

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
OCTOBER 2, 2023**

A regular meeting of the Lapeer City Commission was held October 2, 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: Commissioners: Atwood, Cattane, Pattison, Stroh, Swindell.

Absent: Mayor Marquardt.

City Manager: Mike Womack, present.

Mayor Pro Tem Pattison led the Pledge of Allegiance.

225 2023 10-02 EXCUSE MEMBER

Moved by Cattane. Seconded by Stroh.

To excuse Mayor Marquardt from the meeting tonight.

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

Nays: None.

MOTION CARRIED.

226 2023 10-02 AGENDA APPROVAL

Moved by Cattane. Seconded by Atwood.

Approve the Agenda for October 2, 2023, with the amendment to item G-5 Community Center Outdoor Basketball Court Paving.

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

Nays: None.

MOTION CARRIED.

227 2023 10-02 MINUTES

Moved by Cattane. Seconded by Swindell.

Approve the minutes of the regular meeting held September 18, 2023, as presented.

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

Nays: None.

MOTION CARRIED.

PUBLIC COMMENTS

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

228 2023 10-02 CONSENT AGENDA

Moved by Stroh. Seconded by Swindell.

Approve the consent agenda for October 2, 2023, as presented:

1. Special Event: Lapeer's Buried History – A Living Tour of the Past – October 20, 2023.
2. Permanent Water Line Easement – L20-94-902-040-10 & L20-94-902-040-20.
3. Permanent Sewer Line Easement – L20-94-902-040-10 & L20-94-902-040-02.

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

Nays: None.

MOTION CARRIED.

229 2023 10-02 BILL LISTING

Moved by Cattane. Seconded by Stroh.

Approve the bill listing for October 2, 2023, in the amount of \$1,959,869.71.

ON A ROLL CALL VOTE:

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

Nays: None.

MOTION CARRIED.

PROCLAMATION, RECOGNITIONS AND RESOLUTIONS:

None.

ADMINISTRATIVE REPORTS:

**230 2023 10-02 ORDINANCE AMENDMENT – CHAPTER 7 ZONING –
ELECTRIC VEHICLE CHARGING STATIONS**

Commissioner Pattison introduced an ordinance amendment to Chapter 7 (Zoning Ordinance), Section 7-16.09 and Section 7-24.03, of the General Ordinance of the City of Lapeer.

Article 24 Terminology Use Requirements

Sec. 7-24.03 Definitions

Electric Vehicle (EV), Plug-In.

Any vehicle that operates on electrical energy derived from an off-board source that is stored in the vehicle's batteries. This term includes fully electric vehicles as well as hybrid vehicles that run on both batteries and fuel but can be charged by plugging in to a compatible electrical outlet.

Electric Vehicle Charging.

When an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment, it is considered to be charging.

Electric Vehicle Charging Space.

A parking space located adjacent to an electric vehicle charging station and reserved for the charging of electric vehicles.

Electric Vehicle Charging Station.

Equipment for the transfer of electric energy by conductive or inductive means to a battery or other storage device located onboard an electric vehicle. Charging stations shall be either for public use (accessible to all vehicle users during posted hours), or for restricted use (for certain specified users such as residents, fleet vehicles, or employees). Typical electric vehicle charging levels and specifications are:

1. Level 1. Alternating current slow battery charging. Voltage is 120 volts.
2. Level 2. Alternating current medium battery charging. Voltage is between 120 and 240 volts.
3. Level 3. Direct current fast or quick battery charging. Voltage is greater than 240 volts.

Electric Vehicle-Capable

An installed electrical panel capacity with dedicated branch circuit(s) and cable/raceway that is capped for future electric vehicle charging stations.

Electric Vehicle-Ready

An installed electrical panel capacity with a dedicated branch circuit(s) including conductor in a raceway or direct buried, terminated in an approved method in a junction box, for an electric vehicle charging station(s).

