

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
OCTOBER 5, 2020**

A regular meeting of the Lapeer City Commission was held October 5, 2020 electronically via *Zoom* 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.

204 2020 10-05 AGENDA APPROVAL

Moved by Pattison. Seconded by Cattane.

Approve the Agenda for October 5, 2020 with the addition of item F-9.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

205 2020 10-05 MINUTES

Moved by Stroh. Seconded by Atwood.

Approve the minutes of the Regular Meeting held September 21, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

Mayor Marquardt read into the record comments from Melissa Petrie in opposition of recreational marijuana.

City Clerk Sanchez read into the record comments from Bernadette Treece in opposition of recreational marihuana.

Larry Opalewski, representative of Mark & Cindy Labaza, owners of 1040 S. Lapeer Road stated he and his clients are here for the vote on the Text Amendment and appreciate the attention everyone gave last week; happy to answer any questions that the Commission might have tonight.

Bryan Cloutier, resident of the City, submitted a FOIA request approximately a month ago requesting a copy of the City's pandemic policy and reopening plan which is

mandated by the Michigan Department of Labor MI OSHA. The response he received directed him to a link that took him to the State of Michigan's reopen plan. He then stated that the State's reopen plan can be used as a guide; however it cannot be a replacement for the plan. He has not seen the plan on the website nor has it been discussed in the meeting minutes. It is something that the City is obligated to have and legal council should be advising as such. If you don't have it or put one into place soon, he will not have an issue reporting the City of Lapeer to the Michigan Department of Labor.

206 2020 10-05 CONSENT AGENDA

Moved by Pattison. Seconded by Cattane.

Approve the Consent Agenda for October 5, 2020 resulting in the following:

1. Special Event: Kiwanis Club of Lapeer, Annual Cider Sales at Farmers Market and sidewalk area near Post Office on Nepessing Street; October 14-17, 2020 from 9am – 5pm.
2. Special Event: Lapeer County Young Marines to place Red Ribbons on City poles throughout the City from October 15 – November 12, 2020.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

207 2020 10-05 PROCLAMATION – HARRY GREEN

Mayor Marquardt read the following proclamation into the record:

Proclamation In Recognition of Harry Green

WHEREAS, Harry Green began employment with the City of Lapeer on October 12, 1987 as the Accounting and Data Processing Manager, for the Financial Department.

WHEREAS, Harry Green, has given conscientious, responsible, and professional service to the City of Lapeer and to the residents of the City; and

WHEREAS, Harry Green will retire on October 11, 2020 after 33 years of service to the City of Lapeer and leaves those in the City of Lapeer proud to have known him and to have served with him.

THEREFORE, LET IT BE KNOWN, that I, Mayor Deborah Marquardt and the Lapeer City Commission wish to honor and express deep appreciation to Harry Green for his efforts and devotion to public service and wish him continued success in retirement.

Dated this 5th day of October 2020.

208 2020 10-05 PROCLAMATION – PAMELA REID

Mayor Marquardt read the following proclamation into the record:

***Proclamation
In Recognition of Pamela (Pam) Reid***

WHEREAS, Pamela (Pam) Reid began employment with the City of Lapeer on June 24, 1996 with the City of Lapeer as Water/Sewer Superintendent and rose through the ranks to be promoted to Director, Department of Public Works on March 1, 2011.

WHEREAS, Pam Reid has given conscientious, responsible, and professional service to the residents of the City; and

WHEREAS, Pam Reid has been an invaluable asset to the City of Lapeer during her career and has served the City with dedication, integrity and distinction; and

WHEREAS, Pam Reid will retire on September 30, 2020 after more than 24 years of service to the City of Lapeer and leaves those in the City of Lapeer proud to have known her and to have served with her.

THEREFORE, LET IT BE KNOWN, that I, Mayor Deborah Marquardt and the Lapeer City Commission wish to honor and express deep appreciation to **Pamela (Pam) Reid** for her efforts and devotion to public service and wish her continued success in her retirement.

Dated this 5th day of October 2020.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

209 2020 10-05 BILL LISTING APPROVAL

Moved by Cattane. Seconded by Stroh.

Approve the Bill Listing for September 19 through September 29, 2020 in the amount of \$1,060,233.75.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

210 2020 10-05 RESOLUTION ESTABLISHING MERS SIGNATORIES

Moved by Osentoski. Seconded by Pattison.

