

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
MARCH 21, 2016**

A regular meeting of the Lapeer City Commission was held March 21, 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, and Marquardt.
Absent: Commissioner Gates (Excused).

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

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

43 2016 03-21

Moved by Marquardt. Seconded by Bennett.
Approve the Agenda for March 21, 2016 as presented.
Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt.
Nays: None.
Absent: Gates.
MOTION CARRIED.

MINUTES

44 2016 03-21

Moved by Bennett. Seconded by Bostick-Tullius.
Approve the minutes from the Regular meeting held March 7, 2016 and Executive Session held March 7, 2016 as presented.
Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt.
Nays: None.
Absent: Gates.
MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Janet Adams, Baldwin, gave invocation.

CONSENT AGENDA

45 2016 03-21

Moved by Bostick-Tullius. Seconded by Atwood.
Approve the Consent Agenda for March 21, 2016, resulting in the following:

1. Special Event Request from Bishop Kelley School, Annual 21st Walk-A-Thon, April 29, 2016, begin at Bishop Kelley School with use of various sidewalks ending at Crampton Park.
2. Special Event Request from DDA/Center for the Arts of Greater Lapeer, Art on Nepessing Street, June 3 and June 4, 2016, to include street closures.
3. Special Event Request from Center of the Arts of Greater Lapeer, Vintage Baseball Game and picnic, Rowden Park, June 25, 2016.
4. Fixed Asset Disposal as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt.
Nays: None.
Absent: Gates.
MOTION CARRIED.

BILL LISTING FOR MARCH 21, 2016

46 2016 03-21

Moved by Marquardt. Seconded by Atwood.
Approve the Bill Listing for March 21, 2016 in the amount of \$822,997.16.
Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt.
Nays: None.
Absent: Gates.
MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS
Resolution for Stanley E. Savage.

47 2016 03-21

Moved by Bostick-Tullius. Seconded by Marquardt.
Approve the Resolution In Recognition of Stanley E. Savage.
Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt.
Nays: None.
Absent: Gates.
MOTION CARRIED.

PUBLIC HEARINGS
None.

ADMINISTRATIVE REPORTS

Chapter 7 (Zoning Ordinance) Amendment: Introduction

48 2016 03-21

Moved by Marquardt. Seconded by Bostick-Tullius.
Approve the 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".

ON A ROLL CALL VOTE:

AYES: Commissioners Bennett, Atwood, Marquardt, Bostick-Tullius.
NAYS: None.
ABSENT: Commissioner Gates.
ABSTAIN: None.
MOTION CARRIED. AMENDMENT TO CHAPTER 7 ADOPTED.

Annual Fair Housing Resolution – Housing Improvement Department.

49 2016 03-21

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Resolution, Fair Housing Policy.

RESOLUTION TO APPROVE
CITY OF LAPEER
FAIR HOUSING POLICY

WHEREAS, under the Federal Fair Housing Law, Title VIII of the Civil Rights Act of 1968, it is illegal to deny housing to any person because of race, color, religion, gender, physical or mental disabilities or national origin; and,

WHEREAS, under the Michigan Elliott-Larsen Civil Rights Act, PA 453 of 1976, as amended, it is illegal to deny the opportunity to obtain housing to any person because of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status;

NOW THEREFORE, BE IT RESOLVED:

LET IT BE KNOWN TO ALL PERSONS that it is the policy of the City of Lapeer to implement programs to ensure equal opportunity in housing for all persons regardless of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status; and

BE IT FURTHER RESOLVED, that the City of Lapeer shall not discriminate in the sale, rental, leasing, or financing of housing because of religion, race, color, gender, physical or mental disabilities, national origin, age, height, weight, familial status, or marital status; and

BE IT FURTHER RESOLVED, that the City of Lapeer will assist all persons who feel they have been discriminated against because of religion, race, color, gender, physical or mental disabilities, national origin, age, height, weight, familial status or marital status to seek equity under federal and state laws by providing information to said persons on how to file a complaint with the Michigan Department of Civil Rights; and

BE IT FURTHER RESOLVED, that the City of Lapeer will at a minimum post this policy or the Fair Housing poster or other posters, flyers or other information which will bring to the attention of owners of real estate, developers and builders their respective responsibilities and rights under the Federal Fair Housing Law and Michigan Elliott Larsen Act; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect as of March 21st, 2016.

