

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
AUGUST 5, 2019**

A regular meeting of the Lapeer City Commission was held August 5, 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 Alverson  
Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney Representative: Denis McCarthy, present.

Mayor Alverson led the Pledge of Allegiance.

**AGENDA APPROVAL**

**169 2019 08-05**

Moved by Marquardt. Seconded by Bennett.

Approve the Agenda for August 5, 2019 with the addition of Item E-1 Proclamation In Recognition of Kerry Helmick.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**170 2019 08-05**

Moved by Bennett. Seconded by Bostick-Tullius.

Approve the minutes of the Regular and Closed Session meeting held July 15, 2019 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**171 2019 08-05**

Moved by Bennett. Seconded by Osentoski.

Approve the minutes of the Special meeting held July 16, 2019 a 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**

Christopher Aiello & Justin Dunaskiss: Recreational Marihuana.

Mr. Aiello and Mr. Dunaskiss thanked the Board for the opportunity to speak about recreational marihuana, State Rules in place, willing to assist City with formation of committee to review rules and licenses for recreational use, current licensees could be on committee as part of educational outreach, licensing tracking system, medical vs recreational licenses, City need to review and look at differences, look at policies and ordinances, open channels and have discussion.

Mr. Aiello indicated that his client has provisioning license and is moving forward, dumpsters in place at location for cleanup, slow market in obtaining product, is a huge demand for product.

Mr. Dunaskiss commented on product sold in stores verses those licensed, testing involved and tracking system in place, appreciate time and if there were any questions, willing to work with the City.

Mayor Alverson noted that the information would be taken into consideration. Mr. Aiello asked who to send any information for review with response to City Clerk. Mr. Aiello stated that the current Clerk has been wonderful to deal with, very fortunate to have her back at this time. Their business is getting ready to open, take a look at recreational use in business perspective, thank you for your time.

Janet Adams, gave invocation.

Marlana Swindell, Pleasant Street, to look at recreational rules, State to begin taking applications in November, take the time to learn about it, thank you.

## **CONSENT AGENDA**

### **172 2019 08-05**

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Consent Agenda for August 5, 2019 resulting in the following:

1. Special Event Request from Families Against Narcotics, Run Drugs Out of Town, Rowden Park, August 18, 2019.
2. Special Event Request from Center for the Arts of Greater Lapeer, Inc., Oktoberfest, September 21, 2019, Court Street between Nepeessing and Alley, contingent upon receipt of current insurance.
3. Approve the Amended Building, Mechanical and Plumbing Contract with Timothy P. Israel and authorize the Mayor and City Manager to sign required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **BILL LISTING FOR AUGUST 5, 2019**

### **173 2019 08-05**

Moved by Marquardt. Seconded by Atwood.

Approve the Bill Listing for August 5, 2019 in the amount of \$1,355,711.37.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

Proclamation In Recognition of Kerry Helmick.

### **174 2019 08-05**

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Proclamation In Recognition of Kerry Helmick.

CITY OF LAPEER  
Proclamation  
In Recognition of Kerry Helmick

WHEREAS, Kerry Helmick began employment with the City of Lapeer on April 29, 2013 as the Director of Finance, Department of Financial Services.

WHEREAS, Kerry Helmick, has given conscientious, responsible, and professional service to the City of Lapeer and to the residents of the City; and

WHEREAS, Kerry Helmick will retire on August 16, 2019 after 6+ years of service to the City of Lapeer and leaves those in the City of Lapeer proud to have known her and to have served with her.

THEREFORE, LET IT BE KNOWN, that I, Mayor Glenn Alverson and the Lapeer City Commission wish to honor and express deep appreciation to Kerry Helmick for her efforts and devotion to public service and wish her continued success in retirement.

Dated this 5<sup>th</sup> day of August 2019.

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

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

## **PUBLIC HEARINGS**

None.

## **ADMINISTRATIVE REPORTS**

Matt Wandrie, Superintendent of Lapeer Schools: School Millage and Various Matters.  
Mr. Wandrie updated the Commission on the millage request, long term plans, statistics of area, consolidation of programs, millage information on school website and he is willing to answer any questions and speak with anyone via telephone, email, etc. Discussion followed.

## **CITY MANAGER'S REPORT**

Closed Session Request: Attorney-Client Privilege Communication.

### **175 2019 08-05**

Moved by Atwood. Seconded by Bennett.

To convene to a Closed Session at the end of the regular meeting to discuss Attorney-Client Privilege Communication.

ROLL CALL VOTE:

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

City Manager Dale Kerbyson commented on Workshop tomorrow to discuss Building Department options. Meeting request for Goals and Objectives, discussion with general consensus to have meeting September 9, 2019 at 5:30 p.m. with invitation to Commission candidates to attend; received FOIA request for his contracts, all addendums and credit card receipts for several years, Commissioner Bennett asked who requested with a response of Mr. Jocuns.

## **CITY ATTORNEY'S REPORT**

None.

