

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
December 5, 2016**

A regular meeting of the Lapeer City Commission was held December 5, 2016 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, Gates, Marquardt.
Absent: None.

City Manager: Dale Kerbyson, present.
City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

223 2016 12-05

Moved by Marquardt. Seconded by Gates.

Approve the Agenda for December 5, 2016 with the addition of The Refuge Showers and move Consent Agenda Item C.2. Contract for Planning Services Rowe Professional Services Company to Administrative Reports for further discussion.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

224 2016 12-05

Moved by Bennett. Seconded by Gates.

Approve the minutes from the Regular meeting held November 21, 2016 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Janet Adams, Baldwin Road, gave invocation.

CONSENT AGENDA

225 2016 12-05

Moved by Gates. Seconded by Marquardt.

Approve the Consent Agenda for December 5, 2016 resulting in the following:

1. Special Event Request from Lapeer Community Church and DDA, Annual Easter Egg Hunt, April 8, 2017 with a rain date of April 15, 2017, Farmers Market Pavillion.

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

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR DECEMBER 5, 2016

226 2016 12-05

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Bill Listing for December 5, 2016 in the amount of \$1,417,160.07.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

ADMINISTRATIVE REPORTS

MSHDA Staff Contracts.

227 2016 12-05

Moved by Marquardt. Seconded by Gates.

Approve the Independent Contractor Agreement with Sarah Taylor for Housing Choice Voucher Inspector (01-01-17 through 12-31-18), Independent Contractor Agreement with Jodi Mauk (aka Two Ts) for Housing Choice Voucher Processor (01-01-17 through 12-31-18), Independent Contractor Agreement with Shannon Smith (aka GH Smith) for Housing Choice Voucher Specialist (01-01-17 through 12-31-18) and authorize the Mayor and City Manager to sign said Agreements.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Proposed Amendment to Lapeer Township Fire Protection Agreement.

228 2016 12-05

Moved by Gates. Seconded by Atwood.

Approve the City of Lapeer – Lapeer Township First Amendment To Fire Protection Agreement and authorize the Mayor and City Manager to sign said Amendment.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Ordinance Amendment: Chapter 18 (Fire Code) Ordinance.

Commissioner Bostick-Tullius introduced the proposed amendment to Chapter 18 (Fire Code) Ordinance of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 18 (FIRE CODE) Ordinance”

18.01 Adoption by Reference.

There is hereby adopted by reference, pursuant to the provisions of Act 279 of Michigan Public Acts of 1909, as amended, the International Fire Code, 2015 Edition, copyrighted in 2014, promulgated and adopted by the International Code Council, of 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795.

(History: Amnd 01-10-13;-)

18.02 to 18.04 No change.

18.05 Changes in Code. The following subsections are modified or deleted as follows:

(History: This section was amended to provide the flow of information in numerical order: Amnd 01-10-13;-)

105.3.3 No change.

105.6 – Required operational permits. The fire code official is authorized to issue operational permits or otherwise give approvals for the operations set forth in sub-sections 105.6.1 through 105.6.48.

105.6.32 – Open Burning Without exception as to type, kind or location, an operational permit is *required* for the kindling or maintaining of an open fire or a fire on any public street, alley, road,

or other public or private ground. Instructions and requirements of the permit shall be strictly followed.

(History: Amnd 01-11-07;-)

108.1 No change.

109.4 No change.

110.1 No change.

111.4 No change.

Section 202 – General Definitions.

302.1 – Definitions. The following words and terms shall, for purposes of this chapter and as used elsewhere in this code, have the meaning shown herein.

Bonfire, Hi-Boy, High Voltage Transmission Line, Portable Outdoor Fireplace, Powered Industrial Truck, Recreational Fire, and Sky Lantern – all unchanged.

304.3.3, 304.3.4 No change.

307.1.1 – Prohibited Burning. Open burning, bon fires, and recreational fires (including use of portable outdoor fireplaces) are prohibited within the corporate limits of the City. This restriction shall not apply to the use of charcoal and similar materials for the purpose of food preparation. The lighting of, use, and release of untethered *sky lanterns* is also prohibited.

(History: Amnd 01-10-13;-)

Exceptions: No change.

307.2 No change.

307.4.1, 307.4.2, and 307.4.3 No change.

307.5 No change.

403.11.1.5 – Tenant Identification. Tenant identification shall be provided for secondary exits from occupied tenant spaces that lead to an exit corridor or directly to the exterior of the building. Tenant identification shall be posted on the exterior side of the exit or exit access door and shall identify the business name and address using plainly legible letters and numbers that contrast with their background. There are no exceptions.