Article 16 Parking, Loading, Access and Circulation Requirements

Sec. 7-16.09 Electric Vehicle Infrastructure

This section provides standards for the installation of electric vehicle charging infrastructure, electric vehicle charging spaces, and associated equipment.

A. Electric Vehicle Parking Use Standards

- 1) **Residential:** Electric vehicle charging stations are a permitted accessory use within Single-Family Residential zoning districts if the station is contained entirely within a building. If the station is located outside of a building, it must meet standards for accessory structures in a residential zoning district. See Section 13.10.
- 2) **Commercial, Industrial, and Multi-Family:** Electric vehicle charging stations are a permitted accessory use within any off-street parking area in Multi-Family, Business, CBD, Industrial, and PUD zoning districts. However, the charging stations are subject to the standards listed in this section, not accessory use standards in Section 7-13.10.
- 3) **Electric Vehicle Charging as a Primary Use:** If the primary use of a parcel is the retail charging of electric vehicles, then the use shall be considered an automobile service station. Installation of charging stations shall be subject to special land use approval and located in zoning districts which permit gasoline service stations. A parcel on which a parking lot is the primary use shall not be subject to this standard unless more than 50 percent of the parking spaces are designated as electric vehicle charging spaces.

B. Relationship to Parking Requirements

- 1) An electric vehicle charging space is included in the calculation for minimum required parking spaces in accordance with Section 7-16.02.
 - a) The minimum number of parking spaces required may be reduced by 1 space for each electric vehicle charging space provided, up to a maximum reduction of 10 percent of the required spaces. For example, if a development is required to have a minimum of 20 spaces, but provides 2 electric vehicle charging spaces, the minimum number of spaces is 18 (16 standard spaces, 2 electric vehicle spaces, and a reduction of 2 spaces).
 - b) Any new parking lot proposed as part of an application for site plan review or special land use with more than 50 parking spaces must provide at least 2 Electric-Vehicle Ready charging spaces per 50 parking spaces.
- 2) Public electric vehicle charging stations are reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

C. Design Standards

- 1) Electric vehicle charging stations shall be sized the same as a standard parking space.
- 2) Charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a retraction device and/or a place to hang permanent cords and connectors a sufficient and safe distance above the ground or pavement surface. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be

designated and located as to not impede pedestrian travel or create trip hazards on sidewalks.

- 3) Adequate charging station equipment protection, such as concrete filled steel bollards, shall be used. Non-mountable curbing may be used in lieu of bollards, if the charging station is set back a minimum of 24 inches from the face of the curb.
- 4) Electric infrastructure serving the charging station shall be located underground.
- 5) Associated mechanical equipment, like transformers, may be located within a front yard, but must meet all other standards of the zoning ordinance for screening in Section 7-15.07.
- 6) Canopies are permitted but not required. Canopies shall cover only the electric vehicle charging space or spaces. Canopies must provide a clearance height of not less than 14 feet. If canopies are included, the charging stations must be located in a side or rear yard.

D. Accessibility

- 1) Developments with three or more electric vehicle charging spaces, including public parking lots, shall provide at least one barrier-free electric vehicle charging space. Additional barrier-free spaces are required according to the number of spaces listed in Table 7-16.2. Specifications for barrier-free electric vehicle charging spaces shall be based on the most recent guidance from the U.S. Access Board.
- 2) Where charging station equipment is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the charging station equipment shall be located so as not to interfere with accessibility requirements of the Michigan accessibility code or other applicable accessibility standards.

E. Lighting. Site lighting shall be provided where an electric vehicle charging station is installed. Lighting shall be consistent with the standards of Section 7-15.05.

F. Signage and Notification

- 1) Notification shall be placed on the unit to identify voltage and amperage levels, time of use, fees, safety information and other pertinent information.
- 2) Each electric vehicle charging station space shall provide signage indicating the space is only for electric vehicle charging purposes.
- 3) Signs for electric vehicle charging stations and parking shall not exceed 3 square feet with no more than one sign per electric vehicle charging space.

