

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
FEBRUARY 21, 2022**

A regular meeting of the Lapeer City Commission was held February 21, 2022, at the American Legion, Post #16, 1701 W. Genesee St., Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Commissioners: Atwood, Cattane, Pattison, Stroh, Swindell.

Absent: Mayor Marquardt.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Pro Tem Pattison led the Pledge of Allegiance.

32 2022 02-21 EXCUSE COMMISSION MEMBER

Moved by Stroh. Seconded by Swindell.

To excuse Mayor Marquardt from tonight's meeting.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

33 2022 02-21 AGENDA APPROVAL

Moved by Cattane. Seconded by Stroh.

Approve the Agenda for February 21, 2022, as presented.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

34 2022 02-21 MINUTES

Moved by Stroh. Seconded by Swindell.

Approve the minutes of the regular meeting held February 7, 2022, as presented.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

Jenny Burkhart, 865 N. Wilder, gave an invocation.

Trevor Brown, 844 N. Calhoun, spoke against 5G technology.

35 2022 02-21 BILL LISTING

Moved by Cattane. Seconded by Atwood.

Approve the bill listing for February 21, 2022, in the amount of \$1,516,627.33.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.
Nays: None.
Absent: None.
MOTION CARRIED.

**36 2022 02-21 REZONING – LAPEER COMMONS/ROC WASH HOLDINGS
LLC AND HAKAW ENTERPRISES LLC**

Commissioner Pattison introduced the Ordinance Amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02 (a) (32) of the General Ordinances of City of Lapeer.

ORDINANCE #2022-01
THE CITY OF LAPEER

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

- (32) The following described properties are maintaining the zoning classification of Planned Unit Development (PUD) and modifying the associated concept plan received on January 4, 2022, and recommended for approval by the Planning Commission on February 10, 2022:

Parcel #L21-65-500-001-00 (1056 S. Main St.)

LAPEER COMMONS CONDOMINIUMS UNIT 1 (MD L2600-518 SEC 7 T7N R10E) FKA PART OF L21-39-831-019-00 (FKA L21-39-831-019-00; L21-39-831-020; L21-39-831-831-021-00; L21-39-831-022-00; L21-39-831-023-00; L21-39-831-831-024-00; L21-39-831-025-00; L21-39-831-032-00 & L21-39-831-831-032-60)

Parcel #L21-65-500-002-00

(002-00) LAPEER COMMONS CONDOMINIUMS UNIT 2 (MD L2600-518 SEC 7 T7N R10E) FKA PART OF L21-39-831-019-00 (FKA L21-39-831-019-00; L21-39-831-020; L21-39-831-831-021-00; L21-39-831-022-00; L21-39-831-023-00; L21-39-831-831-024-00; L21-39-831-025-00; L21-39-831-032-00 & L21-39-831-831-032-60)

Parcel #L21-39-831-019-00

(019-00) CITY OF LAPEER SUPERVISOR'S PLAT #4 [SEC 7 T7N R10E L0001, P0091] LOTS 19; 20; 24; 25 & PART OF LOTS 21 & 23 & PART OF VAC LINA DR ADJ THERETO, DESC BEG NE COR LOT 18 WHICH IS N01°15'03"W 1622.5 FT & W 68.62 FT FRM SE SEC COR, TH W LN M-24 HWY C TO R 299.51 FT (R=3113.82 A=5°30'40" LC=N01°35'26"E 299.39 FT); TH S89°59'39"W 247.76 FT; TH N0°36'07"E 35.75 FT; TH W 157.49 FT; TH S45°W 57.26 FT; TH S00°21'07"W 59.24 FT; TH W 142.34 FT; TH S0°00'19"E 235.28 FT; TH E 579.73 FT TO POB. ANNEXED 12/07

37 2022 02-21 STORM SEWER LINE AND APPURTENANCE EASEMENT

Moved by Cattane. Seconded by Pattison.

