

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
April 3, 2017**

A regular meeting of the Lapeer City Commission was held April 3, 2017 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.

Acting City Manager: Police Chief Todd Alexander, present.

City Attorney Representative: Denis McCarthy, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

91 2017 04-03

Moved by Bennett. Seconded by Gates.

Approve the Agenda for April 3, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

92 2017 04-03

Moved by Marquardt. Seconded by Gates.

Approve the minutes from the Regular meeting held March 20, 2017 with correction to the spelling of Jeff ~~Thiek~~ Fick (**corrected to Fick on 04-17-17**), minutes show Jeff Hick and the Workshop meeting held March 27, 2017.

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

93 2017 04-03

Moved by Marquardt. Seconded by Gates.

Approve the Consent Agenda for April 3, 2017 resulting in the following.

1. Special Event Request from Flint River Watershed Coalition, Flint River & Community Cleanup, April 29, 2017, at various river locations, contingent upon receipt of current insurance.
2. Special Event Request from Lapeer Area Chamber of Commerce, Annual Fireworks Display, July 4, 2017.
3. Special Event Request from American Legion Post 16, Memorial Day Parade, May 29, 2017, Nepessing Street to Veterans Park as a City Co-Sponsored event.

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

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR APRIL 3, 2017

94 2017 04-03

Moved by Marquardt. Seconded by Gates.

Approve the Bill Listing for April 3, 2017 in the amount of \$290,937.99.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

Public Hearing: Michigan Community Development Block Grant (CDBG) Infrastructure Capacity Enhancement (ICE) Funding for Waste Water System Improvements.

Mayor Sprague opened the public hearing at 6:34 p.m. Director of Public Works Pam Reid provided a presentation/overview of the grant. There being no public comments, Mayor Sprague closed the public hearing at 6:42 p.m.

Brief discussion was held on what the cost for grant funding would be, Ms. Reid indicated request would be for \$1,869,000 with the City match being \$231,000; was City match within budget, Ms. Reid commented that not in current budget but will be placed in next year's budget and have until 2019 to complete project.

95 2017 04-03

Moved by Gates. Seconded by Atwood

Approve the Authorizing Resolution To Apply For CDBG-Infrastructure Capacity Enhancement Competitive Funding Grant.

CITY OF LAPEER AUTHORIZING RESOLUTION TO APPLY FOR CDBG-INFRASTRUCTURE CAPACITY ENHANCEMENT COMPETITIVE FUNDING GRANT

WHEREAS, the Michigan Strategic Fund has invited units of general local government to apply for its CDBG-Infrastructure Capacity Enhancement (ICE) Competitive Funding Round; and

WHEREAS, the City of Lapeer desires to request \$1,869,000 in CDBG funds to replace the existing sanitary sewer force main from McCormick Street pump station to the wastewater treatment plant and make improvements at the McCormick Pump Station; and

WHEREAS, the City of Lapeer commits local funds from its Wastewater fund 590-557-974000 in the amount of \$231,000; and

WHEREAS, the proposed project is consistent with the local Community Development Plan as described in the Application; and

WHEREAS, the proposed project will benefit all residents of the project area and the low to moderate percentage of City of Lapeer, 55.1% percent of the residents of the City of Lapeer are low and moderate income persons as determined by census data provided by the U.S. Department of Housing and Urban Development; and

WHEREAS, local funds and any other funds to be invested in the project have not been obligated/ incurred and will not be obligated/incurred prior to a formal grant award along with completion of the environmental review procedures and a formal written authorization to obligate/incur costs from the Michigan Economic Development Corporation.

NOW, THEREFORE, BE IT RESOLVED that the City of Lapeer hereby designates the City Manager as the Environmental Review Certifying Officer, the person authorized to certify the Michigan CDBG Application, the person authorized to sign the Grant Agreement and payment requests, and the person authorized to execute any additional documents required to carry out and complete the grant.