Approve the Resolution authorizing the City Manager, Director of Financial Services and Executive Administrator to be signatories for the City of Lapeer Municipal Employee Retirement System Contracts and Service Credit Purchase Approvals.

This resolution is being adopted by the governing body of the participating entity and applies to all reporting units of said participating entity.

WHEREAS, City of Lapeer (“Employer”) is a participating municipality with the Municipal Employees’ Retirement System of Michigan (“MERS”) and has adopted one or more retirement, insurance, investment or other post-employment benefit products administered by MERS;

WHEREAS, MERS requires signatures of an authorized representative of the Employer to execute contracts with MERS, the entry of which is authorized by the governing body and permitted under the applicable MERS Plan Document(s);

WHEREAS, the Employer wishes to designate certain job position(s), the holder(s) of which may sign MERS’ contracts relating to the adoption, amendment and termination of MERS’ products, and defined benefit service credit purchase approvals on behalf of Employer to implement decisions and actions of the governing body;

WHEREAS, this Resolution is not intended to apply to MERS forms or any other MERS document except as specifically mentioned herein,

Therefore, the Governing Body resolves:

The holders of the following job position(s) are hereby *Authorized Officials* that can sign: (1) MERS Adoption Agreements, Resolutions, Participation Agreements, Administrative Services Agreements, Withdrawal Agreements and any other contracts between MERS and the Employer with respect to Employer’s participation in any MERS-administered product and any amendments and addendums thereto, and (2) MERS Defined Benefit service credit purchase approvals:

1. Dale Kerbyson, City Manager

Optional additional job positions:

2. Kelly Hanna, Director of Financial Services

3. Tracey S. Russell, Executive Administrator

This Resolution may be revoked in writing or amended by the Governing Body at any time, provided that it will not be effective until such writing or amended Resolution is received by MERS. The Governing Body agrees that MERS may rely upon this Resolution as conferring signing authority upon the holders of the above job position(s) to bind Employer with respect to MERS.

Adopted at a regular/special meeting of the Governing Body on October 5, 2020 .

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

211 2020 10-05 TEXT AMENDMENT TO SEC. 7-13.04.b(9) DRIVE-THROUGH RESTAURANT

Moved by Atwood. Seconded by Osentoski.

Adopt an Ordinance Amendment to Chapter 7 (Zoning Ordinance) 7-13.04B(9) of the General Ordinances of the City of Lapeer as it meets standards 4 and 5.

Article 7-13 Use Requirements

7-13.04 Retail Uses

(b) Business in the Character of a Drive-Thru

- (9) Drive-through restaurants are prohibited on parcels located completely between Tower Drive and Turrill Road and fronting on M-24.

Commissioner Cattane asked to hear from Caitlyn Habben regarding this Text Amendment. Ms. Habben stated the policy decision being made tonight is only to change the specific language, the policy decision to still have a prohibited section of M-24 between Tower and Turrill would still restricts drive-throughs. This Text Amendment would clarify what is meant for only properties that are completely located within that prohibited zone, which would only impact the Labaza property. Again, this is just to clarify this one property. Ms. Habben then gave a brief description on the idea of this clarification and how we got to this requested Amendment tonight.

Commissioner Cattane stated that the original proposal for this property was three fast food restaurants, two of which were to be on the Baldwin side. Many of the residents living on Baldwin don't want more drive-through's near their homes. Is in favor of the development of M-24; however he fears this will develop Baldwin Road, which is still residential. Another concern is if we do it for one, we should do it for all; we must be mindful of our neighbors.

Larry Opalewski stated that they understand Commissioner Cattane's concerns which are valid; tonight we are just making it possible to develop this property, not finalizing the number of drive-through's on this property.

Mr. Labaza stated they had gone to the Zoning Board of Appeals by recommendation from the Planning Commission and were turned down. We asked for one (1) drive-thru on the property; which is between Belle Tire and Taco Bell. What would you like me to do with the property? We are not changing the Master Plan; not changing the drive-through restriction for the entire corridor; we are talking about one property; the only one that is split and has frontage on both Baldwin and M-24. It is the only property that has frontage on both M-24 and Baldwin. The City dictates the development with the Planning Commission on the aesthetics, landscaping and every detail; and has offered to not sell to any existing restaurant with a drive-through in the City.

Commissioner Pattison asked Ms. Habben if she could clarify the amount of property that is located above and below Tower Drive. Ms. Habben stated that 25% is in the area and 75% is out of the area. Two drive-through restaurants would fit on the larger portion of the property.

