayor of the City of Lapeer, and the Lapeer City Commission, take this opportunity on behalf of the people of the City of Lapeer to express official gratitude and deep appreciation to Samuel J. Isaac for his efforts and devotion to public service, and wish him continued success in all his endeavors.

**RESOLUTION
CITY OF LAPEER
In Recognition of Bryan D. Kirby**

WHEREAS, Bryan D. Kirby served as a Firefighter with the City of Lapeer Fire & Rescue Department from June 14, 2004 through December 10, 2018; and

WHEREAS, Bryan D. Kirby is an individual of great personal integrity and has given conscientious service to the citizens of the City of Lapeer and Lapeer County; and

WHEREAS, Bryan D. Kirby exemplifies professionalism, dependability, caring and hard work in his service as a Firefighter; and

WHEREAS, through his persistence, hard work, and dedication, Bryan D. Kirby has set an example for all Firefighters and is honored by his community;

NOW, THEREFORE BE IT RESOLVED, that I, Deborah G. Marquardt, Mayor of the City of Lapeer, and the Lapeer City Commission, take this opportunity on behalf of the people of the City of Lapeer to express official gratitude and deep appreciation to Bryan D. Kirby for his efforts and devotion to public service, and wish him continued success in all his endeavors.

**RESOLUTION
CITY OF LAPEER
In Recognition of Zebadiah E. Schons**

WHEREAS, Zebadiah E. Schons served with the City of Lapeer Fire & Rescue Department as a Firefighter from May 11, 1998 to September 30, 2010; then as a Lieutenant from October 1, 2010 until September 30, 2016; then as a Captain from October 1, 2016 until April 8, 2019 and

WHEREAS, Zebadiah E. Schons is an individual of great personal integrity and has given conscientious service to the citizens of the City of Lapeer and Lapeer County; and

WHEREAS, Zebadiah E. Schons exemplifies true professionalism, dependability, caring and hard work in his service as both a Firefighter and Officer; and

WHEREAS, through his persistence, hard work, and dedication, Zebadiah E. Schons has set an example for all Firefighters and is honored by his community;

NOW, THEREFORE BE IT RESOLVED, that I, Deborah G. Marquardt, Mayor of the City of Lapeer, and the Lapeer City Commission, take this opportunity on behalf of the people of the City of Lapeer to express official gratitude and deep appreciation to Zebadiah E. Schons for his efforts and devotion to public service, and wish him continued success in all his endeavors.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED. RESOLUTIONS DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

262 2019 12-02 Codification of City Ordinances.

Commissioner Atwood introduced the Ordinance Adopting a Codification and Revision of the Ordinance of the City of Lapeer, County of Lapeer, State of Michigan.

263 2019 12-02 Davison Road Rehabilitation Project – Change Order #2.

Moved by Atwood. Seconded by Pattison.

Approve Change Order #2 to the construction contract with Ace-Saginaw Paving Co., resulting in a net increase of \$1,110.71 revising the contract amount to \$621,389.93.

City Manager Kerbyson provided an explanation for the second change order.

Commissioner Stroh asked for an explanation regarding the first change order, resulting in an increase. City Manager Kerbyson stated because the asphalt rates were so good we added several repairs; which were not a part of the original bid to maximize funding available.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

264 2019 12-02 Davison Road Rehabilitation Project – Payment #2.

Moved by Osentoski. Seconded by Cattane.

Approve Payment Request #2, final payment to Ace-Saginaw Paving Co., in the amount of \$67,424.56 for services completed on the Davison Road Rehabilitation Project.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

265 2019 12-02 Rezoning – B-2 General Business to I-1 Industrial

1356 Imlay City Rd. - Parcel #L21-29-952-040-00.

Commissioner Cattane introduced the ordinance amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02 (a)(22) to the General Ordinances of the City of Lapeer.

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

- (22) The following property formerly zoned B-2 General Business is hereby rezoned to I-1 Industrial:

Parcel #L21-29-952-040-00 addressed as 1356 Imlay City Road

CITY OF LAPEER KINGSBURY'S PLAT LOT 2 & E 20 FT OF LOT 1 (L=1
P=90 SEC 4, T7N-R10E) 44-12-360-002-00

266 2019 12-02 Rezoning – R-2 Single Family Residential to B-2 General Business 891 Baldwin Rd. - Parcels #L20-98-704-040-00 & #L20-98-704-050-00.

