

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
AUGUST 7, 2023**

A regular meeting of the Lapeer City Commission was held August 7, 2023, 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: Mike Womack, present.

Mayor Marquardt led the Pledge of Allegiance.

Fire Chief Vogt held a Pinning Ceremony for the Fire Department employees Ron Best, Chris Jadach, and Ben Fodale.

178 2023 08-07 AGENDA APPROVAL

Moved by Cattane. Seconded by Atwood.

Approve the Agenda for August 7, 2023, with the addition of item C-5 Resignation of Nancy Sommerville from EDC/TIFA board.

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

Nays: None.

MOTION CARRIED.

179 2023 07-17 MINUTES

Moved by Cattane. Seconded by Swindel.

Approve the minutes of the regular meeting held July 17, 2023, as presented.

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

Nays: None.

MOTION CARRIED.

PUBLIC COMMENTS

Melissa Petrie gave an invocation.

180 2023 08-07 CONSENT AGENDA

Moved by Cattane. Seconded by Stroh.

Approve the consent agenda for August 7, 2023, with the addition of item C-5:

1. Appoint City Manager, Mike Womack, to the Next Michigan Development Corporation.
2. Special Event: Immaculate Conception – Family Fun Fundraiser – August 13, 2023.
3. Special Event: Crank 4 A Cause – Beaver Dash Bash – September 23, 2023.
4. Special Event: Alter Ego Special Needs 5K – October 7, 2023.
5. Accept the resignation of Nancy Sommerville from the EDC/TIFA board and declare the seat vacant.

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

Nays: None.

MOTION CARRIED.

181 2023 08-07 BILL LISTING

Moved by Pattison. Seconded by Swindell.

Approve the bill listing for August 7, 2023, in the amount of \$2,112,094.08.

ON A ROLL CALL VOTE:

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

Nays: None.

MOTION CARRIED.

PROCLAMATION, RECOGNITIONS AND RESOLUTIONS:

None.

PUBLIC HEARING

None.

ADMINISTRATIVE REPORTS

182 2023 08-07 MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY MI-HOPE GRANT APPLICATION RESOLUTION

Moved by Stroh. Seconded by Pattison.

Adopt the Resolution to allow the Housing Department to apply for Michigan's Housing Opportunities Promoting Energy Efficiency (MI-HOPE) Phase 4.

RESOLUTION #2023-25

**MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA)
MICHIGAN HOUSING OPPORTUNITIES PROMOTING
ENERGY EFFICIENCY PROGRAM (MI-HOPE)**

CITY OF LAPEER HOUSING IMPROVEMENT GRANT APPLICATION

WHEREAS, the City of Lapeer is interested in the continuing effort to improve the housing stock and provide affordable housing opportunities for its moderate, low and very low-income residents; and

WHEREAS, the Lapeer City Commission accepts the recommendation of the City of Lapeer Housing Improvement Department to apply for \$110,000 through the Michigan State Housing Development Authority (MSHDA), Michigan's Housing Opportunities Promoting Energy-Efficiency (MI-HOPE) for City of Lapeer Housing Improvement Grant; and

WHEREAS, the Michigan State Housing Development Authority requires a resolution authorizing the submission of the aforementioned grant application; and

WHEREAS, said City Commission authorizes the mayor to sign the grant application forms, grant agreement and related documents as required by MSHDA and allow the Director of Housing and Neighborhood Development and Grant Administrator to sign related grant documents, financial status reports for payment, and other required reports when allowed by MSHDA as required.

THEREFORE, BE IT RESOLVED, that the Lapeer City Commission authorizes the City of Lapeer Housing Improvement Department to submit the application for funding through the Michigan State Housing Development Authority for a MI-HOPE City of Lapeer Housing

Improvement Grant, authorizes the Mayor to sign grant application forms, grant agreement and related documents, and allow the Director of Housing and Neighborhood Development and Grant Administrator to sign related grant documents, financial status reports for payment, and other required reports when allowed by MSHDA as required on behalf of the City of Lapeer.

