

**MINUTES OF A REGULAR MEETING
OF THE
LAPEER CITY COMMISSION**

June 7, 2010

A regular meeting of the Lapeer City Commission was held June 7, 2010 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

Present: Mayor Sprague.
Commissioners Bennett, Robinet, Farrington, and Bostick-Tullius.
City Manager Dale Kerbyson.
City Attorney Representative Bill Ogden.

Absent: Commissioner Marquardt (excused).

Others Present: City Clerk Donna Cronce; Deputy City Clerk Tracey Russell; Police Chief Police Todd Alexander, Director of Finance Paul Boucher, City Assessor Tom Hubbell; Director of Public Works John Lyons; Parks, Recreation & Cemetery Director Ray Turczyn; Planning Director Linda Jackman; Rowe Professional Services Company representative Doug Skylis; Lapeer County Press Editor Jeff Hogan; County Commissioner Lenny Schneider; Genesee County Commissioner Ted Henry; Genesee County Drain Commissioner Jeff Wright; Genesee County Drain Commission Water and Waste Services John O'Brien; Stevenson Company representative Bob Butko; 4-H Youth Group Educator Patricia Waugh and members Mike Hintz, Shauna Murphy, Lauren Nebel, Autum Berry, Darya Markgraff, Linda Nebel, Theresa Murphy; Georgeann Courser; Michelle Hart; and Candice Kedzierski.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

118 2010 06-07

Moved by Robinet. Seconded by Bennett.

To approve the Agenda for June 7, 2010 with the addition of Item C.14. Downtown Outdoor Dining Area Right-of-Way License for Pueblo Viejo – 393 W. Nepessing Street and the removal of Item G.1. Amtrak Lift Shelter Access Agreement.

Ayes: Bennett, Robinet, Farrington, Bostick-Tullius.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

MINUTES

119 2010 06-07

Moved by Bennett. Seconded by Farrington.

To approve the minutes from the Regular Meeting held on May 17, 2010.

Ayes: Bennett, Robinet, Farrington, Bostick-Tullius.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

Minutes from the various Boards and Commissions were received into record.

PUBLIC COMMENTS

Patricia Waugh – Lapeer County 4-H Youth Conservation Council

Patricia Waugh, 4-H Youth Group Educator, commented that 4-H members selected and researched an environmental issue of local concern and would present their findings to the Commission. 4-H members Mike Hintz, Shauna Murphy, Lauren Nebel, Autum Berry, and Darya Markgraff presented their research on Water Quality.

Karegnondi Water Authority

Jeff Wright, Genesee County Drain Commissioner, introduced Genesee County Commissioner Ted Henry and Director of Genesee County Water and Waste Services John O'Brien. Mr. Wright advised that board members would consist of County of Genesee, County of Lapeer, County of Sanilac, City of Flint, and City of Lapeer; members required to pass an enabling resolution regarding the proposed Articles of Incorporation; next step is to review proposed Bylaws; and would be glad to answer any questions the Commission may have.

Michelle Hart, Dryden Road in Metamora Township, commented she would like to lift up council members in prayer and offered invocation.

Bob Butko, Stevenson Company, reviewed bid proposal for City liability insurance, working on bid with City Manager since last April, decrease in renewal, reviewed policy and claim coverage, and that other insurance City was looking at does not pay medical coverage. Mayor Sprague commented that this type of presentation should have been requested as an agenda item and issues regarding bid procedure should be discussed with City Manager Dale Kerbyson for review and report to the Commission.

Lenny Schneider, Lapeer County Commissioner, provided a handout of the summary overview of the 2010 amended budget for Lapeer County and if there were any questions to let him know.

CONSENT AGENDA

120 2010 06-07

Moved by Bostick-Tullius. Seconded by Farrington.