Commissioner Pattison introduced the ordinance amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02 (a)(23) to the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

- (23) The following properties formerly zoned R-2 Single Family Residential is hereby rezoned to B-2 General Business:

Parcel #L20-98-704-040-00 addressed as 891 Baldwin Road

CITY OF LAPEER T7N, R10E, SEC 8 BEG NW COR OF LOT 2 OF WITSTOCK MANOR, TH S70°E ALG N LN OF LOT 2 OF WITTSTOCK MANOR 160.2 FT; TH N14°30'E PAR C/L OF M-24 75 FT; TH N70°W 145.4 FT; TH S25°45'W 75 FT ALG E LN BALDWIN RD TO POB 12-31-2017 COMBINE WITH L21-60-201-040-00 INTO L20-98-704-050-00

And

Parcel #L20-98-704-050-00 addressed as 891 Baldwin Road

CITY OF LAPEER T7N, R10E, SEC 8 BEG NW COR OF LOT 2 OF WITSTOCK MANOR, TH S70°E ALG N LN OF LOT 2 OF WITTSTOCK MANOR 160.2 FT; TH N14°30'E PAR C/L OF M-24 75 FT; TH N70°W 145.4 FT; TH S25°45'W 75 FT ALG E LN BALDWIN RD TO POB ALSO INCLUDING THE N 17 FT OF LOT 2, WHITTSTOCK MANOR L2 PG 38 12-31-2017 COMBINED FROM L20-98-704-040-00 & L21-60-201-040-00

CITY MANAGER'S REPORT

None.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan updated the City Commission on the FB Lapeer vs. City of Lapeer litigation.

UNFINISHED BUSINESS:

267 2019 12-02 Appointment to Downtown Development Authority.

Appointed by Mayor Marquardt. Moved by Osentoski. Seconded by Pattison. Appoint Dan Sharkey and Tim Roodvoets to the Downtown Development Authority, term expiring 01-01-2024.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

268 2019 12-02 Appointment to Planning Commission.

Appointed by Mayor Marquardt. Moved by Stroh. Seconded by Osentoski. Appoint Jeff Pattison to the Planning Commission, as Commission Representative for a term to expire as commission seat expires.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

269 2019 12-02 Appointment to Youth Council.

Appointed by Mayor Marquardt. Moved by Stroh. Seconded by Pattison. Appoint Joshua Atwood to the Youth Council, as Commission Representative for a term to expire 11-01-2020.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

270 2019 12-02 Re-appointment to Accuracy Board.

Moved by Pattison. Seconded by Stroh.

Appoint Dana Jansen, Jennell RaCosta, Paul Parsch and Harry Green (alternate), to the Accuracy Board for a term to expire 02-01-2021.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

271 2019 12-02 Re-appointment as Civil Defense Coordinator.

Moved by Atwood. Seconded by Pattison.

Appoint David Frisch as the Civil Defense Coordinator for a term to expire 01-01-2021.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

272 2019 12-02 Re-appointment to County Center Board.

Moved by Atwood. Seconded by Cattane.

Appoint Jeff Hogan to the County Center Board for a term to expire 01-01-2021.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

273 2019 12-02 Re-appointment to Election Commission.

Moved by Atwood. Seconded by Stroh.

Appoint Romona Sanchez, Mike Nolan and Jaime Barra to the Election Commission for a term to expire 01-01-2021.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

274 2019 12-02 Re-appointment to Income Tax Board of Review.

Moved by Pattison. Seconded by Cattane.

Appoint Scott McCallum to the Income Tax Board of Review for a term to expire 12-01-2022.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Downtown Development Authority Status Update and the Medical Marijuana Licenses Provisioning Center, Grower, Processor, Secure Transporter, Safety Compliance Facility Update were received into the record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Cattane: Thanked citizens for coming; hoped everyone had a nice Thanksgiving; shared personal story of the loss of his father in a house fire.

Commissioner Atwood: Thanked the commission for reappointment to the Youth Council; thanked the commission for support of the traffic control #301; asked to have the ugly sweater contest at next meeting; the superheroes cleaned up the leaves at Veteran's Park.

Commissioner Stroh: Mentioned many of the events happening in Lapeer that are focused around the arts; encouraged citizens to find a piece of art they like and support it.

Commissioner Osentoski: Noted Winterfest is this weekend and thanked the 3 firefighters for their service.

Commissioner Pattison: Attended the MML training with the Mayor and other two new commissioners; learned a great deal; and will continue to work hard to learn more.

Mayor Marquardt: Thanked the three firefighters for their service, they are heroes; thank you to our police department too; upcoming events.

