

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
December 19, 2016**

A regular meeting of the Lapeer City Commission was held December 19, 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, Gates, Marquardt.  
Absent: None.

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

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**239 2016 12-19**

Moved by Bostick-Tullius. Seconded by Gates.  
Approve the Agenda for December 19, 2016 as presented.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.

MOTION CARRIED.

**MINUTES**

**240 2016 12-19**

Moved by Gates. Seconded by Bennett.  
Approve the minutes from the Regular meeting held December 5, 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**

Jenny Burkhart, Wilder Road, gave invocation.

Gary Howell, State Representative: goal to attend every place in the county, input from the area and its citizens; update on legislation during lame duck session; introduced Legislative Director Mike Goshka. Mr. Goshka introduced himself, brief overview, is there to serve community, thank you for the opportunity to address the Commission.

**CONSENT AGENDA**

**241 2016 12-19**

Moved by Bostick-Tullius. Seconded by Gates.  
Approve the Consent Agenda for December 19, 2016 resulting in the following:  
1. Purchase of two new patrol units in the amount of \$56,406.00.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.

MOTION CARRIED.

**BILL LISTING FOR DECEMBER 19, 2016**

**242 2016 12-19**

Moved by Marquardt. Seconded by Bennett.  
Approve the Bill Listing for December 19, 2016 in the amount of \$695,558.23.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.

MOTION CARRIED.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

### City of Lapeer School of Choice Week.

#### **243 2016 12-19**

Moved by Bennett. Seconded by Atwood

Approve the Proclamation Commemorating the City of Lapeer School Choice Week.

CITY OF LAPEER  
Proclamation  
Commemorating City of Lapeer School Choice Week

WHEREAS, all children in the City of Lapeer should have access to the highest-quality education possible; and

WHEREAS, the City of Lapeer recognizes the important role that an effective education plays in preparing all students in the City of Lapeer to be successful adults; and

WHEREAS, quality education is critically important to the economic vitality of the City of Lapeer and that educational variety not only helps to diversify our economy but also enhances the vibrancy of our community; and

WHEREAS, the City of Lapeer is home to a multitude of excellent education options from which parents can choose for their children; and

WHEREAS, our area has many high-quality teaching professionals who are committed to educating our children; and

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options.

NOW, THEREFORE, BE IT RESOLVED, that I, William J. Sprague, Mayor of the City of Lapeer, and the Lapeer City Commission do hereby recognize January 22-28, 2017 as City of Lapeer SCHOOL CHOICE WEEK and encourage all citizens to recognize the important role of education in preparing our children for a successful future.

Dated this 19<sup>th</sup> day of December, 2016.

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

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

### **PUBLIC HEARINGS**

None.

### **ADMINISTRATIVE REPORTS**

#### Ordinance Amendment: Chapter 18 (Fire Code) Ordinance.

#### **244 2016 12-19**

Moved by Marquardt. Seconded by Gates.

Approve and adopt the amendments to Chapter 18 (Fire Code) Ordinance of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 18 (FIRE CODE) Ordinance”

18.01 Adoption by Reference.

There is hereby adopted by reference, pursuant to the provisions of Act 279 of Michigan Public Acts of 1909, as amended, the International Fire Code, 2015 Edition, copyrighted in 2014, promulgated and adopted by the International Code Council, of 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795.

(History: Amnd 01-10-13;-)

18.02 to 18.04 No change.

18.05 Changes in Code. The following subsections are modified or deleted as follows:

(History: This section was amended to provide the flow of information in numerical order: Amnd 01-10-13;-)

105.3.3 No change.

105.6 – Required operational permits. The fire code official is authorized to issue operational permits or otherwise give approvals for the operations set forth in sub-sections 105.6.1 through 105.6.48.

105.6.32 – Open Burning Without exception as to type, kind or location, an operational permit is *required* for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and requirements of the permit shall be strictly followed.

(History: Amnd 01-11-07;-)

108.1 No change.

109.4 No change.

110.1 No change.

111.4 No change.

Section 202 – General Definitions.

302.1 – Definitions. The following words and terms shall, for purposes of this chapter and as used elsewhere in this code, have the meaning shown herein.

Bonfire, Hi-Boy, High Voltage Transmission Line, Portable Outdoor Fireplace, Powered Industrial Truck, Recreational Fire, and Sky Lantern – all unchanged.

304.3.3, 304.3.4 No change.

307.1.1 – Prohibited Burning. Open burning, bon fires, and recreational fires (including use of portable outdoor fireplaces) are prohibited within the corporate limits of the City. This restriction shall not apply to the use of charcoal and similar materials for the purpose of food preparation. The lighting of, use, and release of untethered *sky lanterns* is also prohibited.

(History: Amnd 01-10-13;-)

Exceptions: No change.

307.2 No change.

307.4.1, 307.4.2, and 307.4.3 No change.

307.5 No change.

403.11.1.5 – Tenant Identification. Tenant identification shall be provided for secondary exits from occupied tenant spaces that lead to an exit corridor or directly to the exterior of the building. Tenant identification shall be posted on the exterior side of the exit or exit access door and shall identify the business name and address using plainly legible letters and numbers that contrast with their background. There are no exceptions.

