

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
MARCH 18, 2019**

A regular meeting of the Lapeer City Commission was held March 18, 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

54 2019 03-18

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Agenda for March 18, 2019 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

55 2019 03-18

Moved by Osentoski. Seconded by Atwood.

Approve the minutes of the Regular meeting held March 4, 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

Devin Falkenhagen, Youth Council Chair, introduced himself and Mr. Thibeault as members of the Youth Council; gave an update on the Youth Council's activities, projects and plans; thanked the City Commission for their support.

Jeremy Thibeault, Youth Council member, said the Youth Council will be getting more involved in the community and thanked the Commission for their support.

Jenny Burkhardt, Wilder Road, gave invocation.

CONSENT AGENDA

56 2019 03-18

Moved by Marquardt. Seconded by Atwood.

Approve the Consent Agenda for March 18, 2019 resulting in the following:

1. Special Event Request Special Event Request from Lapeer Area Chamber of Commerce, Lapeer Food Truck Festival, City Lot #5, 4:00 – 8:00 pm on May 13th, June 10th, July 8th and September 9th, 2019.

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

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR MARCH 18, 2019

57 2019 03-18

Moved by Marquardt. Seconded by Bennett.

Approve the Bill Listing for March 18, 2019 in the amount of \$588,779.55.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Resolution – Grant Request for Second Street Reconstruction Project.

58 2019 03-18

Moved by Bostick-Tullius. Seconded by Osentoski.

To accept the project and approve a Resolution regarding the Second Street Reconstruction Project which establishes a request for funding, designates the City Manager to act as the City’s agent, attests to the existence of funds and commits to implementing a maintenance program funded by the Transportation Economic Development Fund Category B Program.

CITY OF LAPEER
MUNICIPAL RESOLUTION

TO ESTABLISH A REQUEST FOR FUNDING, DESIGNATE AN AGENT, ATTEST TO THE EXISTENCE OF FUNDS AND COMMIT TO IMPLEMENTING A MAINTENANCE PROGRAM FUNDED BY THE TRANSPORTATION ECONOMIC DEVELOPMENT FUND CATEGORY B PROGRAM FOR THE FOLLOWING IMPROVEMENTS:

*Reconstruct Second Street from Lincoln Street east to Jackson Street, including new curb and gutter, driveway approaches, aggregate base, hot mixed asphalt and replace the existing water main.
(see attached map)*

WHEREAS, the City of Lapeer is applying for \$243,000 in funding through MDOT from the Transportation Economic Development Category B Program to reconstruct Second Street from Lincoln Street east to Jackson Street.

WHEREAS, MDOT requires a formal commitment form the public agency that will be receiving these funds and will be implementing and maintaining these infrastructure projects.

NOW, THEREFORE, BE IT RESOLVED THAT, the City has authorized City Manager, to act as agent on behalf of the City to request Transportation Economic Development Fund Category B Program funding, to act as the applicant’s agent during the project development, and to sign a project agreement upon receipt of a funding award.

BE IT FURTHER RESOLVED THAT, the City attests to the existence of, and commits to, providing at least \$243,000 toward the construction costs of the project(s), and all costs for design, permit fees, administration costs, and cost overruns.

BE IT FUTHER RESOLVED THAT, the City commits to owning, operating, funding and implementing a maintenance program over the design life of the facilities constructed with Transportation Economic Development Fund Category B Program funding.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

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).

59 2019 03-18

Moved by Bennett. Seconded by Osentoski.

Approve 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) 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.

ON ROLL CALL VOTE:

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

Nays: Marquardt.

Absent: None.

MOTION CARRIED.

Medical Marihuana Provisioning Centers – Merit System Procedure Policy Amendments.

Commissioner Bostick-Tullius questioned why the new amendment is for five years instead of three years. City Attorney Michael Nolan responded no one anticipated how long the process would take; he suggested five years so the whole application process would not have to start over if all the applicants did not get through the final stages of the process within a three year timeframe. Commissioner Bostick-Tullius indicated five years was too long.

60 2019 03-18

Moved by Bostick-Tullius. Seconded by Bennett.

Approve amendments to City of Lapeer Policy, Medical Marihuana Provisioning Center Application Process for Issuance of Provisional Licenses, Merit System Procedure for Allocation of Limited Provisional Licenses.

Ayes: Atwood, Marquardt, Osentoski.

