

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
NOVEMBER 2, 2020**

A regular meeting of the Lapeer City Commission was held November 2, 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.

237 2020 11-02 AGENDA APPROVAL

Moved by Stroh. Seconded by Cattane.

Approve the Agenda for November 3, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

238 2020 11-02 MINUTES

Moved by Osentoski. Seconded by Stroh.

Approve the minutes of the Regular Meeting held October 19, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

Clare Longoria, indicated spot zoning is illegal and the City has spot zoned R-1, R-2, R-3, B2 as well as the PUD; this is discriminatory to a hand full of acres. She wishes the Labaza's success with their property.

Larry Opalewski, attorney for Mr. and Mrs. Labaza, owners of 1040 S. Lapeer Road and they have addressed all the questions to the best of their ability and believes everyone is satisfied with his answers.

Mark Labaza, owner of 1040 S. Lapeer Road, thanked the City Commission for their consideration; things have certainly had change over the 30 years; understands the City wants to construct a welcoming gateway off I-69/M-24. The property is located one mile north of the exchange; it is designated for commercial use in a high use area; it is a

unique property in the area; trying to develop the property to the best use possible; the amendment doesn't change the Master Plan it only clarifies the existing ordinance.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

239 2020 11-02 RESOLUTION: ANTHONY D. STURDEVANT

Moved by Pattison. Seconded by Cattane.

Adopt the resolution for Anthony D. Sturdevant.

WHEREAS, Anthony D. Sturdevant served as a Firefighter with the City of Lapeer Fire & Rescue Department from May 11, 1998 through February 22, 2016; and as the Department's Health & Safety Manager from February 22, 2016 until his retirement on July 1, 2020; and

WHEREAS, Anthony D. Sturdevant was the driving force behind the Department's personnel safety program, and assisted other fire departments with their programs; and

WHEREAS, Anthony D. Sturdevant is an individual of great personal integrity and has given conscientious service to the citizens of the City of Lapeer and Lapeer County; and

WHEREAS, Anthony D. Sturdevant exemplifies professionalism, dependability, caring and hard work in his service as a Firefighter and Health & Safety Manager; and

WHEREAS, through his persistence, hard work, and dedication, Anthony D. Sturdevant has set an example for all Firefighters and is honored by his community;

NOW, THEREFORE BE IT RESOLVED, that I, Deborah G. Marquardt, Mayor of the City of Lapeer, and the Lapeer City Commission, take this opportunity on behalf of the people of the City of Lapeer to express official gratitude and deep appreciation to Anthony D. Sturdevant for his efforts and devotion to public service, and wish him continued success in all his endeavors.

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

Nays: None.

Absent: None.

MOTION CARRIED.

240 2020 11-02 RESOLUTION: 911 PROPOSAL

Moved by Stroh. Seconded by Cattane.

Approve the resolution in support of the 911 Proposal.

WHEREAS, Lapeer County Central Dispatch was established in 1997; and,

WHEREAS, Lapeer County Central Dispatch is the only Public Safety Answering Point for all public safety response in Lapeer County for those emergencies that require police, fire or emergency medical services; and,

WHEREAS, the telecommunications of Lapeer County Central Dispatch answer those calls for assistance and serve as the first and most critical contact our citizens have with emergency services; and,

WHEREAS, Lapeer County Central Dispatch handles, on average, more than 74,000 telephone calls per year; and,

WHEREAS, Lapeer County Central Dispatch Telecommunicators' provide the single most vital link for our police officers, firefighters, and emergency medical service providers, by monitoring their activities by radio, providing them with information, and ensuring their safety; and,

WHEREAS, Lapeer County Central Dispatch is the primary dispatching agency for the Lapeer City Police Department and the Lapeer City Fire & Rescue Department; and,

WHEREAS, Lapeer County Central Dispatch's radio system supports the communications of the Lapeer City Police Department, the Lapeer City Fire & Rescue Department and the Lapeer City Department of Public Works; and,

WHEREAS, Lapeer County Central Dispatch's 9-1-1 system is the most efficient and effective way to coordinate emergencies and disasters in our community whether they be large or small; and,

NOW THEREFORE, BE IT RESOLVED, The Lapeer City Board of Commissioners wishes to formally support and endorse the Lapeer County Central Dispatch 9-1-1 surcharge request this November in order to continue supporting public safety in our community.