To remove Consent Agenda Items C.9., C.12., and C.13. for further discussion and approve Consent Agenda Items C.1. through C.8., C.10., C.11., and C.14. resulting in the following:

1. 2010-2011 Solid Waste Licenses for: Republic Services of Flint, Rick Rhein Disposal, Waste Management, Smith's Disposal, Inc., and Deerfield Disposal
2. M&M Pavement Marking in the amount of \$8,784 for the 2010 Street Marking Project and authorize the Director of Public Works to sign required documents.
3. Change Order #1 from Glaeser Dawes Corporation for a decrease to the project contract of \$2,779.64 for the Greens Way Boulevard Water Main Project.
4. Pay Request #3 – Final Payment to Glaeser Dawes Corporation in the amount of \$3,314.91 for the Greens Way Boulevard Water Main Project.
5. Local Share Payment #1 to the State of Michigan in the amount of \$25,077.50 for the Saginaw Street Reconstruction Project.
6. Approval of the Permit and Application for Lapeer Chamber of Commerce for the July 4th fireworks provided by Wolverine Fireworks Display Company and authorize the Mayor to sign required documents.
7. Special Event Request from Lapeer County Emergency Management for Family Preparedness Day to be held September 11, 2010.
8. Special Event Request from Lapeer Downtown Business Association for Downtown Lapeer Sidewalk Sale and Neighborhood Garage Sale to be held July 29, 30, and 31, 2010.
10. Traffic Control Order 140 Amended.

**CITY OF LAPEER
PERMANENT TRAFFIC CONTROL
ORDER NO. 140 AMENDED**

Location: Huron Street: North Main Street to Adams Street.

Order: Restrict on-street parking (install "No Parking" sign) on the north side of Huron Street from North Main Street to Adams Street.

Reason: With the reconfiguration of Main Street to allow for westbound turns onto Oregon Street, the traffic volume has been greatly reduced

and on street parking can be allowed on the south side of the street.

11. Inter-fund Loan for Chiller/Pump Replacement as presented.
14. Downtown Outdoor Dining Area Right-of-Way License for Pueblo Viejo located at 393 W. Nepeensing Street.

Ayes: Bennett, Robinet, Farrington, Bostick-Tullius.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

C.9. 2010-2011 Downtown Development Authority and Lapeer Center for the Arts Budgets

Commissioner Robinet commented on voting of City Budget and if these budgets were included within. Director of Finance Paul Boucher responding that City budget allows for transfers to different agencies and those agencies develop budget for transfer amount and believes legislation requires to bring to board for approval. Commissioner Robinet commented on line item expense to Chamber for electrical system for events downtown and sponsoring of events that used to be downtown and have now moved are reasons why he will vote no. Discussion was held regarding the need for events downtown, getting business owners on board with events downtown, to not protest entire budget based on concerns regarding individual items, empty stores, DDA meetings have been cut in half, the need for a vibrant downtown, Commission ability to approve special event requests, Downtown Business Association is financially supported by DDA, and to have DDA representative come and explain budget as well as Lapeer Center for the Arts Budget.

121 2010 06-07

Moved by Bennett. Seconded by Bostick-Tullius.

To move consideration of the 2010-2011 Downtown Development Authority and Lapeer Center for the Arts Budget to the next Commission meeting and request DDA representative to come and review and explain budget.

Ayes: Bennett, Robinet, Bostick-Tullius.

Nays: Farrington.

Absent: Marquardt.

MOTION CARRIED.

C.12. Community Center – Chiller Replacement and Chilled Water Pumping System Replacement

C.13. Community Center – Chiller Controls Replacement and Chilled Water Pumping System Controls Replacement

Commissioner Bennett questioned the replacement costs and if the ones currently in use are not working. Parks, Recreation and Cemetery Director Ray Turczyn commented that continuous repairs have been costly and parts are becoming unavailable, Energy Systems Group who provided energy updates to the building assisted in the bid process, that one system has failed completely with the other barely getting by, and that this is an unbudgeted amount. City Manager Dale Kerbyson responded that funding was discussed with TIFA Board and voting has not yet occurred, TIFA to wait on voting until bid packet came in, suggestion of Inter-fund Loan, TIFA to meet next week, and ordering availability of items. Mr. Bennett commented that questions were answered regarding both items.

122 2010 06-07

Moved by Robinet. Seconded by Bennett.

To approve the Agreement with Danboise Mechanical, Inc. for Chiller Replacement \$92,985.00 and Chilled Water Pumping System Replacement \$13,946.00 at a total cost of \$106,931.00 and the Agreement with Midwest Illumination, Inc. for Chiller Controls \$7,337.00 and Chilled Water Pumping System Controls \$3,021.00 at a total cost of \$10,358.00 and authorize the City Manager to sign required documents.