## **UNFINISHED BUSINESS**

### **176 2019 08-05**

Appointed by Mayor Alverson. Moved by Osentoski. Seconded by Bennett.

Jim Mikus Lapeer Housing Commission, term ending 08-01-24.

Kerri Roberts Lapeer Neighborhoods Inc., term ending 08-01-21.

Chuck Dixon Lapeer Neighborhoods Inc., term ending 08-01-21.

Robin Chesnutt Lapeer Neighborhoods Inc., term ending 08-01-21.

Don Dube Local Development Finance Authority, term ending 08-01-23.

Art Sieting Local Development Finance Authority, term ending 08-01-23.

Denis McCarthy Local Development Finance Authority, term ending 08-01-23.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **177 2019 08-05**

Moved by Marquardt. Seconded by Atwood.

Appoint the following:

Bonnie Pattison Board of Review – Alternate, term ending 01-01-23.

Mike Robinet Lapeer Building Authority, term ending 06-01-22.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **DEPARTMENTAL COMMUNICATIONS**

Downtown Development Authority Status Report, July 19, 2019 received into record.

## **PUBLIC COMMENTS**

Eric Cattane, Peppermill Circle, commented on community needs and to come together.

Bryan Cloutier, resident of City, asked to read his letter into the record.

Mayor and City Commissioners:

Thank you for having your City Administrator review procedure and legal compliance regarding actions taken at the Zoning Board of Appeals level. Mr. Kerbyson has subsequently shared his findings of fact with me after reviewing the Open Meetings Act and consulting a Parliamentarian. His response, for the sake of legal compliance, is not entirely inaccurate, but this is not a black and white issue. If a governmental body posts an agenda, under the spirit of the Open Meetings Act they have an obligation to stick to that agenda. I would concur that parliamentary procedure does provide a provisional measure allowing for the ability to amend an agenda; this is actually a fairly common practice. However, it is best practice to do so at the beginning of the meeting supported with a motion to that affect. Likewise, it is generally not acceptable practice to arbitrarily do so 'on the fly' within the context of the meeting itself unless it is truly an emergency situation and unavoidable. Even then, in context of municipal operations any reputable legal counsel would advise to follow a set procedure.

I would content that all governmental boards have both a moral and ethical obligation to extend levels of transparency beyond that of which is considered minimally obligatory under the law. This is not about who is right, or who is wrong-but how well our government works for its constituency, and how clear and concise and transparent its decision making process is. Any governmental board, especially one with judicial authority like the Zoning Board of Appeals or City Commission for that matter, should adopt best practices that not only comply with the law, but takes into consideration the *intent* as well.

My tenure on the City of Lapeer's Zoning Board of Appeals was the shortest of any board or commission that I have had the honor and privilege of serving on. In every other appointment the difference was that we adopted strong and concise processes and procedures that not only met the legal obligatory transparency under the law, but concurrently took nto consideration the true intent of the law outside of its textual constraints. I cannot understand why the bare minimum appears to be the benchmark considered to be acceptable for the City of Lapeer. Its taxpayers deserve better.

Regards,

Bryan J. Cloutier, BA, MLIS

City Clerk Donna Cronce indicated it is the Commission's meeting and the need for the Commission to accept Mr. Cloutier's letter into the record. By general consensus, Mr. Cloutier's letter was accepted into the record.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Bennet: Thanked lady for prayer; if Commission looks at recreational marihuana would like to hear opposing views as well.

Commissioner Atwood: Opportunity to do a ride-along with Sgt. Jeff Jones, great experience, handling of situations, do great job, main goal is to have officers make it home safely and safety of citizens, proud of City police and all department heads.

Commissioner Osentoski: Thanked Matt Wandrie for the update and explanation; thanked City Manager Dale Kerbyson and Chief of Police Dave Frisch for action on the Walmart road.

Commissioner Bostick-Tullus: Ceremony for Pocket Park was well attended; thanked Matt Wandrie for information and explaining background.

Commissioner Marquardt: Thanked two young ladies on the 4<sup>th</sup> of July that were selling lemonade on a hot day as well as necklaces and bracelets; is on Lapeer Days Committee and all should attend Soapbox Derby Sunday at 1 pm which will also have a derby between the Fire and Police Departments; mentioned Park Board meeting and playground equipment for Cramton designed for children 13 years and up, improvements to park.

City Manager Dale Kerbyson: Asked if the Gorsline's were at the Pocket Park event, they were the people whose building burned down and donated funds to demo and cleanup; Tracey's birthday.

Mayor Alverson: Upcoming events, Pocket Park dedication and donations to make this happen; MSHDA presentation of \$50,000 check through Housing Department to be used for roofs on five homes and pavilion roof in Cramton Park.

The Commission convened to a Closed Session at 7:44 p.m. and returned to its regular session at 7:53 p.m.

**ADJOURNMENT**

**178 2019 08-05**

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 7:53 p.m.

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Mayor Glenn Alverson

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Donna L. Cronce, City Clerk

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Tracey S. Russell, Deputy City Clerk