

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
JANUARY 16, 2024**

A regular meeting of the Lapeer City Commission was held January 16, 2024, at the Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Marquardt.

Commissioners: Atwood, Brady, Glisman, Petrie, Swindell.

Absent: None.

City Manager: Mike Womack, present.

City Attorney: T. Allen Francis, present.

Mayor Marquardt led the Pledge of Allegiance.

01 2024 01-16 REMOVE FROM CONSENT AGENDA

Moved by Glisman. Seconded by Petrie.

Remove item C-2 Special Event: Friday Night Bikes from the Consent Agenda to item G-7 for discussion.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

02 2024 01-16 AGENDA APPROVAL

Moved by Glisman. Seconded by Atwood.

Approve the Agenda for January 16, 2024.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

03 2024 01-16 MINUTES

Moved by Glisman. Seconded by Petrie.

Approve the minutes of the regular meeting held December 18, 2023, as presented.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

PUBLIC COMMENTS

Tim Denney spoke about the marihuana odor in the city and prayer at meetings.

Jacob LaRoy spoke about City Attorney, ordinances, and prayer at meetings.

Susan Good spoke about prayer at meetings and marihuana odor.

Jenny Burkhart gave an invocation.

04 2024 01-16 CONSENT AGENDA

Moved by Glisman. Seconded by Swindell.

Approve the consent agenda for January 16, 2024.

1. 2024 Farmland Lease Agreement – T. Jostock.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

05 2024 01-16 BILL LISTING

Moved by Swindell. Seconded by Brady.

Approve the bill listing for January 16, 2024, in the amount of \$2,749,696.07.

ON A ROLL CALL VOTE.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

PROCLAMATION, RECOGNITIONS AND RESOLUTIONS:

None.

ADMINISTRATIVE REPORTS:

06 2024 01-16 ORDINANCE AMENDMENT – CHAPTER 15 ELECTIONS

Moved by Swindell. Seconded by Atwood.

Adopt the ordinance amendment to Chapter 15 (Elections) of the General Ordinances of the City of Lapeer.

**CITY OF LAPEER
LAPEER COUNTY, MICHIGAN**

Ordinance #: 2023-07

An ordinance to amend City of Lapeer elections ordinance by amending § 15-1 Territory included in each precinct.

THE CITY OF LAPEER, LAPEER COUNTY, MICHIGAN ORDAINS:

ARTICLE I.

That Ordinance § 15-1 Territory included in each precinct is amended to read in its entirety as follows:

§ 15-1 Election Commission

The Election Commission shall consist of the City Clerk, the City Attorney, and the City Assessor. The Election Commission shall appoint the Board of Election Inspectors of each precinct and shall have charge of all activities and duties required of it by the City Charter, State law or other law or regulation relating to the conduct of elections in the City, including the setting of precinct boundaries.

ARTICLE II. SEVERABILITY

This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE III. CONFLICT

All ordinances and provisions of ordinances of the City of Lapeer in conflict herewith are hereby repealed.

ARTICLE IV. ADOPTION

This amendatory ordinance shall be published as required by law and shall take effect after publication.

Commissioner Petrie asked several questions regarding the ordinance amendment. Commissioner Brady asked questions regarding the author of the ordinance and if the City Attorney had reviewed this ordinance amendment. Additionally, he has issue with giving the Election Commission the ability to set the precincts of the City rather than simply having the City Commission do it. Feels that changing the ordinance is an unnecessary giveaway of power. A discussion ensued regarding the consolidation of precincts, who the members of the election commission are, terms of the election commission and when they are appointed, the need for the change to the ordinance, and the State of Michigan election laws.

Ayes: Swindell.

Nays: Atwood, Brady, Glisman, Petrie.

MOTION FAILED 1-4.

07 2024 01-16 ORDINANCE AMENDMENT – CHAPTER 8 PROPERTY MAINTENANCE CODE

Commissioner Swindell introduced an ordinance amendment to Chapter 8 (Property Maintenance Code) of the General Ordinances of the City of Lapeer.

**CITY OF LAPEER
LAPEER COUNTY, MICHIGAN**

Ordinance #: 2024-01

An ordinance to amend City of Lapeer elections ordinance by amending Chapter 8, Article VII Property Maintenance Code.

THE CITY OF LAPEER, LAPEER COUNTY, MICHIGAN ORDAINS:

ARTICLE I.

That Ordinance § 8-44 Code Adopted is amended to read in its entirety as follows:

§ 8-44 Code adopted.

The International Property Maintenance Code® (IPMC®) establishes minimum requirements for the maintenance of existing buildings through model code regulations that contain clear and specific property maintenance and property improvement provisions.

