

**LAINGSBURG CITY COUNCIL PROCEEDINGS**  
**February 1, 2016**

Mayor Culpepper called the meeting to order at 7:00 p.m. in the City Hall Council Chambers.

Councilman L.C. Sparkes led the Pledge of Allegiance.

Present: Alan Ducastel, Brian Fredline, George Gates, David Rhodabeck, Larry C. Sparkes, Larry L. Sparkes and Micheal Culpepper.

Public comment – Chief DeKorte introduced his brother, Dave DeKorte, who has recently been hired as a part-time police officer, to the City Council and those present. Jeff Bartz, Shiawassee County Commission, District 6, commented on Shiawassee County Government.

11-16. Moved by L.L. Sparkes, seconded by L.C. Sparkes to approve the minutes of January 4, 2016, with one correction. Motion carried.

12-16. Moved by Fredline, seconded by Ducastel to approve the Treasurer's Report, subject to audit. Motion carried.

13-16. Moved by Rhodabeck, seconded by Ducastel to adopt the following ordinance:

**ORDINANCE NO. 01-15.**

**AN ORDINANCE TO ADD CODE SECTIONS 58-34, 58-35 AND 58-36  
ADOPTING BY REFERENCE THE MOTOR  
VEHICLE CODE SECTION RELATING TO DRIVING WITH A BLOOD ALCOHOL CONTENT 0.17%  
OR MORE**

AN ORDINANCE to add Section 58-34, 58-35 and 58-36 to Chapter 58, Traffic and Vehicles, to adopt by reference the Motor Vehicle Code section related to driving with a blood alcohol content .017% or more and further define the penalties for offenses of the Code.

WHEREAS, the state legislature adopted a "Super Drunk" law in 2011 establishing more stringent penalties for operating a vehicle with a Blood level 0.17% or more; and

WHEREAS, the City of Laingsburg is chartered under the Home Rule Cities Act which limits the penalties for such offenses to those less than that defined by the new state law; and

WHEREAS, in late February 2012 the state legislature amended the Home Rule Cities Act to allow cities chartered under the Act to levy the more severe penalties as appropriate; and

WHEREAS, the City of Laingsburg desire to punish offenders appropriately, as established by state law.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Laingsburg that Section 58-34, 58-35 and 58-36 be added to the Code of the City of Laingsburg, adopting by reference the Motor Vehicle Code section relating to driving with a blood alcohol content 0.17% or more and establishing more stringent penalties for offenses of the Ordinance as follows:

**THE CITY OF LAINGSBURG ORDAINS:**

Section 58-34. That Section 58-34 of the Laingsburg City Code shall be added to state:

Pursuant to Articles I (Michigan Vehicle Code) and II (Uniform Traffic Code), Sections 58-34 is added to Chapter 58, as follows:

**Sections 58-34 and 58-35, and 58-36. Home Rule Cities Act, amendment and revisions adopted:**

Section 58-34:

Pursuant to Act 1909 PA 279 as amended by Act 2012 PA 7: Section 625(1) (c) of the Michigan Vehicle Code, 1949 PA 300, MCL 257.625, is hereby adopted by reference. Violation of this ordinance is punishable by one (1) or more of the following:

- (i) Community service for not more than 360 hours;
- (ii) Imprisonment for not more than 180 days;
- (iii) A fine of not less than \$200 or more than \$700

Section 58-35. Inspection:

This Ordinance may be purchased or inspected in the City Clerk's office, Monday through Friday between the hours of 8:30 a.m. and 5:00 p.m.

Section 58-36. Effective Date.

This ordinance shall take effect pursuant to the Laingsburg City Charter,

DATE OF PASSAGE: February 1, 2016  
DATE OF PUBLICATION: February 5, 2016  
EFFECTIVE DATE: February 15, 2016

Roll call vote: L.C. Sparkes, L.L. Sparkes, Ducastel, Fredline, Gates, Rhodabeck and Culpepper.  
Nays: None, Absent: None. Resolution declared adopted.

