

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
SEPTEMBER 20, 2021**

A regular meeting of the Lapeer City Commission was held September 20, 2021, at 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 (sworn in 9/20/2021).

Absent: None

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Marquardt led the Pledge of Allegiance.

199 2021 09-20 AGENDA APPROVAL

Moved by Pattison. Seconded by Stroh.

Approve the Agenda for September 20, 2021.

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: None.

MOTION CARRIED.

200 2021 09-20 MINUTES

Moved by Cattane. Seconded by Pattison.

Approve the minutes of the regular meeting held September 7, 2021, as presented.

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

Bill Marquardt, 3191 Oregon, thanked Police Chief Frisch for delivering remarks at the Kiwanis Annual Rubber Duck Dash and Fire Chief Kluge for arranging to have the flag flying from the ladder truck. He also thanked to the City for their help with the event.

City Manager Kerbyson introduced Michael Vogt as the new Fire Chief who will be starting with the City on October 12, 2021.

201 2021 09-20 CONSENT AGENDA

Moved by Pattison. Seconded by Stroh.

Approve the Consent Agenda for September 20, 2021:

1. Special Event – Baubles and Broomsticks – October 1-2, 2021.

2. Special Event – Red Ribbon Weeks – October 7 – November 12, 2021.

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: None.

MOTION CARRIED.

202 2021 09-20 BILL LISTING

Moved by Cattane. Seconded by Atwood.

Approve the Bill Listing for September 20, 2021, in the amount of \$710,400.85.

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: None.

MOTION CARRIED.

ADMINISTRATIVE REPORTS

Mayor Marquardt stated she would like to give each person who submitted a letter of intent the opportunity to introduce themselves and speak for up to three (3) minutes.

The following candidates spoke:

Marlana Swindell

Melissa Petrie

Patricia Waugh

Commissioners asked questions and conducted an interview process between the three (3) individuals who were in attendance. At the conclusion of this process, the Rules and Procedures of the City Commission state each Commissioner must name the candidate they are voting for. Once a candidate receives a majority 'vote' that person is the appointee nominated by the Commission to fill the vacant City Commission Seat. City Manager Kerbyson asked for each Commissioner to name their candidate. The first two rounds resulted in a tie vote: 2 – Marlana Swindell and 2 – Patricia Waugh. The Mayor and City Commissioners asked the two candidates additional questions and a third round resulted in the following:

Commissioner Cattane: Marlana Swindell

Commissioner Stroh: Marlana Swindell

Commissioner Pattison: Marlana Swindell

Commissioner Atwood: Patricia Waugh

203 2021 09-20 APPOINTMENT TO CITY COMMISSION SEAT

Moved by Cattane. Seconded by Pattison.

Appoint Marlana Swindell as City Commissioner effective September 20, 2021, until 12:01 a.m., November 8, 2021.

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: None.

MOTION CARRIED.

City Clerk Sanchez gave the Oath of Office to Commissioner Swindell.

204 2021 09-20 REZONE 1109 S. MAIN ST., PARCEL #L21-16-550-009-00

Moved by Pattison. Seconded by Stroh.

Adopt the proposed amendments to Chapter 7 (Zoning Ordinance), Article 7.02.02 (a)(31) of the General Ordinances of the City of Lapeer.

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

- (31) The following described property formerly zoned R-2 Single-Family Residential is hereby rezoned to B-2 General Business:

1109 S. Main Street – Parcel #L21-16-550-009-00

SEC 8 T7N R10E CHURCHILL FARMS SUBDIVISION LOT 9.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

205 2021 09-20 INTRODUCE REZONE 1040 S. LAPEER ROAD, PARCEL #L21-39-831-032-00

Commissioner Cattane introduced the amendment to Chapter 7 (Zoning Ordinance), Article 7.02.02 (a)(32) of the General Ordinance of the City of Lapeer.

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

- (32) The following described property formerly zoned R-3 Single-Family Residential is hereby rezoned to B-2 General Business:

1040 S. Lapeer Road – Parcel #L21-39-831-032-00

SEC 7 T7N R10E SUPERVISOR'S PLAT #4 RECORDED IN PLAT LIBER 1, PAGE 91, LOT 32 EX COM N 28 DEG 03' 30" E 196 FT FROM SW CORNER THEREOF TH S 30" W 196 FT, TH S 87 DEG E 300 FT, TH N 2 DEG 18' E TO A PT WHICH IS S 87 DEG E OF BEG, TH N 87 DEG W TO BEG, ALSO EX COM AT NE COR OF SAID LOT, TH WLY ALG N LOT LN 295.14 FT, TH SLY PARALLEL WITH E LOT LINE 300 FT, TH ELY TO A PT ON E LOT LINE 325 FT SLY OF NE COR OF LOT 32, TH NLY ON LOT LINE 325 FEET TO BEG.