Approve the Permanent Storm Sewer Line and Appurtenance Easement on parcel L20-93-502-060-00 on DeMille Blvd.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

38 2022 02-21 COMMUNITY CENTER CUSTODIAL SERVICE CONTRACT

Moved by Stroh. Seconded by Pattison.

Approve the City of Lapeer enter into an updated 3-year agreement with ABM Commercial Cleaning to clean the Lapeer Community Center in the amount of; July 1, 2022 – June 30, 2023 - \$39,600; July 1, 2023 – June 30, 2024 - \$39,600; July 1, 2024 – June 30, 2025 - \$39,600; and allow the City Manager to sign all necessary documents.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

39 2022 02-21 LAPEER COUNTY HAZARD MITIGATION PLAN UPDATE

Moved by Cattane. Seconded by Stroh.

Approve a Resolution to adopt the updated Lapeer County Hazard Mitigation Plan.

2022-04

CITY OF LAPEER

Resolution

Adoption of the Lapeer County Hazard Mitigation Plan Update

WHEREAS, the City of Lapeer, Michigan is vulnerable to a wide range of natural, technological, and human-related hazards, and has experienced repetitive disasters that have caused loss of life, damaged commercial, residential, and public properties, displaced citizens, and businesses, closed streets, and presented general public health and safety concerns; and

WHEREAS, Lapeer County has prepared a Lapeer County Hazard Mitigation Plan Update that provides an understanding of those threats, identifies the hazards affecting the area, discusses the County's vulnerability to the identified hazards, and outlines the community's options and strategies to reduce overall damage and impact from natural and technological hazards; and

WHEREAS, the Lapeer County Hazard Mitigation Plan Update represents the interests and needs of the City of Lapeer.

NOW, THEREFORE, BE IT RESOLVED, that the Lapeer County Hazard Mitigation Plan Update is hereby adopted as an official plan of the City of Lapeer.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Kerbyson commented the Bentley Street Bridge Project, which is a grant funded project will begin on March 1, 2022, and should take about 60 days to complete. Per Commissioner Stroh's request for an update on the DTE Solar Park income, the City of Lapeer receives \$311,167 annually in revenue from the annual lease of the land and the property taxes generated. The American Legion, Post #16 had a bid opening on February 10, 2022, at City Hall for the reconstruction of their parking lot; there were seven (7) bids received, and the winning bid came in 14% under budget. The project will begin this summer. Per Commissioner Atwood's request for information about revenue and income tax generated from the withholding accounts from the various marijuana businesses in the City, currently there are 280 W-2's with an annual revenue of \$14,362; there have been only two (2) corporate filings as of today; with only one showing revenue and the second showed a loss for last year; however, the filings are not due until the end of the month. The Social District amendment was approved by the State of Michigan and will be moving forward; a copy of or Social District map and the plan were provided to the City of Davison as a courtesy, as they are looking into establishing a Social District of their own.

Commissioner Stroh asked about an additional project that DTE wants to do in our community. City Manager Kerbyson stated the project is a new substation in the industrial park that recently had a kickoff meeting with ITC about their route and how they will get to that site to supply the substation; it is an ongoing project.

Commissioner Stroh asked if City Manager Kerbyson thought DTE would be open to a discussion to work with us on experimental or using our community for experimental energy options using the solar park that is in our backyard to power buildings, businesses, or the industrial park to be more ecologically friendly and green. City Manager Kerbyson stated we have spoken with them before about setting up solar for individual companies which can link to the grid. Our energy here in Lapeer pours onto the grid, so it is used up around the town of Lapeer, giving those who use it the ability to say they are green. If anyone is interested in doing such, we can put them in touch with the right people at DTE. Also, he has asked DTE to put on a public class where they do tours of the solar farms and teach people about the benefits of solar. He has asked DTE to allow us to grind a path around the perimeter of the fence of the solar park, which they have agreed to.

Commissioner Stroh commented that he would like to see the City move forward with its adding solar power at our own buildings; taking a lead for other businesses and owners to follow suit. Would like to see the City get more ecologically friendly and greener and would like to see if DTE can help us with that.

CITY ATTORNEY'S REPORT

None.