City Manager Kerbyson: Tomorrow, December 3, 2019 is Community Day of Giving, Community Foundation will matches up to \$3,000.

275 2019 12-02 ADJOURNMENT

Moved by Osentoski.

Adjourn the regular meeting.

MOTION CARRIED.

The regular meeting adjourned at 7:10 p.m.

Mayor Debbie Marquardt

Romona Sanchez, City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
DECEMBER 16, 2019**

A regular meeting of the Lapeer City Commission was held December 16, 2019 at 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, Cattane, Osentoski, Pattison, Stroh.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Marquardt led the Pledge of Allegiance.

276 2019 12-16 AGENDA APPROVAL.

Moved by Osentoski. Seconded by Stroh.

Approve the Agenda for December 16, 2019 as presented.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

277 2019 12-16 MINUTES.

Moved by Atwood. Seconded by Cattane.

Approve the minutes of the Regular Meeting held December 2, 2019 as presented.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

PUBLIC COMMENTS.

Jenny Burkhart, Wilder Road, gave an invocation

Diane Jones, Refuge Treasurer, asked for zoning information for an overnight shelter for women and children, other than LACADA, that does not fall under a battered situation.

Chris Aiello, attorney representing Lapeer Infused, Inc. gave an overview of the events leading to the revocation of the Provisional Marihuana Facility, which is on the agenda as item G-6.

278 2019 12-16 BILL LISTING FOR DECEMBER 16, 2019.

Moved by Pattison. Seconded by Osentoski.

Approve the Bill Listing for December 16, 2019 in the amount of \$1,104,132.77.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

279 2019 12-16 Codification of City Ordinances.

Moved by Osentoski. Seconded by Atwood.

Adopt the Codification and Revision of the Ordinances of the City of Lapeer, County of Lapeer, State of Michigan.

ON A ROLL CALL VOTE

Ayes: Atwood, Stroh, Osentoski, Cattane, Pattison.

Nays: None.

MOTION CARRIED. CODIFICATION OF CITY ORDINANCES ADOPTED.

280 2019 12-16 Rezoning – B-2 General Business to I-1 Industrial

1356 Imlay City Rd. - Parcel #L21-29-952-040-00.

Moved by Osentoski. Seconded by Pattison.

Adopt the ordinance amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02 (a)(22) to the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

- (22) The following property formerly zoned B-2 General Business is hereby rezoned to I-1 Industrial:

Parcel #L21-29-952-040-00 addressed as 1356 Imlay City Road

CITY OF LAPEER KINGSBURY'S PLAT LOT 2 & E 20 FT OF LOT 1 (L=1
P=90 SEC 4, T7N-R10E) 44-12-360-002-00

Discussion was held regarding the possible noise level and not enough parking. Both issues would be addressed during site plan review.

ON A ROLL CALL VOTE

Ayes: Cattane, Atwood, Pattison, Osentoski, Stroh.

Nays: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

281 2019 12-16 Rezoning – R-2 Single Family Residential to B-2 General Business 891 Baldwin Rd. - Parcels #L20-98-704-040-00 & #L20-98-704-050-00.

Moved by Cattane. Seconded by Pattison.

Adopt the ordinance amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02 (a)(23) to the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

- (23) The following properties formerly zoned R-2 Single Family Residential is hereby rezoned to B-2 General Business:

Parcel #L20-98-704-040-00 addressed as 891 Baldwin Road

CITY OF LAPEER T7N, R10E, SEC 8 BEG NW COR OF LOT 2 OF WITSTOCK
MANOR, TH S70°E ALG N LN OF LOT 2 OF WITTSTOCK
MANOR 160.2 FT; TH N14°30'E PAR C/L OF M-24 75 FT; TH N70°W 145.4 FT;
TH S25°45'W 75 FT ALG E LN BALDWIN RD TO POB 12-31-2017 COMBINE
WITH L21-60-201-040-00 INTO L20-98-704-050-00

And

Parcel #L20-98-704-050-00 addressed as 891 Baldwin Road

CITY OF LAPEER T7N, R10E, SEC 8 BEG NW COR OF LOT 2 OF WITSTOCK
MANOR, TH S70°E ALG N LN OF LOT 2 OF WITTSTOCK MANOR 160.2 FT;
TH N14°30'E PAR C/L OF M-24 75 FT; TH N70°W 145.4 FT; TH S25°45'W 75
FT ALG E LN BALDWIN RD TO POB ALSO INCLUDING THE N 17 FT OF LOT
2, WHITTSTOCK MANOR L2 PG 38 12-31-2017 COMBINED FROM L20-98-
704-040-00 & L21-60-201-040-00

ON A ROLL CALL VOTE

Ayes: Cattane, Atwood, Stroh, Osentoski, Pattison.