In accordance with the provisions of the Act, there is hereby adopted by reference the 2021 Edition of the International Property Maintenance Code, with the following insertions:

Section 101.1 Insert “City of Lapeer”

Section 103.1 Insert “Property Maintenance Department”

Section 302.4 Insert “eight (8) inches”

Section 304.14 Insert April First (1st) to November First (1st)

Section 602.3 Insert January First (1st) to December Thirty-First (31st)

ARTICLE II. SEVERABILITY

This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE III. CONFLICT

All ordinances and provisions of ordinances of the City of Lapeer in conflict herewith are hereby repealed.

ARTICLE IV. ADOPTION

This amendatory ordinance shall be published as required by law and shall take effect after publication.

08 2024 01-16 COMMUNITY CENTER – BOILER REPLACEMENT

Moved by Swindell. Seconded by Glisman.

To approve the agreement between the City of Lapeer and Macomb Mechanical to replace the hot water boilers at the Lapeer Community Center not to exceed \$57,641.

ON A ROLL CALL VOTE:

Ayes: Brady, Glisman, Swindell, Atwood.

Nays: Petrie.

MOTION CARRIED 4-1.

09 2024 01-16 HEAVY RESCUE VEHICLE

Moved by Swindell. Seconded by Glisman.

To approve the agreement of sale with Payette Sales & Service, Inc. for the purchase of a new KME heavy rescue vehicle and approve the budget amendment as presented, for a price of \$1,186,021.00.

ON A ROLL CALL VOTE:

Ayes: Glisman, Swindell, Atwood.

Nays: Brady, Petrie.

MOTION CARRIED 3-2.

10 2024 01-16 LAPEER MAIN STREET DDA WAYFINDING SIGNS

Moved by Swindell. Seconded by Atwood.

To support the Lapeer Main Street DDA applying for a Vibrancy Grant funded through the Michigan Economic Development Corporation for designing and installing wayfinding signs on City of Lapeer property.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

11 2024 01-16 DESIGN ENGINEERING SERVICES – PINE STREET

Moved by Swindell. Seconded by Brady.

Approve the Rowe contract for design engineer services for bidding documents for Pine Street including new water main from Oregon Street to Law, new pavement, curb and gutter from Oregon Street to Park Street and milling and resurfacing from Park Street to Nepessing Street, for a cost not to exceed \$54,000 and authorize the Director of Public Works to sign all necessary documents.

ON A ROLL CALL VOTE:

Ayes: Swindell, Atwood, Brady, Glisman.

Nays: Petrie.

MOTION CARRIED 4-1.

12 2024 01-16 SPECIAL EVENT: FRIDAY NIGHT BIKES

Moved by Brady. Seconded by Glisman.

Motion to table the special event application until the next City Commission meeting, February 5, 2024.

The City Commission held a discussion relating to special events held downtown, the closing of the road, the policy regarding special events and having the DDA's input on events held downtown as it relates to the business owners.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

13 2024 01-16 MARIHUANA MORATORIUM RESOLUTION

Moved by Swindell. Seconded by Atwood.

Adopt the resolution adopting a marihuana moratorium for six months.

RESOLUTION #2024-01

**A RESOLUTION ADOPTING A MARIHUANA MORATORIUM
FOR SIX MONTHS**

WHEREAS, the City of Lapeer previously adopted ordinances authorizing the establishment of both Medical Marihuana Facilities and Adult-Use Marihuana businesses; and

WHEREAS, the City of Lapeer has allowed marihuana businesses to open and operate according to the rules and requirements of those ordinances; and

WHEREAS, after allowing several marihuana businesses to open and operate, that the City Commission and City Staff have identified a number of weaknesses and shortcomings in the City's Marihuana ordinances and the operation of City policies regarding marihuana businesses; and

WHEREAS, those identified weaknesses and shortcomings in the City's Marihuana ordinances have led to several zoning and enforcement problems, issues and concerns that negatively affect the health, safety, well-being and general welfare of the Citizens of Lapeer; and

WHEREAS, the City's staff are desirous of an opportunity to study the problems caused by the City's Marihuana ordinances and wish to develop solutions through future ordinance amendments; and

WHEREAS, a short moratorium on the accepting of any new marihuana business license or zoning applications will help provide City staff with the necessary time to study the problems and to develop appropriate solutions to those problems.

NOW THEREFORE BE IT RESOLVED, that the City of Lapeer formally adopts and imposes a six (6) month moratorium against the City's staff's receipt, review, approval or issuance of any new medical or new adult-use marihuana licensure requests or zoning approval requests; and

BE IT FURTHER RESOLVED, that this moratorium is only imposed against all new marihuana licensure or zoning approval requests, not against such requests that are already approved, received, renewals of existing licenses or are being processed by the City's staff through its regular processes; and

BE IT FURTHER RESOLVED, that the City staff are directed to develop an appropriate ordinance amendment proposal that will help resolve the problems, issues and concerns caused, in-part, by the City's current marihuana ordinances

BE IT FURTHER RESOLVED, that this moratorium shall begin upon the date of the approval of this Resolution and continue for six (6) months or until the City Commission approves of a new marihuana ordinance which purports to resolve the current issues and concerns in the existing ordinances.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED. RESOLUTION DELARED ADOPTED.

