

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
JANUARY 6, 2020**

A regular meeting of the Lapeer City Commission was held January 6, 2020 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.

**1 2020 01-06 AGENDA APPROVAL.**

Moved by Pattison. Seconded by Cattane.

Approve the Agenda for January 6, 2020 as presented.

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

Nays: None.

MOTION CARRIED.

**PUBLIC COMMENTS.**

Janet Adams, 1057 Baldwin Road, Lapeer, gave an invocation.

**2 2020 01-06 MINUTES.**

Moved by Stroh. Seconded by Osentoski.

Approve the minutes of the Regular Meeting held December 16, 2019.

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

Nays: None.

MOTION CARRIED.

**3 2020 01-06 BILL LISTING FOR JANUARY 6, 2020.**

Moved by Atwood. Seconded by Pattison.

Approve the Bill Listing for January 6, 2020 in the amount of \$1,467,122.10.

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

Nays: None.

MOTION CARRIED.

**PUBLIC HEARINGS**

None.

**ADMINISTRATIVE REPORTS**

None.

**CITY MANAGER'S REPORT**

None.

**CITY ATTORNEY'S REPORT**

None.

**UNFINISHED BUSINESS:**

**DEPARTMENTAL COMMUNICATIONS**

Status update and the Medical Marihuana Licenses Provisioning Center, Grower, Processor, Secure Transporter, Safety Compliance Facility Update were received into the record.

**PUBLIC COMMENTS**

None.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: Happy New Year; last week was tough; this is a great town; we are better than what happened at the gas station.

Commissioner Atwood: Echo the statement of Commissioner Cattane; this is a safe city; not fair to compare one city to another; Police and Fire Departments do a great job; don't give up on community.

Commissioner Stroh: Not a fun way to start last week; we need to understand other people have stressors and how stressed our community members can be; Lapeer is an amazing community; we don't always know what others are going through; try to be compassionate toward others; various art shows opening this month; go get some artwork.

Commissioner Pattison: The tragedy is no reflection on our city.

Mayor Marquardt: Echoed the comments of the Commissioner; this is a wonderful community; thank you for being here this evening.

#### **4 2020 01-06 ADJOURNMENT**

The regular meeting adjourned at 6:38 p.m.

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Mayor Debbie Marquardt

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Romona Sanchez, City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
JANUARY 21, 2020**

A regular meeting of the Lapeer City Commission was held January 21, 2020 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.

Mayor Marquardt expressed condolences to the family of Police Chief Frisch and asked for a moment of silence.

**5 2020 01-21 AGENDA APPROVAL.**

Moved by Stroh. Seconded by Pattison.

Approve the Agenda for January 21, 2020 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**6 2020 01-21 MINUTES.**

Moved by Atwood. Seconded by Cattane.

Approve the minutes of the Regular Meeting held January 6, 2020.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS.**

Jenny Burkhart, 865 Wilder Road, gave an invocation.

**7 2020 01-21 CONSENT AGENDA**

Moved by Osentoski. Seconded by Stroh.

Approve the Consent Agenda for January 21, 2020 resulting in the following:

1. Fixed Asset Disposal.
2. Special Event Request from the Human Development Commission to hold their Annual Walk for Warmth event on Saturday, February 22, 2020, 9:00 a.m. – 10:30 a.m. using sidewalks around the Historic Court House and on Nepessing Street.
3. Special Event Request from Lakestone Bank & Trust, Lakestone Bank's 2020 Ice Cream Social; June 26, 2020, 11:30 a.m. – 2:00 p.m. Historic Court House lawn and pavilion.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

**8 2020 01-21 BILL LISTING FOR JANUARY 21, 2020.**

Moved by Cattane. Seconded by Pattison.

Approve the Bill Listing for January 21, 2020 in the amount of \$1,795,322.83.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **PUBLIC HEARINGS**

None.

## **ADMINISTRATIVE REPORTS**

### **9 2020 01-21 Ordinance Amendment: Chapter 67 (Youth Council)**

Moved by Atwood. Seconded by Stroh.

Adopt the amendment to Chapter 67 (Youth Council Ordinance) of the General Ordinances of the City of Lapeer.

ON A ROLL CALL VOTE

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

Nays: None.

Absent: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 67 ADOPTED.

## **CITY MANAGER'S REPORT**

None.

## **CITY ATTORNEY'S REPORT**

City Attorney Michael Nolan updated the City Commission on the FB Lapeer vs. City of Lapeer litigation.

## **UNFINISHED BUSINESS:**

None.

## **DEPARTMENTAL COMMUNICATIONS**

The Monthly Departmental Reports; Medical Marihuana Licenses Provisioning Center, Grower, Processor, Secure Transporter, Safety Compliance Facility updates and Planning Commission 2019 Annual Report were received into the record as presented.

## **PUBLIC COMMENTS**

James Alocek asked which department was in charge of enforcing handicapped signage throughout the City. He stated several of the area businesses do not have proper handicapped signage that is five feet off the ground in their parking lots. He also wants to know why a curb was removed and a ramp installed at the intersection of Mansfield and Oregon which leads to nowhere.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Stroh: The community has a lot of cultural art happening in the City; go out and explore.

Mayor Marquardt: Thanked everyone for coming to this joint meeting; announced that Caitlyn Habben from Rowe Professional Services will be presenting a joint training session for the City Commission, Downtown Development Authority and the Planning Commission in just a few minutes. Both the DDA and the Planning Commission will individually open their meeting, take roll and then we will move right into the presentation.

### **Planning Commission**

Jennell RaCosta, Planning Commission Chair, opened the meeting and roll call was conducted.

### **Downtown Development Authority**

Dan Osentoski, Downtown Development Authority Chairman opened the meeting and roll call was conducted.

Caitlyn Habben asked the members of the City Commission, Planning Commission and Downtown Development Authority to each introduce their self to the group.

Ms. Habben then conducted a training session which included an introduction; purpose for plans and regulations; basic roles and flows; documents that one should be familiar with; meeting best practices; Open Meetings and Freedom of Information Acts; creating motions; RRC Training Policies and hot topics.

Ms. RaCosta adjourned the Planning Commission meeting at 8:27 p.m.

Mr. Osentoski adjourned the Downtown Development Authority meeting at 8:27 p.m.

**10 2020 01-21 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 8:28 p.m.

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Mayor Debbie Marquardt

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Romona Sanchez, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
FEBRUARY 3, 2020**

A regular meeting of the Lapeer City Commission was held February 3, 2020 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.

**11 2020 02-03 AGENDA APPROVAL**

Moved by Cattane. Seconded by Stroh.

Approve the Agenda for February 3, 2020 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**12 2020 02-03 MINUTES**

Moved by Pattison. Seconded by Osentoski.

Approve the minutes of the Regular Meeting held January 21, 2020.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Keegan White, Senior at Lapeer High School where he attends Lapeer Education Technology for marketing; currently participating in a co-op training with Mr. Bishop at Lapeer Development Corporation. He attended the contractors' luncheon last week where he met Mayor Marquardt and she invited him to attend a City Commission meeting.

Janet Adams, 1057 Baldwin, gave an invocation.

Steve Elzerman, 1333 Bloomingfield Dr., wished to introduce himself as he is a business owner in the DDA; Edward Jones on Court Street. He and his wife are very active in the community and he would like to be active in the Downtown and hopes to be able to serve the community.

Clare Longoria, owner of property on M-24 which is zoned commercial. She has had another inquiry on her property from a restaurant that wants to have a drive-thru. She has had between six and eight different restaurants that want to come to Lapeer. The restriction on the property is having an adverse effect on her property as well as four others.

**13 2020 02-03 CONSENT AGENDA**

Moved by Atwood. Seconded by Pattison.

Approve the Consent Agenda for February 3, 2020 resulting in the following:

1. Agreement with Clinton River Area Bike Association, An International Mountain Bicycling Association Chapter.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**14 2020 02-03 BILL LISTING FOR FEBRUARY 3, 2020**

Moved by Pattison. Seconded by Cattane.  
Approve the Bill Listing for February 3, 2020 in the amount of \$748,785.00.  
Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

**PUBLIC HEARINGS**

None.

**ADMINISTRATIVE REPORTS**

**15 2020 02-03 SECONDHAND DEALER LICENSE**

Moved by Osentoski. Seconded by Stroh.  
Mayor to approve a Secondhand Dealer License for ecoATM, LLC located at 540 S. Main.  
Ayes: Atwood, Stroh, Cattane, Osentoski, Pattison.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

**16 2020 02-03 SECONDHAND DEALER LICENSE**

Moved by Cattane. Seconded by Pattison.  
Mayor to approve a Secondhand Dealer License for ecoATM, LLC located at 555 E. Genesee St.  
Ayes: Atwood, Stroh, Cattane, Osentoski, Pattison.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

**17 2020 02-03 AMENDMENT TO DDA EXECUTIVE DIRECTOR EMPLOYMENT AGREEMENT**

Moved by Pattison. Seconded by Stroh.  
Approve the Amendment to the DDA Executive Director Employment Agreement.  
Ayes: Atwood, Stroh, Cattane, Osentoski, Pattison.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

**18 2020 02-03 SET PUBLIC HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT**

Moved by Osentoski. Seconded by Pattison.  
Approve setting a public hearing for March 2, 2020 for the Community Development Block Grant – Ice Grant – Project #20809-2018 Grant # MSC 216031 Close Out.  
Ayes: Atwood, Stroh, Cattane, Osentoski, Pattison.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

**19 2020 02-03 PERMANENT SEWER EASEMENT AGREEMENT**

Moved by Pattison. Seconded by Cattane.  
Accept the Permanent Sewer Line Easement between the City of Lapeer and Mayfield Township and the Woodbridge Park Avenue.