City Attorney Nolan reminded the Commission, the vote tonight is in regard to a Text Amendment to the ordinance only, you are not sitting as a Planning Commission.

Commissioner Pattison stated this property fronts Baldwin on the west and M-24 on the east and would like to put this vote off until the next meeting. This would allow for time to contact M-DOT, Lapeer Township and the Lapeer County Commission to see if they have any concerns with this Text Amendment.

ON A ROLL CALL VOTE:

Ayes: Atwood, Osentoski.

Nays: Cattane, Pattison, Stroh.

Absent: None.
 MOTION FAILED.

212 2020 10-05 TEXT AMENDMENT TO SECTIONS 7-06.02, 7-08.02, 7-13.12, 7-16.02, 7-20.04, AND 7-24.09

Moved by Cattane. Seconded by Pattison.

Adopt 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. Chapter 7 Zoning, Sections 7-06.02, 7-08.02, 7-13.12, 7-16.02, 7-20.04 and 7-24.09 of the General Ordinance of the City of Lapeer.

Sec. 7-06.02, Table 7.06.1

OS-1 Office Service District, B-2 General Business District, B-3 Regional Business District-

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Medical Marihuana Facility Uses					
Medical Marihuana Provisioning Center/ Marihuana Retailer			P	P	Section 7.13.12
Marihuana Safety Compliance Facility/Establishment	SLU		SLU		Section 7.13.12
Marihuana Secure Transporter Facility/Establishment			SLU	SLU	Section 7.13.12

Sec. 7-08.02, Table 7.08.1

I-1 Industrial District and I-2 Planned Industrial District –

Use	I-1	I-2	Additional Requirements
Medical Marihuana Facility Uses			
Medical Marihuana Grow Facility/ Marihuana Grower	P	P	Section 7.13.12
Marihuana Processor/Processing Facility/Establishment	P	P	Section 7.13.12
Marihuana Safety Compliance Facility/Establishment	P	P	Section 7.13.12
Marihuana Secure Transporter Facility/Establishment	P	P	Section 7.13.12

Article 7.13 USE REQUIREMENTS

Sec. 7.13.12 Medical Marihuana Facility and Recreational Marihuana Establishment

- (a) Any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by City of Lapeer. In the event that a court with jurisdiction declares some or all of this article invalid, then City of Lapeer may suspend the acceptance of applications pending the resolution of the legal issue in question.
- (b) At the time of application for a permit the marihuana facility/establishment must be prequalified for licensure and/or licensed by the State of Michigan and then must be at all times in compliance within the laws of the State of Michigan including but not limited

to the Michigan Medical Marihuana Act, MCL 33 3.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951; and all other applicable rules promulgated by the State of Michigan .

- (c) Facilities shall provide a security plan in compliance with the Marijuana Regulatory Agency rules.
- (d) The use, establishment, or facility must be at all times in compliance with all other applicable state laws and ordinances of City of Lapeer.
- (e) Marihuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marihuana facility/establishment.
- (f) All marihuana facilities/establishments activity shall be conducted in a fully enclosed building. Outdoor display, outdoor production, outdoor sales, or outdoor storage shall not be allowed. A marihuana facility/establishment, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.
- (g) Hours of Operation.
 - a. Hours of operation of provisioning center facilities/ marihuana retailer shall be restricted to be between the hours 7 am to 11 pm.
 - b. Hours of operation of safety compliance facilities/establishments shall be restricted to be between the hours of 7 am to 11 pm.
 - c. Hours of operation of secure transport facilities/establishments shall be restricted to be between the hours of 7 am to 11 pm.
- (h) Buffer Requirements are considered a setback or separation area in which a marihuana facility/establishment permitted under this ordinance must maintain a defined spacing from an existing use as stated below. Buffers are measured from the property line as determined by the City of Lapeer Assessing Department. A proposed marihuana facility/establishment must be outside of designated buffer areas.
 - a. A 1,000 foot buffer is required from all public, parochial and other private schools offering courses in general education, and consisting of grade levels kindergarten through 12th grade. This buffer requirement is in correlation with the State of Michigan Drug Free School Zone (MCL 333.7410) not including measuring procedures along a public right-of-way.
 - b. A 500 foot buffer is required from all licensed child care centers, child day care centers, nursery schools and child care institutions. All facilities listed here pertain to child care facilities that cater to children under the age of 18 but excluding those operating out of a private home such as child care group home and child care family home licenses. Such facilities, centers and institutions are further defined in 7.24(f)(1) and 7.24(f)(2) of this Zoning Ordinance.
 - c. A 500 foot buffer is required from all Federal owned, used, or operated property. Such Federal uses currently include the United States National Guard Armory of Michigan, Telecommunication Exchange Federal Facility, and the United States Postal Office, excluding transportation facilities such as the railroad and interstate I-69.
 - d. A 200 foot buffer is required from all designated public parks within the City of Lapeer, excluding trail ways and cemeteries such as Linear Park and Oakdale Cemetery.
- (i) Buildings used for grow facilities, grower, processor facility, safety compliance facility, provisioning center, marihuana retailer, and secure transport shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building