Nays: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

282 2019 12-16 DDA Executive Director Employment Agreement.

Moved by Osentoski. Seconded by Stroh.

Approve Employment Agreement between the City of Lapeer Downtown Development Authority and James Alt for the period of November 1, 2019 through October 31, 2020.

Commissioner Pattison commented that the agreement is not dated and this needs to be corrected.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

283 2019 12-16 Ordinance Amendment: Chapter 67 (Youth Council)

Commissioner Atwood introduced the proposed amendments to Chapter 67 (Youth Council Ordinance) of the General Ordinances of the City of Lapeer.

Discussion held on age qualification for membership.

Revocation of Lapeer Infused Provisional License – Appeal Hearing.

City Attorney Nolan informed the Commission this is an appeal hearing; which gives Lapeer Infused, Inc., the right to address the Commission and prove by a preponderance of evidence that the decision to revoke the license by the Clerk was incorrect.

Aaron Geyer, Attorney for Lapeer Infused, Inc. stated that they were granted a provisional license, which means they must comply with certain standards. Those standards are spelled out in the City's Ordinance. It states we need to move diligently to receive full licensure from the State. The license was granted in 2018, contemporaneous with the application with the City, an application was filed with the Bureau of Marijuana Regulation (BMR), which resulted in successfully obtaining the pre-qualification status; this is the first step. Second step is full licensure; which would consist of finishing construction, contacting BMR to schedule an inspection which should coincide with obtaining a certificate of occupancy.

Mr. Geyer stated there were delays with Caitlyn in Planning. In approximately July 2019 a demolition permit was granted and the interior of the building was demoed. He stated that Caitlyn indicated that the submitted plans had an elevation issue, which was corrected and Lapeer Infused, Inc. was scheduled for the Planning Commission meeting December 10, 2019. He also stated that the architect stated it would be four (4) months from that meeting until they would be ready to roll.

He continued, stating that one extension had been applied for which, took the license to November 2019, however, his law office, miscalendared the date. Yet because of the miscalendar, do they deserve the death penalty; as that is the worst possible sanction that can be imposed upon them. Was that omission, filing the extension late, a violation of the standard of approval of Section 68-05(a)? He submits it is not; as he has already explained the standards; which they are moving diligently towards final licensure.

Mr. Geyer indicated the Clerk and the Planner did not properly communicate. When he contacted Ms. Sanchez, she was unaware that Caitlyn had given the go-ahead for plan approval. Perhaps if the two had been communicating, she may not have given the death penalty. If you look to the ordinance, the word used is "may"; 68-05 (b); a marijuana facility license may be revoked based on the following; not shall, may; there is some discretion there. Imagine the worst case scenario, she doesn't have to revoke the license; yet for being 7-10 days late in filing an extension, we got the death penalty.

The first question is, was there a violation? Does it rise to the level of the revocation of the license? Mr. Geyer said it does not. Courts are faced with circumstances all the time that result in late or missed deadlines. We get to the question of what should be the appropriate sanction for missing a deadline. The court system uses several factors that they look at; was the violation willful or accidental, is there a history of noncompliance; was notice given; what prejudice would arise; what attempts were made, and would a lesser penalty be more beneficial.

Mr. Geyer stated this violation was accidental; there is no reason or advantage of why they would not want to file for the extension. It's a simple two page form. Is there a history of refusing or noncompliance? No, not one thing; not a digression or report. What prejudice would result in the delay? He stated more prejudice would result by allowing the revocation to stand. Lapeer Infused, Inc. was selected because they had the 4th highest score. If you allow the revocation to stand, the City would get a less qualified applicant. We've already done the work, prequalification has already been obtained. If the Commission lets the revocation stand, the City Planner will have to start all over again. When the error was discovered, it was immediately addressed and the extension was prepared and filled with the Clerk. Lastly, would a lesser sanction better serve in the interest of justice? Anything is better than the death penalty.

Lapeer Infused is asking the Commission to consider, by a preponderance of evidence, that Ms. Sanchez made a mistake by revoking the license. The penalty for not submitting a two page form is much too high; the Clerk stated the email she sent might have gone to the spam box and he wanted to know why she didn't call them instead. It's much easier to pick up the phone.