This Resolution adopted this 2nd day of November 2020.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

241 2020 11-02 BILL LISTING APPROVAL

Moved by Pattison. Seconded by Atwood.

Approve the Bill Listing for October 15, 2020 through October 28, 2020 in the amount of \$857,369.56.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

242 2020 11-02 GFL ENVIRONMENTAL USA, INC. - 2020-2021 SOLID WASTE LICENSE

Moved by Stroh. Seconded by Pattison.

Approve a Solid Waste Collection License for GFL Environmental USA, Inc. for 2020-2021 to work within the City of Lapeer city limits.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

243 2020 11-02 TEXT AMENDMENT TO SEC. 7-13.04.B(9) DRIVE-THROUGH RESTAURANT

Introduced by Commissioner Pattison on October 19, 2020.

Moved by Pattison. Seconded by Osentoski.

Adopt 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.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

244 2020 11-02 MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA) HOUSING CHOICE VOUCHER (HCV) ADMINISTRATION 2021 EMPLOYMENT CONTRACTS FOR JANUARY 1, 2021 THROUGH DECEMBER 31, 2021 WITH THE CITY OF LAPEER HOUSING DEPARTMENT.

Moved by Stroh. Seconded by Atwood.

Approve the Michigan State Housing Development Authority (MSHDA) Housing Choice Voucher (HCV) Administration 2021 Employment Contracts for January 1, 2021 through December 31, 2021 with the City of Lapeer Housing Department.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

Denise Soldenski thanked the Commission for their vote and indicated that her employees are great workers and are looking forward to following through with them in 2021.

245 2020 11-02 RESOLUTIONS: 1) HID ACCEPTANCE OF THE MSHDA 2020 HCV ADMINISTRATION CONTRACT AMENDMENTS TO INCLUDE HURON COUNTY AND TEMPORARY PERFORMANCE INCENTIVE; 2) MSHDA 2021 HCV ADMINISTRATION CONTRACT EXTENSION.

Moved by Stroh. Seconded by Pattison.

Approve two Resolutions: 1) HID Acceptance of the MSHDA 2020 HCV Administration Contract Amendments to include Huron County and temporary performance incentive; and 2) MSHDA 2021 HCV Administration Contract Extension with the City of Lapeer Housing Department.

WHEREAS, the City of Lapeer is interested in continuing the contract with the Michigan State Housing Development Authority (MSHDA) to administer Housing Choice Vouchers in Huron County beginning December 1st, 2020 as well as the existing contracted counties of Lapeer and Tuscola and Bad Axe Veteran's Administration Supportive Housing (VASH) Vouchers for the 2020 contract term including a temporary COVID19 lease up incentive bonus effective October 1st, 2020; in its continuing effort to improve the housing stock and provide affordable housing opportunities for the region's low and very low income HCV applicants/participants; and

WHEREAS, the Lapeer City Commission accepts the recommendation of the City of Lapeer Housing Improvement Department to sign the 2020 HCV contract amendment to include Huron County vouchers and temporary COVID19 lease up incentive bonus; and

WHEREAS, the Michigan State Housing Development Authority requires a resolution authorizing the submission of the aforementioned contract amendment; and

WHEREAS, said City Commission authorizes the Director of Housing and Neighborhood Development to sign the related contract amendment documents; and

THEREFORE, BE IT RESOLVED that the Lapeer City Commission authorizes the City of Lapeer Housing Improvement Department to contract with the Michigan State Housing Development Authority's (MSHDA) Rental Assistance and Homeless Solutions Division on or after November 2nd, 2020 to administer the Housing Choice Voucher program for Lapeer and Tuscola Counties and Bad Axe VASH with the contract amendment to include Huron County vouchers and temporary COVID19 lease up incentive bonus, and authorizes the Director of Housing and Neighborhood Development to sign related contract amendment documents on behalf of the City of Lapeer upon receipt.

