

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
SEPTEMBER 21, 2020**

A regular meeting of the Lapeer City Commission was held September 21, 2020 electronically via GoToMeeting 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, Osentoski, Pattison, Stroh.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Marquardt led the Pledge of Allegiance.

192 2020 09-21 AGENDA APPROVAL

Moved by Pattison. Seconded by Osentoski.

Approve the Agenda for September 21, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

193 2020 09-21 MINUTES

Moved by Osentoski. Seconded by Atwood.

Approve the minutes of the Regular Meeting held September 8, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

Larry Opalewski representative of Mark & Cindy Labaza owners of 1040 S. Lapeer Road spoke in favor of the Text Amendment on the agenda tonight as it will address this property only as it is half in and half out of the exclusion zone.

Mark Labaza addressed the Commission regarding his property located at 1040 S. Lapeer Road which is half in and half out of the restricted area. The property is located a mile north of I-69. The Text Amendment concerns one property only; does not change the master plan; does not change the prohibited zone; just clarifies the existing ordinance. To put the City's mind at ease, Mr. Labaza, stated that he is willing to sign an agreement that would ban him from selling his property to any existing restaurant in Lapeer that has a drive-through window; and would extend this restriction to any developer buying this property. This would eliminate any concerns of leap frogging; but would allow him to sell his property. Please approve this Text Amendment.

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

Clare Longoria, spoke on leapfrogging and will cooperate to encourage zoning ordinance be stricken in its entirety.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

194 2020 09-21 CONSENT AGENDA

Moved by Cattane. Seconded by Pattison.

Approve the Consent Agenda for September 21, 2020 resulting in the following:

1. Special Event Application from Stone Soup Food Bank to hold their Annual Fall Hunger Awareness Week Fund Collection on October 9-10, 2020 from 9:00AM – 4:00PM at various intersections throughout the City.

Mayor Marquardt questioned if Millville Road construction would be an issue for this event. City Manager Kerbyson indicated the construction should be finalized by the date of this event.

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

Nays: None.

Absent: None.

MOTION CARRIED.

ADMINISTRATIVE REPORTS

195 2020 09-21 REZONING – RM-1 MULTIPLE- FAMILY RESIDENTIAL TO OS-1. PARCEL #L21-40-400-040-00 - 550 S. SAGINAW STREET

Moved by Cattane. Seconded by Pattison.

Adopt an Ordinance Amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02 (a)(26) to the General Ordinance of the City of Lapeer.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

196 2020 09-21 REZONING – R-1 SINGLE-FAMILY RESIDENTIAL TO I-1

PARCEL #L20-84-901-040-00 - 155 S. SAGINAW STREET

Moved by Cattane. Seconded by Osentoski.

Adopt an Ordinance Amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02 (a)(27) to the General Ordinance of the City of Lapeer.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

197 2020 09-21 TEXT AMENDMENT TO SEC. 7-13.04.B(9) DRIVE-THROUGH RESTAURANT

Commissioner Atwood introduced an Ordinance Amendment to Chapter 7 (Zoning) Sec. 7-13.04 B(9) Drive-Through; as the change is necessary to improve administration of the ordinance and to better serve the community and the Text Amendment is consistent with the Master Plan. The proposed language is for drive-through restaurants which are prohibited on parcels located completely between Tower Drive and Turrill Road and fronting on M-24.

198 2020 09-21 TEXT AMENDMENT TO SEC. 7-06.02, 7-08.02, 7-13.12, 7-16.02, 7-20.04, AND 7-24.09

Commissioner Cattane introduced an Ordinance Amendment to modify the Business and Office Districts, Industrial Districts, Use Requirements for Marihuana Facility/Establishments, Number of Parking Spaces, Nonconforming Uses of Land and Structure, and Definition Sections to allow for the co-location of recreational marihuana establishments with medical marihuana facilities.

199 2020 09-21 INTRODUCTION OF AMENDMENTS TO ORDINANCE 69 – ADULT USE MARIHUANA BUSINESSES AND FACILITIES

Commissioner Pattison introduced an Ordinance Amendment to Chapter 69 (An Ordinance to Authorize and the Establishment of Adult Use Marihuana Businesses and Facilities) of the General Ordinances of the City of Lapeer.