This resolution adopted this 3rd day of April, 2017

ON A ROLL CALL VOTE

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

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Residential Anti-Displacement And Relocation Assistance Plan Under Housing and Community Development Act 1974, Section 104(d).

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN
Under Housing and Community Development Act 1974, Section 104(d)

Minimize Displacement:

Consistent with the goals and objectives of activities assisted under the Act, the City of Lapeer will take the following steps to minimize the displacement of persons from their homes:

- A. Coordinate code enforcement with rehabilitation and housing assistance programs.
- B. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent their placing undue financial burden on long-established owners or tenants of multi-family buildings.
- C. Stage rehabilitation of apartment units to allow tenants to remain during and after rehabilitation by working with empty units or buildings first.
- D. Establish facilities to house persons who must be relocated temporarily during rehabilitation.
- E. Adopt public policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- F. Adopt policies which provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- G. Adopt tax assessment policies such as deferred tax payment plans to reduce impact or rapidly increasing assessments on low income owner occupants or tenants in revitalizing areas.
- H. Establish counseling centers to provide homeowners and renters with information on the assistance available to help them remain in their neighborhood in the face of revitalization pressures.

Relocation Assistance to Displaced Persons:

The City of Lapeer will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the CDBG Program, move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

One-for-One Replacement of Lower-Income Dwelling Units:

The City of Lapeer will replace all occupied and vacant occupiable low and moderate income dwelling units demolished or converted to a use other than as low and moderate income housing in connection with an activity assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.488 (c) in Subpart I.

Before entering into a contract committing the City of Lapeer to provide funds for an activity that will directly result in demolition or conversion, the City of Lapeer will make public by publication in a newspaper of general circulation and submit to Grants Administration the following information in writing:

- A. A description of the proposed assisted activity;
- B. The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low and moderate income dwelling units as a direct result of the assisted activities;

- C. A time schedule for the commencement and completion of the demolition or conversion;
- D. The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data are not available at the time of the general submission, the City of Lapeer will identify the general location on an area map and the approximate number of dwellings units by size and provide information identifying the specific location and number of dwelling units by size as soon as it is available;
- E. The source of funding and a time schedule for the provision of the replacement dwelling units;
- F. The basis for concluding that each replacement dwelling unit will remain a low and moderate income dwelling unit for at least 10 years from the date of initial occupancy;
- G. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (e.g. one 2-bedroom unit with two 1-bedroom units) is consistent with the housing needs of lower income households in the jurisdiction.

To the extent that the specific location of the replacement units and other data in items D-G are not available at the time of the general submission, the City of Lapeer will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

Contacts:

The Director of Housing for the City of Lapeer, 810-664-0591 is responsible for tracking the replacement of housing and ensuring that it is provided within the required period, ensuring requirements are met for notification and provision of relocation assistance, as described in 570.488 (c), to any lower income person displaced by the demolition of any dwelling unit or the conversion of a low and moderate income dwelling unit to another use in connection with an assisted activity.

ON A ROLL CALL VOTE:

AYES: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.
 NAYS: None.
 ABSENT: None.
 ABSTAIN: None.
 MOTION CARRIED. PLAN DECLARED ADOPTED.

ADMINISTRATIVE REPORTS

Ordinance Amendment: Chapter 7 (Zoning Ordinance), Article 7.17 Signs.

Commissioner Bostick-Tullius introduced the proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.17 Signs to the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

Article 7.17 Signs

7.17.05 Schedule of Sign Regulations – property Used for Non-residential Purposes

Table 7.17.3: Schedule of Regulations

Type of Sign	Maximum Area	Height	Illumination	# Permitted/Other Provisions
Interstate Corridor Signs (g)	200 square feet per side (total signage = 400 S.F.) with a maximum of 2 sides permitted.	20 feet for single tenant	Permitted – Internal and concealed only	i) 1 per every 1,000 L.F., up to 2 sign structures per lot/parcel within 200 feet of I-69.
	250 square feet for two businesses and an additional 50 square feet for each business (tenant) thereafter and not to exceed 400 square feet	30 feet for multiple tenant	Spot lighting is not permitted	ii) Must be on property which is adjacent to the I-69 R.O.W.

	each side			
Electronic or Manual Changeable Message Signs (h)	24 square feet	Per type of sign as listed above	Permitted	1 per parcel

7.17.06 Additional Provisions for Signs in Table 7.17.3

(a) thru (f) No Change.