503.3 No change.

504.1 – Required Access.

1) Exterior doors and openings required by this code or the Michigan Building Codes shall be maintained readily accessible for emergency access by the fire department. An

approved access walkway leading from fire apparatus access road to exterior openings shall be provided when required by the fire code official.

- 2) All required rescue windows shall be accessible by a 35 foot ground extension ladder placed so that the inclination of the ladder does not exceed 70 degrees. An area of discharge, 36 inches in all directions around the base of the ladder, shall be provided. Ladders and associated areas of discharge shall be located within the property line.

(History: Amnd 01-11-07;-)

505.1 – Address numbers. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall not be spelled out and each character shall be a minimum of six (6) inches high with a minimum stroke width of 0.5 inch. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

(History: Amnd 01-11-07;-)

506.1 No change.

507.5.1 No change.

509.1 No change.

609.3.3.1 No change.

609.3.3.3 No change.

901.6.2 No change.

903.3.7 – Fire department connection. The location of fire department connections shall be approved by the fire code official as outlined in sections 912.2 through 912.2.2.

(History: Amnd 01-11-07;-)

907.3.1 – Duct smoke detectors. Smoke detectors installed in ducts shall be listed for the air velocity, temperature and humidity present in the duct. Duct smoke detectors shall be connected to the building's fire alarm control unit when a fire alarm system is required by Section 907.2. Activation of a duct smoke detector shall initiate a visible and audible supervisory signal at a constantly attended location and shall perform the intended fire safety function in accordance with this code and the Michigan Mechanical Code. In facilities that are required to be monitored by a supervising station, duct smoke detectors shall report as a fire alarm. They shall not be used as a substitute for required open area detection. *The remainder of this section remains unchanged.*

912.4 – Access. Immediate access to fire department connections shall be maintained at all times and without obstruction by vehicle parking, carports, garages, refuse storage containers, fences, landscaping or other obscuring features for a minimum of three (3) feet. Access to fire department connections shall be approved by the fire chief.

(History: Amnd 01-10-13;-)

5601.1.3 No change.

5601.2.2 No change.

18.06

Additions to Code.

The following provisions are hereby added to the International Fire Code:

104.12 No change.

105.1.7 – Building Permit Requirements. No building permit shall be issued by any City department until all plans required by this section have been submitted and approved in accordance with the provisions of this section.

No change to remaining sections.

A summary will be used for publication purposes.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 18 ADOPTED.

Saginaw St. Bridge – Preventative Maintenance Project.  
Local Share Payment #1.

**245 2016 12-19**

Moved by Marquardt. Seconded by Gates.

Approve Local Share Payment #1 to the State of Michigan for the Saginaw Street Bridge Preventative Maintenance Project in the amount of \$6,870.82.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Contract for Planning Services: Rowe Professional Services Company.

**246 2016 12-19**

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Contract for Planning Services with Rowe Professional Services Company and authorize the Mayor and City Manager to sign said Contract.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

**CITY MANAGER'S REPORT**

Refuge Shower Solution – Update.

City Manager Dale Kerbyson indicated he had met with Kendra Petty, use of The Golden Arrow for shower and laundry, possibility of obtaining grant funding to assist with shower facilities at their current site, concerns have been resolved. Lapeer County Commissioner Lenny Schneider commented that he will provide Dale (Kerbyson) with a contact name for the Lapeer County Community Collaborative, resource for collaboration of agencies, non-profits and business that are working together in Lapeer County to bring services and aid. Commissioner Bostick-Tullius indicated that the information was appreciated, make sure that the City follows up and help them obtain funding, to not lose track of this.

Annexation by Choice Area: Turrill Farms LLC, 1073 Cliff Drive.

**247 2016 12-19**

Moved by Bennett. Seconded by Marquadt.

Approve the Resolution Authorizing Annexation Of Property Into The City Of Lapeer Turrill Farms LLC.

CITY OF LAPEER  
RESOLUTION AUTHORIZING ANNEXATION  
OF PROPERTY TO THE CITY OF LAPEER  
Turrill Farms LLC

WHEREAS, Turrill Farms LLC, located at Sec 8 T7N R10E Churchill Farms Subdivision, Lot 27 (1073 Cliff Drive) has petitioned for Annexation of Property from Lapeer Township into the City of Lapeer; and

WHEREAS, Section 9(8) of the Michigan Home Rule Cities Act authorizes annexation of property from township to cities by resolutions approved by an affirmative majority vote of the City Commission and the Township Board, after a petition signed by property owners has been submitted to the City and the Township; and

WHEREAS, Petitioners holding equitable title as land contract vendees or holding record legal title to more than fifty (50%) percent of the area described in Exhibit A have petitioned to be annexed to the City of Lapeer from the Township of Lapeer; and

WHEREAS, a public hearing was held on July 20, 2006 by the Lapeer City Commission and the Lapeer Township Board as to a proposed Interlocal Agreement for the Sharing of Revenue and Annexation of Property between the City of Lapeer and the Township of Lapeer which would allow for the annexation of property described in Exhibit A; and

WHEREAS, no referendum petitions were filed as to the proposed Interlocal Agreement during the prescribed statutory period; and

WHEREAS, said Interlocal Agreement was executed by both the City of Lapeer and the Township of Lapeer on December 4, 2006, and reaffirmed on March 19, 2007 and was filed with the Office of the Great Seal of the Michigan Secretary of State; and

WHEREAS, the Lapeer Township Board has approved the annexation of the property described in Exhibit A by Resolution of its governing board.

