

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
NOVEMBER 19, 2018**

A regular meeting of the Lapeer City Commission was held November 19, 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 Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: Commissioner Atwood.

City Manager: Dale Kerbyson, present.

City Attorney Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

254 2018 11-19

Moved by Marquardt. Seconded by Bennett.

Approve the Agenda for November 19, 2018 as presented.

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

Nays: None.

Absent: Atwood.

MOTION CARRIED.

MINUTES

255 2018 11-19

Moved by Bennett. Seconded by Osentoski.

Approve the minutes of the Regular and Closed Session meetings held November 5, 2018 as presented.

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

Nays: None.

Absent: Atwood.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Grant Administrator Shelley Lincoln introduced Mr. & Mrs. Pekarek, winners of the Lapeer Neighborhoods, Inc. Neighborhood Improvement Contest. Mayor Sprague presented them with a certificate and a check for \$500 check.

Stephen Ruddock, Sherman Court, gave invocation.

Matt Wandrie, Superintendent of Lapeer Community Schools, thanked the City for partnering with the schools for the School Resource Officer Program and supplying two officers for safety and security for the students. He indicated Police Chief Frisch has been a true partner in this program; he appreciates all the City does for the schools.

CONSENT AGENDA

256 2018 11-19

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Consent Agenda for November 19, 2018 resulting in the following.

1. 2019 Official Meeting Calendar – City of Lapeer.

2. Fixed Asset Disposal.

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

Nays: None.

Absent: Atwood.

MOTION CARRIED.

BILL LISTING FOR NOVEMBER 19, 2018

257 2018 11-19

Moved by Marquardt. Seconded by Osentoski.

Approve the Bill Listing for November 19, 2018 in the amount of \$634,107.10.

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

Nays: None.

Absent: Atwood.

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.

258 2018 11-19

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve 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.

ROLL CALL VOTE

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

Nays: None.

Absent: Atwood.

MOTION CARRIED.

Zoning Ordinance – Text Amendments.

259 2018 11-19

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve 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

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.

ROLL CALL VOTE

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

Nays: None.

Absent: Atwood.

MOTION CARRIED.

Timber Sale Agreement – Woods at Oakdale.

260 2018 11-19

Moved by Osentoski. Seconded by Marquardt.

Approve City of Lapeer Woods at Oakdale – Timber Sale Agreement between the City of Lapeer and Sanilac County Hardwoods in the amount of \$72,893.00 and authorize the Director of Parks, Recreation and Cemetery to sign required documents.

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

Nays: None.

Absent: Atwood.

MOTION CARRIED.

Great Lakes Water Authority - Water Service Contract, Amendment No. 2.

261 2018 11-19

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve Amendment No. 2 to Water Service Contract between Great Lakes Water Authority and City of Lapeer and authorize the Mayor and City Manager to sign the agreement and any other required documents.

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

Nays: None.

Absent: Atwood.

MOTION CARRIED.

CITY MANAGER’S REPORT

Sale of Property – John Conley Drive, Lot #18B.

262 2018 11-19

Moved by Osentoski. Seconded by Bostick-Tullius.

Approve Real Estate Purchase Agreement between DTE Electric Company and the City of Lapeer for vacant land on John Conley Drive, as described in Exhibit A of the Agreement, commonly known as Lot #18B (to be known as Parcel ID#L20-83-358-080-15, split from parcel #L20-83-358-080-00) in the amount of \$150,000 and authorize the Mayor and/or City Manager to sign required documents.

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

Nays: None.

Absent: Atwood.

MOTION CARRIED.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan reminded the Commission the motion for preliminary injunction regarding medical marijuana has been rescheduled to November 29, 2018 at 2:00 p.m. in Judge Holowka's chambers; invited all to attend.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental Reports and the Monthly Financial Report for September 2018 were received into the record as presented.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

ADJOURNMENT

265 2018 11-19

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: Atwood.

MOTION CARRIED.

The regular meeting adjourned at 7:04 p.m.

Mayor William J. Sprague

Renee L. Bullen, CMC, City Clerk

Tracey S. Russell, Deputy City Clerk