

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
NOVEMBER 5, 2018**

A regular meeting of the Lapeer City Commission was held November 5, 2018 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, Marquardt, Osentoski.

Absent: Commissioner Bostick-Tullius.

City Manager: Dale Kerbyson, present.

City Attorney Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

239 2018 11-05

Moved by Bennett. Seconded by Osentoski.

Approve the Agenda for November 5, 2018 as presented.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

MINUTES

240 2018 11-05

Moved by Marquardt. Seconded by Bennett.

Approve the minutes of the Regular and Closed Session meetings held October 15, 2018 as presented.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Janet Adams, Baldwin, gave invocation.

CONSENT AGENDA

241 2018 11-05

Moved by Osentoski. Seconded by Marquardt.

Approve the Consent Agenda for November 5, 2018 resulting in the following.

1. Special Event Request from Woodside Bible Church - Fall Fest, October 28, 2018, 8:00 a.m.-6:00 p.m. at Annrook Park; contingent upon receipt of current insurance.
2. Traffic Control Orders 297 & 298.
3. Special Event Request from Lapeer Downtown Development Authority - A Girlfriends Night Out – Women’s Walk, November 15, 2018, 5:00 p.m.-9:00 p.m. in the downtown area.
4. Final costs for Special Assessment Districts 2017-01 Calhoun Street, 2017-02 Court Street and 2017-03 Demille Street.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

BILL LISTING FOR NOVEMBER 5, 2018

242 2018 11-05

Moved by Marquardt. Seconded by Atwood.

Approve the Bill Listing for November 5, 2018 in the amount of \$1,347,328.73.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Rezoning – R-2 Single-Family Residential to B-2 General Business.

Parcels #L21-16-550-012-00 & #L21-16-550-021-00.

Commissioner Marquardt introduced the following amendment to Chapter 7 (Zoning Ordinance) Article 7.02.02(a)(16) of the General Ordinances of the City of Lapeer.

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

(16) The following properties formerly zoned R-2 Single-Family Residential is hereby rezoned to B-2 General Business:

Parcel # L21-16-550-012-00

CITY OF LAPEER SEC 8 T7N R10E CHURCHILL FARMS SUBDIVISION
LOT 12;

And

Parcel #L21-16-550-021-00

CITY OF LAPEER SEC 8 T7N R10E CHURCHILL FARMS SUBDIVISION
LOT 21. ANNEXED FROM TOWNSHIP IN 8/2018.

Zoning Ordinance – Text Amendments.

Commissioner Osentoski introduced the following amendment to Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer:

Accessory Building and Uses – Section 7.14.04(e)

Window Well Extension – Section 7.14.03(d)

Ambulance Service Station – Section 7.06.02 Table 7.06.1, Section 7.08.02
Table 7.08.1, Section 7.13.09, Section 7.16.02 Table 7.16.1 and Section 7.24.03.

Medical Marihuana – Sections 7.13.12 and 7.16.02.

Section 7.14 General Provisions

Section 7.14.04 Accessory Buildings and Uses

e) No detached accessory building in R- 1 through R-3, RM -1, RM -2, MHP, OS -1 and P- 1 Districts shall exceed one (1) story or fourteen (14) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said district.

(1) Where the accessory buildings are structurally attached or detached to the main building it shall be required that exterior materials used be consistent with the principal building's material, in R-1 R-2, R-3, RM-1, and RM-2 Districts.

Article 7.14 General Provisions

7. 14.03 General Exceptions — Dimensional Requirements

Lapeer City Commission Regular Minutes

November 5, 2018

Page 2

The following are exceptions to the dimensional requirements of the district regulations of this ordinance.

d) Projections into Yards

Architectural features such as cornices, eaves, gutters, fire escapes, fire towers, chimneys, platforms, and balconies, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet. Window Wells may extend or project into the required side yard no more than four (4) feet.