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

Nays: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

183 2023 08-07 DOWNTOWN DEVELOPMENT AUTHORITY-PROPOSED
SOCIAL DISTRICT EXPANSION

Moved by Stroh. Seconded by Cattane.

Adopt the Resolution for the designation of the Historic Lapeer Downtown Social District and Commons Area and authorize the City Manager to seek approval from the Michigan Liquor Control Commission.

RESOLUTION NO. 2023 – 26

A RESOLUTION FOR THE DESIGNATION OF THE HISTORIC LAPEER
DOWNTOWN SOCIAL DISTRICT AND COMMONS AREA AND
RECOMMENDATION TO THE MICHIGAN LIQUOR CONTROL COMMISSION
FOR APPROVAL OF CERTAIN LICENSEES FOR SOCIAL DISTRICT
PERMITS

WHEREAS, Pursuant to MCL 436.1551, the governing body of a local governmental unit may designate a Social District within its jurisdiction.

AND WHEREAS, to designate a Social District pursuant to MCL 436.1551, the local government shall:

- Designate a Social District that contains a commons area, as defined in MCL 436.1551(8)(a).
- Establish local management and maintenance plans, including hours of operation, for a commons area.
- Define and clearly mark with signs the designated commons area.
- A governing body of a local governmental unit shall not designate a Social District that would close a road unless the governing body receives prior approval from the road authority with jurisdiction over the road.
- The governing body shall maintain the commons area in a manner that protects the health and safety of the community.
- The governing body may revoke the designation if it determines that the commons area threatens the health, safety, or welfare of the public or has become a public nuisance. Before revoking the designation, the governing body must hold at least 1 public hearing on the proposed revocation. The governing body shall give notice as required under the open meetings act of the time and place of the public hearing before the public hearing.
- The governing body shall file the designation or revocation of the Social District with the MLCC.

AND WHEREAS, the City of Lapeer has and intends to continue following the rules and requirements of the State of Michigan in the designation and operation of a Social District in its downtown.

AND WHEREAS, the City of Lapeer has worked with the Downtown Development Authority and a number of licensees to operate a safe and successful social district and commons area since 2021 and having also previously expanded the social district in 2022;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Lapeer City Commission designates the Historic Lapeer Social District for the downtown district on and along Nepessing Street with Mason Street on the western border and North Saginaw Street along the eastern border of the District. The District would also include the public area between Tech Smart USA (404 W. Nepessing Street) and Blend Frozen Yogurt (392 W. Nepessing Street) as well as the public area between Health Quest Physical Therapy (411 W. Nepessing Street) and Vinyl Bar and Grill (393 W. Nepessing Street) as well as the public areas immediately surrounding the Woodchips Barbecue and Tilted Axis restaurants, the public area adjacent to the downtown pavilion and the public pocket park located between the Pix Theater and Burke's Flowers.
2. Nepessing Street shall remain open to motor vehicle traffic; however the street area could be closed to vehicle traffic upon approval from the City of Lapeer, who is the road authority, for increased safety during special events where increased pedestrian traffic is anticipated. The depiction of the social district and commons area is set forth in the attached Exhibit A; and which the depiction is incorporated as part of this Resolution.
3. The Lapeer City Commission defines a Commons Area within the Historic Lapeer Social District consisting of certain public property and rights of way, the boundaries of which are set forth in the attached Exhibit A and which the depiction is incorporated as part of this Resolution. Such Commons Area is co-terminus with the Social District as a whole, sharing identical boundaries.
4. The Commons area will operate year-round, seven days a week with the exception of the Lapeer Schools June "Swing Out" event, the 3rd weekend of August during the annual Lapeer Days Celebrations and the 2nd weekend of October for the "Nightmare on Nepessing" event.
5. Hours of operation will be Monday – Thursday, between the hours of 11:00am and 10:00pm, Friday and Saturday between the hours of 11:00am and 11:00pm, and Sunday between the hours of noon and 10:00pm. No earlier nor any later than so listed per day.
6. The City Manager will review and approve the Management and Maintenance Plan developed by the Lapeer Downtown Development Authority for the Historic Lapeer Downtown Social District, having already been reviewed and approved of by the City Commission and Liquor Control Commission. Such Management and Maintenance Plan includes hours of operation for the district that are within business hours and that shall conform with State Health or Emergency Orders when applicable.
7. The City Manager is authorized to apply for this Social District and Commons Area expansion with the Michigan Liquor Control Commission (MLCC) for the Historic Lapeer Downtown Social District as designated by this Resolution and to review and