200 2020 09-21 CONTRACT FOR DESIGN ENGINEERING AND SURVEY SERVICES WITH ROWE FOR THE REPLACEMENT OF THE LAPEER COMMUNITY CENTER PARKING LOT

Moved by Cattane. Seconded by Pattison.
Approve the attached contract for design engineering services for the replacement of the Lapeer Community Center Parking Lot in the amount of \$24,500 which is budgeted and approved in the FY 20/21 Capital Improvement Project #91830.

ON A ROLL CALL VOTE:

- Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.
- Nays: None.
- Absent: None.

MOTION CARRIED.

201 2020 09-21 NEW BANK ACCOUNTS

Moved by Cattane. Seconded by Osentoski.
Authorize the Director of Financial Services to open bank accounts with ELGA Credit Union, Dort Federal Credit Union and Security Credit Union.

Commissioner Atwood asked if the City is closing any bank accounts. Director of Financial Services Hanna indicated the City is not closing any accounts, we are looking to diversify and the Credit Unions are paying a higher interest rate than the other banks. Commissioner Stroh asked if we approached our current banks regarding the rates and if there will be any negative fallout from moving funds. Ms. Hanna stated the City will maintain the current accounts as primary; however, the City is looking to purchase certificates of deposits. Those organizations have been contacted and cannot provide a

better interest rate. We will be limiting the amount we are putting into the Credit Union account; and will maintain our current relationship with Choice One Bank.

City Manager Kerbyson indicated it has been suggested the City diversify where it keeps funding because the FDIC does not insure up to the level of the dollars we keep in the bank. Therefore, the more sites we use the higher level of insurance we have for our funds.

ON A ROLL CALL VOTE:

Ayes: Atwood, Osentoski, Pattison, Stroh.

Nays: None.

Absent: None.

Abstain: Cattane.

MOTION CARRIED.

202 2020 09-21 BILL LISTING APPROVAL

Moved by Pattison. Seconded by Atwood.

Approve the Bill Listing for September 1 through September 13, 2020 in the amount of \$1,284,931.42.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Kerbyson referred to an article in the Sunday County Press regarding the Farmers Market Pavilion; we will do significant investigating to be able to respond to the letter; may need to discuss with the City Attorney and Commission before a reply can be issued. We will be submitting an EDA Grant for \$3.5 million dollars to be used to rebuild the Genesee Street Bridge. The City audit starts tomorrow; the Finance Department has been preparing for their arrival over the past month and the auditors will be onsite for 2 days. Received the certified ALTA Survey for White Junior High which was too large for the Title Company to record; we will have to submit something smaller. We will be starting Cyber Security Training Program for each City employee in groups of 10 next week. Also, we are developing an RFP for IT services throughout the City and will send out a bid packet as soon as it is completed, most likely within the next month.

CITY ATTORNEY'S REPORT

City Attorney Nolan requested to be put on an upcoming Agenda to have an Executive Session to give an update on the current litigation he is working on.

UNFINISHED BUSINESS:

202 2020 09-21 APPOINTMENT TO PLANNING COMMISSION

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

To appoint Marty Johnson and Doug Roberts to the Planning Commission for a term to expire 08-01-2023.

A discussion was held on how a person is selected for recommendation to a board seat and it was the consensus of the Commission that they would like to see the interest

forms for any future recommendations for board appointments with their agenda packets.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

None.

DEPARTMENTAL COMMUNICATIONS

The Departmental Monthly Reports, Downtown Development Authority Status Report, Investment Report for the Quarter Ended June 30, 2020, and the Medical Marihuana Licenses Provisioning Center, Grower, Processor, Secure Transport, Safety Compliance Facility Update were received into the record as presented.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Explained why he made a motion to Item # F.3 – Text Amendment to Sec. 7-13.04.B(9) Drive-through Restaurant. The property is half in and half out of the area that is zoned with restrictions and because of Mr. Labaza’s agreement; times are changing, these restrictions are 13 years old and the City needs to look at the rest of the restriction area. He encourages the Planning Commission to be proactive and look at what other communities are doing; fear cannot hold us back, it cannot drive us and the restrictions need to be re-evaluated. The downtown has vastly improved and times are changing, make a positive change; it is time to re-evaluate and develop that area. Support small businesses. Stay healthy and safe.