206 2021 09-20 REBRANDING SIGNAGE

Moved by Stroh. Seconded by Cattane.

Approve the purchase of eight (8) entrance signs for the City of Lapeer from Signs by Crannie, in the amount of \$32,866.78.

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

City Manager Kerbyson stated the Bentley Street Bridge construction will not begin until October 2021.

CITY ATTORNEY'S REPORT

City Attorney Nolan requested a Closed Session to discuss pending litigation:
City of Lapeer v Lapeer Plating & Plastics, Case No. 20-053712.
Mariah Bonfiglio v Romona Sanchez, and the City of Lapeer, Case No. 21-054929.

207 2021 09-20 CLOSED SESSION

Moved by Cattane. Seconded Stroh.

To enter into a Closed Session after the completion of the regular meeting for the purpose of discussing pending litigation.

ON A ROLL CALL VOTE:

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

UNFINISHED BUSINESS

208 2021 09-20 APPOINTMENT – LOCAL OFFICIALS COMPENSATION COMMISSION

Moved by Mayor Marquardt. Motion by Stroh. Seconded by Cattane.

To appoint Ed Jamison to the Local Officials Compensation Commission for a five-year term to expire October 1, 2026.

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

PUBLIC COMMENTS

Patricia Waugh, congratulated Commissioner Swindell on being appointed to the vacant City Commission seat.

Mark Labaza, property owner of 1040 S. Lapeer, thanked the Commission for approving a text amendment relating to his property last year and indicated the property has a developer, and a new business will be constructed on the property.

MAYOR/COMMISSIONER COMMENTS

Commissioner Cattane: The Kiwanis Club held a 9/11 tribute Saturday morning at Cramton Park; it was such a feeling of patriotism that day; seeing the ladder truck with Old Glory hanging and the sun shining on it. Mr. Peterson and Chief Frisch did a great job speaking. As he looked at his children and he realized they were not alive when the attacks took place. Every speaker said 9/11 was a tragedy but on 9/12 we were all one and he wants

more 9/12's in our days; Rubber Duck Dash was a great event. Gave thanks to everyone involved in Lapeer Days; it was so good to have it back.

Commissioner Atwood: Congratulations to Commissioner Swindell for being placed in the vacant seat; you are very passionate, interested in teams, excited about the downtown and community focused and centered. Thanked all the applicants who applied for the vacant seat; everyone that applied has great qualifications; gave compliments to the other candidates. Listen to what your community is saying, think about the decisions you are making. The community is where things get done. There are several boards and commissions that need volunteers. Very excited to see that people want to get involved.

Commissioner Stroh: Thanked everyone who submitted a letter of interest. Stated he and the other three seated Commissioners did not have to go through as much when they were elected. Encourages all of you to take the passion you have and apply for one of the boards or commissions we have; love all the passion. Congratulations to Commissioner Swindell.

Commissioner Swindell: Thanked her fellow Commissioners for putting her in the seat. Excited to be a part of it and likes to see the room full during the meetings; wants to see people be involved; feels blessed to fill the seat and will work hard to keep it in November.

Commissioner Pattison: Congratulations to Commissioner Swindell and to all the people who submitted letters; please don't let your commitment to the City stop here. Please submit an application to serve on one of the boards or commissions and be a part of it. Please join us.

Mayor Marquardt: Thanked everyone who submitted their letter of intent and appreciates your interest; come get involved, join our meetings; please submit an application to fill vacancies for our boards and/or commissions. Dog Park has a grand opening at 10 a.m. on October 2, 2021.

209 2021 09-20 CLOSED SESSION

The Commission convened to a Closed Session for the purpose of discussing pending litigation at 7:56 p.m. and returned to its regular meeting at 8:42 p.m.

210 2021 09-20 CITY OF LAPEER v. LAPEER PLATING & PLASTICS, CASE NO. 20-053712

Motion by Cattane. Seconded by Stroh.

Authorize the City Manager to engage Foster Swift for consultation in election law issues.

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

Nays: None.

Absent: None.

MOTION CARRIED.

211 2021 09-20 ADJOURNMENT

Moved by Cattane.

Adjourn the regular meeting at 8:45 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 8:45 p.m.

Debbie Marquardt, Mayor

Romona Sanchez, City Clerk