

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
OCTOBER 19, 2020**

A regular meeting of the Lapeer City Commission was held October 19, 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.

**221 2020 10-19 AGENDA APPROVAL**

Moved by Cattane. Seconded by Stroh.

Approve the Agenda for October 19, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**222 2020 10-19 MINUTES**

Moved by Cattane. Seconded by Osentoski.

Approve the minutes of the Regular Meeting held October 5, 2020 and Workshop minutes held of October 12, 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 public comments in favor of recreational marihuana from Jacob Dikhow, Shanna Swisher and James Stutesman.

City Clerk Sanchez read public comments in favor of recreation marihuana from Mariah Bonfiglio, Dante Harris, Gabe Parton Lee, Ivan Ammori and Amanda Brock.

Chris Aiello and Mike Bahoura both spoke against the Adult Use Marihuana petitions that have been submitted to the City Commission.

Larry Opalewski, representative of Mark & Cindy LaBaza, owners of 1040 S. Lapeer Road spoke in favor of the Drive-thru Text Amendment on tonight's agenda for introduction.

Mark LaBaza spoke in favor of the Text Amendment that is on the agenda tonight relating to their property which is located on.

Clare Longoria spoke in favor of removing the drive-thru restrictions in its entirety for properties located between Tower and Turrill Road on M-24.

Josh Mayo, owner of 525 S. Court Street, spoke in favor of Adult Use Marihuana.

**223 2020 10-19 CONSENT AGENDA**

Moved by Cattane. Seconded by Atwood.

Approve the Consent Agenda for October 19, 2020 resulting in the following:

1. Special Event: Lapeer Area Chamber of Commerce to hold their Annual Christmas Parade within the Downtown area on Friday, December 4, 2020 with a 5:00 PM lineup and parade at 6:00 PM on Nepessing Street.
2. Special Event: Marine Corps Reserve Toys for Tots Program to hold a fund raising event at DeMille and Harrison Street intersections on Friday, November 27<sup>th</sup> and Saturday, November 28<sup>th</sup>, 2020 with event times of 9:00 AM to 6:00 PM for both dates.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

**PUBLIC HEARINGS**

None.

**ADMINISTRATIVE REPORTS**

**224 2020 10-19 BILL LISTING APPROVAL**

Moved by Pattison. Seconded by Cattane.

Approve the Bill Listing for September 30 through October 14, 2020 in the amount of \$3,531,182.31.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**225 2020 10-19 REZONING – EMA LANDS LLC – VACANT IMLAY CITY RD. PARCEL; PARCEL #L20-83-462-040-10; B-2 GENERAL BUSINESS TO I-1 INDUSTRIAL**

Moved by Pattison. Seconded by Stroh.

Approve an Ordinance Amendment to rezone parcel L#20-83-462-040-010 from B-2 General Business to I-1 Industrial

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.  
MOTION CARRIED.

**226 2020 10-19 TEXT AMENDMENT TO SEC. 7-13.04.B(9) DRIVE-THROUGH RESTAURANT**

Commissioner Pattison 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.

**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.

**227 2020 10-19 CAPITAL IMPROVEMENT PROGRAM – BUILDING RENOVATIONS – SQUAD ROOM, CAPITAL IMPROVEMENT PROJECT #22320.**

Moved by Cattane. Seconded by Stroh.

Authorize the completion of building renovations to the squad room area of the Public Safety Building as approved in the Capital Improvement Program 2020/2021 project #22320; City Manager to approve and sign contract with Quinn Quality Built Homes, LLC to perform all work associated with this project, not to exceed \$30,000.00.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**228 2020 10-19 REDEVELOPMENT READY COMMUNITY (RRC) - PUBLIC PARTICIPATION PLAN**

Moved by Pattison. Seconded by Osentoski.

Adopt the Redevelopment Ready Community (RRC) - Public Participation Plan as recommended by the Planning Commission.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**229 2020 10-19 SET A PUBLIC HEARING OF THE MASTER PLAN**

Moved by Pattison. Seconded by Cattane.

