

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
DECEMBER 7, 2015**

A regular meeting of the Lapeer City Commission was held December 7, 2015 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.
City Manager, Dale Kerbyson
City Attorney Representative Aleks Bomis.
Absent: Commissioner Gates.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

262 2015 12-07

Moved by Bostick-Tullius. Seconded by Marquardt.
Approve the Agenda for December 7, 2015 as presented.

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

MOTION CARRIED.

MINUTES

263 2015 12-07

Moved by Bennett. Seconded by Marquardt.
Approve the minutes from the regular meeting held November 16, 2015 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

Glacyiel Miller, Lapeer commented on placing the parking signs back up for seniors, walking issues by some seniors.

CONSENT AGENDA

264 2015 12-07

Moved by Bostick-Tullius. Seconded by Atwood.
Approve the Consent Agenda for December 7, 2015, resulting in the following:
1. Special Event Request from Human Development Commission, Walk for Warmth, February 20, 2016, downtown area, contingent upon receipt of current insurance.
2. Fixed Asset Disposal as presented.
3. Accept and confirm the Canvass of Votes Cast at the Election held on November 3, 2015 in the City of Lapeer and Canvassed by the Board of Canvassers of the County of Lapeer, Michigan, as presented.

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

MOTION CARRIED.

BILL LISTING FOR DECEMBER 7, 2015

265 2015 12-07

Moved by Bennett. Seconded by Bostick-Tullius.
Approve the Bill Listing for December 7, 2015 in the amount of \$958,733.12.

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

Nays: None.
Absent: Gates.
MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Lapeer Community Scholarship and Student Loan Fund, Inc.: Charitable Gaming License.

266 2015 12-07

Moved by Bostick-Tullius. Seconded by Marquardt.
Approve the Local Governing Body Resolution For Charitable Gaming License for Lapeer Community Scholarship and Student Loan Fund, Inc.

Local Governing Body Resolution For Charitable Gaming License
(Required by MCL 432.103(K)(ii))

That the request from Lapeer Community Scholarship and Student Loan Fund, Incorporation of Lapeer, county of Lapeer, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming license, be considered for approval.

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

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Zoning Ordinance Amendment: City-Owned DeMille Blvd. & Turrill Rd. Parcels – Conditional Rezoning.

267 2015 12-07

Moved by Marquardt. Seconded by Bennett.
Adopt the proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.02.02(a)(7) of the General Ordinance of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

- (7) The following property formerly zoned R-2 and R-3 Single Family Residential is hereby rezoned to B-2 General Business based on a conditional rezoning of the following parcels located on the south side of DeMille Boulevard and the north side of Turrill Road from R-2 & R-3 to B-2 General Business:

252.68 +/- acres on the south side of DeMille Boulevard, east of Farmer's Creek, consisting of

- L20-93-502-050-00 zoned R-2, 3 +/- ac. E. of Farmer's Creek
- L20-95-701-040-00 zoned R-2, 20.26 acres
- L20-95-704-040-00 zoned R-2, 31.3 acres
- L20-95-700-040-00 zoned R-2, 55 +/- ac. E. of Farmer's Creek
- L20-95-705-040-00 zoned R-3, 71.33 acres
- L20-83-358-050-00 zoned R-2, 46.5 +/- ac. E. of Farmer's Creek
- L20-83-357-040-00 zoned R-2, 25.29 acres

And 192.59 acres on the north side of Turrill Road, east of Cliff Drive, consisting of

L20-98-008-003-00 zoned R-2, 111.52 acres
L20-98-008-006-00 zoned R-2 and R-3, 50.78 acres
L20-98-008-005-00 zoned R-2, 30.29 acres

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; electric transformer stations & substations; gas regulator stations with service yards, but without storage yards; water & sewage pumping stations".

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: Commissioner Gates.

ABSTAIN: None.

MOTION CARRIED. AMENDMENT TO CHAPTER 7 ADOPTED.

Ordinance Amendment: Chapter 7 (Zoning Ordinance) and Chapter 20 (Business Licenses and Regulations Ordinance).

268 2015 12-07

Moved by Bostick-Tullius. Seconded by Marquardt.