Article 7.06 BUSINESS AND OFFICE DISTRICTS

Section 7.06.02 Schedule of Uses Permitted Use (P) Special Land Use (SLU)

Table 7.06.1

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Health & Human Care & Uses					
Ambulance Service Stations	SLU	--	P	P	Sec. 7.13.09(e)

Article 7.08 INDUSTRIAL DISTRICTS

Section 7.08.02 Schedule of Uses

Table 7.08.1

Use	I-1	I-2	Additional Requirements
Health & Human Care & Uses			
Ambulance Service Stations	SLU	--	Sec. 7.13.09(e)

Article 7.13

Section 7.13.09 Health and Human Care Uses

- (e) Ambulance Service Stations
 - (1) The office, dispatch, storage, maintenance, and sleeping rooms may be included on-site.

Article 7.16 PARKING, LOADING, ACCESS, AND CIRCULATION REQUIREMENTS

Section 7.16.02 Number of Spaces Required

Table 7.16.1 Parking Space Numeral Requirements

Health & Human Care & Uses	
Ambulance Service Stations	One space per commercial vehicle and one space per employee on the largest working shift.

Article 7.24 DEFINITIONS

Section 7.24.03 Definitions A-B

- (i) Ambulance Service Station – The transport via ambulance for medical emergencies that may operate 24 hours.

Note: All (i) to (aa) shall be renumbered in sequence to (j) to (bb)

Article 7.13 USE REQUIREMENTS

Sec. 7.13.12 Medical Marihuana Facility Uses

- (f) All medical marihuana facilities activity shall be conducted in a fully enclosed building. Outdoor display, outdoor production, outdoor sales, or outdoor storage shall not be allowed.

Article 7.16 PARKING, LOADING, ACCESS, AND CIRCULATION REQUIREMENTS

Section 7.16.02 Required Parking Spaces

TABLE 7.16.1

Medical Marihuana Facility	
Medical Marihuana Grow Facility	One (1) space per employee in the largest working

	shift, plus two (2) additional spaces.
Medical Marihuana Processor/Processing Facility	Five (5) plus one (1) space for every one and one-half (1 ½) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
Medical Marihuana Provisioning Center	1 space per 275 square feet of gross floor area including outdoor sales space.
Medical Marihuana Safety Compliance Facility	Five (5) plus one (1) space for every one and one-half (1 ½) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
Medical Marihuana Secure Transporter Facility	Five (5) plus one (1) space for every one (1) employee, in the largest working shift, or five (5) spaces plus one (1) space for each 1,700 sq.ft. of UFA, whichever is the greater.

Baldwin Road - Reconstruction Project – MDOT Contract #18-5055
Local Share Payment #3.

243 2018 11-05

Moved by Atwood. Seconded by Osentoski.

Approve Local Share Payment Request #3 to the State of Michigan in the amount of \$54,095.17 for construction services on the Baldwin Road Reconstruction Project.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

MSHDA Staff Contracts.

244 2018 11-05

Moved by Marquardt. Seconded by Atwood.

Approve budgeted staff contracts for Sarah Taylor, Two T's (aka Jodi Mauk) and GH Smith (aka Shannon Smith) for the period of Jan. 1st, 2019-Dec. 31st, 2019 which coincides with the City of Lapeer/Michigan State Housing Development Authority Housing Choice Voucher Administration 2019 contract.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

DDA Executive Director Employment Agreement.

245 2018 11-05

Moved by Osentoski. Seconded by Marquardt.

Approve Employment Agreement between the City of Lapeer Downtown Development Authority and James Alt for the position of Executive Director of the Downtown Development Authority for the period of November 1, 2018 through October 31, 2019.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

McCormick Sanitary Forcemain Project (ICE Grant).
Lawrence M. Clarke, Inc. – Payment Request #1.

246 2018 11-05

Moved by Osentoski. Seconded by Atwood.

