

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
MARCH 7, 2022**

A regular meeting of the Lapeer City Commission was held March 7, 2022, 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, Cattane, Pattison, Stroh, Swindell.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Marquardt led the Pledge of Allegiance.

**43 2022 03-07 AGENDA APPROVAL**

Moved by Cattane. Seconded by Swindell.

Approve the Agenda for March 7, 2022, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**44 2022 03-07 MINUTES**

Moved by Stroh. Seconded by Cattane.

Approve the minutes of the Closed Session held January 4, 2022; Closed Session held February 7, 2022; Regular Meeting held February 21, 2022, and Special Meeting held February 28, 2022, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Brad Haggadone, gave no address, is running for County Commissioner for District 4 and was here to introduce himself.

Maryanne MacLeod, operator of Stone Soup Food Bank, came tonight to personally thank Mr. Kerbyson for arranging grant funding with Consumers Energy, which will help bring food into the community.

Linda Glisman, 359 Golfside Drive, is running for State Representative District 67.

Terry Frisch, gave no address, is running for Lapeer County Commissioner District 3 and was here to introduce himself.

Chris Tuski, Hadley, stated he is running for State Representative District 67 and is here to introduce himself.

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

**45 2022 03-07 CONSENT AGENDA**

Moved by Stroh. Seconded by Cattane.

Approve the consent agenda for March 7, 2022:

1. Fixed Asset Disposal: 2013 Ford Police Interceptor Utility.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**46 2022 03-07 BILL LISTING**

Moved by Cattane. Seconded by Pattison.

Approve the bill listing for March 7, 2022, in the amount of \$1,780,133.81.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**47 2022 03-07 PROCLAMATION – NATIONAL SOCIETY OF THE CHILDREN OF THE AMERICAN REVOLUTION, C.A.R. DAY OF SERVICE**

Moved by Pattison. Seconded by Swindell.

Adopt the National Society of the Children of the American Revolution, C.A.R. Day of Service.

**#2022-05  
C.A.R. Day of Service**

***WHEREAS**, The National Society of the Children of the American Revolution (N.S.C.A.R.) is the nation's oldest and largest patriotic youth organization, founded April 5, 1895; and*

***WHEREAS**, The N.S.C.A.R focuses on patriotism, service and education about our American heritage; and*

***WHEREAS**, the Mark and Henry Schell Society, N.S.C.A.R. is active in our local community promoting this vision to the residents of our City and surrounding community; and*

***WHEREAS**, the Mark and Henry Schell Society, is dedicated to helping the youth in our community thru the Kids Helping Kids program committee; and*

***WHEREAS**, The City of Lapeer strongly supports the ideals and objectives of the N.S.C.A.R. and the Mark and Henry Schell Society, N.S.C.A.R.*

***NOW, THEREFORE, BE IT RESOLVED**, that I, Deborah Marquardt, Mayor of the City of Lapeer, and the Lapeer City Commission do hereby proclaim April 5, 2022, as:*

## *Day of Service*

*and we recognize the Mark and Henry Schell Society, N.S.C.A.R. along with best wishes for a successful Day of Service on April 5, 2022.*

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

**48 2022 03-07 REZONING – LAPEER COMMONS/ROC WASH HOLDINGS LLC AND HAKAW ENTERPRISES LLC**

Moved by Cattane. Seconded by Pattison.

Adopt an Ordinance Amendment to rezone Parcels #L21-65-500-001-00, #L21-65-500-002-00 and #L21-39-831-019-00 to maintain their Planned Unit Development (PUD) zoning classification and modify the associated concept plan received on January 4, 2022, and recommended for approval by the Planning Commission on February 10, 2022.

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

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

MOTION CARRIED 4-1.

**49 2022 03-07 AMEND 2021-2022 CITY OF LAPEER FEE SCHEDULE**

Moved by Pattison. Seconded by Stroh.

Approve the amendments to the 2021-2022 City of Lapeer Fee Schedule for Parks & Recreation.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**50 2022 03-07 AMEND MSHDA 2022-2023 HCV CONTRACT AND HOUSING STAFF CONTRACTS**

Moved by Stroh. Seconded by Pattison.

Approve Amendment #1 to the MSHDA 2022-2023 HCV Contract and Amendment #1 to Housing Staff Contracts and allow the Executive Director, Lapeer Housing Commission, Lapeer Riverview Towers & Lapeer Neighborhoods, Inc. to sign all necessary documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**CITY MANAGER'S REPORT**

City Manager Kerbyson commented that we have finished preparing the 2022-2023 Budget and the Capital Improvement Plan. The Capital Improvement Plan will be presented to the Planning Commission on Thursday for their review. We have made a tentative offer to a candidate for our Public Information Coordinator position.