Approve setting a Public Hearing of the Master Plan to be held in January or February of 2021 or as soon as is deemed appropriate.

ON A ROLL CALL VOTE:

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

**230 2020 10-19 MILLVILLE ROAD WATER MAIN REPLACEMENT PROJECT;  
CHANGE ORDER #2 – SUPERIOR EXCAVATING**

Moved by Pattison. Seconded by Cattane.

Approve Change Order #2 to the construction contract for the Millville Road Water Main Replacement Project revising the contract amount, resulting in a net increase to the construction contract of \$8,502.50 with Superior Excavating bringing the new total to \$630,150.00.

ON A ROLL CALL VOTE:

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

**231 2020 10-19 MILLVILLE ROAD WATER MAIN REPLACEMENT PROJECT;  
PAYMENT REQUEST #3 – SUPERIOR EXCAVATING**

Moved by Pattison. Seconded by Atwood.

Approve Payment Request #3 to Superior Excavating in the amount of \$23,413.28 for services completed on the Millville Road Water Main Replacement Project.

ON A ROLL CALL VOTE:

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

**232 2020 10-19 INITIATORY PETITION – CHAPTER 69**

Moved by Cattane. Seconded by Pattison.

To not adopt the language of the petition and to set the matter for election.

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 the ZBA Meeting has been rescheduled as a virtual meeting as opposed to an in person, October 26, 2020.

**CITY ATTORNEY'S REPORT**

None.

**UNFINISHED BUSINESS**

**233 2020 10-19 APPOINTMENT TO THE PARK BOARD**

Appointed by Mayor. Moved by Pattison. Seconded by Cattane.

To appoint Marty Johnson to the Park Board for a term to expire April 1, 2023.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**234 2020 10-19 APPOINTMENT TO THE CENTER FOR THE ARTS OF GREATER OF LAPEER**

Moved by Stroh. Seconded by Pattison.

To re-appoint Carol Fishhaber to the Center for the Arts of Greater Lapeer, Inc. for a term to expire 10-1-2023.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**235 2020 10-19 APPOINTMENTS TO THE YOUTH COUNCIL**

Moved by Cattane. Seconded by Stroh.

To re-appoint Emily Hall, Sophia Pietrykowski, Samuel Howard, Morgan Castle, Jeremy Thibeault, Devin Falkenhagen to the Youth Council for a term to expire November 1, 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Mike Bahoura commented against the initiatory petitions and Commissioner Osentoski's involvement with the petition.

Chris Aiello commented against the initiatory petitions and actions relating to such; mentioned City Charter section C 6.7.

**DEPARTMENTAL COMMUNICATIONS**

The Monthly Departmental Reports and the Medical Marihuana Licenses, Provisioning Center, Grower, Processor, Secure Transporter, Safety Compliance Facility – updated listing was received into the records as presented.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: Thanked Romona for working so hard on the election and everyone else working in the City, thank you for working so hard; Halloween is favorite holiday next to Christmas; he will have coffee for adults and candy for the kids;

everyone be safe; really prayerful that we would stop talking about Marihuana; how many people are going to show up to vote in May.

Commissioner Pattison: If you are out trick or treating, wear your masks and be safe; COVID 19 has not gone away, we need all of you.

City Manager Kerbyson: Meeting with a group on Thursday to discuss DPW Director replacement; reminder that if anyone should have a question on the packet, get in touch with us before the meeting and we can try to have the answer at the meeting.

Mayor Marquardt: Thank you to Romona and all the volunteers who have helped with this election; long hours and appreciate all those who have stepped up. The US Census has ended on October 15, 2020 @ 11:00 p.m. The City has done a good job; for every person not counted there is a \$1,800 loss; loss of \$18,000 to the City over 10 years for that one person. City Commissioners and those in the back ground, she runs the meeting; if someone is talking out of line, she will rule you out of order; people have 3 minutes to speak and she or the Clerk will notify people of when their time is up; keep that in mind; do not be rude to others; she is running the meeting.

**236 2020 10-19 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:55 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:55 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk