

**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.

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 is 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 Cronce 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

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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