Commissioner Stroh asked for clarification; originally in 2007 the properties were moving into the City; however, this is just an easement for service and does not address the transfer of those properties into the City.

City Manager Kerbyson stated at the time of the original agreement we were to receive those properties, however the project was approved; began and then developer

abandoned the project and those properties were never annexed in. Now, in order to move forward, we are requiring those easements be created and recorded before we approve extending utilities.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **HISTORY UPDATE OF MEDICAL/RECREATIONAL MARIHUANA ORDINANCE**

Chief Deputy Clerk Cronce presented the commission with a summary of the process for 2008 to date of the impact and City Commission actions regarding the Medical Marihuana Ordinance.

### **CITY MANAGER'S REPORT**

City Manager Kerbyson stated that he has copies of the audit which he will pass out tonight and will be presented and discussed at our next commission meeting; attended a conference last week which he followed the keynote speaker to presentations on cyber security; will be doing a security assessment of our system and then test it; had meeting with MEDC while at conference; very worthwhile conference.

### **CITY ATTORNEY'S REPORT**

None.

### **UNFINISHED BUSINESS:**

#### **20 2020 02-03 APPOINTMENTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY**

Moved by Stroh. Seconded by Osentoski.

Re-appoint Ray Davis to the Downtown Development Authority for a term to expire 01-01-2024; appoint Steve Elzerman to the Downtown Development Authority for a term to expire 01-01-2022.

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

Nays: None.

Absent: None.

### **PUBLIC COMMENTS**

Mike Buhaura, part owner in 1330 Imlay City Road, indicated that Medical Marihuana card holders are not renewing their cards therefore they cannot sell to them because they are not allowed to sell recreationally. The provisioning centers have been well received by the community and many people have come to see the facility. If the City does not op-in, they will not be able to compete with other cities that allow recreational marihuana. If they want to grow for both medical and recreational, they want some assurances that the communities will be allowing recreational sales soon.

### **DEPARTMENTAL COMMUNICATIONS**

The Downtown Development Authority Report; Medical Marihuana Licenses Provisioning Center, Grower, Processor, Secure Transporter, Safety Compliance Facility updates and Planning Commission 2019 Annual Report were received into the record as presented.

### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Pattison: Enjoying the weather.

Commissioner Cattane: He began dating his wife in 2012 and at that time the Downtown was a ghost town; he recently took his family for frozen yogurt from Blend, but couldn't find a parking space; very pleased happy to see the rejuvenation of the Downtown; tell your friends the Downtown is alive again.

Commissioner Atwood: Changed the age for the youth council members; now 13-19 years old; looking for applicants; Youth Council members did a presentation for the cub scouts; nice to see them interact with the younger kids.

Mayor Marquardt: Attended the Contractors Luncheon; Building Official Oliver and Caitlyn Habben of Rowe Professional Services did a wonderful job; introduced to many



project managers working in the City; they will be compiling the comments received and she hopes it will be done annually; very informative meeting tonight.

**21 2020 02-03 ADJOURNMENT**

Moved by Osentoski.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:20 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

**MINUTES OF A WORKSHOP-RETREAT MEETING  
LAPEER CITY COMMISSION  
February 8, 2020**

A workshop-retreat meeting of the Lapeer City Commission was held February 8, 2020 at the Hunters Creek Club, 675 East Sutton Road, Metamora, Michigan. The meeting was called to order at 8:10 a.m.

**ROLL CALL**

Present: Mayor Marquardt.  
Commissioners Atwood, Cattane, Osentoski, Pattison, Stroh

Absent: None.

City Manager: Dale Kerbyson, present.

City Clerk: Romona Sanchez.

**Also Present:** Adam Smith, City Manager/Municipal Executives.

The meeting opened at 8:10 a.m. Adam Smith, City Manager/Municipal Executive gave a presentation on Council-Manager Relations, which included how perceptions vary, as well as rolls of the public, elected, Chief Executive and staff members. The City Commission met and reviewed/discussed ways to strengthen relationships, what to improve in processes, reviewed/discussed the 2019-2025 goals and objectives. General discussion on expectations and goals, processes and implementation, prioritizing issues/concerns and improving public image.

*Commissioner Stroh departed at 3:35 PM.*

By general consensus the meeting adjourned at 4:00 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, CMC, City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
FEBRUARY 17, 2020**

A regular meeting of the Lapeer City Commission was held February 17, 2020 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.

**22 2020 02-17 AGENDA APPROVAL**

Moved by Pattison. Seconded by Stroh.

Approve the Agenda for February 3, 2020 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**23 2020 02-17 MINUTES**

Moved by Atwood. Seconded by Cattane.

Approve the minutes of the Regular Meeting held February 3, 2020 and Workshop-Retreat held February 8, 2020.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Representative of Lapeer County EMS Russ Adams provided the Commission with an activities report update since the passage of the county-wide millage for the organization. The report provided details of the number of calls and other activities, as well as provided breakout numbers of the activities of all the communities within the County of Lapeer. The report indicates that 59.92% of calls addressed by Lapeer County EMS were for residents of the County and \$894,523 in fees were waived throughout the County.

Jenny Burkhart, 865 N. Wilder, read from the Bible, verse John 10:10 and gave an invocation.

**24 2020 02-17 CONSENT AGENDA**

Commissioner Cattane questioned whether he should abstain from the vote since he is a member of the Kiwanis Club; Attorney Nolan indicated no reason to abstain.

Moved by Osentoski. Seconded by Atwood.

Approve the Consent Agenda for February 3, 2020 resulting in the following:

1. Special Event Request from Lapeer Area Chamber of Commerce, Lapeer Food Truck Festival, City Lot #5, 4PM - 8PM on May 11, June 8, July 13 and September 14, 2020.
2. Special Event Request from Kiwanis Club of Lapeer, Rubber Duck Dash, to be held at Crampton Park, 11AM – 3PM, September 19, 2020.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**25 2020 02-17 BILL LISTING FOR FEBRUARY 17, 2020**

Moved by Pattison. Seconded by Cattane.

Approve the Bill Listing for February 17, 2020 in the amount of \$1,636,936.27.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

**PUBLIC HEARINGS**

None.

**ADMINISTRATIVE REPORTS**

**26 2020 02-17 AUDIT REPORT FOR YEAR ENDED 06/30/2019**

Clark, Shaffer, Hackett & Company Representative Luke Downing presented the City's Audit Report for the Year Ended 06/30/2019 and thanked the City for allowing Clark, Shaffer, Hackett & Company to complete the City audit and is available should anyone have any questions or comments.

Moved by Cattane. Seconded by Pattison.

Approve and accept the Audit Report for Year Ended 06/30/2019 by Clark, Shaffer, Hackett & Company as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**CITY MANAGER'S REPORT**

City Manager Kerbyson commented on the issue of handicapped parking spaces that was brought up at the last meeting; a letter of response with an explanation has been sent to the individual who made the complaint.

**CITY ATTORNEY'S REPORT**

None.

**UNFINISHED BUSINESS**

**27 2020 02-17 APPOINTMENTS TO THE BOARD OF REVIEW**

Moved by Pattison. Seconded by Stroh.

Re-appoint Cathy Malmrose to the Board of Review for a term to expire 01-01-2023.

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

Nays: None.

Absent: None.

**DEPARTMENTAL COMMUNICATIONS**

The Monthly Departmental Reports were received into the record as presented.

**PUBLIC COMMENTS**

None.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Stroh: Expressed his thanks to the Chief of Police for a tour of the newer public safety facility; it helped him to understand the view of what happens on a daily basis; feels it is important to understand the process in person; will be working with Rodney Church and the dog park to improve donations; go out and enjoy the arts, children's education is being shown at Gallery 194.

Commissioner Cattane: Expressed the need to remove the Fireworks line item from the Goals & Objectives, feels the Fireworks event should stay in the City and Meijer's is taking on the lions share of expenses for this event. Would like to understand the ins/outs and legal ease of marihuana in the City both medical and recreational and suggested a workshop be held for educational purposes. Mayor Marquardt requested City Manager Kerbyson to schedule a date. Would like to discuss keeping the

helicopter ride as part of the Lapeer Days event. Attended the Love, Inc. Valentines Ball and indicated it is a great charity with funds going towards abused women with children, everyone should attend it next year.

Commissioner Atwood: Thanks to Russ Adams for the Lapeer EMS presentation.

City Manager Kerbyson: Will send out a list of available dates to the Commission to schedule an educational workshop on marihuana.

Mayor Marquardt: Announced upcoming local events; met with Amie Meister from Red Cross. Red Cross has a grant to install smoke detectors and will be working with volunteers for installation in 175 homes in the City; met with Mike Sage with DTE regarding future projects in the City; there will be a memorial service for retired police officer Leigh McPherson this Saturday, he will be missed; there will be a dog park meeting tomorrow as well as an upcoming fund raiser for the dog park on March 6, 2020.

**28 2020 02-17 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:16 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

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Tracey S. Russell, Deputy City Clerk

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

A regular meeting of the Lapeer City Commission was held March 2, 2020 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.