14-16. Moved by Fredline, seconded by Gates to allow the Youth Baseball League to make the proposed changes to the ball fields at Bates Scout Park, as the expense of the Youth Baseball League. Roll call vote: L.C. Sparkes, L.L. Sparkes, Ducastel, Fredline, Gates, Rhodabeck and Culpepper. Nays: None, Absent: None. Motion carried.

15-16. Moved by L.L. Sparkes, seconded by Gates to authorize the Mayor to sign the purchase agreement and development agreement as presented and the City Treasurer to sign the closing documents as prepared at closing for City owned property as 104 W. Grand River Road, as recommended by the Finance Committee. Roll call vote: L.C. Sparkes, L.L. Sparkes, Ducastel, Fredline, Gates, Rhodabeck and Culpepper. Nays: None, Absent: None. Motion carried.

- 16-16. Moved by Fredline, seconded by Ducastel to pay the bills in the amount of \$201,591.62, General Fund checks #38403– 38462. Also electronic payments of EFPTS \$5,594.66 - Federal withholding, Social Security and Medicare, also MERS - \$1,034.51 for February. Motion carried.
- 17-16. Moved by Fredline, seconded by Ducastel to move forward with the Planning Commission working on wording to amend the City of Laingsburg’s Zoning Ordinance to add provisions for temporary campgrounds associated with institutional and quasi-institutional uses. Roll call vote: L.C. Sparkes, L.L. Sparkes, Ducastel, Fredline, Gates, Rhodabeck and Culpepper. Nays: None. Absent: None. Motion carried.
- 18-16. Moved by Rhodabeck, seconded by Gates authorize the purchase new tires for the backhoe, as recommended by the DPW Committee. Roll call vote: L.C. Sparkes, L.L. Sparkes, Ducastel, Fredline, Gates, Rhodabeck and Culpepper. Nays: None, Absent: None. Motion carried.
- 19-16. Moved by L.C. Sparkes, Fredline to authorize staff to set the public hearing date as March 7<sup>th</sup> if a request for tax abatement for the property located at 104 W Grand River is received after the transfer of ownership has been completed, as recommended by the Finance Committee. Roll call vote: L.C. Sparkes, L.L. Sparkes, Ducastel, Fredline, Gates, Rhodabeck and Culpepper. Nays: None, Absent: None. Motion carried.
- 20-16. Moved by L. L. Sparkes, seconded by Fredline to authorize the advertisement in the Shiawassee County Visitors Guide, as recommended by the Finance Committee. Roll call vote: L.C. Sparkes, L.L. Sparkes, Ducastel, Fredline, Gates, Rhodabeck and Culpepper. Nays: None, Absent: None. Resolution declared adopted.
- City Treasurer, Paula Willoughby, announced that Grand River Road will be on the MDOT project list for 2018 for mill and fill with approximately \$200,000 in federal funds, 20% local match and City is to pay all engineering.
- 21-16. Moved by Ducastel, seconded by L.L. Sparkes to pay \$500 toward the damages to property located at 120 W. Grand River that occurred on September 22, 2015, to the owner, along with a hold harmless agreement. Roll call vote: Yeas: L.L. Sparkes, Ducastel, and Gates. Nays: L.C. Sparkes, Fredline, Rhodabeck and Culpepper. Absent: None. Motion failed.
- 22-16. Moved by Rhodabeck, seconded by Fredline to pay \$1,000 toward the damages caused by the City to property located at 120 W. Grand River Road that occurred on September 22, 2015, to the owner, along with a hold harmless agreement . Roll call vote: Yeas: L.C. Sparkes, Ducastel, Fredline, Rhodabeck and Culpepper. Nays: L.L. Sparkes and Gates. Absent: None. Motion carried.
- 23-16. Moved by Rhodabeck, seconded by Gates to adjourn. The motion was unanimous and the meeting adjourned at 8:07 p.m.

Lana Kaiser  
Clerk

Micheal Culpepper  
Mayor

