

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

A regular meeting of the Lapeer City Commission was held March 21, 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: Lisa Litton, present.

Mayor Marquardt led the Pledge of Allegiance.

56 2022 03-21 AGENDA APPROVAL

Moved by Cattane. Seconded by Pattison.

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

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

Nays: None.

Absent: None.

MOTION CARRIED.

57 2022 03-21 MINUTES

Moved by Stroh. Seconded by Swindell.

Approve the minutes of the Regular and Closed Session meeting held March 7, 2022, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

Neda Payne, Lapeer Area Chamber of Commerce, 108 W Park St., spoke about the Food Truck Event happening in May, June, July, and September and has concerns about the skating rink remaining where it is and effecting the food truck event. There are currently 12 confirmed trucks and have additional entertainment for the events.

Jenny Burkhart, 865 N. Wilder, read a piece written by Paul Harvey.

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

58 2022 03-21 CONSENT AGENDA

Moved by Cattane. Seconded by Stroh.

Approve the consent agenda for March 21, 2022, removing items #2 & #5 to allow for discussion on those items:

1. Special Event: Stone Soup Food Bank Hunger Awareness Week May 6-7, 2022.
3. Special Event: Lapeer High School Annual Swing Out June 9, 2022.

4. Special Event: Chamber of Commerce Annual Fire Works Show July 4, 2022.

6. Special Event: Kiwanis Club Rubber Duck Dash September 17, 2022.

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

Nays: None.

Absent: None.

MOTION CARRIED.

59 2022 03-21 CHAMBER OF COMMERCE SPECIAL EVENTS

Moved by Cattane. Seconded by Swindell.

Approve Special Event: Chamber of Commerce Food Truck Festival May 9, June 13, July 11 & September 12, 2022, and Special Event: Chamber of Commerce Lapeer Days Festival August 18-21, 2022.

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

Nays: None.

Absent: None.

MOTION CARRIED.

60 2022 03-21 BILL LISTING

Moved by Pattison. Seconded by Cattane.

Approve the bill listing for March 1, 2022, in the amount of \$413,793.09.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATION, RECOGNITIONS AND RESOLUTIONS:

Police Chief Frisch presented a Life Saving Award to Ms. Elizabeth Schultz for her actions on February 21, 2022, to save the life of Mr. Roy Peters. Ms. Joanna Kuklinski also received a Life Saving Award, which will be sent to her as she was unable to attend tonight.

61 2022 03-21 FAIR HOUSING RESOLUTION

Moved by Cattane. Seconded by Stroh.

Adopt the Annual Fair Housing Resolution.

#2022-06
RESOLUTION TO APPROVE
CITY OF LAPEER
FAIR HOUSING POLICY

WHEREAS, under the Federal Fair Housing Law, Title VIII of the Civil Rights Act of 1968, it is illegal to deny housing to any person because of race, color, religion, sex, familial status, national origin, and disability; and,

WHEREAS, under the Michigan Elliott-Larsen Civil Rights Act, PA 453 of 1976, as amended, it is illegal to deny the opportunity to obtain housing to any person because of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status.

NOW THEREFORE, BE IT RESOLVED:

LET IT BE KNOWN TO ALL PERSONS that the **City of Lapeer** will follow the adopted Fair Housing Policy to implement programs to ensure equal opportunity in housing for all persons regardless of religion, race, color, age, national origin, age, sex, height, weight, disability, familial status, or marital status; and

BE IT FURTHER RESOLVED, that the **City of Lapeer** shall not discriminate in the sale, rental, leasing, or financing of housing because of religion, race, color, sex, physical or mental disabilities, national origin, age, height, weight, familial status, or marital status; and

BE IT FURTHER RESOLVED, that the **City of Lapeer** will assist all persons who feel they have been discriminated against because of religion, race, color, sex, physical or mental disabilities, national origin, age, height, weight, familial status or marital status to seek equity under federal and state laws by providing information to said persons on how to file a complaint with the Michigan Department of Civil Rights; and

BE IT FURTHER RESOLVED, that the **City of Lapeer** will at a minimum post this policy or the Fair Housing poster or other posters, flyers or other information which will bring to the attention of owners of real estate, developers and builders their respective responsibilities and rights under the Federal Fair Housing Law and Michigan Elliott Larsen Act; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect as of March 21, 2022.

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

Nays: None.