503.3 No change.

504.1 – Required Access.

- 1) Exterior doors and openings required by this code or the Michigan Building Codes shall be maintained readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access road to exterior openings shall be provided when required by the fire code official.
- 2) All required rescue windows shall be accessible by a 35 foot ground extension ladder placed so that the inclination of the ladder does not exceed 70 degrees. An area of discharge, 36 inches in all directions around the base of the ladder, shall be provided. Ladders and associated areas of discharge shall be located within the property line.

(History: Amnd 01-11-07;-)

505.1 – Address numbers. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall not be spelled out and each character shall be a minimum of six (6) inches high with a

minimum stroke width of 0.5 inch. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

(History: Amnd 01-11-07;-)

506.1 No change.

507.5.1 No change.

509.1 No change.

609.3.3.1 No change.

609.3.3.3 No change.

901.6.2 No change.

903.3.7 – Fire department connection. The location of fire department connections shall be approved by the fire code official as outlined in sections 912.2 through 912.2.2.

(History: Amnd 01-11-07;-)

907.3.1 – Duct smoke detectors. Smoke detectors installed in ducts shall be listed for the air velocity, temperature and humidity present in the duct. Duct smoke detectors shall be connected to the building's fire alarm control unit when a fire alarm system is required by Section 907.2. Activation of a duct smoke detector shall initiate a visible and audible supervisory signal at a constantly attended location and shall perform the intended fire safety function in accordance with this code and the Michigan Mechanical Code. In facilities that are required to be monitored by a supervising station, duct smoke detectors shall report as a fire alarm. They shall not be used as a substitute for required open area detection. *The remainder of this section remains unchanged.*

912.4 – Access. Immediate access to fire department connections shall be maintained at all times and without obstruction by vehicle parking, carports, garages, refuse storage containers, fences, landscaping or other obscuring features for a minimum of three (3) feet. Access to fire department connections shall be approved by the fire chief.

(History: Amnd 01-10-13;-)

5601.1.3 No change.

5601.2.2 No change.

18.06 Additions to Code.

The following provisions are hereby added to the International Fire Code:

104.12 No change.

105.1.7 – Building Permit Requirements. No building permit shall be issued by any City department until all plans required by this section have been submitted and approved in accordance with the provisions of this section.

No change to remaining sections.

A summary was used for publication purposes.

Oak Street Rehabilitation Project.

Change Order #1 – Boddy Construction Company.

229 2016 12-05

Moved by Atwood. Seconded by Marquardt.

Approve Change Order #1 with Boddy Construction Company for a net decrease of \$6,442.55 revising the contract amount to \$418,960.45 for the Oak Street Rehabilitation Project.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Oak Street Rehabilitation Project.
Payment Request #2 – Boddy Construction Company.

230 2016 12-05

Moved by Gates. Seconded by Bostick-Tullius.
Approve Payment Request #2 to Boddy Construction Company in the amount of \$142,505.31 for the Oak Street Rehabilitation Project.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Calhoun Street Rehabilitation Project.
Change Order #2 – Ace-Saginaw Paving Company.

231 2016 12-05

Moved by Marquardt. Seconded by Gates.
Approve Change Order #2 with Ace-Saginaw Paving Company to adjust the substantial completion date to November 18, 2016 to allow for turf establishment for the Calhoun Street Rehabilitation Project.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Calhoun Street Rehabilitation Project.
Payment Request #3 – FINAL.

232 2016 12-05

Moved by Bostick-Tullius. Seconded by Gates.
Approve Payment Request #3 – FINAL to Ace-Saginaw Paving Company in the amount of \$6,788.06 for the Calhoun Street Rehabilitation Project.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Fixed Asset Disposal.

233 2016 12-05

Moved by Bostick-Tullius. Seconded by Atwood.
Approve the disposal of Fixed Assets as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

2017 Calhoun Street and Court Street Reconstruction Projects – Special Assessment.

234 2016 12-05

Moved by Bennett. Seconded by Bostick-Tullius.
Direct City Staff to proceed with the Special Assessment process for the Calhoun Street and Court Street Reconstruction Projects.

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

Nays: None.

Absent: None.

MOTION CARRIED.

2017 Calhoun Street and Court Street Reconstruction Project.
Rowe Professional Services Co. – Contract for Engineering Services.

