

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
FEBURARY 18, 2019**

A regular meeting of the Lapeer City Commission was held February 18, 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

32 2019 02-18

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Agenda for February 18, 2019 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

33 2019 02-18

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the minutes of the Regular meeting held February 4, 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

Norm Sorenson, representing Hunters Creek Trailer Park/Clearview MHC Holdings presented the City with a donation of \$55,684.99 towards parks and recreation.

Jenny Burkhardt, Wilder Road, gave invocation.

Rebekah Page, Peppermill Circle, commented on skills, training, infrastructure, daily migration on crumbling roads, city needs to move forward; the city needs to ask more of DTE; city is in an opioid emergency status; has public safety issues; people need to help others; there needs to be more civic involvement; does not want to lose community charm; recreational and medical marihuana are not issues.

Mayor Sprague requested anyone that would like to speak on the subject of the public hearing, to hold their comments until the public hearing is opened.

CONSENT AGENDA

34 2019 02-18

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Consent Agenda for February 18, 2019 resulting in the following:

1. Special Event Application from Michigan Lupus Foundation, Annual Timberly Ranshaw Memorial Walk, May 19, 2019, 8:00 AM-4:00 PM, Rowden Park.

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

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR FEBRUARY 18, 2019

35 2019 02-18

Moved by Atwood. Seconded by Marquardt.

Approve the Bill Listing for February 18, 2019 in the amount of \$1,718,624.79.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

Establishment or Operation of Recreational Marihuana Establishments as defined in the Michigan Regulation and Taxation of Marihuana Act.

Mayor Sprague opened the public hearing at 6:39 p.m. and explained the rules of the hearing; raise your hand; when called on, state and spell your name and give your address for the record; be respectful of others; address comments to the Commission, not each other; not a question and answer session; three minute time limit; everyone wanting to comment will be allowed to speak before someone is allowed to speak for a second time.

Kimberly Guzek, N. Calhoun, respectfully requested the Commission opt out of recreational marihuana; felt it needs to be clarified the hearing is for recreational marihuana, not about access to medical marihuana or alcohol consumption in the community; hearing is to talk about whether or not recreational marihuana store fronts are good for the City.

Art Sieting, First Street, resident since 1976; voted against recreational marihuana in November; City residents voted in favor of it, based on that, City should go along with the vote.

Jennette Osentoski, Jefferson Street, lives in the city and owns a business downtown; gave statistics of the November recreational marihuana vote indicating it is not a fair representation of the entire city; if Commission opts out, issue can be put on the ballot for citizens to voice an opinion.

Patrick Betcher, Mill Street, Dryden stated it is premature to opt out of recreational marihuana; no real necessity to opt out now as state rules are unknown; last vote showed 57% voted for it; go with what the people supported.

Bernard Jocuns, Pine Street, owns a business downtown and lives in the city; asked City to listen to the voters; there is a need for recreational marihuana; concerns are driving and increased crime; studies in Colorado and Washington indicate those things taper off; there is a clear need for it and opting out is not listening to the people; it's a person's own business if they want to use marihuana; doesn't know what the concern is, research has been done; only need to regulate; will be a benefit to the community; time to move forward and accept what county and city residents want.

Mike Bahoura, Imlay City Road, is one of the medical marihuana provisioning center license holders; city needs to opt in to recreational marihuana; pledged to pay employees \$17.00 an hour and will hire from local community when possible; there aren't enough good paying jobs here; can only pay higher wages if his business is successful; can hire more people if allowed to sell recreational marihuana; employees will spend their money here; elections have consequences; he has been vetted and pre-qualified by the state; the city can allow the 6 license holders to sell recreationally; only those licensed to sell medical marihuana can sell recreational marihuana for the first two years; shouldn't be a fear of allowing recreational marihuana facilities; will supply tax revenue; need to bring people out of the shadows.

Rhonda Meldrum, N. Maple Leaf Road, works with the Lapeer County Young Marines; big part of what she does is educate kids about the dangers of drugs and alcohol; doesn't want to make it easier to get into the hands of children; asked City to opt out.

Jen Zielinski, Dunaskiss Consulting, cited data from several other states; marihuana has been used for centuries; adopting adult use laws improves product quality, provides tax revenue, decreases gang related violence and dismantles the illicit market; offered to provide supporting documentation; would like to the City opt in or hold off making a decision until the State puts rules into place.

