

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
MARCH 4, 2019**

A regular meeting of the Lapeer City Commission was held March 4, 2019 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, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**44 2019 03-04**

Moved by Bennett. Seconded by Osentoski.

Approve the Agenda for March 4, 2019 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**45 2019 03-04**

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the minutes of the Regular meeting held February 18, 2019 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Jacque Wilson, Carriage Hill Circle, representing the Lapeer District Library Board updated the Commission on services available at the library. Notary services are available for free, by appointment, at every branch. She provided literature regarding library events, classes and services.

Janet Adams, Baldwin Road, gave invocation.

**CONSENT AGENDA**

Commissioner Marquardt asked that Item 'Special Event Request – Stone Soup Pantry' be removed from the Consent Agenda and voted on separately. She also commented a spelling correction is needed for the Fantasy Forest Special Request; the request is from Voiture 1536 40<sup>th</sup> & 8, not Voiture 1536 40o8.

**46 2019 03-04**

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Consent Agenda for March 4, 2019 resulting in the following:

1. Special Event Request Special Event Request from Historic Farmers Market of Lapeer LLC, Farmers Market, Wednesdays and Saturdays, May 4, 2019 - October 26, 2019, 9:00 am – 3:00 pm; Farmers Market pavilion; west side of North Court Street, south to Clay Street; North Court Street, west to Cedar Street on the south side of Nepessing Street, subject to relocation during the Lapeer Days and Nightmare on Nepessing Street events, contingent upon receipt of current insurance.
2. Special Event Request from Bishop Kelley Catholic School, Annual Walk-A-Thon, May 17, 2019, 9:00 am – 3:30 pm, rain date of May 20, 2019, begins at Bishop Kelley School throughout sidewalks in the City ending at Annrook Park.
3. Special Event Request, Voiture 1536 40<sup>th</sup> & 8, Fantasy Forest, October 12, 2019,

Rowden Park, contingent upon receipt of current insurance.

4. Special Event Request, Woodside Bible Church, Easter Festival, April 13, 2019, 10:00 am – 12:00 pm, contingent upon approval from Lapeer County for use of the Old Courthouse lawn and receipt of current insurance.
5. Traffic Control Order #299.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### Special Event Request – Stone Soup Pantry

#### **47 2019 03-04**

Moved by Bennett. Seconded by Atwood.

Approve the Special Event Request from Stone Soup Pantry, Hunger Awareness Week, May 10-11, 2019 throughout various City intersections on file.

Commissioner Marquardt commented the last few years, this event occurs the same weekend as the postal carrier food drive; food from the postal drive comes back to local churches to provide to people in need; suggested Stone Soup Pantry move their event to the weekend before or after so residents are not asked to give twice on one weekend.

Discussion ensued regarding whether Stone Soup Pantry is aware there is a conflict; possibly ask them to move the date in future years; pantry collects money, not canned goods; can approve the event and allow them to change date if they think there will be competition.

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

Nays: Marquardt.

Absent: None.

MOTION CARRIED.

### **BILL LISTING FOR MARCH 4, 2019**

#### **48 2019 03-04**

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Bill Listing for March 4, 2019 in the amount of \$2,280,538.12.

Commissioner Bennett commented bills seem higher this year than in years past, is City spending more money than it's taking in. City Manager Kerbyson commented the bill run contains reimbursements to the schools and county for tax collection.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

#### Proclamation – in Recognition of Robert Govitz

#### **49 2019 03-04**

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Proclamation in Recognition of Robert Govitz.

#### Proclamation In Recognition of Robert Govitz

WHEREAS, Robert (Rob) Govitz began employment with the City of Lapeer on February 20, 1989 with the City of Lapeer Police Department as a Patrolman and rose through the ranks to be promoted Sergeant III on February 20, 2009.

WHEREAS, Rob Govitz, has given conscientious, responsible, and professional service who has taken the Oath to serve the citizens of the City of Lapeer in the law enforcement profession; and

WHEREAS, Rob Govitz has received multiple commendations, including three Life Saving Citation Awards for going over and above his normal duties; and

WHEREAS, Rob Govitz retired on February 28, 2019 after 30 years of service to the City of Lapeer and leaves those in the City of Lapeer proud to have known him and to have served with him.