DISCUSSION OF INVOCATION

City Commissioners held a discussion about adding prayer to the agenda. Commissioner Petrie stated she has prayed at public comment several times prior to being elected; the County Commission has prayer on their agenda. Mayor Marquardt stated that in the past, the Commission has reached out to several Pastors in the area and requested them to come pray during public comment. Commissioner Atwood commented that he would like to see more members of different faiths get involved with this and does not feel the Commission should subject people to only one type of prayer. Commissioner Petrie commented that she originally asked for prayer to be added to the agenda because she knows how powerful prayer is and wants the protection, direction, and guidance it provides for this Commission as important decisions are made.

DISCUSSION OF ORDINANCE INTRODUCTION

City Commission held a discussion about introduction and adoption of ordinance amendments. City Manager Womack suggested changing the policy to allow for discussion at introduction for any ordinance.

CITY ATTORNEY'S REPORT

14 2024 01-16 CLOSED SESSION – MCL 15.268(h)

Moved by Brady. Seconded by Atwood.

To enter into a closed session at the conclusion of the regular meeting to discuss a written legal opinion from the City Attorney, which is exempt from disclosure as provided under Section 8 of the Open Meetings Act.

ON A ROLL CALL VOTE:

Ayes: Petrie, Swindell, Atwood, Brady, Glisman.

Nays: None.

MOTION CARRIED.

UNFINISHED BUSINESS

15 2024 01-16 RESIGNATION – BOARD OF REVIEW

Moved by Atwood. Seconded by Swindell.

Accept the resignation of Bonnie Pattison from the Board of Review, effective immediately and declare the seat vacant.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

16 2024 01-16 REAPPOINTMENT – CENTER FOR THE ARTS

Moved by Brady. Seconded by Glisman.

To reappoint Carol Fischhaber, to the Center for the Arts of Greater Lapeer for a term to expire October 1, 2026.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

DEPARTMENTAL REPORTS

The Monthly Departmental Reports were received into the record.

PUBLIC COMMENTS

Bernadette Treece commented on Friday Night Bikes; and would like City Commissioners contact information to be available for the public on the website.

MAYOR/COMMISSIONER COMMENTS

Commissioner Glisman: Appreciates the Lapeer Police Department; January 9, 2024, was Police Appreciation Day. Enjoyed the public forum which was very informative. As we honored a great civil rights leader, Martin Luther King yesterday, she is honored to be a part of the group She Leads America, along with MLK's niece Alveda King, who is a wonderful person. Happy New Year to everyone, and may God bless our city with health and prosperity to all.

Commissioner Petrie: Thank you to the police officers and fireman, and Mr. Church for all you do at the Recreation Center, and all the staff at the city. She wants staff to have the fire truck, however, she is holding back because of safety and security.

Commissioner Swindell: City Manager Womack has asked if the Commissioners have questions to please ask them before the meeting so staff can be prepared. Staff want to be prepared for the meeting and have the information readily available to answer questions. There are many policies that need work, they are being worked on; Commissioners need to give more direction. It is cold out there; stay safe.

Commissioner Atwood: Appreciates everyone hanging in there. We need to have respectful dialogue and is appreciative that everyone is sharing their thoughts. Does not feel it is a question of mistrust in our City Manager but rather a it is a layer of protection in having the City Attorney review items.

City Manager Womack: City staff are dedicated to the city, as he is; he is here to do a good job. If you want things done differently, please speak to him about it. We have new

commissioners; he cannot follow policies that do not exist and hopes to move forward in a productive manner.

Mayor Marquardt: Thanked the DPW staff for taking care of the roads. Please be careful on the roads and watch out for kids playing on the snow hill on Park Street. Thanked the police and fire departments for all they do for our community; it cannot be easy in these cold temperatures.

CLOSED SESSION

The Lapeer City Commission convened to a closed session for the purpose of discussing a written legal opinion for the City Attorney, which is exempt from disclosure as provided under Section 8 of the Open Meetings Act at 8:33 p.m. and returned to its regular meeting at 9:30 p.m.

17 2024 01-16 EXIT CLOSED SESSION

Motion by Atwood. Seconded by Brady.

To exit the closed session and return to the regular meeting at 9:30 p.m.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

18 2024 01-16 ADJOURNMENT

Having no further business, Mayor Marquardt adjourned the regular meeting at 9:30 p.m.

Debbie Marquardt, Mayor

Romona Sanchez, City Clerk