THEREFORE, BE IT RESOLVED, that annexation of the property legally described in Exhibit A attached hereto is approved by the City of Lapeer Commission as authorized by statute and the Interlocal Agreement.

BE IT FURTHER RESOLVED that said annexation shall become immediately effective upon the filing of the Township and City Resolutions with the Office of the Great Seal of the Michigan Secretary of State.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

#### Various Matters.

Mr. Kerbyson asked for a Closed Session at the end of the meeting to discuss attorney-client communication.

#### **CITY ATTORNEY'S REPORT**

City Attorney Michael Nolan commented on the Construction Board of Appeals meeting and hearing; appeal from the Zoning Board of Appeal board regarding signs and that Judge Holowka ruled in favor of the City.

#### **UNFINISHED BUSINESS**

##### **248 2016 12-19**

Mayor Sprague appointed. Moved by Bostick-Tullius. Seconded by Bennett.

Appoint the following:

Daniel Gerlach Downtown Development Authority, term ending 01-01-21.

Anthony Macksoud Downtown Development Authority, term ending 01-01-21.

Tom Benton Downtown Development Authority, term ending 01-01-21.

Dan Osentoski Downtown Development Authority, term ending 01-01-21.

MOTION CARRIED.

##### **249 2016 12-19**

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

Appoint the following:

Cheyenne Brodt to the Lapeer Housing Commission for a term ending 08-01-18, Lapeer Housing Board of Appeals term ending 05-01-17, and Lapeer Neighborhoods, Inc. for a term ending 08-01-17.

MOTION CARRIED.

**250 2016 12-19**

Moved by Gates. Seconded by Atwood.

Appoint the following:

John Michelson Board of Review, term ending 01-01-20.  
Brian Wilson Board of Review Alternate, term ending 01-01-20.

MOTION CARRIED.

**251 2016 12-19**

Moved by Marquardt. Seconded by Gates.

Appoint the following:

Todd Alexander Civil Defense Coordinator, term ending 01-01-18.  
Donna Cronce Election Commission, term ending 01-01-18.  
Mike Nolan Election Commission, term ending 01-01-18.  
Jaime Barra Election Commission, term ending 01-01-18.

MOTION CARRIED.

**DEPARTMENTAL COMMUNICATIONS**

Departmental Monthly Reports, Monthly Financial Report for October 2016 were received into record.

**PUBLIC COMMENTS**

None.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Bennett: Merry Christmas.

Commissioner Gates: Thanked everyone for coming to meeting; Merry Christmas and a safe and happy New Year; thank DPW, Police, Fire for all they do to keep citizens safe.

Commissioner Bostick-Tullius: DDA submission of Main Street application; attended MML Board Meeting and legislation; Happy Holidays.

Commissioner Atwood: Snowman and Penguin naming contest tonight to pick winner; ugly sweater contest; Merry Christmas and happy New Year.

Commissioner Marquardt: Thank you to Commissioner Atwood for putting contests together; interesting to see list of projects Rowe has worked on; thank you to Tracey and Donna for the pretzels; Merry Christmas to all; special thank you to DPW crew on snow removal.

City Manager Dale Kerbyson: Review of natural gas contract, rates are on a variable scale, switch back to Consumers Energy, will continue to review and watch; King Buffet grand opening, DPW comments on facebook were good; thank you to Commissioner Atwood for contests, a lot of work; Director's holiday meeting, employees honored for years of service; Sheriff Kalanquin update.

Mayor Sprague: Ugly sweater contest, by audience participation Commissioner Atwood won the title; Snowman and Penguin naming contest to be held after the Closed Session.

**CLOSED SESSION**

**252 2016 12-19**

Moved by Bennett. Seconded by Gates.

Approve to go into a Closed Session for the purpose of discussing attorney-client privilege communication.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED.

The Commission convened to a Closed Session at 7:16 p.m. and returned to a regular session at 7:37 p.m.

Commissioner Bostick-Tullius left the meeting at 7:40 p.m.

Naming of Snowman and Penguin Contest.

Commissioner Atwood reviewed the names posted from the website contest.

By general consensus with a show of hands, the following winners were chosen:

Penguin Names: Jacqueline Wellington Tux and Bow Tie

Snowman Name: Lisa Huff La Pierre

Commissioner Atwood will contact the winners and invite them to the next City Commission meeting.

**ADJOURNMENT**

**253 2016 12-19**

Moved by Atwood.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

The regular meeting adjourned at 8:01 p.m.

---

William J. Sprague, Mayor

---

Donna L. Cronce, City Clerk

---

Tracey S. Russell, Deputy City Clerk