

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
MARCH 7, 2016**

A regular meeting of the Lapeer City Commission was held March 7, 2016 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:31 p.m.

**ROLL CALL**

Present: Mayor Sprague.  
Commissioners Atwood, Bennett, Bostick-Tullius, Gates and Marquardt.  
Absent: None.

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

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

By General Consensus, Agenda for March 7, 2016 was approved.

**MINUTES**

**36 2016 03-07**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the minutes from the Workshop meeting held February 15, 2016 and Regular meeting held February 15, 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**

None.

**CONSENT AGENDA**

**37 2016 03-07**

Moved by Gates. Seconded by Marquardt.

Approve the Consent Agenda for March 7, 2016, resulting in the following:

1. Special Event Request from American Cancer Society, Relay For Life Glow Dash, April 29, 2016, 5:00 p.m. to 9:00 p.m., Prairie and Ponds, contingent upon receipt of required insurance.
2. Participation in the Household Hazardous Waste Collections with Lapeer County and Michigan State University Extension at a cost of \$990.00 from Community Promotions line item 101-101-880000.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**BILL LISTING FOR MARCH 7, 2016**

**38 2016 03-07**

Moved by Bostick-Tullius. Seconded by Atwood.

Approve the Bill Listing for March 7, 2016 in the amount of \$2,006,750.86.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

## **PUBLIC HEARINGS**

None.

## **ADMINISTRATIVE REPORTS**

### Chapter 7 (Zoning Ordinance) Amendment: Introduction

Commissioner Marquardt introduced the proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.02.02 (a) (8) to the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

### ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

- (8) The following property formerly zoned R-2 Single Family Residential is hereby rezoned to B-2 General Business based on a conditional rezoning of the following parcel located on the north side of DeMille Boulevard and west of Farmer's Creek from R-2 Single Family Residential to B-2 General Business:

L20-93-502-040-00 zoned R-2, 11+/- acres W. of Farmer's Creek.

The condition being that the use of the property as zoned would be limited to the use classification of "Publicly owned buildings; public utility buildings; telephone exchange buildings; electrical transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations".

## **CITY MANAGER'S REPORT**

### Privatization of Mental Health Services: Resolution to Oppose.

#### **39 2016 03-07**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Resolution To Oppose Section 298 Of The Executive Budget Proposal For Fiscal Year 2017.

### RESOLUTION TO OPPOSE SECTION 298 OF THE EXECUTIVE BUDGET PROPOSAL FOR FISCAL YEAR 2017

WHEREAS, Lapeer County Community Mental Health has served for more than 45 years as the public mental health and developmental disabilities services provider for this community, directly serving nearly 1,600 residents of Lapeer County each year; and, through collaboration with other local organizations has provided benefits to the entire county; and,

WHEREAS, Lapeer County Community Mental Health was created by the Lapeer County Boards of Commissioners as duly authorized under 330.1205 of the Michigan Mental Health Code; and,

WHEREAS, Lapeer County Community Mental Health and 3 other community mental health service programs representing 4 counties created a regional entity to manage Medicaid specialty services as duly authorized under 330.1204b of the Michigan Mental Health Code; and,

WHEREAS, Lapeer County Community Mental Health includes persons and family members of persons receiving mental health and disability services on the Board of Directors as required under 330.1222 of the Michigan Mental Health Code; and,

WHEREAS, Lapeer County Community Mental Health and 3 other community mental health service programs representing 4 counties have required representation from local communities and persons and/or family members of persons receiving mental health and disability services be included on the regional entity Board of Directors managing Medicaid specialty services; and,

WHEREAS, Section 298 of the Executive Budget recommendation for 2017 effectively nullifies the duly authorized actions taken by Lapeer County Community Mental Health and the 3 other community mental health service programs to create a regional entity under section 330.204b of the Michigan Mental Health Code; and,

WHEREAS, Section 298 of the Executive Budget recommendation for 2017 transfers all Medicaid and Healthy Michigan funding for specialty services to private entities with no accountability to the Lapeer County Board of Commissioners; and,

WHEREAS, Section 298 of the Executive Budget recommendation for 2017 transfers all Medicaid and Healthy Michigan funding for specialty services to private entities with no accountability to persons and/or family members of persons receiving mental health and disability services from Lapeer County Community Mental Health; and,

WHEREAS, Section 298 of the Executive Budget recommendation for 2017 will result in the elimination of specialty mental health services that are accountable to the communities of persons residing in Lapeer County.

THEREFORE BE IT RESOLVED, that I, Mayor William J. Sprague and the Lapeer City Commission opposes Section 298 of the Executive Budget recommendation for 2017 and encourages the Governor, State Senate, and State House of Representatives to prevent it from becoming law.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

City Manager Dale Kerbyson commented on Legislative Affair Conference.