approve of all local applications from participating licensees and administer the Social District and Commons area on behalf of the City.

8. To recommend approval of necessary licensing by the Liquor Control Commission regarding the following licensees:
 - Wood Chips LLC DBA Wood Chips Barbecue
 - Liquid Art LLC DBA Tilted Axis Brewing Company
 - Jankovic Holdings INC DBA Old Detroit Burger Bar
 - Popovich Holdings INC DBA Vinyl Bar and Grill
9. The City Commission approves of attached Exhibit B, the City of Lapeer Historic Lapeer Social District Management and Maintenance plan.

Commissioner Swindell asked where we are at with making it safer to cross over Saginaw St. as this amendment does not include the other side of Saginaw St. City Manager Womack stated this is an expensive project and we will need to add it to the CIP.

Commissioner Atwood asked if there were any issues in our current social district that included acts of violence or any major problems. Chief Howe stated there are officers who patrol during Bike Night so there is additional coverage at the event and there have been no issues at all.

Commission Cattane asked if we had heard from the County of Lapeer regarding their property. City Manager Womack said he has been working with the County, and feels they are in favor of this expansion; and we are waiting for a memorandum of understanding from them.

Commissioner Pattison asked if there is a way to block off specific areas of the social district to from the consumption of alcohol when there is a family friendly event taking place. After a lengthy discussion, City Manager Womack stated he would work with the DDA to have extra signs made that indicates where the social district ends.

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

Nays: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Womack requested the Commission designate a voting member and alternate voting member for the MML Annual Meeting/Convention being held October 18-20, 2023. The commission decided, Mayor Marquardt would be the voting member and Commissioner Cattane would be the alternate.

City Manager Womack presented the commission with a possible ordinance amendment to the Marihuana Facilities ordinance which would make changes to the language allowed on signage for marihuana businesses; the requirements for odor control on both the inside and outside of the business and changes to the co-location requirement of medical and adult use retail facilities. As the commission has no objection, he will take the changes to the Planning Commission, and it will be brought back to the City Commission at a later date.

City Manager Womack stated that a request has been made for AT&T Metro Act Right of Way Permit Extension to December 31, 2028. We just received the map, and this item will be on the next agenda for approval.

City Manager Womack stated that the Youth Council is an ordinance that is in place. The ordinance has unnecessarily rigid requirements and makes it difficult to do anything, therefore he would recommend the commission repeal this ordinance.

City Manager Womack stated there is a public forum taking place August 29, 2023, at 6:30 p.m. in the City Commission Chambers for the Kiwanis playground. This will provide an opportunity for the public and the residents to comment on the project.

City Manager Womack reminded the Commission about the joint meeting that will take place on, August 14, 2023, at 5:30 p.m. at the Community Center, lower level. The joint meeting will be held with the members of the City Commission, Planning Commission, Zoning Board of Appeals and Downtown Development Authority. This will be a training session for all attendees which will cover the Freedom of Information Act and Open Meetings Act, as well as a brainstorming session.

City Manager Womack stated that he and Director of Financial Services Kelly Hanna have looked at the Special Assessment District administrative fees and have identified a 5% administrative fee that has been charged in the past but may not need to be for this SAD. Stay tuned, more information to come.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

184 2023 08-07 REAPPOINTMENT TO LOCAL DEVELOPMENT FINANCE AUTHORITY

Moved by Marquardt. Moved by Cattane. Seconded by Pattison.