Absent: None.

MOTION CARRIED.

62 2022 03-21 ORDINANCE AMENDMENT – CHAPTER 14 VEHICLES & TRAFFIC

Commissioner Pattison introduced the Ordinance Amendment to Chapter 14 Vehicles & Traffic of the General Ordinance of the City of Lapeer.

Ordinance #2022-02

§ 14-11 Operation of Golf Cart Upon City Street and Roadways

[Amended 3-1-2022]

A.

Purpose. The purpose of this section is to protect, preserve and promote the health, safety and welfare of the citizens and guests of the City of Lapeer while operating or being a passenger of a golf cart upon the streets and roadways of the City of Lapeer, as provided for in the Michigan Motor Vehicle Code; section, MCL 257.657a.

B.

Application. Section 14-11 shall apply to all Golf Carts as defined in MCL 257.657a(21) while operating on the Streets or Roadways within the City of Lapeer.

C.

Definitions. As used in this section the following terms shall have the meanings indicated:

GOLF CART

A vehicle designed for transportation while playing the game of golf.

VALID OPERATORS LICENSE

A current valid motor vehicle operator or chauffeurs license with the Michigan Secretary of State, another state or as defined within MCL 257.301 to 257.302a.

OPERATOR

A person in actual physical control of the golf cart while in motion.

SUNRISE AND SUNSET

The time during any given day when the sun rises and/or sun sets as determined by the National Weather service.

REAR FACING SEATING

Manufacture original or aftermarket supplemental equipment designed and installed to allow for the seating of persons facing in the opposite direction of the operator.

TRAILER

A device designed or adopted as such to be towed by a primary golf cart.

D.

Operational and Equipment Requirements

A person may operate a golf cart on City of Lapeer Streets and Roadways in accordance with MCL 257.657a, with the following restrictions:

(1)

A person shall not operate a golf cart upon any street or roadway unless he or she is at least 16 years old and has a current valid operator's license to operate a motor vehicle.

(2)

A person operating a golf cart upon a street or roadway shall ride as near to the right side of the roadway as practicable and exercise due care when passing a standing vehicle or a vehicle proceeding in the same direction.

(3)

The operator shall adhere to all sections of the Michigan Motor Vehicle Code that pertain to the operation of a motorized vehicle as outline within the Michigan Motor Vehicle Code and the Uniform Traffic Code as adopted by the City of Lapeer within this chapter. Including all signaling requirements as outlined in MCL 257.648.

4)

All golf carts operating upon the streets or roadways within the City of Lapeer shall have as a minimum the following safety equipment permanently installed upon the golf cart:

- (1). Two Headlamps
- (2). One Stop lamp
- (3). One Taillamp
- (4). One exterior mirror driver's side or one interior rearview mirror
- (5). Parking Brake
- (6). At least one red reflector on each side of the golf cart as far to rear of the golf cart as practical.

A historic golf cart that would meet the requirements as outlined under MCL257.20a for a historic vehicle; being over 25 years old and is owned as a collector's item and for participation in club activities, exhibitions, tours, parades and similar uses, may be exempted from the headlamp, taillamp and mirror requirements of this section; as outlined in MCL 257.685, 257.686 and 257.708. A golf cart obtaining the designation of "Historic Golf Cart" and as such being exempted from the headlamp, taillamp, mirror requirements shall only be operated upon the streets and roadways within the DDA district of downtown City of Lapeer.

(5)

Headlamps and taillamps shall be actively on while the golf cart is operating upon the streets or roadways within the City.

(6)

A person shall not operate a Golf Cart on a State Trunk Line (M24), however an operator may cross over a State Trunk by utilizing the most direct line of crossing.

(7)

A Golf Cart shall not be operated above 15 miles per hour on any City street or roadway.

(8)

A Golf Cart shall not be operated upon any sidewalk constructed for the use of pedestrians or any specific area designated as a city park. Where a usable and designated path for golf carts is provided adjacent to the street or roadway, a person operating a golf cart may, be required to use that path.

(9)

A Golf Cart shall not be operated on any street or roadway with a speed limit of more than 30 miles per hour, except to cross a state trunk line or a street with a greater than 30 miles per hour speed limit.

(10)

A golf cart shall not be operated on a street or roadway during the time period from ½ hour before sunset to ½ hour after sunrise.