through an exhaust vent first passes through an activated carbon filter. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter (s) shall be rated for the applicable CFM. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days or as determined by the manufacture’s recommendations. Negative air pressure shall be maintained inside the building. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

- a. An alternative odor control system is permitted if the applicant submits and the City of Lapeer Planning Commission accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The City of Lapeer may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

Article 7.16 PARKING, LOADING, ACCESS, AND CIRCULATION REQUIREMENTS, TABLE 7.16.1

Medical Marihuana Facility	
Medical Marihuana Grow Facility or Marihuana Grower	One (1) space per employee in the largest working shift, plus two (2) additional spaces.
Marihuana Processor/Processing Facility/Establishment	Five (5) plus one (1) space for every one and one-half (1 ½) employees in the largest working shift.
Medical Marihuana Provisioning Center or Marihuana Retailer	1 space per 275 square feet of gross floor area, including outdoor sales space.
Marihuana Safety Compliance Facility/Establishment	Five (5) plus one (1) space for every one and one-half (1 ½) employees in the largest working shift.
Marihuana Secure Transporter Facility/Establishment	Five (5) plus one (1) space for every one (1) employee, in the largest working shift, or five (5) spaces plus one (1) space for each 1,700 sq.ft. of UFA, whichever is the greater.

Article 7.20 NONCONFORMING USES OF LAND AND STRUCTURES

Sec. 7.20.04 Nonconforming Use of Land

7.20.04. E Medical Marihuana Nonconforming Use

- (1) No marihuana facility operating or purporting to operate prior to February 19, 2018, shall be deemed to have been a legally existing use nor shall the operation of such marihuana facility be deemed a legal nonconforming use under this Ordinance.
- (2) A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this Ordinance or any amendment thereto.
- (3) Discontinuation of a State Medical Marihuana Facility License shall constitute prima facie evidence that a nonconformity has been discontinued.

7.20.04. F Recreational Marihuana Nonconforming Use

- (1) No marihuana facility operating or purporting to operate prior to [adoption date], shall be deemed to have been a legally existing use nor shall the operation of such marihuana facility be deemed a legal nonconforming use under this Ordinance.

- (2) In accordance with Michigan law and this Ordinance a property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this Ordinance or any amendment thereto.
- (3) Discontinuation of a State License shall constitute prima facie evidence that a non-conformity has been discontinued.

Article 7.24 DEFINITIONS

7.24.09 Definitions M-N

Marijuana or marihuana – The term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marihuana Tracking Act, MCL 333.27901 et seq, and Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951.

- A. Grower Facility, Medical Marihuana – A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
- B. Grower, Marihuana - A person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- C. Licensee - A person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq and Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951.
- D. Medical Marihuana Facility - An enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.
- E. Marihuana Establishment – An enterprise at a specific location at which a licensee is licensed to operate under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 including a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana retailer, marihuana secure transporter. A Marihuana Establishment does not include any of the following within the City of Lapeer: an excess marihuana grower, a marihuana microbusiness, designated consumption establishment, and further does not include a location where a marihuana event organizer license or temporary marihuana event license could be utilized.
- F. Outdoor Production – The growing of marihuana in an expanse of open or cleared ground or in a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting, including but not limited to electrical lighting sources.
- G. Person - An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- H. Processor - A licensee that is a commercial entity located in Michigan that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
- I. Provisioning Center - A licensee that is a commercial entity located in Michigan that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance within the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.

- J. Retailer - A person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older
- K. Safety Compliance Facility - A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility. A person licensed to test marihuana, including certification for potency and the presence of contaminants.
- L. Secure Transporter – A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee. A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

ON A ROLL CALL VOTE:

Ayes: Cattane, Pattison, Stroh.

Nays: Atwood, Osentoski.

Absent: None.

MOTION CARRIED.

213 2020 10-05 AMENDMENTS TO ORDINANCE 69 – ADULT USE MARIHUANA BUSINESSES AND FACILITIES

Moved by Cattane. Seconded by Stroh.

Adopt an Ordinance Amendment to Chapter 69-Adult Use Marihuana Businesses and Facilities of the General Ordinance of the City of Lapeer (see attachment).

§ 69-04 License Applications.

A. Applications Required.

- (1) Application from Applicant that has Applied and Received State License Prequalification.

Any person seeking to operate an authorized marihuana establishment as provided in §69-03 B. and who has submitted and received license prequalification from the State of Michigan pursuant to section 9 of the MRTMA, MCL 333.27959, shall file a license application with the City Clerk upon a form provided by the city. The application shall include the following information:

B. Sales Prohibited During Certain Hours.

No licensee, employee, or agent of a licensee shall sell or purchase by sale, barter, exchange, or otherwise, any item under a license issued pursuant to this Chapter from or to any person or entity between the hours of 11:00 p.m. and 7:00 a.m. of the following day.

The hours of operation for any marihuana retailer, safety compliance establishment, and secure transport establishment licensed hereunder shall be no more than from 7 a.m. to 11 p.m., only.

Ayes: Cattane, Pattison, Stroh.

Nays: Atwood, Osentoski.

Absent: None.

MOTION CARRIED.

214 2020 10-05 INTRODUCTION – REZONING B-2 GENERAL BUSINESS TO I-1 INDUSTRIAL PARCEL #L20-83-462-040-010

Commissioner Pattison introduced an Ordinance Amendment to rezone parcel #L20-83-462-040-010.

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

- (28) The following described property known as Parcel #L20-83-462-040-10 a vacant parcel located on the north side of Imlay City Road formerly zoned B-2 General Business is hereby rezoned to I-1 Industrial:

CITY OF LAPEER, SEC 4 T7N R10E COM N89°14'30"W 1326.16 FT & S01°56'04"E 518.8 FT FRM E 1/4 PST, TH S01°56'04"W 208.86 FT TO GENESEE ST C/L; TH S60°55'19"E 322.06 FT ALG C/L; TH N01°56'04"W 208.86 FT; TH N71°44'27"W 322.06 FT TO POB 1.32 NET ACRE. 44-12-004-043-00 SPLIT 3/2018 FROM L20-83-462-040-00

215 2020 10-05 MCCORMICK STREET – SANITARY FORCE MAIN/PUMP STATION

Moved by Pattison. Seconded by Stroh.

Approve Payment #4, final payment, in the amount of \$262,854.31 to Lawrence M. Clark, Inc. for the improvement to McCormick Street Sanitary Force Main/Pump and Bio-retention Pond.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

216 2020 10-05 SEWER EASEMENT – CITY OF LAPEER AND MAYFIELD TOWNSHIP

Moved by Cattane. Seconded by Osentoski.

Approve sewer easements for the City of Lapeer's Public Storm System and Mayfield Township relating to City of Lapeer parcel L20-98-031-032-00 and Mayfield Township parcel 44-014-031-003-10.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

217 2020 10-05 HALLOWEEN TRICK OR TREAT

Moved by Pattison. Seconded by Osentoski.

Approve the City wide Halloween Trick or Treat event with the hours between 6:00 pm and 8:00 pm on Saturday, October 31, 2020.

Pattison asked that all participants and non-participants respect each side; if a light is not on don't go to that house; please don't congregate and just be safe.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Kerbyson stated that Item F-8 that was approved tonight and has been one of the major stumbling blocks for the Ivy Terrace Development. There has been no recorded easement for many years.

218 2020 10-05 OPT OUT OF PA 152 OF 2011 FOR YEARS 2021 AND 2022

Moved by Pattison. Seconded by Atwood.

Approve the Resolution to opt out of PA 152 of 2011 for Year 2021 and 2022.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

219 2020 10-05 WHITE JUNIOR HIGH

Moved by Stroh. Seconded by Cattane.

Approve the property transfer as presented and authorize the City Manager to sign all necessary documents on behalf of the City of Lapeer.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

City Manager Kerbyson continued the discussion about holding meetings virtually, now that the Governors Executive Orders have been stricken; however they remain in place until October 21, 2020; there is a lot of concern about holding virtual meetings. He and the City Attorney will be researching that over the next two weeks.