Pastor Keith Atwood, Baldwin Road, has worked the streets and helped alcoholics and drug users with rehab; marihuana is a gateway drug for other uses and is addictive; a representative from Colorado came to warn us of unfavorable statistics; asking City to opt-out.

Kelly Crandall, Lincoln Street, would appreciate the testing that would take place on recreational marihuana which would look for harmful additives; people can make their own choice; anxiety and psychotropic drugs can alter brain chemistry forever; marihuana can help manage wellbeing.

John Pietrykowski, Diehl Road, works in the city; doesn't need marihuana as he has Jesus in his heart and is happy to pray one on one with anyone; has seen Jesus set people free.

Sue Carpenter, Flint River Road, a lot of talk of recreational marihuana being restricted to those 21 and over; kids are able to buy cigarettes and alcohol while underage; who is going to police this; how will extra tax dollars come in to fix the roads if it's legal for a person to grow their own; city doesn't need it, take a stance against drugs; this is inviting a lot of bad things into the city.

Mayor Sprague reminded everyone of the rules of the hearing.

Carol Carney, Gray Road, read a blog from American Family Association on marihuana use which indicated marihuana is a gateway drug; medical science has not verified any medical benefit; users are three times more likely to use opiates within three years; cannabis causes psychiatric problems; today's marihuana is much stronger than that from the 1970s.

Barb Hartwig, Brigham Road, Hadley, works in Lapeer; ask that the Commission don't go all the way with this issue; marihuana cannot be controlled once it leaves the store; take dollars out of the equation; look at it morally; age limit of twenty one doesn't keep alcohol out of the hands of people underage; others driving while using puts her at risk as she drives through the city everyday going to work.

Tim Pietrykowski, Rolling Hills Lane, moved to Lapeer in 2004; sold his house and moved into a rental two years ago; is not happy with the way things are moving forward, not sure he will stay in the city; owns a financial company in the city and not sure he will keep that here either; allowing recreational marihuana storefronts will open a new can of worms; good businesses will not stick around; money will move out of the City; towns with a lot of medical marihuana facilities have deteriorated.

Judy Atwood, Baldwin Road, please opt out; sister passed away from overdose, drug use started with marihuana which lead to other drugs; another sister is addicted to cocaine who started with marihuana; police officers already have their hands full.

Brian Trombley, John Conley, please opt out; in conflict with the federal law, tendency to make state and local laws that are in direct conflict with the federal law; his business has a zero tolerance policy for drugs; workers comp insurance don't want to touch this issue; if the City opts in, it will open Pandora's box and lead to litigation; good employees will get hurt; opting out was part of the proposal passed in November.

Bernadette Treece, N. Washington Street, please choose to opt out; neighboring communities have opted out; is Lapeer going to be the place everyone comes to buy pot?

Ken Carpenter, Sawdust Corners Road, six year resident; has seen great things happen in community; is pro-business; plenty of movement to get drugs out of Lapeer; everyone around the city has opted out, creating an island around Lapeer. If the City opts in, it will be a centralized location that people come to; would like to see the City opt out.

Janet Adams, Baldwin Road, impossible to have all the facts, prays for all commissioners, you are accountable for your actions; do not go forward with recreational marihuana; asked Commissioners to search their own heart and be solid in their decision.

Dr. Tim Carney, Gray Road, stated he is a dentist and dealt with pain meds all his life; in dental school his roommate smoked marihuana which lead to other drugs and he never finished dental school, was a gateway for him; marihuana is a mind altering drug which leads to greater drug use; encouraged City to opt out; prayer is better than drugs.

Gary Cooley, Turtle Lake Road, North Branch, hopes the city opts in; been on pain meds all his life; goes to medical marihuana facilities in Flint, Burton, Grand Blanc and Kalkaska to get his marihuana; all were well regulated facilities that are clean and have no trouble with crime; has visited police departments and not one spoke against it; the city could face future litigation and possible recall if they opt out; provided information to City staff to forward to the City Commission.