Ayes: Bennett, Robinet, Farrington, Bostick-Tullius.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

BILL LISTING FOR JUNE 7, 2010

123 2010 06-07

Moved by Robinet. Seconded by Bennett.

To approve the Bill Listing for June 7, 2010 in the amount of \$875,760.32.

Ayes: Bennett, Robinet, Farrington, Bostick-Tullius.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Proclamation – Lapeer Elks Lodge #2567 Flag Day

124 2010 06-07

Moved by Robinet. Seconded by Bennett.

To approve the Proclamation Lapeer Elks Lodge #2567 in Recognition of Flag Day.

Ayes: Bennett, Robinet, Farrington, Bostick-Tullius.

Nays: None.

Absent: Marquardt.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Street Name Change Request from PNC Bank – National City Way to Powers Street

125 2010 06-07

Moved by Bostick-Tullius. Seconded by Robinet.

To approve a public hearing for June 21, 2010 at 6:30 p.m. or as soon thereafter as may be heard to hear the petition by PNC Bank (formerly known as National City Bank) for a street name change of National City Way to Powers Street.

Ayes: Bennett, Robinet, Farrington, Bostick-Tullius.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

Brief discussion was held regarding City policy regarding street name changes.

Notice of Intent Resolution – Sewer Revenue Bonds.

Sewer Rates.

Commissioner Robinet commented on the need to review these items more closely and requested a workshop.

126 2010 06-07

Moved by Bennett. Seconded by Robinet.

To schedule a workshop regarding the Notice of Intent Resolution – Sewer Revenue Bonds and Sewer Rates.

Ayes: Bennett, Robinet, Farrington, Bostick-Tullius.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

Pawnbrokers License: Use It Again Tools

127 2010 06-07

Mayor Sprague Approved. Moved by Robinet. Seconded by Bennett.

To approve a Pawnbrokers License for Use It Again Tools located at 606 N. Saginaw Street.

Ayes: Bennett, Robinet, Farrington, Bostick-Tullius.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

2010 Chip Seal and Crack Seal Project

128 2010 06-07

Moved by Bostick-Tullius. Seconded by Farrington.

To approve the bid of C & C Contractors, LLC in the amount of \$29,478.00 for the 2010 Chip Seal Project and the bid of T.G. Priehs Paving Company in the amount of \$20,160.00 for the 2010 Crack Seal Project and authorize the Director of Public Works to sign required documents.

Ayes: Bennett, Robinet, Farrington, Bostick-Tullius.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

Delinquent Hydrant and Sprinkler Fees to be Added to Tax Roll.

129 2010 06-07

Moved by Bostick-Tullius. Seconded by Bennett.

To approve the Delinquent Hydrant and Sprinkler Fees to the 2010 Summer Tax Roll as authorized by Chapter 22 (Water regulations Ordinance) of the General Ordinances of the City of Lapeer.

Ayes: Bennett, Robinet, Farrington, Bostick-Tullius.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

Master Plan Amendment: Future Land Use Designation for 235 and 993 Millville Road.

130 2010 06-07

Moved by Bostick-Tullius. Seconded by Farrington.

To authorize to distribute notice of the proposed Master Plan Amendment for 235 and 993 Millville Road to adjacent municipalities, the County, and utility companies. Brief discussion was held regarding clearing of site and building structures and possible variance and not Master Plan Amendment. The question was called to a vote.

Ayes: Bennett, Robinet, Farrington, Bostick-Tullius.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

CITY MANAGER'S REPORT

Karegnondi Water Authority – Articles of Incorporation

Commissioner Robinet inquired into the name of the authority. Genesee County Drain Commissioner Jeff Wright responded from Powhatan Indian name meaning big water.

131 2010 06-07

Moved by Robinet. Seconded by Bennett.

To approve the Resolution Approving Articles Of Incorporation For Karegnondi Water Authority.

Ayes: Bennett, Robinet, Farrington, Bostick-Tullius.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

CITY ATTORNEY'S REPORT

Medical Marihuana

City Attorney Representative Bill Ogden reviewed the ordinance for a moratorium regarding medical marihuana. Discussion was held regarding individuals ability to grow in own home, dispensaries licensed by the State, caregivers, and the ability to allow the City time to review direction in addressing the issue.