Adopt the amendment to Chapter 7 (Zoning Ordinance), Article 7.17.02(j)(1) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.17.02 Signs Not Requiring a Permit

(j) Non-Commercial Message Sign. A political sign shall not exceed eight (8) square feet per side and a total of 16 square feet in a residential district. A political sign shall not exceed 16 square feet per side and a total of 32 square feet in a non-residential district. The maximum height of a political sign is 6 feet. The sign shall not be placed within a side yard setback area, as required under the zoning ordinance in the district in which the property is situated.

(1) There shall be only one non-commercial message sign not pertaining to a specific event allowed per lot or parcel. If related to a specific event, the sign must be removed within 10 days of the event. The 10 day removal does not include political signs placed between a primary election prior to a general election for those primary winners standing the general election. The owner of the property or the person in charge thereof shall be responsible for the removal of the signs."

(2) thru (3) No Change.

ON A ROLL CALL VOTE:

AYES: Commissioners Marquardt, Bostick-Tullius, Atwood.

NAYS: Commissioner Bennett.

ABSENT: Commissioner Gates.

ABSTAIN: None.

MOTION CARRIED. AMENDMENT TO CHAPTER 7 ADOPTED.

Chapter 20 (Business Licenses and Regulations Ordinance).

269 2015 12-07

Moved by Bostick-Tullius. Seconded by Marquardt.

Adopt the amendment to Chapter 20 (Business Licenses and Regulations Ordinance), Section 20.08, E. of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

SECTION 20.08 ERECTION AND POSTING OF SIGNS

A. thru D. No Change.

E. Political, campaign, or election signs will follow regulations as specified under Chapter 7 (Zoning Ordinance), Article 7.17.02, (j) Non-commercial Message Sign.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: Commissioner Gates.

ABSTAIN: None.

MOTION CARRIED. AMENDMENT TO CHAPTER 20 ADOPTED.

E. Oregon Street Reconstruction Project – Flint River East to City Limits.
Local Share Payment #6.

270 2015 12-07

Moved by Marquardt. Seconded by Atwood.

Approve Local Share Payment #6 to the State of Michigan in the amount of \$48,140.84 for the Oregon Street Reconstruction Project.

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

Nays: None.

Absent: Gates.

MOTION CARRIED.

Calhoun Street Rehabilitation Project: Rowe Professional Services.
Design and Construction Engineering Agreement.

271 2015 12-07

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Contract for Engineering Services with Rowe Professional Services Company in the amount of \$46,992.00 for the Calhoun Street Rehabilitation Project and authorize the Director of Public Works to sign required documents.

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

Nays: None.

Absent: Gates.

Wal-Mart Traffic Signal – Rowe Professional Services.
Design and Construction Engineering Agreement.

272 2015 12-07

Moved by Marquardt. Seconded by Atwood.

Approve the Contract for Engineering Services with Rowe Professional Services Company in the amount of \$16,095.00 for the Wal-Mart Traffic Signal and authorize the Director of Public Works to sign required documents.

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

Nays: None.

Absent: Gates.

MOTION CARRIED.

I.T. Service Agreement between Oakland Co. and City of Lapeer.

273 2015 12-07

Approve the Resolution for I.T. Services Between Oakland County and City of Lapeer.

CITY OF LAPEER
RESOLUTION
Agreement for I.T. Services Between
Oakland County and
City of Lapeer

At a regular meeting of the Lapeer City Commission on Monday, December 7, 2015 at 6:30 p.m. in the Lapeer City Commission Chambers of Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan, Commissioner Bostick-Tullius moved for the adoption of the Agreement for I.T. Services between Oakland County and City of Lapeer to include:

Interlocal Agreement for I.T. Services for the purpose of providing Information Technology Services (I.T. Services) and Courts and Law Enforcement Management Information System (CLEMIS) applications and services.

The motion was seconded by Commissioner Marquardt.

BE IT RESOLVED THAT the Agreement for I.T. Services between Oakland County and City of Lapeer is hereby approved and City Manager Dale Kerbyson is authorized to sign all required documents.

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

Nays: None.

Absent: Gates.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

M-24 Reconstruction Project – Water Main Improvements.
Local Share Payment #14 and #15.

274 2015 12-07

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve Local Share Payment #14 in the amount of \$4,585.31 and Local Share Payment #15 in the amount of \$12,475.83 to the State of Michigan for the M-24 Reconstruction Project.