284 2019 12-16 Appeal Hearing - Lapeer Infused Provisional License.

Motion by Pattison. Seconded by Cattane.

To set aside the decision of the City Clerk and reinstate the Provisional Marihuana Facility License for Lapeer Infused, Inc. as Chapter 68, An Ordinance to Authorize and Regulate the Establishment of Medical Marihuana Facilities fails to address late renewal application and/or penalties for late renewal application and accept the extension application dated November 26, 2019.

Commissioner Atwood asked if there would be any legal repercussion if the Commission reinstated the license.

City Attorney Nolan stated the two applications below Lapeer Infused, Inc. are already in suit with the City, therefore, any additional legal ramifications are doubtful.

Commissioner Osentoski asked Mr. Nolan if the notice was necessary. Mr. Nolan stated it is not the City's responsibility to tell them when to file their application extension. He further stated that he slightly disagrees with Commissioner Pattison's motion, as there is a penalty stated in the Ordinance. The issue is not whether or not there is a violation of the ordinance, which clearly there is; yet, the issue before you is whether or not what they have done is in substantial compliance with the ordinance, and based upon that, is it excusable. They did not meet the deadline, they admit as much, and it is not the Clerk's job to notify them to be on time. However, if you agree with Mr. Geyer, our ordinance section 68-05 (b) says "may" which allows for discretion. That doesn't mean the Clerk did anything wrong, yet, it may mean that based upon the circumstances you may feel they have met the burden of proof and you can exercise your discretion.

Commissioner Pattison asked what the procedure would be to clarify the ordinance. Mr. Nolan stated that the ordinance can always be amended, and he said it may need some clarification. Yet, today, the Commission has the discretion to determine if the applicant has met the burden of proof and have they substantially complied and is it an excusable neglect, which was remedied as soon as they found out about it.

Commissioner Cattane stated that by their own admission, Lapeer Infused, Inc. was late in submitting their extension application and asked at what point in time it was discovered that they had missed the deadline. Mr. Geyer indicated the day they received the notification of the revocation, the extension was sent to the Clerk.

Commissioner Stroh asked if there had been any precedence that had already been established by other municipalities. Mr. Nolan stated he could not find anything out there. Commissioner Stroh stated that in trying to compare or look at something similar, the Michigan Liquor Control Commission is the closest to this. In speaking to that division this afternoon, it was learned that they send out multiple notifications, prior to the application deadlines. He believes that we should take a look at our process moving forward. He thinks that the Clerk did nothing wrong with her decision on how things are set up. However, we need to be sure that the Commission is doing its due diligence for these businesses that are investing in the community. We vetted the

company; however, it is not our responsibility to hold their hands. However, we need to figure out how we can communicate and better assist. This is a clear example of how we can do better.

Commissioner Cattane asked if staff can comment on the statements made. City Manager Kerbyson stated that staff would most likely have comments to make to clarify some of the information that Lapeer Infused, Inc. shared.

Caitlyn Habben, Rowe Consultant stated that one of the first components is going through approval, and currently the plans are not approved, they are in the administrative site review process which does not necessarily require them to go to the Planning Commission. However, if they continue to submit plans with a metal roof, then they will need Planning Commission approval. There have been several discussions relating to the metal roof. If they remove the metal roof, they do not need to go the Planning Commission. City Manager Kerbyson asked if they were scheduled for the December 10, 2019 Planning Commission meeting. Ms. Habben stated the meeting date is December 12, 2019 and no, she was not aware of putting them on the agenda. It is her understand that the plans were going to be revised to remove the metal component and then the plans do not need to be approved by the Planning Commission, and she understood that was taking place. She also stated that they have been through three plan reviews. Between the first and second set of plans, the façade was changed and she did not catch that. When a third set of plans was submitted, this is where she noticed the changes and notified the business immediately that she could not approve with that change. However, only digital plans have been submitted, and until paper copies are received, the plans are not considered officially submitted.

City Manager Kerbyson stated that since the Commission asked for staff comment, he asked Building Official Darryl Oliver if building plans had been submitted to the Building Department. Mr. Oliver stated that no plans had been received as of yet. Mr. Kerbyson then asked City Clerk Sanchez why she sent notification to the email she used. Ms. Sanchez stated it was sent to the email address found on the original application.