235 2016 12-05

Moved by Marquardt. Seconded by Gates.
Approve the Contract for Engineering Services with Rowe Professional Services Company in the amount of \$85,630.00 for the 2017 Calhoun Street and Court Street Reconstruction Project and authorize the Director of Public Works to sign said Contract.

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

Nays: None.

Absent: None.

MOTION CARRIED.

2017 DeMille Road Rehabilitation – Scrap Tire Grant Project.
Rowe Professional Services Co. – Contract for Engineering Services.

236 2016 12-05

Moved by Gates. Seconded by Atwood.

Approve the Contract for Engineering Services with Rowe Professional Services Co. in the amount of \$26,550.00 for the 2017 DeMille Road Rehabilitation – Scrap Tire Grant Project and authorize the Director of Public Works to sign said Contract.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Contract for Planning Services: Rowe Professional Services Company.

City Manager Dale Kerbyson indicated this was for the continuation of the Planning Services Contract with Rowe. Discussion was held regarding whether or not it was beneficial to have services in-house vs contract, what was the savings in costs, how many hours and what was services for, what has been worked on in the past 14 months, is the department more efficient, were the charges fixed on an annual costs or hours worked, would like to see a comparison of costs.

By general consent, approved to place discussion regarding the Contract for Planning Services with Rowe Professional Services Company on the next meeting agenda and to have comparison information for review.

The Refuge Showers.

Commissioner Marquardt commented on the contact made by The Refuge for use of showers at the Rec Center, purchase of vouchers and who would give out the vouchers, housing by churches in area during winter, can the City provide what is needed. Discussion was held regarding request made and vouchers that were purchased, review and decision to allow day pass purchases like everyone else has to pay, concerns with how can the homeless pay, possibility to develop a way to fund by donation, the need by the City to assist and collaborate on this issue, current contact with The Refuge, bill in Michigan legislature called Homeless Bill of Rights where homeless persons cannot be discriminated against services, unfair to charge for day pass as they are only using shower and not other services at the Rec Center. City needs to look at whole picture, if offer shower passes would need personnel to monitor, increasing costs of health care for employees and financial impact going forward with budgets getting tighter, budget and cost burden of Rec Center and the need to keep as an asset to the community, look at needs of community at-large, review alternatives and what is best solution, that there is a lot of information the City doesn't have and the need to have a person from The Refuge come to the next meeting for further discussion.

By general consent, approved to place discussion regarding The Refuge Shower Request on the next meeting agenda.

CITY MANAGER'S REPORT

Special Assessment: DeMille Road Rehabilitation.

City Manager Dale Kerbyson commented on use of the special assessment process for the DeMille Road project, project does include a Scrap Tire Grant, this is a major street and property owners would be assessed 15% of the remaining costs, and direction by Commission should they wish to proceed with a special assessment.

By general consent, approved to have City Staff proceed with the Special Assessment process for the 2017 DeMille Road Rehabilitation project.

Various Matters.

Mr. Kerbyson commented that reimbursement check for light in front of WalMart has been received.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan presented the First Amendment to Solar Power Easement Agreement and Encroachment Agreement Mirror Lake Drain and requested approval.

237 2016 12-05

Moved by Marquardt. Seconded by Gates.

Approve the First Amendment to Solar Power Easement Agreement and the Encroachment Agreement Mirror Lake Drain and to authorize the Mayor and/or City Manager to sign required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The Monthly Financial Report for September 2016, DDA Status Report dated November 18, 2016 and Project Homeless Connect 2016 were received into record.

PUBLIC COMMENTS

Wade Jenkins, N. Madison Street, commented that he was on the Board for The Refuge, willing to answer any questions, currently have 10 people in the system however only serving 5, sold home at 655 N. Saginaw, current building has no shower, Rec Center was a viable use, their intention is to have someone at every meeting to provide an update.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett: Thanked lady for prayer; Christmas parade.

Commissioner Gates: Christmas Tree Lighting Friday; set a workshop in February to discuss dispensaries, new legislation.

Commissioner Atwood: Naming Snowman and Penguin Contest; Ugly Sweater Contest.

City Manager Dale Kerbyson: Direction at workshop, does Commission want to look at legalizing marihuana in town or dispensaries. Response was to look at the new legislation that was just enacted.

ADJOURNMENT

238 2016 12-05

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

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

William J. Sprague, Mayor

Donna L. Cronce, City Clerk

Tracey S. Russell, Deputy City Clerk