**29 2020 03-02 AGENDA APPROVAL**

Moved by Osentoski. Seconded by Pattison.

Approve the Agenda for March 2, 2020 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**30 2020 03-02 MINUTES**

Moved by Stroh. Seconded by Cattane.

Approve the minutes of the Regular Meeting held February 17, 2020.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Janet Adams, Baldwin Road, gave an invocation.

Bernard Jocuns, Nepessing Street, suggested the Commission do something in recognition of Columbus Day as Governor Whitmer issued a proclamation declaring it as Indigenous Peoples Day and it would be an opportunity to involve the community.

**31 2020 03-02 CONSENT AGENDA**

Moved by Pattison. Seconded by Cattane.

Approve the Consent Agenda for March 2, 2020 resulting in the following:

1. Special Event Request from Historic Farmers Market of Lapeer LLC, Farmers Market, Wednesdays and Saturdays, May 2, 2020 - October 24, 2020, 9:00 am – 3:00 pm; Farmers Market pavilion; west side of North Court Street, south to Clay Street; North Court Street, west to Cedar Street on the south side of Nepessing Street, subject to relocation during the Lapeer Days and Nightmare on Nepessing Street events, contingent upon receipt of current insurance.
2. Special Event Request from Stone Soup Pantry, Hunger Awareness Week, May 8-9, 2020 throughout various City intersections on file.
3. Special Event Request from Bishop Kelley Catholic School, Annual Walk-A-Thon, May 15, 2019, 8:00 am – 3:00 pm, rain date of May 18, 2020, begins at Bishop Kelley School and will use the sidewalks in the City ending at Annrook Park.
4. Special Event Request from Lapeer County Intermediate School District, Family Fun Day, Wednesday, June 24, 2020, on the Historic Court House Lawn from 8:00 am – 3:00 pm.
5. Special Event Request from Lapeer Optimist Club, Nightmare on Nepessing, October 10, 2020, from 6:00 pm – 1:00 am; downtown with street closures on Nepessing, between Cedar and Court Streets; Event setup begins Friday, October 9, 2020; contingent upon receipt of current insurance.
6. Special Event Request from Friends of Lapeer Dog Park, Help Let the Dogs Out – Dog Park Expo 2020, Saturday, September 12, 2020, 1:00 pm – 4:00 pm; Rotary Park.

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

**32 2020 03-02 BILL LISTING FOR MARCH 2, 2020**

Moved by Osentoski. Seconded by Atwood.  
Approve the Bill Listing for March 2, 2020 in the amount of \$2,314,467.87.  
Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

**33 2020 03-02 CHARITABLE GAMING LICENSE REQUEST**

Moved by Cattane. Seconded by Stroh.  
Approve the Local Governing Body Resolution For Charitable Gaming License for Project Brotherhood Resolve, Inc.  
Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

**34 2020 03-02 PREVENTATIVE MAINTENANCE OF THE MONROE STREET BRIDGE RESOLUTION**

Moved by Cattane. Seconded by Pattison.  
Approve the Resolution for Preventative Maintenance of the Monroe Street Bridge through the Michigan Department of Transportation Local Bridge Program:

CITY OF LAPEER  
MUNICIPAL RESOLUTION FOR PREVENTATIVE  
MAINTENANCE OF THE MONROE STREET BRIDGE  
THROUGH THE MICHIGAN DEPARTMENT OF TRANSPORTATION  
LOCAL BRIDGE PROGRAM

**WHEREAS**, the condition of the Monroe Street bridge has deteriorated to such an extent that preventative maintenance is necessary; and

**WHEREAS**, the budget of the City of Lapeer will not allow preventative maintenance of this bridge without additional funds from other sources;

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Lapeer requests Michigan Department of Transportation Local Bridge Program Funding for preventative maintenance of the Monroe Street Bridge for MDOT's Funding Year 2023.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.  
Nays: None.  
Abstain: None  
Absent: None.  
MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

**35 2020 03-02 SUPPORT SUBMISSION OF FIRE DEPARTMENT GRANT APPLICATION**

Moved by Atwood. Seconded by Osentoski.  
Approve the Resolution to Support Submission of Fire Department Grant Application for Assistance to Firefighters Grant Program.

City of Lapeer  
Resolution to Support Submission of Fire Department Grant Application  
For Assistance to Firefighters Grant Program

**WHEREAS**, the City of Lapeer Fire & Rescue Department is eligible to submit one application for funding assistance for the purchase of certain types of fire service vehicles and equipment; and

**WHEREAS**, the Federal government has funded a grant program for this purpose; and

**WHEREAS**, the City of Lapeer Fire & Rescue Department would like to submit a request for funding assistance for the purchase of portable radios at a total cost not to exceed \$66,500; and

**WHEREAS**, funding for this project is proposed from a grant from the Department of Homeland Security in an amount of \$60,454.55 (90%) and \$6,045.45 (10%) from the City of Lapeer for the requested equipment; and

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Lapeer City Commission authorizes submission of a Department of Homeland Security grant application under the Assistance to Firefighters Grant Program and commits \$6,045.45 of City funds to provide a match toward the grant application should it be awarded.

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

Nays: None.

Abstain: None

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

**36 2020 03-02 LAPEER NEIGHBORHOODS, INC. NEW HOME BUILD PROJECT FUNDING**

Moved by Cattane. Seconded by Pattison.

Approve the Resolution for Lapeer Neighborhoods, Inc. New Home Build Project Funding.

Denise Soldenski, gave a brief description of the upcoming project and introduced, Todd Walker, Quinn Quality Built Homes, LLC contractor of the project.

RESOLUTION TO APPROVE  
LAPEER NEIGHBORHOODS, INC  
NEW HOME BUILD PROJECT FUNDING

**WHEREAS**, the City of Lapeer promotes projects that enable sustainable new homes to be built and occupied by homeowners via both the on-going Capital Investment Program and current Goals and Objectives; and

**WHEREAS**, Lapeer Neighborhoods, Inc., the non-profit created by the City of Lapeer in 1991, has a mission of improving the quality of life for the residents of Lapeer by assisting in making all neighborhoods safe, clean, attractive, and economically stable, and;

**WHEREAS**, Lapeer Neighborhoods, Inc. currently owns a vacant city lot located at 371 Turrill Avenue that is ready for development, and;

**WHEREAS**, the City of Lapeer wishes to provide interest-free funding in the form of the Capital Investment Program, Residential Property Improvement Fund, for \$175,000 to be used towards building a new single family residential 3 bedroom, 2 bath home on the vacant lot with the agreement that Lapeer Neighborhoods, Inc. will assume the remaining costs of the project and that the full amount of City funds will be paid back to the City of Lapeer by Lapeer Neighborhoods, Inc. upon resale of the property to a homebuyer who will occupy the home, and;

**WHEREAS**, the City of Lapeer Commission recognizes that this project will meet mutual goals of the City of Lapeer and Lapeer Neighborhoods, Inc. by improving the property value in the neighborhood, adding the property to tax rolls, and increasing the number of homeowner occupied homes within the City of Lapeer, and;

**WHEREAS**, the City of Lapeer Commission authorizes the City's Director of Housing and Neighborhood Development to act as the project administrator on behalf of both the City of Lapeer and Lapeer Neighborhoods, Inc., and;

**THEREFORE, BE IT RESOLVED** that the Lapeer City Commission approves providing Lapeer Neighborhoods, Inc. \$175,000 towards the construction of a new single family home at 371 Turrill Avenue, with the agreement that Lapeer Neighborhoods, Inc. will assume the remaining construction costs and will pay the City of Lapeer back in full upon resale of the home to a homeowner that will occupy the home; and that partnering in this projects meets certain Goals and Objectives of the City of Lapeer and aligns with the mission of Lapeer Neighborhoods, Inc.; and authorizes the City's Director of Housing and Neighborhood Development to administer the project on behalf of both the City of Lapeer and Lapeer Neighborhoods, Inc.

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

Nays: None.

Abstain: None

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.



## **PUBLIC HEARINGS**

Mayor Marquardt opened the public hearing at 6:44 p.m. Director of the Department of Public Work, Pam Reid gave a presentation on the Michigan Community Development Block Grant (CDBG) – Infrastructure Capacity Enhancement (ICE) funding the Waste Water System Improvements Close Out Public Hearing. Hearing no comment from the public, Mayor Marquardt closed the public hearing at 6:52 p.m.

## **ADMINISTRATIVE REPORTS**

### **37 2020 03-02 REZONING – B-2 GENERAL BUSINESS TO RM-1 MULTIPLE-FAMILY RESIDENTIAL - 24 & 30 E. PARK STREET – PARCEL #L20-18-404-040-00.**

Commissioner Pattison introduced the following amendment to Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer.