Also, on the City's website is a detailed, 32-page, COVID Response Plan, which has been updated once.

CITY ATTORNEY'S REPORT

City Attorney Nolan stated we have had many questions about the recent ruling from the Michigan Supreme Courts. This came about in an unusual context in what is called an advisory opinion, in response to a question from a Federal Judge, asking if this issue was in front of him; how would he rule on the case. The Michigan Supreme Court laid the ground work for a case, and that the case was in front of them. The Federal Court case is still proceeding. There is plenty of room for the Governor and legislature to work this out and should be done before the Judge has to make a ruling. Attorney General Nessel stated she will not enforce the current orders. If Local Cities and Health

Departments want to take up this issue they can. Oakland and Ingham County through their Health Departments have renewed the orders. Lapeer County Health Department has not made or issued any orders with respect to this issue. The City does not have a physician on staff and we should refer to the Lapeer County Health Department. Also, as AG Nessel has stated that she will not be enforcing the Executive Orders; there would be not prohibition for the City Commission to meet in person.

Lastly, City Attorney Nolan wanted to let everyone know what a pleasure it has been to work with Pam Reid; she is the consummate professional; those will be big shoes to fill, she is the best.

UNFINISHED BUSINESS

No Board appointments.

PUBLIC COMMENTS

Bernadette Treece, resident, disappointed in the choices the City Commission has made regarding the recreational marihuana.

Bryan Cloutier, resident, asked if we could email him the link for the COVID Plan; the MDHHS reinstated the mask mandate, restrictions on gatherings and some limitations on local businesses; SB 1108 and HB 6207, which would amend the Open Meeting Act to allow for electronic meetings has bi-partisan support. Lastly, he made the decision to move back to Lapeer his hometown, invested thousands of dollars to renovate an older home, however, it is very disheartening to see his home town change so much that recreational marihuana is something we want in this community; because he is so opposed to it, he may have to leave.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Congratulations to Harry Green and Pam Reid on their retirement and thanked them for their services over the years. Disappointed in the decision in regard to the drive-through Text Amendment; it's a simple Text Amendment; we have the word of Mark and Cindy Labaza there will be no leap frogging; we have time; no business will go in overnight; we still have control in planning and for citizens to give their input; if one is not a marihuana business, you're not welcome in this town.

Commissioner Cattane: Echo Commissioner Atwood's comments congratulating Mr. Green and Ms. Reid; have a good time at Halloween; please be mindful of the virus; we all know someone who has lost their life to this virus; please try to socially distance, please wear a mask; will be passing out candy. Regarding today, M-24 has been like this for 13 years, understands the Labaza's being upset; we have to have quality information; there are questions, why can't we be more involved; wants to make sure we get this right.

Commissioner Stroh: Once again to our employees retiring, thank you so much; also thank you to everyone who has shared their opinions in regard to recreational marihuana; important to look at both sides; takes all the information and weighs all the options. Recreational marihuana has been in our community illegally for decades; we want our citizens who voted for it to be responsible citizens; if you don't like it or use it; don't buy it or use. The citizens who spent their time to vote for this are responsible

enough to make wise choices or they will pay the consequences. Thank you all for the information and passion that you have. The prior Commission invested in the marijuana industry and we deserve to give our reputable and legal businesses our support so they can be successful in our community. Our citizens are adults and are responsible.

Commissioner Pattison: Also joined in to congratulate Harry Green and Pam Reid; requested City Manager contact M-DOT, Lapeer Township and anyone else for comments or opinions regarding the Labaza property. Not against rezoning, but wants to make sure we do this correctly. We have a different situation and need to get more input; request the Mayor to put Text Amendment 7-13.04.b(9) drive-through restaurant on the agenda at the next Commission meeting.

City Manager Kerbyson: City Hall will open to the public tomorrow; floor will be marked; most staff have completed cyber training, more training down the road. We had a secret shopper developer in town last week; City's Planning Department and City received an A+.

Mayor Marquardt: Meeting with Main Street and Coordinators went very well; very happy with the result and we received many gold stars. Request the Labaza Property be put back on the next agenda. Thanked Pam Reid and Harry Green for all their years, both have been huge assets and will be hard to replace.

220 2020 10-05 ADJOURNMENT

Moved by Cattane.

Adjourn the regular meeting at 7:54p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:54 p.m.

Debbie Marquardt, Mayor

Romona Sanchez, City Clerk