DEPARTMENTAL REPORTS

The Monthly Department Reports, Downtown Development Authority; Financial Report for the Quarter Ended December 31, 2021, and, Marijuana Licenses were received into record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Swindell: Excited to see the presentation tonight; wants to see what is possible by working with the MML; regardless of how long one has lived here, she learned a few things about the City she was unaware of during her ride along with the City Manager a few weeks ago. Likes the idea of going solar in the City buildings.

Commissioner Stroh: Find your community art; go see a show, take in some art; art is here. Still interesting with weather and seasonal depression; go check on your neighbors and smile at others and say hello. Looking forward to the presentation tonight.

Commissioner Cattane: Thank you for excusing his absence from the last meeting; glad to see the COVID numbers are going in the right direction. A lot of things will be happening in this town and community soon that he is optimistic about; excited to see what tomorrow brings. Looking forward to the presentation and happy to see everyone here.

Commissioner Atwood: Thanked everyone for serving on the various boards and commissions; volunteering to do this; it helps to keep the city moving forward. Appreciates every one of you.

City Manager Kerbyson: City received a nice note from Mr. Jankovic, the owner of Detroit Burger Bar and Vinyl; wanted to let us know it has been a pleasure working with us; brought treats to City Hall as well; City staff was grateful for the kind gesture. He is negotiating our natural gas rates which appear to be doubling for the next 24 months.

Commissioner Pattison: Thank you to everyone for being here; thank you to the members of the boards and commission. If anyone in the audience can spare some time, please apply for one of the openings we have on a board or commission, it's well worth it. Opened the joint meeting and asked the chairs of the Planning Commission, Downtown Development Authority and Zoning Board of Appeals to open their meetings.

PLANNING COMMISSION

Planning Commission Chairwoman RaCosta opened the meeting at 6:55 p.m. and roll call was conducted.

DOWNTOWN DEVELOPMENT AUTHORITY

Downtown Development Authority Chairman Roodvoets opened the meeting at 6:56 p.m. and roll call was conducted.

ZONING BOARD OF APPEALS

Zoning Board of Appeals Chairman Hogan opened the meeting at 6:56 p.m. and roll call was conducted.

Caitlyn Habben, Planner from Rowe Professional Service, conducted a training session which including introducing the members of the boards and city staff; the purpose for Planning; roles and responsibilities of the various boards and the flow and procedures between them; best practices of the Open Meetings Act and Freedom of Information Act; best practices relating to conflicts of interest; procedures regarding ex parte

communication; procedures for findings of fact and conditions that can be placed on motions.

Ms. Habben then provided information relating to the results of the Feedback Development Survey that was sent by the Building Department, Fire Department, Planning Department and Downtown Development Authority to those that have worked with these departments within the last year. Important to note is the 79% very satisfied or satisfied rating based on responses.

Richard Murphy, Michigan Municipal League, provided information on the involvement they will have with helping to develop the former White Jr. High property.

Ms. Habben spoke about the properties that were affected by the fire on W. Nepessing, including the visioning session that was conducted; what we hope to do and a tentative timeline. James Alt, Executive Director of the Downtown Development Authority, gave an update of what is happening with the owners of the properties involved in the fire of June 2021.

Ms. Habben then gave an update of the completed articles of the zoning ordinance as well as discussion points that included building appearance in the downtown, i.e., historic character, number of stories per building, indoor entertainment, and residential use on 1st floor. Discussion points on landscaping and drive-thru restrictions based on MP.

Chairwoman RaCosta adjourned the Planning Commission meeting at 8:55 p.m.

Chairman Roodvoets adjourned the Downtown Development Authority meeting at 8:55 p.m.

Chairman Hogan adjourned the Zoning Board of Appeals meeting at 8:55 p.m.

40 2022 02-21 ADJOURNMENT

Moved by Cattane.

Adjourn the regular meeting at 8:56 p.m.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 8:56 p.m.

Jeffrey Pattison, Mayor Pro Tem

Romona Sanchez, City Clerk