#### **ARTICLE 7.02 MAPPED DISTRICTS**

##### **7.02.02 District Boundaries**

###### **(a) Zoning District Amendments**

- (24) The following property formerly zoned B-2 General Business is hereby rezoned to RM-1 Multiple-Family Residential:

Parcel #L20-18-404-040-00 addressed as 24 & 30 E. Park Street

CITY OF LAPEER LAPEER VILLAGE PLAT COM SE COR INT PARK & SAGINAW STS, TH N60°04'07"E 63.66 FT ALG S LN OF PARK ST FOR POB, TH CONT 101.38 FT TO N BNK FLINT RIVER; TH S14°48'46"E ALG SD RIVER 103.58 FT; TH S60°04'07"W 59.54 FT; TH N30°30"W 43.31 FT; TH S59°50'37"W 15.13 FT; TH N29°34'W 56.75 FT TO BEG, SUBJ TO 15 FT WD EASE DESC AS BEG NW COR PARCEL TH S29°34'E 56.75 FT TO POE SD EASE 0.19 A PART OF LOTS 147,148,149 & PART OF LOT 11, BLK 17 (L=1 P=73 SEC 5, T7N-R10E)

### **38 2020 03-02 REZONING – R-2 SINGLE FAMILY RESIDENTIAL TO CONDITIONAL RM-2 MULTIPLE-FAMILY RESIDENTIAL – PORTION OF PARCEL #L20-98-031-032-20.**

Commissioner Cattane introduced the following amendment to Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer.

#### **ARTICLE 7.02 MAPPED DISTRICTS**

##### **7.02.02 District Boundaries**

###### **(a) Zoning District Amendments**

- (25) The following described property formerly zoned R-2 Single-Family Residential is hereby conditionally rezoned to RM-2 Multiple-Family Residential with the following conditions 1 through 9:

A portion of Parcel #L20-98-031-032-20 located on Woodbridge Park Avenue and legally described as:

PART OF THE EAST 1/2 OF SECTION 31, T.08N., R.10E., CITY OF LAPEER, LAPEER COUNTY, MICHIGAN, DESCRIBED AS:

BEGINNING AT A POINT, ON A LINE BETWEEN THE CITY OF LAPEER AND THE TOWNSHIP OF MAYFIELD, BEING DISTANT S00°35'59"E 164.05 FEET ALONG THE EAST LINE OF SAID SECTION 31, AND S89°26'11"W 922.59 FEET ALONG SAID LINE BETWEEN THE CITY OF LAPEER AND THE TOWNSHIP OF MAYFIELD FROM THE EAST 1/4 CORNER OF SAID SECTION 31; THENCE S01°09'03"E 0.24 FEET; THENCE 205.05 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 253.50 FEET, A DELTA ANGLE OF 46°20'44" AND A CHORD BEARING S24°19'25"E 199.51 FEET; THENCE 179.19

FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 206.50 FEET, A DELTA ANGLE OF 49°43'02" AND A CHORD BEARING S22°38'16"E 173.62 FEET; THENCE S02°13'08"W 36.54 FEET; THENCE N87°46'45"W 66.96 FEET; THENCE S46°16'08"W 65.81 FEET; THENCE S88°50'57"W 442.38 FEET TO THE EAST LINE OF "WESTBROOKE NO. 2" SUBDIVISION, AS RECORDED IN LIBER 6, PAGES 44-45, LAPEER COUNTY RECORDS; THENCE ALONG SAID EAST LINE, N01°09'03"W 225.77 FEET; THENCE N89°47'06"E 3.50 FEET; THENCE N01°09'03"W 80.00 FEET; THENCE S89°47'06"W 3.50 FEET TO THE SAID EAST LINE OF "WESTBROOKE NO. 2" SUBDIVISION; THENCE ALONG SAID EAST LINE, N01°09'03"W 120.79 FEET TO THE SAID LINE BETWEEN CITY OF LAPEER AND THE TOWNSHIP OF MAYFIELD; THENCE ALONG SAID LINE, N89°26'11"E 417.75 FEET TO THE POINT BEGINNING. CONTAINING 4.78 ACRES OF LAND AND SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.

1. Applicant to construct a variable height of 4' to 6' high undulating berm having an average width of 20 feet between the proposed parking lot and the west property line. The berm will be planted to provide a vegetated buffer between the proposed use and the single family homes to the west. The current ordinance would require a 4' high berm. The site will be designed to construct the required berm as close to the proposed parking lot wherever possible in an effort to maximize saving existing healthy trees over 2.5" caliper or 6' height evergreen trees along the westerly property line.
2. Applicant increase the opacity of the landscaping between the proposed building and neighbors to the west by installing landscape plantings at a rate of 1 canopy tree, 1 evergreen tree, and 4 shrubs per 20 linear feet of buffer. The current ordinance would require the same plantings per 30 linear feet of buffer.
3. Applicant to increase the tree sizes for the westerly buffer zone to the following: Canopy Tree – 2.5" caliper Evergreen Tree – 8-10' height
4. Upon successful rezoning of the subject property, the applicant will apply for site plan approval and any Zoning Board of Appeals requests (if necessary) within six months of the date of City Commission rezoning approval. If the applicant does not apply for site plan approval and/or ZBA request within six months of the date of City Commission rezoning approval, then the zoning classification of the subject property will revert back to the current zoning classification.
5. Within six months of the applicant's receipt of final site plan approval and all necessary permits as required for construction, the applicant shall commence construction on the first phase of the development as indicated on the attached plan. If the applicant does not commence construction of phase 1 of the development within six months of receipt of final site plan approval and all necessary permits, then the zoning classification of the subject property will revert back to the current zoning classification.
6. The site will generally be developed in a manner as shown on the plans submitted.
7. The building height will not exceed 40' to the midpoint of the roof as defined in the City ordinance.
8. The subject property will be split as part of the site plan approval process.
9. The westerly property line will include a minim 4'-6' undulating berm and maximized in height in areas that do not impact the existing tree line along the west property line as approved by the City Planning Commission.

**CITY MANAGER’S REPORT**

**39 2020 03-02 REMOVE ITEMS FROM THE GOALS & OBJECTIVES**

City Manager Kerbyson met with the Chamber of Commerce regarding the concerns with fireworks and the path of the helicopter during Lapeer Days.

Moved by Cattane. Seconded by Pattison.

Approve removing two items from the Approved 2019-2024 Goals & Objectives, page 11, as follows:

- 1) Discontinue fireworks inside City limits; have the event relocated within the County.
- 2) Relocate the helicopter at Lapeer Days.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**40 2020 03-02 DDA LOAN – LIGHTING**

Moved by Stroh. Seconded by Osentoski.

Approve the request to authorize the City Manager to loan \$22,000 to the Lapeer Downtown Development Authority (DDA).

Commissioner Pattison asked if the loan included interest.

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

Nays: None.

Absent: None.

MOTION CARRIED.

City Manager Kerbyson stated that he has been working on the budget with the Department heads and the Interim Finance Director. Indicated he is also working on the Policy & Procedures Manual which is now with the labor attorney for review and will be brought to the Commission for adoption mid to late April.

Commissioner Osentoski received a complaint about parking along Golfside Drive and both City Manager and Police Chief have been through the area and no violations were found.

**CITY ATTORNEY’S REPORT**

City Attorney Nolan gave a presentation on Michigan Marihuana Law and the options available to the Commission relating to recreational marihuana licensing. Discussions ensued with questions by commissioners; which included doing nothing, opting-in, repealing marihuana altogether and limiting the number of facilities. Also discussed a possible loss of control by doing nothing if a referendum is presented on the ballot; merit-based systems; potential for lawsuits; as well as challenges in creating and applying a new ordinance.

City Manager Dale Kerbyson commented on City Attorney Nolan’s marihuana presentation giving figures of costs, funds coming in/going out, as well as the City is currently at a \$10,000+ deficit since the City opted-in for medical marihuana.

**UNFINISHED BUSINESS:**

**41 2020 02-03 APPOINTMENTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY**

Appointment by Mayor Marquardt. Moved by Osentoski. Seconded by Stroh.

To appoint Bailey RaCosta to the Downtown Development Authority for a term to expire 01-01-2023.

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

Nays: None.

Absent: None.

**PUBLIC COMMENTS**

Mike Buhaura thanked City Attorney Nolan for the presentation and stated if you leave this issue as a ballot initiative it will be a mess. As you can see, when the MMFLA was done legislatively it was much cleaner. If you do nothing at all there will be a ballot initiative and not necessarily one that anyone will like and you will have no control. It will take 2/3’s vote of the majority to make any amendments. However, there are legal ways to opt-in that have not been challenged in other cities, for example, Ann Arbor, Lansing, Burton, Hazel Park, and Ferndale. The competition of the business is, do you

have a marihuana license in the City of Lapeer already. Remember, one only has to have a medical marihuana license to operate anywhere. The point is, there are ways to opt-in and have those who have medical licenses be the ones who have recreational license. The provisioning centers, growers and processes all want to be good partners of the City and continue to work in a positive manner. Suggested it is a good idea to opt-in at lease for those who already have licenses here in the City.

Joshua Mayo stated that according to the director of the Marijuana Regulatory Agency, the temporary rules are going to take affect soon. This industry is going to take a long time to see a profit, as it takes large investments that will eliminate key people from entering the business. All the grow operators want to be good citizens with the communities they are in. You will see the money later.

#### **DEPARTMENTAL COMMUNICATIONS**

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

#### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Stroh: Thanked City Attorney Nolan for the presentation; Representative Paul Mitchell Congressional Art Show of Student Art; pop up art gallery at Stones Throw Theater; the arts are exploding and experience it, try it once; Friends of the Dog Park is holding a dinner from 3-7pm at the Lions Club in Metamora.

Commissioner Osentoski: Thanked Mr. Nolan for the presentation; thanks for loan to the DDA for the upgrade in lights.

Commissioner Pattison: Thanked Mr. Nolan.