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

Nays: None.

Absent: Gates.

MOTION CARRIED.

Senior Citizen Parking.

Mayor Sprague commented on meeting with County Commissioners and members of Senior Center on issues and concerns regarding senior parking, presented Traffic Control Order 288 with request to modify timeframe from 9:00 AM until 1:00 PM.

275 2015 12-07

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve Traffic Control Order No. 288 with time change to be 9:00 AM until 1:00 PM.

CITY OF LAPEER
PERMANENT TRAFFIC CONTROL
ORDER NO.
288

Location: Clay Street – between Cedar and Court Streets.

Order: To restrict parking on the north side of Clay Street to require a parking permit Monday – Friday from 8:00 AM until 1:00 PM with signage for “Permit Parking Only”.

Reason: The City Commission approved the above parking traffic control order based upon the recommendation of a Workshop meeting of the City Commission that included County Commissioners and the senior coalition on December 3, 2015 and to rescind part of Traffic Control Order 287 in which 2 handicapped spaces were added.

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

Nays: None.

Absent: Gates.

MOTION CARRIED.

Brief discussion was held regarding open communication between the parties involved and moving forward.

Linda Jarvis, Lapeer County Commissioner, thanked the Commission for the meeting, was sure that all could come to agreement, much appreciated.

Mayor Sprague indicated the meeting went well, thanked Commissioner Bostick-Tullius for putting meeting together, City policy to not capture extra voted millage.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson commented on Boundary Commission meeting in Lansing, Wednesday regarding annexation of 11 acres on M-24; MDOT road funding analysis data, study of roads, indicated that in 2023 the state would have more good roads than bad.

CITY ATTORNEY'S REPORT

City Attorney Representative Aleks Bomis commented on Gestamp Easement.

276 2015 12-07

Moved by Bennett. Seconded by Marquardt.

Approve the Easement Agreement between City of Lapeer and Gestamp.

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

Nays: None.

Absent: Gates.

MOTION CARRIED.

UNFINISHED BUSINESS

277 2015 12-07

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

Appoint Dan Osentoski to the Downtown Development Authority, term ending 01-01-17.

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

Nays: None.

Absent: Gates.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

Purchase New Patrol Units, Monthly Financial Report for October 2015 were received into record.

PUBLIC COMMENTS

Lenny Schneider, Lapeer County Commissioner, extended thanks regarding senior parking, always found City officials a pleasure to work with.

Bonnie Kavalunas, Lapeer, thanked the Commission for hearing concerns and the seniors who stood behind her, thank you very much.

Glenn Clemence, Imlay City, commented to have a Merry Christmas and a Happy New Year.

Glacyiel Miller, Lapeer, commented glad putting up a light by WalMart.

Cheryl Cordner, Lapeer, asked when going in (WalMart light); response was spring construction.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett thanked colleagues and seniors for coming out and voicing opinions; wish all a Merry Christmas.

Commissioner Atwood indicated he was excited, Wal-Mart light, City Manager Dale Kerbyson did a great job; senior citizens great example of if there is an issue or problem, come to meeting, let us know and come to a resolution, to not start rumors, City and County great job coming together, to work on unity; glad to be here; thank you for coming in.

Commissioner Bostick-Tullius commented that she is excited, thought meeting was good, important to come together, kudos to all; Goals & Objectives meeting when are dates need for availability.

Commissioner Marquardt commented she appreciated seniors and voicing opinions, great resolution, come back anytime with concerns and let us know; wish all a Merry Christmas and Happy New Year.

City Manager Dale Kerbyson commented on dates for Goals & Objectives meeting; parade was great.

Mayor Sprague thanked the senior citizens for showing up; initiative going on nation-wide regarding homeless veterans, plan in City to conquer this, see something on this at first of year; City Manager Dale Kerbyson responded that Housing Department handles 30 vouchers for veterans specifically, will have Housing provide an update.

ADJOURNMENT

278 2015 12-07

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: Gates.

MOTION CARRIED.

The regular meeting adjourned at 7:01 p.m.

William J. Sprague, Mayor

Donna L. Cronce, City Clerk

Tracey S. Russell, Deputy City Clerk