THEREFORE, LET IT BE KNOWN, that I, Mayor William J. Sprague and the Lapeer City Commission wish to honor and express deep appreciation to Robert (Rob) Govitz for his efforts and devotion to public service and wish him continued success in his retirement.

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

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Mayor Sprague presented Rob Govitz with the proclamation. Mr. Govitz thanked the Commission and everyone he worked with at the City, it's been an honor to work for the City and give back to the community.

### Annual Fair Housing Resolution

#### **50 2019 03-04**

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Resolution to Approve City of Lapeer 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 4<sup>th</sup>, 2019.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

**PUBLIC HEARINGS**

None.

**ADMINISTRATIVE REPORTS**

Baldwin Road Reconstruction Project  
State of Michigan – Local Share Payment #5

**51 2019 03-04**

Moved by Atwood. Seconded by Osentoski.

Approve Local Share Payment Request #5 to the State of Michigan in the amount of \$12,335.22 for construction services on the Baldwin Road Reconstruction Project.

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

Nays: None.

Absent: None.

**MOTION CARRIED**

Secondhand Dealer License: ecoATM, LLC.

**52 2019 03-04**

Moved by Bostick-Tullius. Seconded by Bennett.

Mayor approve a Secondhand Dealer License for ecoATM, LLC located at 555 E. Genesee Street.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

Ordinance: Chapter 69 (An Ordinance to Prohibit the Establishment or Operation of Recreational Marihuana Facilities Pursuant to the Michigan Regulation and Taxation of Marihuana Act).

Commissioner Osentoski introduced Chapter 69 (An Ordinance to Prohibit the Establishment or Operation of Recreational Marihuana Facilities Pursuant to the Michigan Regulation and Taxation of Marihuana Act) of the General Ordinances of the City of Lapeer.

**CHAPTER 69**

**AN ORDINANCE TO PROHIBIT THE ESTABLISHMENT OR OPERATION OF RECREATIONAL MARIHUANA FACILITIES PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT.**

THE CITY OF LAPEER ORDAINS:

**§ 69-01 Purpose**

It is the intent of this Ordinance to exercise the City of Lapeer’s authority to prohibit the establishment or operation of marihuana establishments within the City as such facilities are defined in the Michigan Regulation and Taxation of Marihuana Act.

**§ 69-02 Prohibition of Recreational Marihuana Establishments**

Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Section 6.1, the City of Lapeer elects to prohibit recreational marihuana establishments within its boundaries, including, but not limited to, any marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the State of Michigan under the Michigan Regulation and Taxation of Marihuana Act.

**§ 69-03 Severability**

In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding

shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

#### § 69-04 Effective Date

This Ordinance shall be effective upon publication.

#### **CITY MANAGER'S REPORT**

None.

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

None.

#### **UNFINISHED BUSINESS**

None.

#### **DEPARTMENTAL COMMUNICATIONS**

The DDA Status Report dated February 22, 2019 was received into the record.

#### **PUBLIC COMMENTS**

None.

#### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Atwood: congratulations to Rob Govitz on retirement, he will be missed.

Commissioner Bennett: thanked Rob Govitz for his service.

Commissioner Osentoski: thanked Rob Govitz for his service to the city, greatly appreciated; glad to see the DDA pledge \$10,000 towards the dog park project.

Commissioner Bostick-Tullius: thanked Rob Govitz for his service, an asset to the community, great retirement party; grant request for dog park was submitted on Friday, thanked Rodney Church for his work on the grant.

Commissioner Marquardt: thanked Rob Govitz for his service, a pleasure to know him; dog park fundraiser went well; thanked the Fire Department for providing the Commission a copy of their annual report.

Mayor Sprague: thanked Rob Govitz for his service to the City, a great asset, encouraged him to stay involved with the City; Paczki Fest fundraiser downtown tomorrow, proceeds benefit The Refuge.

#### **ADJOURNMENT**

#### **53 2019 03-04**

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

The regular meeting adjourned at 6:50 p.m.

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Mayor William J. Sprague

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Renee L. Bullen, City Clerk, CMC

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Tracey S. Russell, Deputy City Clerk