Commissioner Cattane: Expressed gratitude to the Chamber of Commerce, Optimist Club and Kiwanis Club and their charitableness; thanks to Mr. Nolan; cannot see trying to squash a ballot initiative; appreciates everyone in this town.

Commissioner Atwood: Thanked the audience for coming out; Mr. Nolan did a great job; thanks to City and staff for their communication with Chamber; communication is key and important in local government. Also, because he may have a different perspective or opinion doesn't mean he doesn't like you; be respectful of others thoughts and opinions.

Mayor Marquardt: Appreciates Mr. Nolan's time to put together the presentation and hearing about the numbers in regards to marihuana from Mr. Kerbyson, does not think funds spent for research is not a waste of money as we need to be prepared; the Dog Park fund raiser will be Friday, March 6, 2020; we want to get the park open; thanked Fire Chief Kluge for the 2019 Annual Report of the Fire Department; thanked Mr. Nolan for all the time he has put into this marihuana issue.

#### **42 2020 02-03 ADJOURNMENT**

Moved by Catttane.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 8:44 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
MARCH 16, 2020**

A regular meeting of the Lapeer City Commission was held March 16, 2020 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, Excused.

Mayor Marquardt led the Pledge of Allegiance.

**43 2020 03-16 AGENDA APPROVAL**

Moved by Stroh. Seconded by Pattison.

Approve the Agenda for March 16, 2020 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**44 2020 03-16 MINUTES**

Moved by Cattane. Seconded by Osentoski.

Approve the minutes of the Regular Meeting held March 2, 2020.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

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

**45 2020 03-16 CONSENT AGENDA**

Moved by Osentoski. Seconded by Pattison.

Approve the Consent Agenda for March 2, 2020, with the correction of removing the request from Kick Cancer, Inc. as the requested dates are in early April and would be in violation of the Coronavirus protocol; resulting in the following:

1. Special Event from Voiture 1536 of Lapeer County 40&8 to hold Fantasy Forest event on Saturday, October 10, 2020 from 7:00 AM to 6:00 PM at Rowden Park.
2. Special Event from Lapeer Chamber of Commerce to hold their Annual Fireworks Display on Saturday, July 4, 2020 beginning at dusk on the grounds of Roland Warner Middle School.
3. Special Event from Michigan Lupus Foundation to hold their annual Timberly Ranshaw Lupus Memorial Walk on Sunday, May 17, 2020 from 8:00 AM – 4:00 PM.

4. Approve Fixed Asset Disposal of a 2008 GMC Sierra 4x4 2500 HD pickup from the Fire Department, VIN # 1GTHK29K48E196729.

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **46 2020 03-16 BILL LISTING FOR MARCH 16, 2020**

Moved by Atwood. Seconded by Cattane.

Approve the Bill Listing for March 16, 2020 in the amount of \$750,877.58.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

#### **PUBLIC HEARINGS**

~~Mayor Marquardt opened the public hearing at 6:37 p.m. for comment on the Fair Housing Resolution. There being no public comment, the hearing was closed at 6:38 p.m.~~ **None.**

#### **47 2020 03-16 ANNUAL FAIR HOUSING RESOLUTION**

Moved by Cattane. Seconded by Osentoski.

Approve the Resolution to Approve the City of Lapeer Fair Housing Policy.

#### **RESOLUTION TO APPROVE CITY OF LAPEER FAIR HOUSING POLICY**

WHEREAS, under the Federal Fair Housing Law, Title VIII of the Civil Rights Act of 1968, it is illegal to deny housing to any person because of race, color, religion, sex, familial status, national origin, and disability; and,

WHEREAS, under the Michigan Elliott-Larsen Civil Rights Act, PA 453 of 1976, as amended, it is illegal to deny the opportunity to obtain housing to any person because of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status;

NOW THEREFORE, BE IT RESOLVED:

LET IT BE KNOWN TO ALL PERSONS that it is the policy of the **City of Lapeer** to implement programs to ensure equal opportunity in housing for all persons regardless of religion, race, color, age, national origin, age, sex, height, weight, disability, familial status, or marital status; and

BE IT FURTHER RESOLVED, that the **City of Lapeer** shall not discriminate in the sale, rental, leasing, or financing of housing because of religion, race, color, sex, physical or mental disabilities, national origin, age, height, weight, familial status, or marital status; and

BE IT FURTHER RESOLVED, that the **City of Lapeer** will assist all persons who feel they have been discriminated against because of religion, race, color, sex, physical or mental disabilities, national origin, age, height, weight, familial status or marital status to seek equity under federal and state laws by providing information to said persons on how to file a complaint with the Michigan Department of Civil Rights; and

BE IT FURTHER RESOLVED, that the **City of Lapeer** will at a minimum post this policy or the Fair Housing poster or other posters, flyers or other information which will bring to the attention of owners of real estate, developers and builders their respective responsibilities and rights under the Federal Fair Housing Law and Michigan Elliott Larsen Act; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect as of March 16<sup>th</sup>, 2020.

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

Nays: None.

Abstain: None

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

## **ADMINISTRATIVE REPORTS**

### **48 2020 03-16 REZONING – B-2 GENERAL BUSINESS TO RM-1 MULTIPLE-FAMILY RESIDENTIAL 24 & 30 E. Park Street – Parcel #L20-18-404-040-00.**

Moved by Pattison. Seconded by Atwood.

Adopt the ordinance amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02, (a)(24) of the General Ordinances of the City of Lapeer.

## **ARTICLE 7.02 MAPPED DISTRICTS**

### **7.02.02 District Boundaries**

(a) Zoning District Amendments

(24) The following property formerly zoned B-2 General Business is hereby rezoned to RM-1 Multiple-Family Residential:

Parcel #L20-18-404-040-00 addressed as 24 & 30 E. Park Street

CITY OF LAPEER LAPEER VILLAGE PLAT COM SE COR INT PARK & SAGINAW STS, TH N60\*04'07"E 63.66 FT ALG S LN OF PARK ST FOR POB, TH CONT 101.38 FT TO N BNK FLINT RIVER; TH S14\*48'46"E ALG SD RIVER 103.58 FT; TH S60\*04'07"W 59.54 FT; TH N30\*30"W 43.31 FT; TH S59\*50'37"W 15.13 FT; TH N29\*34"W 56.75 FT TO BEG, SUBJ TO 15 FT WD EASE DESC AS BEG NW COR PARCEL TH S29\*34'E 56.75 FT TO POE SD EASE 0.19 A PART OF LOTS 147,148,149 & PART OF LOT 11, BLK 17 (L=1 P=73 SEC 5, T7N-R10E)

### **49 2020 03-16 Rezoning – R-2 Single Family Residential to Conditional RM-2 Multiple-Family Residential – Portion of Parcel #L20-98-031-032-20.**

Moved by Cattane. Seconded by Osentoski.

Adopt the ordinance amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02, (a)(25) of the General Ordinances of the City of Lapeer.

Commissioner Pattison stated that the rezoning is only for a portion of the parcel not the entire parcel.

## **ARTICLE 7.02 MAPPED DISTRICTS**

### **7.02.02 District Boundaries**

(a) Zoning District Amendments

- (25) The following described property formerly zoned R-2 Single-Family Residential is hereby conditionally rezoned to RM-2 Multiple-Family Residential with the following conditions 1 through 9:

A portion of Parcel #L20-98-031-032-20 located on Woodbridge Park Avenue and legally described as:

PART OF THE EAST 1/2 OF SECTION 31, T.08N., R.10E., CITY OF LAPEER, LAPEER COUNTY, MICHIGAN, DESCRIBED AS:

BEGINNING AT A POINT, ON A LINE BETWEEN THE CITY OF LAPEER AND THE TOWNSHIP OF MAYFIELD, BEING DISTANT S00°35'59"E 164.05 FEET ALONG THE EAST LINE OF SAID SECTION 31, AND S89°26'11"W 922.59 FEET ALONG SAID LINE BETWEEN THE CITY OF LAPEER AND THE TOWNSHIP OF MAYFIELD FROM THE EAST 1/4 CORNER OF SAID SECTION 31; THENCE S01°09'03"E 0.24 FEET; THENCE 205.05 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 253.50 FEET, A DELTA ANGLE OF 46°20'44" AND A CHORD BEARING S24°19'25"E 199.51 FEET; THENCE 179.19 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 206.50 FEET, A DELTA ANGLE OF 49°43'02" AND A CHORD BEARING S22°38'16"E 173.62 FEET; THENCE S02°13'08"W 36.54 FEET; THENCE N87°46'45"W 66.96 FEET; THENCE S46°16'08"W 65.81 FEET; THENCE S88°50'57"W 442.38 FEET TO THE EAST LINE OF "WESTBROOKE NO. 2" SUBDIVISION, AS RECORDED IN LIBER 6, PAGES 44-45, LAPEER COUNTY RECORDS; THENCE ALONG SAID EAST LINE, N01°09'03"W 225.77 FEET; THENCE N89°47'06"E 3.50 FEET; THENCE N01°09'03"W 80.00 FEET; THENCE S89°47'06"W 3.50 FEET TO THE SAID EAST LINE OF "WESTBROOKE NO. 2" SUBDIVISION; THENCE ALONG SAID EAST LINE, N01°09'03"W 120.79 FEET TO THE SAID LINE BETWEEN CITY OF LAPEER AND THE TOWNSHIP OF MAYFIELD; THENCE ALONG SAID LINE, N89°26'11"E 417.75 FEET TO THE POINT BEGINNING. CONTAINING 4.78 ACRES OF LAND AND SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.