AND

WHEREAS, the City of Lapeer is interested in continuing the contract with the Michigan State Housing Development Authority (MSHDA) to administer Housing Choice Vouchers in Huron County beginning December 1st, 2020 as well as the existing contracted counties of Lapeer and Tuscola and Bad Axe Veteran's Administration Supportive Housing (VASH) Vouchers for the 2020 contract term including a temporary COVID19 lease up incentive bonus effective October 1st, 2020; in its continuing effort to improve the housing stock and provide affordable housing opportunities for the region's low and very low income HCV applicants/participants; and

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ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

246 2020 11-02 DOWNTOWN OUTDOOR DINING AREA RIGHT-OF-WAY LICENSE FOR POPOVICH PROPERTIES, LLC - VINYL BAR & GRILL EXPANDED AREA – 393 W. NEPESSING STREET.

Moved by Pattison. Seconded by Stroh.

Approve expanding the Downtown Outdoor Dining Area Right-of-Way License for Popovich Properties, LLC - Vinyl Bar & Grill Expanded Area – 393 W. Nepessing Street as presented.

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 2,134 ballots have been issued, which is 2/3 of our registered voters, of which 1,947 or 91% have already been returned; absentee ballots will be counted tomorrow morning beginning at 8:00 a.m.; the Dog Park Fund Raiser is short approximately \$7,000 to reach the goal with 12 days left, there was a \$1,000 donation today. The IT work RFP deadline was last Friday, received a few bids and we in the process of reviewing them. The company we discussed to provide us with technical and license support for our DPW Directors position was unable to find a match for us; we will be re-advertising with MML.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan stated we had a very good, very important day in court with Lapeer Plating & Plastics (LP&P), they had filed motions to dismiss two of three counts that the City had filed against them; judge denied their motion and we will be moving forward. It was a good day in court today.

UNFINISHED BUSINESS

247 2020 11-02 APPOINTMENT TO INCOME TAX BOARD OF REVIEW

Moved by Pattison. Seconded by Atwood.

To appoint Catherine Bostick-Tullius to the Income Tax Board of Review for a term to expire November 30, 2023.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

None.

DEPARTMENTAL COMMUNICATIONS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Get out and vote tomorrow, very important; apologizes to anyone he may have offended by something he said to fellow Commissioners or the Mayor; intent is to never offend or make anyone feel less; sometimes we disagree, I feel we all have the best in mind for the City, just may have different ideas on how things look. Apologize if anything was said to be demeaning, we need a good positive atmosphere. Hope you all have a good night, appreciate all that you do.

Commissioner Osentoski: Get out and vote tomorrow; short \$6,400 for the Dog Park Funding effort, please support it.

Commissioner Stroh: We have a lot of art things going on; Lapeer Art Association opens their Holiday Show this week and runs December 23rd @ Gallery 194; Stone Throws has a new pop up artist this week; artist does oil paintings of farms/people from Lapeer County. Be safe, be patient, cover up, wear masks and thank you.

Commissioner Cattane: Thanked City Manager Kerbyson for sharing the ballot information, truly have a feeling we will break records tomorrow; don't care who you vote for, just vote; if you are unsure where to vote, contact your local Clerk on where to go. When it's over, let's keep civility in mind. Still have to worry about the virus, need to beat it together, go vote, it matters. Dog Park Fund, donate a little, this is a community effort, 12 days left, throw out \$20; it's a wonderful area. Beautiful parks here, it's great, please pitch in. Mr. Atwood, you are right, we won't agree on everything, we all love this City, its home. Thank you for your words. Thank you and happy Election Day.

Commissioner Pattison: Thank you for voting early, please vote tomorrow if you haven't done it, buy your brick for the Dog Park.

City Manager Kerbyson: Good luck Jeff Satkowski and the 911 millage. Congratulations to Mike Nolan on LP&P information, big win!

Mayor Marquardt: Thank you everyone for your comments tonight and thank you from the Friends of Lapeer Dog Park for working hard; another extension of our beautiful

parks, need to do this. Was reviewing the end of the packet, documents received for reading, Holiday Depot gift list made it in the packet, probably through the Chamber – wonderful it was in the packet, can drop off donations at 108 Park Street or at 38 barrels around town.

248 2020 11-02 ADJOURNMENT

Moved by Cattane.

Adjourn the regular meeting at 7:03 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:03 p.m.

Debbie Marquardt, Mayor

Tracey Russell, Deputy City Clerk