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

Nays: None.

Absent: Gates.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson informed that excavation will be completed on the riverbank behind the Lapeer County Bank & Trust area.

CITY ATTORNEY'S REPORT

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

50 2016 03-21

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the amendment to Chapter 28 (Cable Television Regulation and Regulatory Board Ordinance) to 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.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: Commissioner Gates.

ABSTAIN: None.
MOTION CARRIED. AMENDMENT TO CHAPTER 28 ADOPTED.

City Attorney Michael Nolan commented that Pines of Lapeer lawsuit has been resolved.

UNFINISHED BUSINESS

51 2016 03-21

Appointed by Mayor Sprague. Moved by Marquardt. Seconded by Bostick-Tullius.
To appoint Dana Jansen to Cemetery Board, term ending 04-01-21.

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

Nays: None.

Absent: Gates.

MOTION CARRIED.

52 2016 03-21

Appointed by Mayor Sprague. Moved by Bostick-Tullius. Seconded by Atwood.

To appoint the following:

Linda Ambrose Park Board, term ending 04-01-19.

Deborah Marquardt Park Board, term ending 04-01-19.

Dianne Nordberg Park Board, term ending 04-01-19.

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

Nays: None.

Absent: Gates.

MOTION CARRIED.

53 2016 03-21

Moved by Bennett. Seconded by Attwood.

To appoint Todd Alexander and Terry Kluge to Prison Liaison Committee, term ending 04-01-19.

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

Nays: None.

Absent: Gates.

MOTION CARRIED.

54 2016 03-21

Moved by Bostick-Tullius. Seconded by Marquardt.

To appoint Wesley Butterfield and Paul Parsch to Zoning Board of Appeals, term ending 04-01-19.

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

Nays: None.

Absent: Gates.

MOTION CARRIED.

55 2016 03-21

Moved by Marquardt. Seconded by Bennett.

To appoint the following:

Michael Stuart Zoning Board of Appeals – Alternate, term ending 04-01-19.

Jeff Hogan Zoning Board of Appeals – Alternate, term ending 04-01-18.

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

Nays: None.

Absent: Gates.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Departmental Monthly Reports were received into record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Will be hosting “Coffee with a Commish”, monthly at 7:00 p.m. at St. Matthews Church Conference Room beginning March 28, 2016, invited any commissioner to attend, Commissioner Marquardt indicated she would attend.

Commissioner Bennett: Thank you to lady for prayer.

Commissioner Bostick-Tullius: Attended the Marshall's grand opening, also shopped at Michael's on Sunday, MC Sports was also busy on Sunday, attended Community Mental Health (CMH) satellite office grand opening in Imlay City, CMH plans to open another satellite office in North Branch, this is great for the community; will be attending MML Capital Conference Tuesday/Wednesday.

Commissioner Marquardt: Will be attending the MML Capital Conference Tuesday/Wednesday; exciting events planned by DDA/Center for the Arts; attended the Marshall's grand opening, missed Michaels opening but understands they will have specials all week.

Dale Kerbyson: Center for the Arts flyer, Marguerite deAngeli Library will display art found in storage; condemned store front being used as a rental and moving forward to resolve this issue.

Mayor Sprague: Proud that the City received the 2015 Tree City USA Award; attended Guns & Hoses Saturday; started new job just before Christmas and cannot get away to attend local events and appreciates everyone else attending and speaking on behalf of the City.

ADJOURNMENT

56 2016 03-21

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: Gates.

MOTION CARRIED.

The regular meeting adjourned at 6:52 p.m.

William J. Sprague, Mayor

Donna L. Cronce, City Clerk

Tracey S. Russell, Deputy City Clerk