1. Applicant to construct a variable height of 4' to 6' high undulating berm having an average width of 20 feet between the proposed parking lot and the west property line. The berm will be planted to provide a vegetated buffer between the proposed use and the single family homes to the west. The current ordinance would require a 4' high berm. The site will be designed to construct the required berm as close to the proposed parking lot wherever possible in an effort to maximize saving existing healthy trees over 2.5" caliper or 6' height evergreen trees along the westerly property line.
2. Applicant increase the opacity of the landscaping between the proposed building and neighbors to the west by installing landscape plantings at a rate of 1 canopy tree, 1 evergreen tree, and 4 shrubs per 20 linear feet of buffer.



The current ordinance would require the same plantings per 30 linear feet of buffer.

3. Applicant to increase the tree sizes for the westerly buffer zone to the following: Canopy Tree – 2.5” caliper Evergreen Tree – 8-10’ height
4. Upon successful rezoning of the subject property, the applicant will apply for site plan approval and any Zoning Board of Appeals requests (if necessary) within six months of the date of City Commission rezoning approval. If the applicant does not apply for site plan approval and/or ZBA request within six months of the date of City Commission rezoning approval, then the zoning classification of the subject property will revert back to the current zoning classification.
5. Within six months of the applicant’s receipt of final site plan approval and all necessary permits as required for construction, the applicant shall commence construction on the first phase of the development as indicated on the attached plan. If the applicant does not commence construction of phase 1 of the development within six months of receipt of final site plan approval and all necessary permits, then the zoning classification of the subject property will revert back to the current zoning classification.
6. The site will generally be developed in a manner as shown on the plans submitted.
7. The building height will not exceed 40’ to the midpoint of the roof as defined in the City ordinance.
8. The subject property will be split as part of the site plan approval process.
9. The westerly property line will include a minim 4’-6’ undulating berm and maximized in height in areas that do not impact the existing tree line along the west property line as approved by the City Planning Commission.

**50 2020 03-16 CAPITAL IMPROVEMENT PROGRAM – TOTAL STATION MEASUREMENT RECORDING SYSTEM. PROJECT #21060.**

Moved by Stroh. Seconded by Pattison.

Approve the authorization of the purchase of a GS16 Global Positioning Measurement Recording System as approved in the Capital Improvement Program 2019/2020 project #20610.

Police Chief Frisch gave a description of the item and what it will be used at fatal and serious crash sites and crime scenes. This is a joint agreement with Metamora Township Police Department and the cost will be 50% share and each department will have an officer trained and available to use the equipment should the need arise. Lastly, this funding is coming from the drug forfeiture fund not the general fund.

Commissioner Stroh thanked Police Chief Frisch for all his work in collaboration with other municipalities and it's refreshing to see positive relationships being cultivated and nurtured for the betterment of the City and your department.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**51 2020 03-16 PREVENTIVE MAINTENANCE BRIDGE PROJECT – MDOT  
LOCAL BRIDGE PROGRAM - LETTER OF AGREEMENT FOR  
PROFESSIONAL SERVICES- SPICER ENGINEERING.**

Moved by Osentoski. Seconded by Pattison.

Approve of the Spicer Group Letter of Agreement for Professional Services for final design in the amount of \$19,055.00 and construction services in the amount of \$20,000.00, as needed to complete the 2017 MDOT Local Bridge Program Grant Project for a Preventive Maintenance Project that includes five (5) bridges within our Local and Major Street systems.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**CITY MANAGER'S REPORT**

City Manager Kerbyson stated that a new park sign has been developed with park and playground rules and regulations. He showed the Commission a completed sign and indicated that one sign will be placed at each of the playgrounds very soon. Additionally, we are following all the protocols and tracking the state of emergencies as well as doing all we can to protect the employees and the citizens of the City from the Coronavirus. Currently, the Recreation Center and the Public Safety buildings are the only closed sites however; we may be forced to restrict access to other building as well. The Building Department is currently only taking items through the drop box, and we may do that at other sites as well.

Commissioner Stroh asked if we were using ultraviolet light for sanitation purposes on paper goods or funds being placed in the drop box. City Manager Kerbyson stated that staff has access to gloves and disinfecting wipes and sprays at this time.

**CITY ATTORNEY'S REPORT**

None.

**UNFINISHED BUSINESS:**

**52 2020 03-16 APPOINTMENT TO THE CEMETERY BOARD AND PARK BOARD**

Appointment by Mayor Marquardt. Moved by Atwood. Seconded by Cattane.

Re-appoint Marge Alexander to the Cemetery Board for a term to expire 04-01-2025; and to the Park Board for a term to expire 04-01-2023.

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

Nays: None.

Absent: None.  
MOTION CARRIED.

### **53 2020 03-16 APPOINTMENTS TO THE ZONING BOARD OF APPEALS**

Moved by Cattane. Seconded by Stroh.

Re-appoint Joe Black and Jeff Hogan to the Zoning Board of Appeals for terms to expire 04-01-2023.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **PUBLIC COMMENTS**

Connie Meredith, 16505 Bowman, Roseville, MI, representative from Kick Cancer, Inc., asked if they could reapply in the future for the fund raiser as they understand the reason for postponing the event.

Police Chief Frisch stated that he appreciated their understanding and if they wish to reapply for a date in the future he would be happy to resubmit the request to the Commission.

### **DEPARTMENTAL COMMUNICATIONS**

The Monthly Departmental Reports were received into the record as presented.

### **MAYOR/COMMISSIONER COMMENTS**

Mayor Marquardt: Congratulated the dog park committee; fund raiser was huge success and well attended; recreation center is closed until March 30, 2020; can still sign up for spring classes; thanked all City staff for their efforts against the Coronavirus; this will be difficult as it continues; she also thanked Jeff Hogan and Jim Alt for their contributions to the news and efforts in providing information. Stated concerns with potential of 3 petitions she is aware of that will be coming out for the August election relating to recreational marihuana; we need to work with the City Attorney and have him work on the language to make changes to ~~Ordinance 62~~ Chapter 69; so that the businesses can co locate not add additional stores.

Commissioner Pattison: Has concerns about the marihuana; ask that the City Attorney draft a proposed amendment to ~~Ordinance 62~~ Chapter 69 to allow for the co-location at the six (6), to all the commission to have open discussion relating to this topic. Restaurants are now closed; some may have take-out food; please support the local Lapeer businesses if you can.

Commissioner Stroh: Unpresented time; arts businesses are shutting the doors; yet people ae finding creative ways to present their arts; working with DDA on putting on a virtual art show; all performances have been cancelled at this time; congratulations on dog park fund raiser; great event.

Commissioner Atwood: Disappointed as a citizen, business owner and local official about the lack of communication between Federal Government and Local Government on the virus issue; too much information and it's difficult to process and just spreads

fear and anxiety; we should not promote fear; this shows how ill prepared we are as a nation if something like this happens again; City staff is doing a great job.

Commissioner Cattane: Our lives are changing because of COVID-19; challenge each and every one of us to do something kind for others; we will beat this.

Challenge each and every one is do something kind for others;

**54 2020 03-16 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:08 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:08 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A SPECIAL MEETING  
MARCH 24, 2020**

A special meeting of the Lapeer City Commission was held March 24, 2020 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 5:00 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.

**PUBLIC COMMENTS**

No member of the public appeared for comment.

**55 2020 03-24 EXECUTIVE CLOSED SESSION**

City Manager Kerbyson requested a motion to move to an Executive Closed Meeting at 5:01 p.m.

Moved by Stroh. Seconded by Atwood.

To move to an Executive Closed Session to discuss legal opinion, which is exempt from disclosure as provided for under Section 8 of the Open Meetings Act.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

The commission returned to the special meeting at 8:15 p.m.

**56 2020 03-24 ADJOURNMENT**

Moved by Cattane.

Adjourn the special meeting 8:16 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
APRIL 6, 2020**

A regular meeting of the Lapeer City Commission was held April 6, 2020 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.

**57 2020 04-06 AGENDA APPROVAL**

Moved by Stroh. Seconded by Osentoski.

Approve the Agenda for April 6, 2020 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**58 2020 04-06 MINUTES**

Moved by Stroh. Seconded by Cattane.

Approve the minutes of the Regular meeting held March 16, 2020 with corrections;  
Minutes of the Special meeting of Closed meeting held March 24, 2020.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

None.

**59 2020 04-06 CONSENT AGENDA**

Moved by Osentoski. Seconded by Atwood.

Approve the Consent Agenda for April 6, 2020, resulting in the following:

1. Special Event Request from First Baptist Church, Evening Service in the Park, Sunday, June 14, 2020 from 4pm-9pm, Annrook Park.
2. Approve scheduling the 2020 Annual Spring Clean-Up for May 4 – May 9, 2020 Annual Spring Clean-Up with Rick Rhein Disposal; authorize the City Manager and Director of Public Works to sign required documentation.
3. Approve Right-of-Way License applications for the following businesses:
  - a. Blondie's Sweet Boutique/Dagwood's Deli – 193 W. Nepessing.
  - b. Popovich Properties, LLC – 393 W. Nepessing Street (Vinyl Bar & Grill).
  - c. Tilted Axis Brewery – 303 W. Nepessing Street (Permanent Enclosure).
  - d. Tilted Axis Brewery – 303 W. Nepessing Street (Seasonal Enclosure).

e. Woodchips, LLC – 315 W. Nepessing Street (Permanent Enclosure).

f. Woodchips, LLC – 332 W. Nepessing Street (Seasonal Enclosure).