(g) **Interstate Corridor Signs (ICS)**

- (1) Placement. All Interstate Corridor Signage (ICS) must be located along Interstate-69 (I-69) and shall be no closer than a distance that is equal to or greater than the height of the sign (20 feet to 30 feet) and setback from the Interstate Right-of-Way (R.O.W). An ICS 20 feet tall or less must maintain a minimum distance of 20 feet from the I-69 R.O.W. The Interstate R.O.W. includes all entrance and exit ramps on to I-69. Setbacks from the I-69 R.O.W may be more restrictive as deemed necessary by the Michigan Department of Transportation (MDOT). An ICS must be within 200 feet of the property line that borders the interstate R.O.W. unless deemed otherwise by MDOT.
- (2) Additional permitting. MDOT may require permitting for any sign structures that are within 3,000 feet of an interstate, freeway, or highway; as regulated by the Michigan Highway Advertising Act (ACT 106). It is recommended that such permitting be applied for through MDOT before applying for a sign permit through the City of Lapeer. If MDOT does not require a permit for the proposed sign, documentation stating such shall be provided and submitted with the sign application to the City of Lapeer.
- (3) Location. An ICS can only be applied for on properties that are zoned B-2. The property must border the I-69 R.O.W. An ICS is an additional sign structure for properties that meet the standards of this section and are not considered to be part of a cumulative total for overall signage allowed on an applicable piece of property.
- (4) Setbacks. An ICS must be more than 300 feet from all residentially zoned properties, including properties adjacent to the subject parcel and/or across a public R.O.W.
- (5) Proximity. An ICS shall be a minimum of 1,000 feet apart from each sign with no more than two (2) per lot. ICS placement must maintain a minimum of 500 feet apart from all other ICS structures on adjacent properties or across a public R.O.W.
- (6) Accessory: All ICS and sign structures are accessory to a building or use on the same property. At least one building or structure that houses a principle business or use must be located on the same property as the interstate corridor sign.
- (7) Multi-tenant. A ICS that advertises two (2) or more businesses. Square footage and height may be increased on an ICS (per Table 7.17.3) by allowing multiple tenants to advertise. The following requirements apply to signs hosting third-party tenants:
 - a. Participating tenants of an existing or proposed ICS structure must apply for a sign permit through the Building Department with a valid lease for signage space and/or written permission from the CIS structure owner.
 - b. The tenant of an ICS must be advertising a business or use of a location for a legal licensed business on property within the City of Lapeer and adjacent to the I-69 R.O.W. property line; except as

prohibited in this section. Tenants on adjacent properties that do not share a property line along the I-69 R.O.W. must be all of the following:

- i. a legally licensed business or use in the City of Lapeer, no more than 3,000 feet from the I-69 R.O.W.,
 - ii. A business or use that shares a property line with the property the sign is located on. The following areas have been designated to allow for tenant signage and not to advertise or promote a business that is separated by a public R.O.W. from the ICS structure. Signage of a business on an ICS must be located in these quadrants on a structure within the same quadrant as listed below:
 1. South of Turrill Road, North of I-69, and East of M-24 up to 3,000 feet from the ICS within the City limits.
 2. North of I-69 up to 3,000 feet from the ICS within the City limits, West of Baldwin Road and east of the country drain, Farmers Creek.
 3. South of I-69 up to 3,000 feet from the ICS, East of M-24 up to 3,000 feet of the ICS within the City limits.
- c. Tenant signage of an ICS must be designated for a separate business. A business or product sold within a building sharing a common entrance without any separation from the primary business does not constitute a permitted tenant for additional signage. For example: a store that sells a brand may not advertise that brand separately outside of the 200 square foot requirement.
- d. The closest ICS structure must be used whenever possible or, if no space is available, an ICS structure within 3,000 of the tenant's business can be used for the tenant's sign as it complies with the quadrants depicted in 7.17.06(g)(7)(b). It is required that businesses sharing a common vehicular entry should share an ICS structure whenever possible to limit confusion of the particular location of the business.
- (8) Design. ICS shall only be 1 or 2-sided. "V" shaped signs, similar to typical billboard designs are permitted given both sides are visible and legible from the Interstate R.O.W. and not exceeding a 90 degree angle. The void/back of a "V" shaped sign and the back of a 1-sided sign must be of acceptable materials that match the base or exterior/visible materials of the main sign structure. Supporting structure (poles, beams, cross-bracing, etc.) for the ICS shall be enclosed within the sign structure and material cladding.
- (9) Proportions. An ICS shall not be less than 5 feet in height and cannot exceed more than 30 feet in width, as measured across the face of the sign.
- (10) Base. Any ICS structure that has signage more than 18" above grade must provide a designated base between the bottom(s) of the display signage that extends to grade. The base shall be clad with permitted materials that match or compliment the main building(s) that the sign structure is designed to be used for. The base must, at a minimum, meet the width of the display signage.
- (11) Materials. Noncombustible, durable materials are required on all ICS structures. Materials similar to finished metal, stone, brick or a combination of such are examples of materials that meet this requirement. Materials that rust, stain, fade, oxidize, peeling and/or crack as a result of the natural environment shall provide information and apply such prevention measures as necessary or be discouraged.
- (12) Protrusions. Lettering and other materials to be secured to an ICS shall be designed to deter the build-up of debris, snow, bird nests, and other

foreseen maintenance issues that could cause obstructions or safety issues and compromise the stability and functionality of the sign and sign structure over time. Curved surfaces of protruding elements are required. Any vertical or horizontal surface attached to the face of an ICS shall protrude no more than 2 inches beyond the face of the sign structure or surface.

- (13) **Safety.** A business advertising on any ICS is prohibited to use images, colors, lighting and/or materials that would be considered to be a distraction to motorists and other types of transportation. Materials that are susceptible to variations of fatigue (as noted above in items 11 and 12, *Materials* and *Protrusions*) pose a safety hazard and it is required that documentation of preventive measures be listed as part of the submission of the ICS permit as it pertains to wind speeds, snow load, corrosion and/or other engineering and stability factors.

(h) **Changeable Message Signs**

Numeration change from (g) to (h). No change to remaining items (1) thru (6) in section.

Summary to be used for publication purposes.

Downtown Outdoor Right-of-Way Licenses.

97 2017 04-03

Moved by Marquardt. Seconded by Gates.

Approve the Downtown Outdoor Right-Of-Way Licenses for:

1. Blondies Sweet Boutique/Dagwood's Deli – 193 W. Nepessing Street.
2. Woodchips, LLC – 315 W. Nepessing Street.
3. Pueblo Viejo Restaurant – 393 W. Nepessing Street.
4. Fat Boy's Bar & Grill – 10 E. Nepessing Street.
5. Tilted Axis Brewery – 303 W. Nepessing Street.

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

Nays: None.

Absent: None.

MOTION CARRIED.

2017 Annual Spring Clean-Up.

98 2017 04-03

Moved by Gates. Seconded by Marquardt.

Approve to schedule the 2017 Annual Spring Clean-Up for May 1 through May 5, 2017 and the 2017 Spring Clean-Up Agreement with Rick Rhein Disposal and authorize the City Manager to sign required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Ordinance Amendment: Chapter 66 (To Regulate DAS/Small Cell/Wireless Facilities In The Public Rights of Way Ordinance).