Commissioner Osentoski: Reminded everyone that in 2018, 47% of Lapeer registered voters cast votes to legalize marihuana. The Lapeer Concerned Citizens Group wanted me to let you know they will be submitting their petitions to the City of Lapper adopt an initiative to completely prohibit recreational marihuana facilities in the City. Within 30 days of presenting the petitions to the Commission, the Commission shall either pass the initiative and adopt an ordinance or call for a special election to be held as soon as the Bureau of Elections allows for a special election to be held.

Commissioner Cattane: Summer is almost over; medical marihuana history was voted on in November 2018, soon after that the City of Lapeer adopted Chapter 68; at which time Commissioners Cattane, Pattison & Stroh were not elected at that time; but Commissioner Osentoski was. Regarding a contract signed on 2007 by Mayor Sprague for annexation of property, we have spent north of \$3 million dollars developing the property with water/sewer beyond I-69 and have nothing to show for it; money has been spent by tax payers in this community; opposes the theory of dark spaces, can’t live in fear; need to develop south I-69 property, don’t want to increase the size of my little town, but need to due to the money spent for development of it; business and property owners have been extremely patient; cooperation is needed and we need to get along better with Lapeer Township, let’s bring in more jobs and increase median income. Everyone needs to be safe and moms and dads need to learn the computer/internet to help their kids.

Commissioner Stroh: Agrees with both Commissioners Atwood and Cattane; need to have the Planning Commission investigate the development of south Main down to I-69 and types of businesses; thanks to property owners for their patience; dining habits have changed; would love to see broader diversity in menu choices; not afraid of the leapfrog mentality or dark stores; not a good idea to have restaurants on residential side of Baldwin; fine dining is limited as there are no more liquor licenses in Lapeer County, only limited to Main Street in the DDA district. Cultural Arts are happening within the City. Center for the Arts has a new exhibit going up. Stone's Throw Theater is winding down with Molly Jones and will bring in local artist Bill Kirsammer who is a sculpture and carver and his work is amazing; wishes everyone well as we enter the fall season.

Commissioner Pattison: Michigan State University put together a study on the economic impact of adult use marihuana in the State of Michigan, it is on the MRA website and is very interesting reading; once established, it is estimated that level of retail sales once established is going to be approximately \$3 billion dollars; will have an economic impact of \$7.8 billion, employment and businesses along the marihuana supply chain estimated to be 13,500 jobs and a total economic impact in the State of 23,700 new jobs; possible tax revenues \$495.7 million dollars of which \$298.6 million dollars in excise tax. It passed in Michigan and we have a proposed vote coming up because not enough people in Lapeer voted. If less people vote for an upcoming election, is that valid for another vote? Summer is over, be safe, take care of yourselves.

City Manager Kerbyson: Over the last two weeks he has had conversations with Senators as they are pushing by Consumers Energy to make all solar installations past and future tax exempt; no need for this, our Senator had initially support; however, it is an unneeded tax break. In the past, the City has reached out and provided some funds to the City of Escanaba who was fighting with the State for the dark store lawsuit; the Michigan Tax Tribunal had allowed the taxes to be rolled down to derelict or vacant property, making it more likely the store would remain closed. City has been asked to support a resolution to not allow one of the members be reappointed to the Michigan Tax Tribunal under the current Governor.

Mayor Marquardt: The Dog Park Raffle drawing was held on September 12, sold majority of tickets, almost 900 out of 1,000; event was very successful, next step is to apply for a matching grant, may be able to start building the Dog Park next spring, City Manager Kerbyson commented that it is at the point of Go-Fund-Me for the Dog Park, need to raise about \$30K. Attended Neighbors Helping Neighbors drive thru event at the Center Building which was well attended; bag lunches were available and boxes of food were available for those that needed it, vendors outside to provide assistance as well. She will be attending the video conference tomorrow for brainstorming with the Refuge about future development. Positives for marihuana industry include recreational would all be regulated, more high paying jobs with benefits, property tax benefits and employment tax as well; should be treated just like any other business; in 2018, 58% of registered voters voted which is considered a high turnout.

203 2020 09-21 ADJOURNMENT

Moved by Cattane.

Adjourn the regular meeting at 7:51p.m.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:51 p.m.

Debbie Marquardt, Mayor

Romona Sanchez, City Clerk

Tracey S. Russell, Deputy City Clerk