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **60 2020 04-06 BILL LISTING FOR APRIL 6, 2020**

Moved by Cattane. Seconded by Stroh.

Approve the Bill Listing for April 6, 2020 in the amount of \$598,299.62.

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

#### **PUBLIC HEARINGS**

None.

#### **ADMINISTRATIVE REPORTS**

#### **61 2020 04-06 SECONDHAND DEALER AND PAWNBROKER LICENSE**

Approved by Mayor Marquardt. Moved by Pattison. Seconded by Osentoski.

Mayor to approve a Secondhand Dealer License and Pawnbroker License for Cash For All Pawn located at 773 East Street, Lapeer.

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **CITY MANAGER'S REPORT**

City Manager Kerbyson provided the Commission with and update on Saginaw Street elevator railroad crossing; the potential of an MDOT grant to remove the tracks; assisted Quentin Bishop reviewing the Economic Development grants; the LDC issued 49 grants; all City buildings have been closed to non-City staff including cleaning staff; youth volleyball league has been official cancelled; spring sports have been postponed. Working on a plan to get the part-time/seasonal workers going; ladder to slide at the Community Center pool has a contractor to begin repairs.

Planning Commission meeting is Thursday, April 9, there will be five attendees and City Manager will present the Capital Improvement Plan (CIP). This is the last step in the budget before it comes to the Commission. The budget can be sent to the Commission for review prior to scheduling it for or review in May.

This is a four day work week; continue our rotations of employees; City Hall lower level has minimum number of employees; second floor is full staff tomorrow; Police are following a seven (7) day on seven (7) day off calendar.

As this is potentially going to be the worst week coming up, in an effort to reduce staff, protect staff and protect all of you, suggested we cancel the next meeting Commission meeting. By Charter we are supposed to have two meetings a month, however, the Governor's Executive Order does override our Charter and we can cancel the April 20, 2020 meeting. There is a resolution that the Clerk prepared should the Commission wish to do so.

The special events don't begin until May, the Farmer's Market intends to start May 2, 2020 however, they may hold off until May 9. The car show scheduled for May 4 can be cancelled with 3 hours' notice; food truck rally has been cancelled; the Lapeer School Board has cancelled April and May meetings; suggest we cancel our second meeting in April; set a budget hearing for second week of May; approve the budget at the end of May.

Commissioner Stroh asked about the financial impact of cancelling all our recreation programs. City Manager Kerbyson indicated that the Recreation Center is subsidized by the general fund. Commission Stroh also asked for an explanation on where we are with the current CIP that was approved by the previous Commission; how many projects are rolling over; how many have been completed and how many have not. City Manager Kerbyson stated that he would provide the Commission with an update of the status of the current CIP projects.

## **62 2020 04-06 VIRTUAL MEETINGS FOR CITY COMMISSION**

Moved by Cattane. Seconded by Stroh.

To move Commission meetings to on-line (virtual) or conference calls until the Governor's Executive Order to Stay Home is lifted.

Commissioner Osentoski asked if we have that capability to do such. City Manager Kerbyson stated that we have discussed this previously to install cameras and such in the Commission Chambers. Commissioner Cattane stated that we will not be in this room anytime soon; each of us will be at our homes.

City Manager Kerbyson stated that to make an interactive meeting for example *Zoom* has limited the meetings to 40 minutes. Also, the public has to have the capability to call in so that they can comment. There is software we may need to purchase, and at this time, our IT is contracted and they will not come to City Hall. There are concerns with the issues that may happen with inappropriate language and such resulting in having to shut the meeting down which then means it is no longer an open meeting.

Commissioner Cattane stated that we would have a meeting administrator who would remove them from the meeting. He asked if our IT has the ability to remote in. If so, they don't need to come here. He continued stating that we will not be meeting in May because this will not be over. We have to pretend this is going to last for months. So let's be prepared and do some trial runs so that we are all up and running for the next meeting, April 20, 2020.

Mayor Marquardt stated she would like to see us prepared, need to figure out what is going to work for us over the next few months.



On A Roll Call:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **CITY ATTORNEY'S REPORT**

City Attorney Nolan indicated that he has a draft marihuana ordinance that has been submitted to the City for administrative review and he will have to the Commission shortly.

### **UNFINISHED BUSINESS:**

#### **63 2020 04-06 APPOINTMENT TO THE LAPEER HOUSING BOARD OF APPEALS**

Appointment by Mayor Marquardt. Moved by Pattison. Seconded by Atwood.

Re-appoint Kerri Roberts, Charles Dixon and Robin Chestnutt to the Lapeer-Housing board of Appeals a term to expire 05-01-2023.

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **64 2020 04-06 APPOINTMENT TO THE LOCAL OFFICERS COMPENSATION COMMISSION**

Appointment by Mayor Marquardt. Moved by Stroh. Seconded by Cattane.

Appoint Troy Bostick-Tullius to the Local Officers Compensation Commission for a term to expire 10-01-2023; and Charles Mitchell to the Local Officers Compensation Commission for terms to expire 10-01-2024.

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **65 2020 04-06 APPOINTMENT TO THE PARK BOARD**

Appointment by Mayor Marquardt. Moved by Pattison. Seconded by Cattane.

Appoint Tony Stroh to the Park Board for a term to expire 04-01-2023.

Ayes: Atwood, Cattane, Osentoski, Pattison.

Nays: None.

Absent: Stroh.

MOTION CARRIED.

### **PUBLIC COMMENTS**

Jeff Hogan informed the commission that the Center Building was offered to McLaren Hospital should they need it for overflow of COVID-19 patients. In talking to the hospital today the ICU is at about half full. With the closing of the Center Building, they are in dire need of funds.

### **DEPARTMENTAL COMMUNICATIONS**

The Monthly Departmental Reports were received into the record as presented.

### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Stroh: Many of the cultural arts organizations have shuttered their doors; wants the City to create a cultural arts council that would include all cultural arts within the City or that provide services within the City; work on the collaboration of art projects, funding, educational activities and would like added to an agenda for discussion within the next month.

City Manager Kerbyson stated that we can assign this project to Donna Crounce, who created the Youth Council.

Commissioner Stroh also asked about the status of the Illuminate Lapeer, what is the time line; what are we expecting; or is this contingent with COVID-19. City Manager Kerbyson stated bids are due by middle to end of this month; the projected in budgeted for this year; we expect this project to wrap up by end of June.

Commissioner Stroh indicated that he does not feel like he is in the loop and would like more updates on the status of City business through this COVID-19 pandemic. Asked if he could have more reports indicating everything is fine or we are seeing higher rates of crimes for example. He would like to have more communication during this uncertain time.

City Manager Kerbyson stated he has been providing updates relating to COVID-19 almost daily and asked if the Commission were receiving those. Commissioner Stroh said he was not; Commissioner Cattane and Mayor Marquardt stated they were not getting the updates; at least not daily.

Commissioner Atwood: Is two weeks going to be enough time to get the meeting on line and doing it legally.

Commissioner Cattane: We need to do a test run on the on-line meeting; last time we have seen anything like this was the Spanish Flu after WWI; believes that we should prepare for worst and hope for the best. This will end and we will get our lives back and when we do we will be grateful for it.

Commissioner Pattison: Pleased that Lapeer is doing a good job staying home, staying safe; we can't relax; keep it up and listen to our government officials and our doctors because we need everyone here. Please be safe.

City Manager Kerbyson: Spoke to hospital to get a feel for their capacity; things are maintaining and not overflowing; anticipating several more this week. Updates may be coming via text.

Mayor Marquardt: Church next to Zemmer on W. Oregon St. was handing out food to people in need, however, they were not practicing social distancing; wants to make sure that everyone is safe; have police contact the church to make sure they are practicing safety and social distancing. American Red Cross Sound The Alarm Program to install smoke detectors has been cancelled; think about where we want to hold the budget

meetings; do it in sections; cannot put off. Join me in wishing Commissioner Pattison Happy Birthday.

**66 2020 04-06 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:24 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:24 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
APRIL 20, 2020**

A regular meeting of the Lapeer City Commission was held April 20, 2020 electronically via GoToMeeting and in the Municipal Building at 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.

**67 2020 04-20 AGENDA APPROVAL**

Moved by Pattison. Seconded by Stroh.

Approve the Agenda for April 20, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

None.

**CONSENT AGENDA**

None.

**68 2020 04-20 BILL LISTING FOR APRIL 20, 2020**

Moved by Cattane. Seconded by Osentoski.

Approve the Bill Listing for April 20, 2020 in the amount of \$470,262.99.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**69 2020 04-20 MINUTES**

Moved by Osentoski. Seconded by Atwood.

Approve the minutes of the Regular meeting held April 6, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

### **70 2020 04-20 RESOLUTION IN OPPOSITION OF HB 5423**

Commissioner Cattane asked how this resolution came to be placed on our agenda.

City Manager Kerbyson stated that this Resolution came through the Michigan Municipal League (MML) and we used the Resolution of another community. Initially this was to be on an early agenda, however with the COVID-19 it was pushed to a later meeting. This is moving through the legislation and seeing how our community tends to be environmentally friendly, felt it was something we could get behind.