G. Installation and Maintenance.

- 1) All necessary building and electrical permits must be obtained.
- 2) Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning or other problems are encountered.
- 3) If an electric vehicle charging station is out of operation for a period exceeding 90 days, it shall be removed at the cost of the property owner.

231 2023 10-02 ORDINANCE AMENDMENT – CHAPTER 7 ZONING – METAL HALIDE LIGHTING

Commissioner Cattane introduced an ordinance amendment to Chapter 7 (Zoning Ordinance), Section 7-15.05.D, of the General Ordinance of the City of Lapeer.

Article 15 General Site Development Requirements

Sec. 7-15.05.D

D. Lighting standards. Unless granted a variance under the provisions of § 7-23.04, all lighting must comply with the following standards:

1) All lighting.

[Added 12-19-2022^[1]]

- a) Lighting intensities shall average one footcandle measured at the surface of the parking area. Service drives shall have a lower intensity averaging 0.5 footcandle measured at the ground surface.
- b) The intensity of light within a site shall not exceed 10 footcandles within any site or one footcandle at any property line, except where it abuts a service drive or other public right-of-way.
- c) Lighting abutting a residential district or use can be a maximum intensity of 0.5 footcandle at the property line.
- d) Lighting intensity within 20 feet of a dumpster enclosure shall be appropriately illuminated.

[1] *Editor's Note: This ordinance also redesignated former Subsections D(1) and D(2) as subsections D(2) and D(3), respectively.*

2) Freestanding pole lighting.

- a) All parking lots shall be illuminated. No wiring shall be exposed. Wiring shall be UL listed for wet locations.
- b) Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward directed, shoebox fixtures shall be used in an effort to maintain a unified lighting standard throughout the City and prevent "sky glow."
- c) (Reserved)^[2]

[2] *Editor's Note: Former Subsection D(2)(c), regarding lighting intensities average, was repealed 12-19-2022 by Ord. No. 2022-05.*

- d) The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures are necessary to preserve the intended character of the site.
- e) The maximum height of parking lot light fixtures shall be 20 feet, except that the Planning Commission may permit a maximum height of 30 feet within commercial, industrial, and office zoning districts and for institutional uses in residential districts when the poles are no closer than 150 feet to a residential district or use.
- f) Parking lot poles shall be located in parking lot islands or in the periphery parking lot area. Light poles shall be prohibited in parking spaces.

3) Building-mounted lighting.

- a) Commercial and industrial buildings are required to have adequate lighting at sides of the building with entries and exits.
- b) Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward-directed, fixtures shall be used in an

effort to maintain a unified lighting standard throughout the City and prevent "sky glow."

c) (Reserved)^[3]

[3]Editor's Note: Former Subsection D(3)(c), regarding intensity of light, was repealed 12-19-2022 by Ord. No. 2022-05.

d) The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site.

e) Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings, such as along roof eaves and around windows, etc. The Planning Commission may approve internally illuminated architectural bands when it can be shown that the treatment will enhance the appearance of the building or is necessary for security purposes.

4) Window lighting.

a) Any light fixtures visible through a window must be shielded to prevent glare at the property line.

b) Luminous tube and exposed bulb fluorescent lighting (visible from the property line) is prohibited unless it is part of a sign that meets the requirements of Article **XVII**, Signs.

5) Residential streetlighting.

a) In residential developments, substantial completion of streetlighting shall be constructed once 50% of build-out has occurred.

b) The developer may be required to furnish a surety in an acceptable form (cash, bond, etc.) in an amount determined by the City to ensure completion of streetlight installation.