## **CITY ATTORNEY'S REPORT**

### Chapter 28 (Cable Television Regulation and Regulatory Board): Introduction

Commissioner Gates introduced the proposed amendment to Chapter 28 (Cable Television Regulation and Regulatory Board Ordinance) of the General Ordinances of the City of Lapeer.

## **CHAPTER 28 Cable Television Regulation and Regulatory Board**

**Preamble:** The enactment of the Telecommunications Act of 1996 effectively removed local jurisdictional control regarding cable communications system (CATV) franchises and placed it under the Federal Communication Commission (FCC). Under this legislation, Chapter 28 (Community Antenna Television Franchise Regulatory Ordinance) was virtually rendered moot and the City's Cable Advisory Board obsolete. As a result of the present reality under both State and Federal legislation which preempts the essential function of the City's Cable Advisory Board, the City of Lapeer, by and through its duly elected Commission, adopts the following:

### **28.01 REPEALED AND RENAMED.**

By adoption and enactment of this Ordinance, Chapter 28 of the City of Lapeer's General Ordinances, entitled "Community Antenna Television Franchise Regulatory

Ordinance” is repealed in its entirety and renamed Cable Television Regulation and Regulatory Board.

### **28.02 SHORT TITLE.**

This Ordinance shall be known as the Cable Television Regulation and Regulatory Board.

### **28.03 PURPOSE.**

The purpose of this Ordinance is to preserve a means and mechanism by which the City may continue to fulfill its responsibilities concomitant with receipt of cable television franchise fees and provide a mechanism of continued control over local access programming, which may include the appointment of a Board to regulate and administer local cable and communication franchisee’s in the future as law may allow.

### **28.04 REGULATORY AUTHORITY.**

The City may exercise appropriate regulatory authority, financial oversight of cable television franchise fees, and be the depository of cable television franchise fees under the provisions of this chapter and applicable law, as may be appropriate and advisable. This authority may be manifested in one of two ways under the terms and provisions of this ordinance.

- A. The Commission may, by resolution, establish and appoint a five-member Cable Television Regulation and Regulatory Board which shall be advisory in nature and which shall make recommendations to the Commission on matters pertaining to the enforcement of this chapter and on such other matters, including authority to take such actions and make such decisions with respect to preservation, maintenance and restoration of community access equipment and the selection and oversight of content, as well as the administration of such duties and powers, including those related to such duties and to have such powers as this chapter and the Commission may determine; or
- B. Through the office of the City Manager, who in the absence of an authorizing resolution of the Commission appointing a Cable Television Regulation and Regulatory Board, shall have the full authority to take such actions and make such decisions with respect to preservation, maintenance and restoration of community access equipment and the selection and oversight of content, as well as the administration of such duties and powers, including those relating to such duties and to have such powers as this chapter and the Commission may determine.

Summary to be used for publication purposes.

City Attorney Michael Nolan provided an update on Pines of Lapeer resolution.

### **UNFINISHED BUSINESS**

None.

### **DEPARTMENTAL COMMUNICATIONS**

The Downtown Development Authority (DDA) Annual Financial Report and Monthly Financial Report for January 2016 were received into record.

### **PUBLIC COMMENTS**

None.

### **MAYOR/COMMISSIONER COMMENTS**

Executive Session Request: City Manager Evaluation.

**40 2016 03-07**

Moved by Marquardt. Seconded by Gates.

Approve an Executive Session at the end of the Regular meeting for the purpose of discussing the City Manager Evaluation.

ON A ROLL CALL VOTE:

AYES: Commissioners Atwood, Bennett, Marquardt, Gates, Bostick-Tullius.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED.

Commissioner Atwood: Would have been nice to see candidates running for State Representative at tonight's meeting.

Commissioner Bennett: Thank you for patience; still on crutches and will require aid over the next two months, read where President Roosevelt ran country in a wheelchair, feels he can stay on the board.

Commissioner Bostick-Tullius: Clarified she is viewing agenda on her phone and is not being rude.

Commissioner Gates: Thank You Commissioner Atwood for assistance when she was stuck in the snowstorm.

Dale Kerbyson: Driving around town, City looks great, weather has been handled well.

Mayor Sprague: DPW great job during snowstorms as well as police and fire operations; encourage everyone to get out and vote.

**EXECUTIVE SESSION.**

The Lapeer City Commission convened to an executive session at 6:42 p.m. for the purpose of discussing the City Manager Evaluation and returned to its regular meeting at 8:03 p.m.

**41 2016 03-07**

Moved by Bennett. Seconded by Gates.

Approve the City Manager salary at an annual rate of \$115,000.00 retroactive to January 1, 2016, extend contract term to December 31, 2017, authorize the City Attorney to prepare the Sixth Addendum to employment contract, and authorize the Mayor to execute said Sixth Addendum to employment contract.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**ADJOURNMENT**

**42 2016 03-07**

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 8:04 p.m.

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William J. Sprague, Mayor

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Donna L. Cronce, City Clerk