Melissa Petrie, Lincoln Street, born and raised in Lapeer; be careful with putting money before lives; drugs have an adverse effect; too many overdoses; kids die because of addiction; love of money is the root of all evil; has watched everything change; need to weigh all the options; people showed up just to vote on the marihuana proposal who have never voted in their life, which is their right; listen to everyone's opinions, not just those that voted it in; schools have closed because people are leaving the City.

George Lynch, Farmington, owns a facility in Orion Township, pre-qualified for licenses to grow and process marihuana; is 63 years old; had his first joint in 1969; father is a police officer; has had a successful career; people need to be educated; gave an overview of the history of marihuana in the United States; quit smoking it when his daughter was born; education is needed; uses a medical marihuana cream, it is real medicine.

Marlana Swindell, Pleasant Street, stated it is her choice to use; is allergic to opioids; there have been a lot of opinions but no data or facts; two sides to every story; referenced government websites where statistics are available; property values increase; will bring hundreds of jobs to the City and income tax revenue; this is a gateway off drugs no onto other drugs; helps people get off of opiates.

Hearing no further comments, Mayor Sprague closed the public hearing at 7:29 p.m.

Commissioner Marquardt thanked everyone for coming and voicing their opinion; recreational marihuana doesn't increase usage of 21 and younger; there is no proof relating to traffic infractions; driving impaired is just that, to her knowledge, there is no test for marihuana; THC levels need regulation and this would be an opportunity to have regulations; doesn't think the rate children at which are getting marihuana has changed much over the years; thinks it is important to wait for the State to come up with regulations, then decide if it's appropriate for the City; hold off on making a decision.

Commissioner Osentoski referenced the public hearing notice which indicates any decision the Commission makes will not affect or negate a citizen's right to grow, possess or use recreational marihuana as allowed by law; doesn't want to be the island where people come for recreational marihuana; townships and cities around the City are opting out for a reason; thinks the City needs to opt out.

Commissioner Bennett stated when medical marihuana was discussed, he asked the City Attorney if opting in would violate the Federal law, which it would; he took an oath and has sworn to God to uphold the Constitution, will not vote for any law that would violate the constitution; therefore, he will be voting to opt out of recreational marihuana; will abide by the oath he took.

Commissioner Atwood stated he looks at both sides of everything before making a decision; he represents the city as a whole, and keeps in mind “how will this affect our community”; is not afraid to make a decision based on the upcoming election and whether it will affect his re-election; it’s his right to speak his mind and vote the way he feels; city is seven square miles and had 21 applicants for medical marihuana, a few dropped out bringing it down to 17 applicants; there are over 30 places to buy alcohol in the city, however, a lot of these stores sell a lot of other products such as food and clothing; how much marihuana is needed in seven square miles; thinks if the City opts out, it will be on the ballot in November; is not judging but is looking at the community as a whole and decide whether it will have a positive or negative impact on the City; looking at the pros and cons; things need to change at the federal level first; gave examples of over bombarding of products in general; doesn’t want to see the gold rush effect here; opioids and heroin are an issue; hopes his opinion is respected, believes everyone should stand up for what they believe in.

Commissioner Bostick-Tullius thanked everyone for coming tonight; was one of the commissioners who voted to opt in for medical marihuana; doesn’t regret her decision, thinks there is a medicinal need; whatever is decided tonight will not affect a person’s right to use/consume marihuana; looks at recreational marihuana differently than medical; has done a lot of soul searching on this topic; has two teenagers, the drugs are already here, sees it in the community and doesn’t want to make it any worse than it already is; has thought about how allowing recreational marihuana stores in the City will affect kids, schools and businesses; can’t agree to opting-in; feels the right thing to do is to opt out.

Mayor Sprague thanked everyone for coming tonight to talk through this issue; takes exception to argument that only 50% of register voters voted in the last election, that is a large turnout; voters voted twice for marihuana, first for medical, then recreational; respects everyone’s opinion, will fight for your right to voice an opinion; when something is illegal, money goes to the black market and there is no quality control; could put black market out of business if controlled; doesn’t like the money aspect, likes that people want to come in and establish new businesses; apologized for the medical marihuana dispensaries taking so long but they will be open soon; a veteran should not have to go to Flint and he will stand up for that; would like no vote tonight and wished for more facts from the State prior to a vote.

36 2019 02-18

Moved by Osentoski. Seconded by Bennett.