6) Other lighting.

a) The internal illumination of building-mounted canopies is prohibited.

b) Indirect illumination of signs, canopies and buildings is permitted provided a maximum 125 watt bulb is utilized and there is no glare.

c) Ground lighting (uplighting) used for the purpose of illuminating signs, landscaping and architectural details shall be shielded away from public view, directed solely at the object to be lit, and screened with landscaping as necessary.

d) The use of a laser light source, search lights or any similar high-intensity light for outdoor advertisement or entertainment is prohibited.

e) Lighting shall not be of a flashing, moving or intermittent type.

a) Luminous tube and exposed bulb fluorescent lighting is permitted as part of a sign meeting the requirements of Article **XVII**, Signs, of this chapter.

232 2023 10-02 CAPITAL ASSET POLICY - AMENDMENT

Moved by Swindell. Seconded by Cattane.

Approve the amended Capital Asset Policy, as presented.

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

Nays: None.

MOTION CARRIED.

233 2023 10-02 SPECIAL EVENT – HUNGER AWARENESS WEEK

Moved by Pattison. Seconded by Stroh.

Approve the additional locations for collections for Stone Soup Food Bank, as presented.

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

Nays: None.

MOTION CARRIED.

234 2023 10-02 COMMUNITY CENTER – REPAVING OUTDOOR BASKETBALL COURTS

Moved by Stroh. Seconded by Pattison.

Allocate \$35,196 in funds from the General Fund to the Park Fund and approve the budget amendment for asphaltting and redeveloping the existing outdoor basketball courts and authorize the Director of Parks, Recreation and Cemetery to sign all necessary documentation.

ACCOUNT#	ACCOUNT NAME	AMOUNT OF ADJUST.(+/-)
101-966-995.208	Transfer to Park Fund	<u>35,196.00</u>
	Net General Fund	<u>(35,196.00)</u>
208-964-699.101	Transfer from General Fund	<u>35,196.00</u>
208-756-974.000	Land Improvements	<u>35,196.00</u>
	Net Park Fund	=

ON A ROLL CALL VOTE:

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

Nays: None.

MOTION CARRIED.

CITY MANAGER’S REPORT

City Manager Womack spoke about the condition of the 18 E. Nepessing Street building and the very poor condition it is in. Would like to have a discussion about what the commission would like to see done with this property. We could demolish the property, rehab the property or we could try to package it for sale.

It was the opinion of the commission that demolition does appear to be the best option for the property as there is a significant amount of damage to the building and the cost of rehabilitation would be a great deal of money to bring it back to functional use.

CITY ATTORNEY’S REPORT

None.

UNFINISHED BUSINESS

None.

DEPARTMENTAL REPORTS

The Downtown Development Authority Monthly Report was received into the record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Swindell: Was pleased with the weekend Lapeer had during September 23-24, 2023. Beaver Dash Bash had the highest registration to date; raised a large sum of money for the trail system. The Porch fest was well attended. The disc golf course has 500 people registered for the event. The disc golf course is being used quite a bit. Integrity is choosing your thoughts and actions based on values, rather than personal goals.

Commissioner Atwood: Asked about receiving funds from Lapeer Plating and Plastics yet. Thanked the Lapeer Police Department for closing a portion of DeMille during the Beaver Dash Bash. There are people using our trail system in the parks for activities that are much less than desirable. Would like to know if something more can be done.

Commissioner Cattane: Echoes Commissioner Atwood's comments about the trails; we need to revisit this safety of the trails. End on a positive, Porchfest, A Jeep Thing, Oktoberfest and the Beaver Dash Bash were huge successes and are drawing in people from other areas to our community.

Commissioner Pattison: Reminded residents that we have vacancies on many boards and commissions and if you have time, please reach out to the City Clerk. Read the list of local events.

City Manager Womack: Will be out of town for the next meeting at the MML Conference; six-month review will take place on October 24, 2023. Gave a description of all the things that will now be possible with the repaving of the basketball courts at the Community Center.

235 2023 10-02 ADJOURNMENT

Having no further business, Mayor Pro Tem Pattison adjourned the regular meeting at 7:08 p.m.

Jeffrey Pattison, Mayor Pro Tem

Romona Sanchez, City Clerk