

**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. Cronce, City Clerk

Tracey S. Russell, Deputy City Clerk