Commissioner Stroh stated communication appeared to be taking place between the department and the new business and asked if the business was aware that no plans had been submitted to the Building Department. Mr. Aiello stated that the architect has been working with Caitlyn and he had the plans in his hand, he thought they were all set for December 10, 2019. Commissioner Stroh also stated that there appears to be a miscommunication.

City Manager Kerbyson stated that he disagreed with the Commissioner, because the miscommunication came up when the revocation was issued and that is when things got interesting. Staff did what they were supposed to do and Caitlyn has been upfront and direct and with a lot of good communication back and forth. This process has worked fine with the four other dispensaries. City Manager Kerbyson is defending staff and the process that staff has followed.

Commissioner Pattison, maker of the motion, concurred by Commissioner Cattane, moved to withdraw the motion 285 2019 12-16.

285 2019 12-16 Appeal Hearing - Lapeer Infused Provisional License.

Motion by Pattison. Seconded by Cattane.

Set aside the decision of the City Clerk and reinstate the Provisional Marihuana Facility License for Lapeer Infused, Inc. as Chapter 68, an Ordinance to Authorize and Regulate the Establishment of Medical Marihuana Facilities is unclear in its language regarding late extension and/or renewal applications and/or penalties for late renewal applications and accept the extension application dated November 26, 2019.

Commissioner Pattison stated city staff handled this the way he would have hoped it was handled and did an excellent job. He feels it is the ordinance that has put the Commission in the position it is in.

Commissioner Atwood stated his decision will be based on his opinion of Chapter 68 as a whole and has respectfully stated his reasons for being against this ordinance in the past.

ON A ROLL CALL VOTE

Ayes: Pattison, Cattane, Stroh.

Nays: Osentoski, Atwood.

MOTION CARRIED.

Downtown Development Authority – Lapeer Main Street - Update.

James Alt, DDA Executive Director gave a presentation of the status of the Downtown Development Authority and Main Street Program.

CITY MANAGER'S REPORT

Commissioner Pattison approached Chiefs Frisch and Kluge about safety tips for the holidays with distribution of said tips. These tips will be posted on the City website per City Manager Kerbyson.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS:

286 2019 12-16 Appointment to Downtown Development Authority.

Appointed by Mayor Marquardt. Moved by Atwood. Seconded by Cattane.

Appoint Elizabeth Moffitt to the Downtown Development Authority for a term to expire 01-01-2021.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

287 2019 12-16 Appointment to Youth Council.

Appointed by Mayor Marquardt. Moved by Atwood. Seconded by Stroh.

Appoint Morgan Castle, Devin Falkenhagen, Emily Hall, Samuel Howard, Jeremy Thibeault, Sophia Pietrykowski to the Youth Council, term to expire 11-01-20.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

Monthly Departmental Reports and the Monthly Financial Report for November 2019 received into record.

PUBLIC COMMENTS

None.

City Manager Kerbyson stated the Building Department will be holding a contractor luncheon in January 2020. Mayor Marquardt would like the Building Department to reach out to more contractors for this event.

Chief Frisch, Chief Kluge and Building Official Oliver were judges of the Ugly Sweater Contest. Commissioner Pattison was awarded the trophy for the ugly sweater contest.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Appreciates the Commission bringing back the ugly sweater contest; congratulated to Commissioner Pattison; Merry Christmas to all.

Commissioner Cattane: Merry Christmas; enjoy the Holiday; wife is spoiled.

Commissioner Stroh: Merry Christmas and Happy New Year; it was an amazing meeting and enjoyed the discussion; find a piece of art and embrace it.

Commissioner Osentoski: Merry Christmas; thanked Jim Alt for giving the presentation; Caitlyn and the Clerk did nothing wrong in this process and thank you for the work they have done.

Commissioner Pattison: Thanked the Police and Fire Chief for the information; hope it can be an annual tradition; have a safe and Merry Christmas; answer the census and help the City out.

City Manager Kerbyson: Happy Holidays.

Mayor Marquardt: Merry Christmas; thanked Tracey for the treats; thankful that the Commission was able to discuss the process of the revocation of the license; city staff worked hard and very proud of the employees; when possible, we want to work with the businesses as they have invested in our community and we want to move forward. Dale and Debbie attended a DTE Luncheon; Dale did a pod cast talking about our solar energy.

288 2019 12-16 ADJOURNMENT

Moved by Pattison.

Adjourn the regular meeting.

MOTION CARRIED.

The regular meeting adjourned at 8:13 p.m.

Mayor Debbie Marquardt

Romona Sanchez, City Clerk

Tracey S. Russell, Deputy City Clerk