Commissioner Robinet introduced a proposed amendment to Chapter 60 (An Ordinance To Impose A Moratorium On The Issuance Of Permits For The Sale Or Dispensation Of

Medical Marihuana Within The City Of Lapeer) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

“CHAPTER 60

AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS FOR THE SALE OR DISPENSATION OF MEDICAL MARIHUANA WITHIN THE CITY OF LAPEER

60.01 FINDINGS. The City of Lapeer has determined that:

- A. The provisions within Chapter 7 (City of Lapeer Zoning Ordinance) of the General Ordinances of the City of Lapeer were adopted on various dates prior to the passage by Michigan voters of a Constitutional Amendment providing for the use of medical marijuana in November of 2008. As a result, the "Medical Marihuana Act" went into effect on December 4, 2008, with a key element missing, however--how medical marijuana will be dispensed. The City of Lapeer's zoning regulations, like most municipalities within the State, have not kept pace with this recent change in statewide legislation with respect to medical marihuana.
- B. It is within the rights of the City to establish reasonable regulations to control the sale and dispensation of medical marihuana in order to protect the public health, safety, and welfare.
- C. A moratorium should be imposed upon the issuance of any and all permits or licenses for the sale or dispensation of medical marihuana for six (6) months or until an amendment of the Zoning Ordinance, whichever occurs first.

60.02 IMPOSITION

That there be and hereby is imposed for a period of six (6) months from the effective date of this ordinance a moratorium upon the issuance of any and all permits or licenses for the sale or dispensation of medical marihuana within the City of Lapeer.

60.03 EXPIRATION

The moratorium imposed by this ordinance shall expire the earlier of six (6) months from its effective date or the effective date of an amendment to the Zoning Ordinance.”

UNFINISHED BUSINESS

132 2010 06-07

Mayor Sprague appointed. Moved by Robinet. Seconded by Farrington.

To appoint the following:

Dana Jansen Cemetery Board for a term ending 04-01-11.

Dan Gerlach EDC/TIFA/Brownfield Board for a term ending 06-01-15.

Ayes: Bennett, Robinet, Farrington, Bostick-Tullius.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

Discussion was held regarding appointing Commissioner Robinet to the Downtown Development Authority. Mayor Sprague requested that the City Clerk review the DDA By-Laws for a Commissioner appointment.

DEPARTMENTAL COMMUNICATIONS

Precious Metal and Gem Dealer Licenses memorandum, 2009 Consumers Confidence Report, and Monthly Financial Report for April 2010 were received into the record.

PUBLIC COMMENTS

Planning Director Linda Jackman clarified that the Celebrates the Arts event was not a DDA choice but was done by Sunrise Kiwanis who selected the site and Gallery 194 and LCA wanted to stay involved as being a part of the event and did so as a co-sponsor.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett commented on the appointment to Greater Lapeer Transportation Authority, attending first meeting, to ride a few of the bus routes; and attendance at Memorial parade.

Commissioner Farrington commented on understanding the frustration with DDA, issues with not turning down the budget, and if not satisfied then stop funding altogether.

Commissioner Bostick-Tullius commented on sewer rate workshop, information presented, rate increase was reasonable, and changes and expenses with sewer system; and that she would be unavailable for the next Commission meeting.

Commissioner Robinet commented that he does feel the DDA has done a good job over the years, dedicated people on the board, the loss of money over the years, feels our downtown is amazing, need vibrant downtown to keep City alive, the need for more activities downtown, and to get business people to embrace events held downtown.

Commissioner Bennett commented on better signage to get people to notice our historical downtown.

City Manager Dale Kerbyson commented on submission of an air quality grant for additional trail ways at Mott and Chatfield; additional grant for traffic signal upgrades; and Commission consensus for consideration to the Public Risk Institute Board. Mayor Sprague requested a listing of current obligations to other boards and committees to determine available time.

Mayor Sprague commented on the attendance of the Memorial Day Parade; speaker for National Guard Armory welcome home picnic on Sunday, inquired into the possibility of reviewing a package for Active military members for the Community Center; DDA and LCA efforts in preparing and presenting a budget to the Commission and should not withhold approval of the budgets.

ADJOURNMENT

133 2010 06-07

Moved by Bennett.

To adjourn the meeting.

Ayes: Bennett, Robinet, Farrington, Bostick-Tullius.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

The regular meeting adjourned at 7:45 p.m.

William J. Sprague, Mayor

Donna L. Cronce, MMC, City Clerk