

**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 marijuana.

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