(11)

A golf cart shall not be used to carry more persons at one time than the number for which the cart was designed for.

(12)

Golf Carts shall comply with all state laws and city ordinances in respect to parking.

(13)

All Off-Road vehicles such as; quads, three wheelers, All Terrain Vehicles (ATV), Utility Vehicles (UTV), multitrack or multi-wheel drive vehicles, or similar vehicles that are not properly registered for roadway operations by the Michigan Secretary of State are prohibited.

(14)

To reduce the possibility of being thrown from the golf cart during an evasive maneuver, passenger(s) under the age of 16 riding in a rear facing seat shall be required to utilize a restraint device.

(15)

Towing a trailer manufactured or modified for the transportation of additional passengers is prohibited.

(16)

A golf cart shall not be operated during inclement weather events, such as snow or ice on the roadway.

(17)

This section does not apply to a police officer in performance of his or her official duties.

E. Penalty

A person who violates section 14.11 is responsible for a civil infraction and shall be subject to a civil fine or not more than Five Hundred (\$500.00) Dollars.

63 2022 03-21 MDOT CONTRACT #21-5467 – OREGON STREET

Moved by Cattane. Seconded by Pattison.

Adopt the Municipal Resolution for acceptance of MDOT Contract No. 21-5467, Job #208972CON for the Oregon Reconstruction Project and allow the DPW Director to sign all necessary documents.

Resolution #2022-08
City of Lapeer
Municipal Resolution
Michigan Department of Transportation
Contract No: 21-5467
Job Number: 208972CON

WHEREAS, the Michigan Department of Transportation (MDOT) Contract #21-5467 includes the following project:

Part A – Federal Participation

Hot mix asphalt road reconstruction along Oregon Street from Saginaw Street to the Flint River bridge’s west abutment, including concrete driveways, curb and gutter, sidewalk and sidewalk ramps, storm sewer, permanent signs, and pavement markings; and all together with necessary related work.

Part B – No Federal Participation

Audio-visual survey, sewer tap and storm sewer lead along the limits as described in Part A; and all together with necessary related work.

THEREFORE, BE IT REESOLVED THAT, the Michigan Department of Transportation Contract # 21-5467, Job # 208972CON for the Oregon Street Reconstruction Project as described above between the Michigan Department of Transportation and the City of Lapeer is hereby accepted and City Manager Dale Kerbyson and Director of Public Works Jeff Graham are authorized to sign the required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

64 2022 03-21 BOUNDARY TRANSFER REQUEST – 35 S COURT & 130 HOWARD STREET

Moved by Stroh. Seconded by Cattane.

Adopt the resolution to approve Boundary Transfer Request for Derrick Zock for 35 S. Court (L21-24-400-040-00) and 130 Howard Street (L21-24-600-040-00).

RESOLUTION #2022-07
RESOLUTION TO APPROVE
BOUNDARY TRANSFER REQUEST FOR
DERRICK ZOCK
35 SOUTH COURT & 130 HOWARD ST

WHEREAS, Derrick Zock, owner of the property located at 35 South Court Street & 130 Howard Street, has filed a Boundary Transfer Request for a parcel combination; and

WHEREAS, Chapter 6 (Land Division Ordinance), Section 6.05 Lot Splits, of the General Ordinances of the City of Lapeer, provides that approval shall be by resolution of the City Commission.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Boundary Transfer Request is in conformity with Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer.
2. That the Boundary Transfer Request is in conformity with The Land Division Act of P.A. 288 of 1967, as amended.
3. That the Boundary Transfer Request is approved resulting in the following legal description:
L21-24-400-040-10 City of Lapeer, Jennings's Addition, Lots 12, 13 & 14, Block 1 (I=9 p=598, Section 5, T7N-R9E)
4. That the Boundary Transfer Request preserve all easement and master utility plans.
5. That any future site development complies with all setbacks and other applicable requirements established by the City of Lapeer Zoning Ordinance.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be filed with the Lapeer County Register of Deeds.

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to the City Assessor and to Derrick Zock.

Ayes: Cattane, Pattison, Stroh, Swindell.

Nays: Atwood.

Absent: None.

MOTION CARRIED 4-1.

65 2022 03-21 MARIHUANA FACILITY ASSESSMENT 2022

Moved by Cattane. Seconded by Stroh.

To keep the same number limit for medical marihuana and adult use marihuana facilities as is.