Commissioner Gates introduced the proposed amendment to Chapter 66 (To Regulate DAS/Small Cell/Wireless Facilities In The Public Rights of Way Ordinance) to the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

Section 66.01 thru 66.03. No Change.

66.04 Design parameters

1. thru 2. No Change.

3. Unless otherwise permitted in Section 66.04, 6., DAS/Small Cell/Wireless Facilities shall be located no closer than 18 inches from an existing sidewalk/face of curb or 18 inches from a proposed future sidewalk/face of curb location.

4. Unless otherwise permitted in Section 66.04, 6., DAS/Small Cell/Wireless Facilities shall be located no closer than 10 feet from any driveway.

5. thru 8. No Change.

Resolution for Annual MDOT Right of Way Permit.

99 2017 04-03

Moved by Marquardt. Seconded by Gates.

Approve the Performance Resolution for Governmental Agencies as required by Michigan Department of Transportation (MDOT).

Michigan Department
Of Transportation
2207B (11/16)

**PERFORMANCE RESOLUTION FOR
GOVERNMENTAL AGENCIES**

Page 1 of 2

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way," or an "Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way".

RESOLVED WHEREAS, the City of Lapeer
(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations; within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful lacs of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which result in claims being asserted against or judgement being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgement for money damages.
5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or

maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.

6. With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, The Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within state Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Title and/or Name

Dale Kerbyson, City Manager

Pamela Reid, Director of Public Works

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

CITY MANAGER'S REPORT

None.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

100 2017 04-03

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

Appoint the following:

Marge Alexander Park Board, term ending, 04-01-20.

Robert Rowden Park Board, term ending 04-01-20.

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

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The DDA Annual Financial Report and Downtown Development Authority (DDA) Monthly Report dated March 17, 2017 was received into record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett: Thanked lady for prayer.

101 2017 04-03

Moved by Bennett. Seconded by Atwood.

To place on the City's ballot in November to let the citizens of the City of Lapeer decide if they want the different facilities under the Medical Marihuana Act in the City of Lapeer. Discussion was held on speaking with citizens who are split between those that do and those that don't, big decision to make, allow citizens a choice if they want these different type of facilities or not, statute in effect at the end of the year and each individual city has to decide whether they want it or not, discuss with City Attorney to see if this is a

viable option, decision should be made by City Commission, to allow people the choice to vote, process medical marijuana card holders have to go through, liquor licenses in City and easy to get, is unfair to those who have medical card and need their medicine, law allows cities to make decision, to not wait seven months to make a decision, State will begin to issue licenses next year, ability to provide regulations, workshop held and support of facilities in the City, Commission members are voted in and as a governing board duty to make decisions, have any other cities had language on a ballot, big decision to make without knowing citizen position, request to have time to think about ballot question and table discussion to next meeting

The motion was amended and restated to move discussion of medical marijuana and ballot topic to next meeting.

Discussion was held on having time to review topic, guidelines, state restrictions, look at where to place facilities, state law allows only a grower to be in industrial and/or agricultural area, look at best fit for facilities, ability to anticipate the facility locations but still have on ballot and ask people what they think.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Commissioner Gates: Understand Commissioner Bennett's thoughts, City Commission job is to make decisions even those people may not like, injustice to have 32 licenses for alcohol and yet people with medical cards have to go to a different area to meet their needs, it is unfair. Commission still has to look at what facilities they want or don't want, if people get approved by the state for medical marijuana card they should be able to have their needs met, not to have these people feel like a criminal with no rights. Commissioner Bennett asked if anything was anticipated to be in place by November and to let the people decide. Ms. Gates commented that if there is an initiative we would lose control of regulations.

Commissioner Atwood: His understanding that the Medical Marijuana Workshop was to help understand the law and ask questions, not for the public to show up and support with a yes or no, support Commissioner Bennett's motion and agrees with it, big decision for City, to leave it up to the people would be a wise decision to do and give them the opportunity to say yes or no, at least provide the opportunity; busy week with MML Conference and Michigan Main Street Program; ICE Grant and talk with Senator Green, hope grant goes through; Main Street representatives coming to us and are here to help us, public needs to step up and get into committees to help our downtown grow, program will help pull cities and counties together for benefit of community, if anyone interested in committee to contact DDA Director James Alt.

Commissioner Bostick-Tullius: MML Conference, legislative breakfast with Representative Gary Howell and ability to meet with him, great interaction, attended workshop on upgrade to voting machines, funding by state, the need to budget for costs in the future to cover items not paid for after initial implementation; Main Street, Thursday meetings had great input in sessions. Felt it was time to think about reviewing the building code, can things be tweaked or modified to fit our needs and not be burdensome to our citizens and business owners, to have workshop within the next month or so, make improvements in the City, have State Building Official, Attorney feedback, planning involved with possibility of having a planning representative from the regional level, need to move forward with this review within next month. Spoke with Mayor of Grand Rapids and sent info to Commissioner Atwood regarding Youth Council in Lapeer.

Commissioner Marquardt: Spoke with Dale about workshop on building code and to include Fire and Police as well, feels would be a good thing; Attended MML session with Commissioner Gates on "How Does Your City Measure Up" that included information about RRC (Redevelopment Ready Communities) Program, person at training meeting and info on prizes to be awarded, to have City Manager or Director of Public Works explain this in more detail and is the City eligible; Voting machines, costs for future budgets of \$1,000 to \$2,000 per precinct, maintenance provided for years 1-10 and budget for future costs for years 11 to 20. Felt there is an issue on when a citizen comes to City Commission meeting it is important that they receive a letter to acknowledge them, feels that shows the Commission cares and appreciates them bringing their concerns, have an example for use.

102 2017 04-03

Commissioner Marquardt moved that the City Manager will follow up with or provide notice to each individual who makes statements under public comments to receive letter of acknowledgement and proceeded to read an example letter. Discussion was held on those who make comments should be acknowledged, should be a documented response, establish a Commission policy, bring back policy to next meeting, possible issue with people who are in litigation with the City and try to come to the Commission and circumvent the court process, inability to know if the City Manager has responded to issues requested by the Commission/Mayor to be investigated.

The motion was amended and restated to have a policy prepared for consideration at the next Commission meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Commissioner Marquardt commented that the Medical Marihuana Workshop was good, to have things completed by November, to discuss again in two weeks, is it even feasible to have a ballot question, the need to have things begin now and to not delay.

Commissioner Bennett commented that it would not be delaying, have seven months to work on this and still have on ballot. Commissioner Gates indicated if wait to have on ballot and if approved by voters and then begin process with input by Planning Commission, determining where facilities would go and how many would cause a delay.

Mayor Sprague: Update on local events; April is Child Abuse Awareness month and current legislation to be aware of; Autism Awareness month; quite a while ago asked for a survey/workshop on having in place a business fast tract model to help usher them through the process with one point of contact; building department and fire codes and State laws that are required to be followed, Fire Chief Terry Kluge indicated that with the building code we have to follow law, fire code can be tweaked but only in certain areas; Mr. Sprague commented on the need to review the downtown area, possibility to make this a renaissance zone and not charge building fees in that area, review downtown needs and option to provide free building permits; assessment needs meetings did not have a big turnout during day and having meetings during times when people cannot participate, the need to make meeting times more convenient, larger turnout at Court House probably due to later time, survey which clearly showed the need for store hours in evening; Michigan Marihuana law and direction as to where we want to go, will have people in opposition and those in support, first step was to have workshop and there are several more steps to go, the need to be clear and transparent in the process, more discussion will need to take place, to also look at large industries who have government contracts and drug free work places that may impact a facility being placed near them, possibility of creating another Industrial park, enough interest to delve into this further.

ADJOURNMENT

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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 7:39 p.m.

William J. Sprague, Mayor

Donna L. Cronce, MMC, City Clerk

Tracey S. Russell, Deputy City Clerk