Direct the City Clerk and City Attorney to draft an ordinance to prohibit the establishment or operation of recreational marihuana establishments within the City of Lapeer, as defined in the Michigan Regulation and Taxation of Marihuana Act (MRTMA).

ON A ROLL CALL VOTE:

Ayes: Atwood, Bostick-Tullius, Osentoski, Bennett.

Nays: Marquardt.

Absent: None.

MOTION CARRIED.

The meeting recessed at 7:53 p.m. and resumed at 7:59 p.m.

ADMINISTRATIVE REPORTS

Fee Schedule Amendment - Water Tower RV Park.

37 2019 02-18

Moved by Osentoski. Seconded by Bennett.

Approve amendments to the City of Lapeer Fee Schedule relating to Water Tower RV Park fees, effective March 1, 2019.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Secondhand Dealer and Pawnbroker License: Cash 4 ALL.

38 2019 02-18

Moved by Bennett. Seconded by Bostick-Tullius.

Mayor approved a Secondhand Dealer License and Pawnbrokers License for Cash 4 All Pawn located at 773 East Street, Lapeer.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Secondhand Dealer License: ecoATM, LLC.

39 2019 02-18

Moved by Osentoski. Seconded by Bostick-Tullius.

Mayor approved a Secondhand Dealer License for ecoATM, LLC located 540 S. Main Street.

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

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

Michigan Department of Transportation (MDOT).

Small Urban Program Project Prioritization.

40 2019 02-18

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve Municipal Resolution Michigan Department of Transportation (MDOT) Small Urban Program Project Prioritization.

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

Nays: None.

Absent: None.

MOTION CARRIED.

City Manager Dale Kerbyson distributed an updated Roadway Asset Plan to the Commission which states the status of the roads over the last three years; report will be discussed at the upcoming budget workshop.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

41 2019 02-18

Appointed by Mayor Sprague. Moved by Bennett. Seconded by Atwood.

Appoint Bob Rowden, Jr., and Dan Osentoski to the Economic Development Corporation/Tax Increment Finance Authority, Brownfield Redevelopment Authority board with a term ending March 1, 2025.

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

Nays: None.

Absent: None.

MOTION CARRIED.

42 2019 02-18

Moved by Bostick-Tullius. Seconded by Marquardt.

Appoint Bernard Jocuns to the Income Tax Board of Review with a term ending December 1, 2021.

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

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental Reports were received into the record.

PUBLIC COMMENTS

Kim Guzek, N. Calhoun, appreciates the Commission opting out of recreational marihuana; can always opt in later; she grew up 20 minutes from Detroit and commented on the casino promises and money projections made to the City of Detroit twenty years ago that never happened; opting out is best for community; feels comfortable and blessed to be in the city; is proud of the decision made today which solidifies her move to Lapeer.

Jeanette Osentoski, Jefferson Street, many people are saying 57% of residents of Lapeer citizens wanted recreational marihuana; the City has 6,000 registered voters, 3,000 voted; the 57% is out of the 3,000 votes casts; not a true representation of the entire city; spoke about tax revenue projections; excited for the city to generate money otherwise; is excited about a new business downtown called Downtown Michigan Uniques, a retail store which will open in May, 2019 and will showcase local artists, rustic furniture, ceramics, etc.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bostick-Tullius: Casino trip fundraiser for the Dog Park went well; another fundraiser this Friday from 3:00-7:00 pm, spaghetti dinner at the Lions Club in Metamora to raise funds for the Dog Park.

Commissioner Bennett: Is glad with the decision went the way it went; thanked Commissioner Bostick-Tullius for seeing his side of things; great decision for the community.

Commissioner Osentoski: This was a good meeting; glad for the decision made tonight; thinks majority of citizens will be happy the City opted out.

City Manager Dale Kerbyson: Great meeting, approximately half the audience commented during the public hearing; well-run meeting.

Mayor Sprague: Thanked everyone for showing up and thanked staff for all the extra work they had to do to make tonight run smoothly; we may not always agree but we can move on.

ADJOURNMENT

43 2019 02-18

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 8:11 p.m.

Mayor William J. Sprague

Renee L. Bullen, City Clerk, CMC

Tracey S. Russell, Deputy City Clerk