

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
OCTOBER 16, 2023**

A regular meeting of the Lapeer City Commission was held October 16, 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, Absent.

Mayor Marquardt led the Pledge of Allegiance.

236 2023 10-16 AGENDA APPROVAL

Moved by Cattane. Seconded by Swindell.

Approve the Agenda for October 16, 2023, as presented.

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

Nays: None.

MOTION CARRIED.

237 2023 10-16 MINUTES

Moved by Stroh. Seconded by Pattison.

Approve the minutes of the regular meeting held October 2, 2023, as presented.

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

Nays: None.

MOTION CARRIED.

PUBLIC COMMENTS

Brad Haggadone, Lapeer County Commissioner provided an update to the Commission regarding the Lapeer County Board of Commissioners proceedings.

Jan Watz, League of Woman Voters, Flint Area, spoke about the upcoming candidate forum, Saturday, October 28, 2023, at 2 p.m.

Stefan Brady gave an invocation.

238 2023 10-16 CONSENT AGENDA

Moved by Stroh. Seconded by Swindell.

Approve the consent agenda for October 16, 2023, as presented:

1. Special Event – DDA Treat Walk – Oct 28, 2023, 10am–2pm.
2. Special Event – City-Wide Trick or Treat Hours – Tuesday, Oct 31, 2023, 6pm–8pm.
3. Special Event – DDA Ladies Night Out – Nov 17, 2023, 5pm–9pm.
4. Special Event – DDA Winterfest – Dec 1, 2023, 4pm-9pm & Dec 2, 2023, business hours.

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

Nays: None.

MOTION CARRIED.

239 2023 10-16 BILL LISTING

Moved by Pattison. Seconded by Cattane.

Approve the bill listing for October 16, 2023, in the amount of \$800,605.38.

ON A ROLL CALL VOTE:

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

Nays: None.

MOTION CARRIED.

PROCLAMATION, RECOGNITIONS AND RESOLUTIONS:

None.

ADMINISTRATIVE REPORTS:

**240 2023 10-16 ORDINANCE AMENDMENT – CHAPTER 7 ZONING –
ELECTRIC VEHICLE CHARGING STATIONS**

Moved by Pattison. Seconded by Stroh.

Adopt an ordinance amendment to Chapter 7 (Zoning Ordinance), Section 7-16.09 and Section 7-24.03, of the General Ordinances 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.

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

Nays: None.

MOTION CARRIED.

241 2023 10-16 ORDINANCE AMENDMENT – CHAPTER 7 ZONING – METAL HALIDE LIGHTING

Moved by Cattane. Seconded by Pattison.

Adopt an ordinance amendment to Chapter 7 (Zoning Ordinance), Section 7-15.05D of the General Ordinances 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.

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

Nays: None.

MOTION CARRIED.

242 2023 10-16 DDA EXECUTIVE DIRECTOR – EMPLOYMENT CONTRACT

Moved by Stroh. Seconded by Atwood.

To send the contract back to the DDA board for further consideration.

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

Nays: None.

MOTION CARRIED.

**243 2023 10-16 MSHDA – NEIGHBORHOOD ENHANCEMENT PROGRAM (NEP)
RESOLUTION**

Moved by Stroh. Seconded by Swindell.

Adopt the resolution to authorize the Housing Department to apply for the MSHDA Neighborhood Enhancement Grant Round 9.

**RESOLUTION 2023-30
RESOLUTION TO APPROVE
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA)
NEIGHBORHOOD ENHANCEMENT PROGRAM (NEP)
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 \$75,000 through the Michigan State Housing Development Authority Neighborhood Enhancement Program (NEP) 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; and

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's Neighborhood Enhancement Program for a 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.

Abstain: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

244 2023 10-16 MILL & RESURFACE – PORTIONS OF EAST ST AND S. MONROE ST.

Moved by Cattane. Seconded by Pattison.

Approve the proposed milling and resurfacing of portions of East St (\$17,750.00) and (\$11,580.00); a portion of S. Monroe St. (\$42,950.00) and authorize the Director of Public Works or Superintendent of Utilities & Streets to sign on behalf of the City.

ON A ROLL CALL VOTE.

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

Nays: None.

MOTION CARRIED.

245 2023 10-16 W. GENESEE ST. ROAD-DIET PROPOSAL

Moved by Stroh. Seconded by Swindell.

Approve the proposed plan for a 3-lane road-diet for W. Genesee St. and authorize the City Manager to approve final construction plans as presented by Spicer Engineering.

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

Nays: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

None.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

246 2023 10-16 REAPPOINTMENT – INCOME TAX BOARD OF REVIEW

Moved by Stroh. Seconded by Cattane.

To reappoint Catherine Bostick-Tullius to the Income Tax Board of Review for a 3-year term to expire December 1, 2026.

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

Nays: None.

Absent: None.

MOTION CARRIED.

247 2023 10-16 REAPPOINTMENT – LOCAL OFFICERS COMPENSATION COMMISSION

Moved by Cattane. Seconded by .

To reappoint Troy Bostick-Tullius to the Local Officers Compensation Commission for a 5-year term to expire October 1, 2028.

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

Nays: None.

MOTION CARRIED.

DEPARTMENTAL REPORTS

The Monthly Departmental Reports and the Monthly Marihuana Report were received into the record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Stroh: Wonderful fall evening. Election time, ballots are out, remember to cast your vote. The current commission has made some wonderful progress over the past four years and looks forward to doing more. Cultural Arts has many things happening around town; encourages everyone to partake in sometime.

Commissioner Atwood: Spoke about some legislative bills of concern that can hurt local municipalities; was able to discuss these bills with a neighboring community.

Commissioner Cattane: Praised the Police, DPW and Parks Department, as well as the many non-profit service organizations, for all they have done during the many events this past weekend. There are a lot of good things to do in this community.

Commissioner Pattison: There are 20 days until Halloween; watch out for the kids who will be out and about.

Mayor Marquardt: Read the list of local events. There are many events taking place around town and many of them are family friendly.

248 2023 10-16 ADJOURNMENT

Having no further business, Mayor Marquardt adjourned the regular meeting at 6:56 p.m.

Debbie Marquardt, Mayor

Romona Sanchez, City Clerk