Ayes: Cattane, Pattison, Stroh, Swindell.

Nays: Atwood.

Absent: None.

MOTION CARRIED 4-1.

CITY MANAGER'S REPORT

City Manager Kerbyson introduced Mallory Pearson, our new Public Information Coordinator. Completed the 5-year opener on the water supply volume with Great Lakes Water contract; hashed out some issues, and they will hold our rate at the current level and will send us an updated contract for approval at a future meeting. Next Michigan Development Corporation has contracted with a private company to conduct a study rail demand at the potential of increased shipping by rail; it will study the four counties on the I-69 Corridor.

Commissioners had a discussion relating to the drive-thru restrictions in the Master Plan on M-24, including the possibility of leap frogging, dark stores, and spot zoning.

Commissioner Cattane requested that the Planning Commission amend the Master Plan regarding the drive-thru ban.

CITY ATTORNEY'S REPORT

None.

66 2022 03-21 APPOINTMENT TO EDC/TIFA/BROWNFIELD

Appointed by Mayor Marquardt. Moved by Stroh. Seconded by Atwood.

To appoint Nancy Sommerville to the Economic Development Corporation/TIFA/Brownfield for a term to expire March 1, 2025.

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

Nays: None.

Absent: None.

MOTION CARRIED.

67 2022 03-21 APPOINTMENT TO ZONING BOARD OF APPEALS

Moved by Stroh. Seconded by Cattane.

To appoint Lynn McCarthy to the Zoning Board of Appeals for a term to expire April 1, 2023 and declare the alternate seat vacant.

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

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL REPORTS

The Monthly Departmental Reports, the Downtown Development Authority Monthly Report, and the Marihuana Facilities Status Report were received into the record.

PUBLIC COMMENTS

Trevor Brown, 844 N. Calhoun, spoke about Lapeer to begin organic farming and become a self-sustaining community.

Clara Longoria, spoke against the drive-thru restriction and the negative effect on her ability to sell her property.

Anne Schenck, Planning Commissioner stated the planning commission did research the other communities who faced the same issue, leaving vacant buildings and dark stores; decision was based on facts, not fears.

MAYOR/COMMISSIONER COMMENTS

Commissioner Stroh: Thanked everyone for the conversation and opportunity to discuss the things weighing on our minds that are important to us; ideal to communicate in a setting like this; we have a lot to do moving forward with not only fast food and land use on south M-24; but with the City and the Chamber, let's figure out what our next best plans are. We have great opportunities and should be prepared for them.

Commissioner Swindell: Appreciates the people in the audience. Attended the MML conference; enjoyed networking, meeting new people and learned some fresh new ideas. Seeing different opportunities was eye opening.

Commissioner Atwood: Also attended CapCon 2022 Conference; learned how to have respectful conversation and respectfully disagree with one another; but take the time to understand where the other person is coming from; we can all benefit a lot from doing such. Uncomfortable conversations are okay to have, but remain respectful, this can set the standard for professional governing. American Rescue Plan, Michigan was given \$6.5 billion, there have been recommendations on how to spend those funds. Spoke on behalf of the City and other municipalities to the director of EGLE on the issue of PFAS.

Commissioner Cattane: His first time at the CapCon and was very eye opening. \$3 billion of the ARPA funds have been accounted for, however the remaining \$3.5 Billion remains to sit there. Please keep the men and women in uniform in your prayers; many will be heading to Eastern Europe. St. Patrick's Day downtown was a great day.

Commissioner Pattison: Happy Spring. Would like to see us get the M-24 corridor right. Wants to have meetings with state, township, city and talk about it and work towards a common solution. Let's get this done right, which means getting everyone involved.

City Manager Kerbyson: Met with Senator Daley at CapCon; met with representatives from Lisa McClain's office to discuss two outstanding items with them. Sent list of budget dates, would like to consider adopting the 2022-2023 Budget at the May 2, 2022, meeting. Thanked Commissioner Stroh for introducing him to the term short fronting, great term.

Mayor Marquardt: Thanked everyone for staying here tonight, please come back. Asked the Commission to look at their calendars to set the budget workshop.

68 2022 03-21 ADJOURNMENT

Moved by Cattane.

Adjourn the regular meeting at 8:27 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 8:27 p.m.

Debbie Marquardt, Mayor

Romona Sanchez, City Clerk