Approve Payment Request #1 to Lawrence M. Clarke, Inc. in the amount of \$423,912.60 for services completed on the McCormick Sanitary Forcemain Project.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

2018 Local Street Rehabilitation Project.
Change Order #2 – L.J. Construction Incorporated.

247 2018 11-05

Moved by Marquardt. Seconded by Osentoski.

Approve Change Order #2 from L.J. Construction, Inc. for the 2018 Local Street Rehabilitation Project which results in a net decrease to the construction contract of \$76,609.40.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

2018 Local Street Rehabilitation Projects.
L.J. Construction, Incorporated– Payment Request #6.

248 2018 11-05

Moved by Atwood. Seconded by Marquardt.

Approve Payment Request #6 to L.J. Construction, Inc. in the amount of \$79,795.14 for services completed on the 2018 Local Street Rehabilitation Projects.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

Contract for Engineering Services with Rowe Professional Services Company for proposed non-motorized path.

249 2018 11-05

Moved by Atwood. Seconded by Bennett.

Approve Contract for Engineering Services between the City of Lapeer and Rowe Professional Services Company for design engineering services for the proposed non-motorized path along Genesee Street and Davison Road and authorize the Director of Parks, Recreation and Cemetery to sign the contract.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

Agreement for Income Tax E-filing Services.

250 2018 11-05

Moved by Marquardt. Seconded by Osentoski.

Approve Services Agreement between the City of Lapeer and InSource Solutions Group, Inc. for income tax e-filing services and authorize the Director of Financial Services and City Manager to sign the agreement.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson informed the Commission that staff did a presentation at Ed Tech which went very well; leaf collection started November 1, 2018, info is posted on the website; November 11th is Veteran's Day; City Hall will be closed in observance on November 12th. Needs a Closed Session to discuss legal and real estate issues.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan requested a Closed Session to discuss Genesee B versus City of Lapeer lawsuit, as well as client/attorney privilege issues. Also, thanked Mayor Sprague for doing such a good job at announcing the football games and if you haven't been to a game, you need to go to hear him announce.

UNFINISHED BUSINESS

251 2018 11-05

Appointed by Mayor Sprague. Moved by Atwood. Seconded by Osentoski.
Appoint Sue Griggs to the Downtown Development Authority Center for the Arts Liaison with a term ending January 1, 2022.
Appoint Virginia Bruman to the Downtown Development Authority with a term ending January 1, 2022.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius..

MOTION CARRIED

DEPARTMENTAL COMMUNICATIONS

The Monthly Financial Report for August 2018 and the Downtown Development Authority Status Report were received into record.

PUBLIC COMMENTS

MAYOR/COMMISSIONER COMMENTS

Commissioner Osentoski: Vote tomorrow.

Commissioner Atwood: Get out and vote.

Commissioner Marquardt: Get out and vote and bring five extra people with you to vote as well. Veteran's Day is Sunday, try to attend the ceremony, the monument foundation has been set and may have statue up but won't be dedicated until the spring.

City Manager Kerbyson: The police/fire department has a new receptionist; don't forget the Planning Commission meeting on Thursday.

Mayor Sprague: Will be giving his annual Veteran's Day speech at 11:00 am on Sunday, November 11th; announced local events.

Closed session request to discuss Legal Issues.

252 2018 11-05

Moved by Bennett. Seconded by Osentoski.

Approve a Closed session request to discuss Legal Issues.

ROLL CALL VOTE:

Ayes: Bennett, Marquardt, Osentoski, Atwood.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

Closed Session

The City Commission convened to a Closed Session for the purpose of discussing Genesee B versus City of Lapeer lawsuit, as well as client/attorney privilege issues at 6:44 p.m. and returned to its regular meeting at 7:24 p.m.

ADJOURNMENT

253 2018 11-05

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius..

MOTION CARRIED

The regular meeting adjourned at 7:25 p.m.

Mayor William J. Sprague

Tracey S. Russell, Deputy City Clerk