Nays: Bennett, Bostick-Tullius.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson questioned if the Commission wants to review its Rules and Procedures; after discussion, consensus was the Commission will individually review them and discuss at the April 1, 2019 Commission meeting; Attorney Nolan suggested a change to the Rules and Procedures regarding the recording of meetings; Commissioner Bennett commented it is ridiculous that a person has to give up their current seat to run for any other seat; City Manager Kerbyson clarified that is a City Charter provision; City Manager Kerbyson requested a Closed Session to discuss the sale of property.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

61 2019 03-18

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

To appoint Mike Robinet to the Cemetery Board, term ending 4-1-2024.

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

Nays: None.

Absent: None.

MOTION CARRIED.

62 2019 03-18

Appointed by Mayor Sprague. Moved by Bostick-Tullius.

To appoint Deborah Marquardt and Dianne Nordberg to the Park Board, term ending 4-1-2022.

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

Nays: None.

Absent: None.

MOTION CARRIED.

63 2019 03-18

Moved by Marquardt. Seconded by Bennett.

To appoint David Frisch and Terry Kluge to the Prison Liaison Committee, term ending 4-1-2022.

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

Nays: None.

Absent: None.

MOTION CARRIED.

64 2019 03-18

Moved by Marquardt. Seconded by Bostick-Tullius.

To appoint Paul Parsch to the Zoning Board of Appeals, term ending 4-1-2022.

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

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental Reports was received into the record.

PUBLIC COMMENTS

Brian Cloutier, W. Genesee Street, commented he sold his home in Oakland County to move back to his hometown of Lapeer; thanked the Commission for voting against recreational marihuana; wants to make sure community is safe and community values hold strong.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett: Lapeer is a wonderful place to live, agrees with Mr. Cloutier that the City is a great place and it's the Commission's job to keep it that way.

Commissioner Osentoski: Commented the White building has been vacant since 2005; cost to refurbish or renovate is too much; City doesn't let unrepairable houses stand, why doesn't the City do something to remove this building; there is no tax revenue, needs to be torn down and the lot sold; school district needs to do something about this building, it has stood still long enough.

Commissioners discussed the condition of the White building; the City Manager will have the building looked at by the City's Building Official and will meet with the school superintendent to discuss the building's future.

Commissioner Atwood: The first City Superheroes meeting will be on April 6th at noon at Cream; meeting will include the Youth Council and citizens that contacted the City who are interested in volunteering; cannot stop people from using drugs; maybe a group can be formed that includes community leaders to exchange ideas and come up with a game plan to combat drug use.

Commissioner Bostick-Tullius: there is a huge crack in the road at Millville and Genesee and inquired about having it repaired; Lapeer Main Street Partnership is a task force made up of representatives from the City, County, Chamber and DDA; three meetings have been held, working on a brand for downtown Lapeer; a branding firm will visit in May and will provide an assessment and recommend a brand; after Partnership agrees on a brand, it will be unveiled to the community; no cost for the branding firm, covered through the Michigan Main Street Program.

Commissioner Marquardt: commented on road repairs needed at Millville and Genesee, suggested the area be looked at; the Teamwork ceremony was very nice.

City Manager Dale Kerbyson: attended event at the The Pix that showcased student art throughout the congressional district, event was well attended and art work was fantastic; starting this weekend, artwork by Lapeer County students will be on display; was impressed with our town Saturday; town was very busy with the ABBA tribute concert at the PIX and the Optimist Vegas Night event; it was nice that stores in town donated food for the Teamwork ceremony.

Closed Session.

65 2019 03-18

Moved by Bennett. Seconded by Osentoski.

To go into Closed Session to discuss real estate.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

Mayor Sprague: Fantastic job on the Teamworks event; Lapeer Industries will lose 160 workers due to loss of a contract; won't be here for the 4/15/19 meeting, Commissioner Marquardt will chair the meeting; thanks to the DPW, Police, Fire – fabulous job; looking forward to budget meetings.

The meeting adjourned to a Closed Session at 7:16 p.m. and returned to the regular meeting at 7:25 p.m.

It was the consensus of the Commission to move forward with cancelling the purchase agreement with DTE for Lot 18B in the industrial park and move forward with a purchase agreement for Lot 24 at the same price per acre.

ADJOURNMENT

66 2019 03-18

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 7:26 p.m.

Mayor William J. Sprague

Renee L. Bullen, City Clerk, CMC

Tracey S. Russell, Deputy City Clerk