**CITY ATTORNEY'S REPORT**

City Attorney Nolan requested a closed session to discuss pending litigation:

City of Lapeer v Lapeer Plating & Plastics, Inc.; Lapeer County Circuit Court Case No. 20-053712-CE; and FB Lapeer PRV LLV and 1333 Imlay City Road LLC v City of Lapeer, Lapeer County Circuit Court Case No. 21-054764-CZ.

**51 2022 03-07 CLOSED SESSION**

Moved by Cattane. Seconded by Stroh.

To enter closed session after the completion of the regular meeting for the purpose of discussion pending litigation.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**52 2022 03-07 APPOINTMENT TO EDC/TIFA/BROWNFIELD**

Appointed by Mayor Marquardt. Moved by Cattane. Seconded by Pattison.

To appoint Tom Benton to the Economic Development Corporation/TIFA/Brownfield for a term to expire June 1, 2027.

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

Nays: None.

Absent: None.  
MOTION CARRIED.

**53 2022 03-07 APPOINTMENT TO PARK BOARD**

Appointed by Mayor Marquardt. Moved by Cattane. Seconded by Swindell.  
To re-appoint Deborah Marquardt and Tony Stroh to the Park Board for a term to expire April 1, 2025.

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

**DEPARTMENTAL REPORTS**

None.

**PUBLIC COMMENTS**

None.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: Nice to have so many people here tonight; thank you all for coming; good luck to all those running for public office. Read through Fire Department information, been a tough year, and would like to know about the spike in calls. Positive thoughts for all those in the medical field as COVID seems to finally be ending. Deepest prayers and thoughts to those in Ukraine. Hopes freedom wins in Europe.

Commissioner Atwood: Congratulations to all those running for office; good to see people stepping up in Lapeer County. Good to see change and looks forward to getting in touch with all of you.

Commissioner Stroh: Wonderful things going on in the community; cultural arts are vibrant, and people are in need of cultural arts. Looking at Ukraine and its cathedrals, museums with collections of art, they are all in jeopardy of being destroyed based on the whims of one person. Prayers to all of them so the culture will remain strong and vibrant. Thank you to those who are running for offices; please consider serving on one of our boards or commissions.

Commissioner Swindell: Nice to see people in the audience; nice to see people getting involved. It's great when people get involved and likes to see the activity in the community. Those running for office, come back and keep coming back and let us know what you are working on; lets keep the door open. Will be attending a conference next week; looks forward to learning a lot of new information.

Commissioner Pattison: Thank you to everyone for being here; good luck on your candidacies. Please come back and bring your ideas, we appreciate you being here.

City Manager Kerbyson: Last week met with the new DTE Rep; initialed a meeting to set up another event out at the solar field and to talk about additional solar projects. DTE Representative's reason for meeting with him was to let us know that Lapeer County is its own DTE region; they have assigned him specifically to that. This puts us on par with Oakland County and St. Clair County.

Mayor Marquardt: Would like information on budget timeframe; to schedule dates; knows by City Charter we must have the budget approved by second meeting in May. Suggested we invite the EDC/TIFA/Brownfield board to the joint training next year. Also, reviewed the Annual Fire Department Report, very nicely done. Did an interview the Jim Alt to highlight the City to potential new residents and new businesses. Funding from United Way will not be available to Lapeer County at this time for several non-profits. Tomorrow Michigan Main Street is hosting a workshop and training session on building downtown from 9am - Noon at the Pix Theater. Thank you all for being here this evening.

**CLOSED SESSION**

The Lapeer City Commission convened to a Closed Session for the purpose of discussing pending litigation which is exempt from disclosure as provided under Section 8 of the Open Meetings Act at 7:14 p.m. and returned to its regular meeting at 7:47 p.m.

**54 2022 03-07 CITY OF LAPEER V LAPEER PLATING & PLASTICS, INC., LAPEER COUNTY CIRCUIT COURT CASE NO. 20-053712-CE**

Moved by Cattane. Seconded by Pattison.

To approve the settlement agreement and mutual release with Lapeer Plating & Plastics, Inc., and to authorize the Mayor and City Manager to sign the necessary documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**55 2022 03-07 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:49 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:49 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk