

**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 4<sup>th</sup>, 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.

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Mayor Glenn Alverson

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Tracey S. Russell, Deputy City Clerk