To reappoint Art Sieting and Denis McCarthy to the Local Development Finance Authority for terms to expire August 1, 2027.

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

Nays: None.

MOTION CARRIED.

185 2023 08-07 REAPPOINTMENT TO PLANNING COMMISSION

Moved by Marquardt. Moved by Stroh. Seconded by Swindell.

To reappoint Marty Johnson to the Planning Commission for a term to expire August 1, 2026.

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

Nays: None.

MOTION CARRIED.

186 2023 08-07 APPOINTMENT TO ELECTION COMMISSION

Moved by Pattison. Seconded by Atwood.

To appoint T. Allen Francis to the Election Commission for a term to expire January 1, 2024.

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

Nays: None.

MOTION CARRIED.

187 2023 08-07 APPOINTMENT TO LAPEER BUILDING AUTHORITY

Moved by Pattison. Seconded by Stroh.

To appoint Kenneth Parker to the Lapeer Building Authority for a term to expire June 1, 2024.

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

Nays: None.

MOTION CARRIED.

188 2023 08-07 APPOINTMENT TO YOUTH COUNCIL

Moved by Pattison. Seconded by Cattane.

To table the appointment of the Youth Council representative until the concerns are resolved.

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

Nays: None.

MOTION CARRIED.

189 2023 08-07 APPOINTMENT TO ZONING BOARD OF APPEALS (ALTERNATE)

Moved by Cattane. Seconded by Stroh.

To appoint Kenneth Parker to the Zoning Board of Appeals, alternate for a term to expire April 1, 2025.

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

Nays: None.

MOTION CARRIED.

DEPARTMENTAL REPORTS

The Quarterly Financial Report – Ended June 30, 2023; the Quarterly Investment Report – Ended June 30, 2023; and the Local Officers Compensation Commission Salary Determination were received into the record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Cattane: Weather on Friday was wonderful; enjoyed Bike Night and the live music. Mr. Alt asked for his help painting the social district; he had his son come help, nice lesson for his son. His son has passed his driving test. Enjoy Lapeer Days.

Commissioner Atwood: Challenged the other boards to a basketball game since the Joint meeting is at the community center; just kidding.

Commissioner Stroh: Gotten over a wonderful summer of camps with our youth in the community. Center for the Arts is doing another production for the youth soon. Nice to see all the organizations coming together. There are many projects going on around the city so be careful out there.

Commissioner Swindell: Will contact the three (3) youth council members. Please be patient while driving in the construction around town. Visit the businesses along Genesee, they are concerned about losing business during construction. Year-round school is back in session; be aware of the busses and the kids. The new disc golf course is open and being used a lot; everyone seems excited to use the course; grand opening will be taking place in the near future.

Commissioner Pattison: Time to talk about the ice rink; would like control of the ice rink to be given to Parks and Rec to handle as one of their assets and remove the Commission from it. Enjoy the rest of the summer. Assessing Department passed its audit with 100%.

City Manager Womack: Suggested giving the remaining members of the Youth Council a tour of the city operations so they could have a behind the scenes look.

Mayor Marquardt: Read the list of the events coming up. Next public hearing for the Special Assessment District is August 21, 2023. Thanked Commissioner Stroh for his fabulous direction of the youth show, Pure Imagination. Thanked the Fire, Police and Emergency Services here in the Lapeer County; has experienced two events in the last couple weeks, in a different county where services were called for and the emergency services could not respond in a timely manner; one resulted in death. Thanked Shelley Lincoln in the Housing Department for all her work toward the grants that we receive.

190 2023 08-07 ADJOURNMENT

Moved by Cattane.

Adjourn the regular meeting at 7:44 p.m.

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

Nays: None.

MOTION CARRIED.

The regular meeting adjourned at 7:44 p.m.

Debbie Marquardt, Mayor

Romona Sanchez, City Clerk