A discussion ensued in relation to the pros and cons of HB 5423 as well as other items that are a part of this bill i.e. funding for Michigan State Police.

Moved by Stroh. Seconded by Cattane.

To table the Resolution in Opposition of HB 5423, as it is inaccurate.

### **Resolution Opposing HB 5423**

**Whereas** Great Lakes communities are faced with new challenges daily, and contaminants of emerging concern continue to threaten our health and our environment, and

**Whereas** Michigan voters approved the bottle law in 1976 to reduce litter and promote responsible recycling and reuse of materials, and

**Whereas** the beverage industry remains a competitive and successful industry in Michigan, with revenues increasing by an average of over 9% per year from 2005 – 2014, and

**Whereas** revenues from unclaimed bottle deposits are currently split between retailers (25%) and the Michigan Department of Environment, Great Lakes and Energy (75%), and

**Whereas** the funds collected in 2020 support 130 EGLE staff members across the State of Michigan and funded over 120 projects across the State, and

**Whereas** the proposed bill and its companions would redirect funds to benefit beverage distributors and the Michigan State Police, and

**Whereas** we look to our leadership in Lansing to help us find ways to reduce threats to public health and the environment, not serve private, for profit interests at the expense of taxpayers and pop drinkers.

ON A ROLL CALL VOTE:

Ayes: Cattane, Stroh.

Nays: Atwood, Osentoski, Pattison.

Absent: None.

**MOTION FAILED.**

### **71 2020 04-20 RESOLUTION IN OPPOSITION OF HB 5423**

Moved by Atwood. Seconded by Osentoski.

To approve the Resolution in Opposition of HB 5423, with corrections.

## Resolution Opposing HB 5423

Whereas, Great Lakes communities are faced with new challenges daily, and contaminants of emerging concern continue to threaten our health and our environment, and

Whereas, Michigan voters approved the bottle law in 1976 to reduce litter and promote responsible recycling and reuse of materials, and

Whereas, the beverage industry remains a competitive and successful industry in Michigan, with revenues increasing by an average of over 9% per year from 2005 – 2014, and

Whereas, revenues from unclaimed bottle deposits are currently split between retailers (25%) and the Michigan Department of Environment, Great Lakes and Energy (75%), and

Whereas, the funds collected in 2020 support 130 EGLE staff members across the State of Michigan and funded over 120 projects across the State, and

Whereas, the proposed bill and its companions would redirect funds to benefit beverage distributors and the Michigan State Police, and

Whereas, we look to our leadership in Lansing to help us find ways to reduce threats to public health and the environment, not serve private, for profit interests at the expense of taxpayers and pop drinkers.

Now, Therefore, Be It Resolved, that the Lapeer City Council opposes the current form of HB 5423 and its companion bills as they dilute resources currently used to clean up our waters, expand profits already earned by the beverage industry and provide no benefit to the people of the State of Michigan.

### ON A ROLL CALL VOTE:

Ayes: Atwood, Osentoski, Pattison.

Nays: Cattane, Stroh.

Absent: None.

MOTION CARRIED.

### **72 2020 04-20 RESOLUTION OF THE HOUSING PRESERVATION GRANT APPLICATION BY THE HID TO UNITED STATE DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT (USDA RD) FOR \$50,000**

Housing Director Soldenski gave an update and description of the projects relating to the Resolution and Grant Application being requested.

Moved by Cattane. Seconded by Pattison.

Approved a Resolution for the submission of the Housing Preservation Grant Application by the HID to United State Department of Agriculture Rural Development (USDA RD) by May 7, 2020. The grant application requests \$50,000 from USDA RD for the use in the City of Lapeer neighborhoods. \$50,000 will be for at least 6 Homeowner Rehabilitation projects in the amount of \$7,500 per project.

RESOLUTION TO APPROVE  
UNITED STATE DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT (USDA RD)  
HOUSING PRESERVATION GRANT  
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 supports the recommendation of the City of Lapeer Housing Improvement Department to apply for \$50,000 through the United States Department of Agriculture Rural Development (USDA RD) Housing Preservation Grant for City of Lapeer Housing Improvement Grant; and

WHEREAS, said City Commission authorizes the Mayor to sign the grant application form and related documents such as Environmental Review and Collaboration/Leverage Agreements as required by USDA RD and allow the Director of Housing and Neighborhood Development to sign related grant documents when allowed by USDA RD as required; and

WHEREAS, said City Commission held a public comment period regarding the proposed City of Lapeer Housing Improvement Grant application; and

THEREFORE, BE IT RESOLVED that the Lapeer City Commission supports the City of Lapeer Housing Improvement Department to submit the application for funding through the United State Department of Agriculture's Rural Development Housing Preservation Grant for a City of Lapeer Housing Improvement Grant, authorizes the Mayor and Director of Housing and Neighborhood Development to sign grant related documents on behalf of the City of Lapeer, and held a public comment period regarding this housing grants on April 20th, 2020.

**ON A ROLL CALL VOTE:**

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

**PUBLIC HEARINGS**

None.

**ADMINISTRATIVE REPORTS**

None.

**CITY MANAGER'S REPORT**

None.

**CITY ATTORNEY'S REPORT**

None.

**UNFINISHED BUSINESS:**

None.

**PUBLIC COMMENTS**

None.

**DEPARTMENTAL COMMUNICATIONS**

The Monthly Departmental Reports: Downtown Development Authority Update; Quarterly Investment Reports; Medical Marijuana Licenses were received into the record as presented.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Atwood: Looking forward to going back to somewhat normal in the near future; hope all are staying healthy and safe; encourage citizens to stay positive; support small business owners.

Commissioner Cattane: Hope everyone is staying healthy; is donating his City Commission pay to small businesses here in Lapeer; contact Jim Alt to sign up for GoFundMe; both he and his wife are essential workers.

Commissioner Osentoski: Thanked the citizens of Lapeer for the way they have handled this crisis; social distancing is working.

Commissioner Pattison: Echo the other commissioners; keep following the guidelines and be safe.

Mayor Marquardt: City continues to work with McLaren and the RV Park beyond April 30, 2020 and going forward; happy to be a part of that and help the community; spoke to Glenn Ream regarding the Memorial Day Parade and Ceremony which has been cancelled; can still take part by visiting Veterans Park or visit the monument; follow flag protocol; worked with Commissioner Stroh to put together a program for low income families to help feed their pets. Thank you everyone.

City Manager Kerbyson: This is a historical meeting as it is the first time for the Lapeer City Commission to conduct its meeting virtually on 04-20-2020; thank you for supporting the environment.

**73 2020 04-20 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.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

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Tracey S. Russell, Deputy City Clerk



**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
MAY 4, 2020**

A regular meeting of the Lapeer City Commission was held May 4, 2020 electronically via GoToMeeting and 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.

**74 2020 05-04 AGENDA APPROVAL**

Moved by Osentoski. Seconded by Stroh.

Approve the Agenda for May 4, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**75 2020 05-04 MINUTES**

Moved by Cattane. Seconded by Atwood.

Approve the minutes of the Regular Meeting held April 20, 2020.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

The following public comment was received via email and read into the record by City Clerk Sanchez:

Good evening Mayor Marquardt and Commissioners Pattison, Atwood, Stroh, Cattane, and Osentoski:

My name is Gabe Parton Lee and this public comment is submitted on behalf of Northwest Confections Michigan, LLC, asking that the City Commission of Lapeer exercise its authority to "opt-in" to the adult-use marijuana regulated system in Michigan. This would open Lapeer up to significant state tax revenue streams, new locally-based job opportunities, and cutting-edge business development; all of which are in line with the voters' desire in the City of Lapeer and State of Michigan.

Northwest Confections Michigan, LLC seeks to establish headquarters in Lapeer to bring the "Wyld" brand of marijuana-infused edibles to Michigan. Wyld is the largest infused-edibles brand in the U.S., operating in Oregon, California, Nevada, and Colorado. We want to prove that this new sector of business can provide a net benefit to the local community, as well as provide opportunity for its residents.

Voters in the City of Lapeer resoundingly approved Proposition 1 to legalize commercial adult-use marijuana in Michigan, and we are asking the City Commission to exercise its authority to responsibly implement ordinances to regulate adult-use marijuana in Lapeer. You have the power to opt-in and limit adult-use licenses to operators who are currently abiding by the medical marijuana regulations, and we would ask that you use it.

Opting-in will open the City of Lapeer to new revenue streams and a thriving local economy, which is particularly important given the current COVID-19 pandemic. Lapeer

needs locally-based, well-paying jobs for all of us to get back on our feet. The State of Michigan will distribute revenues from marijuana excise taxes only with those cities and counties that opt-in to adult-use marijuana; if Lapeer opts-in, even on a limited basis, it will share in this new tax revenue stream. Under your careful oversight, you can promote public safety and stimulate business development in a time that it is greatly needed in your lovely city.

Again, we would respectfully ask that you use your vested authority to opt-in and exercise reasonable controls over the regulated adult-use marijuana industry, don't let the ballot decide.

Thank you for your consideration. I would be happy to answer any additional questions via email, teleconference, or phone.

### **CONSENT AGENDA**

None.

### **76 2020 05-04 BILL LISTING FOR MAY 4, 2020**

Moved by Pattison. Seconded by Cattane.

Approve the Bill Listing for May 4, 2020 in the amount of \$354,677.26.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

### **77 2020 05-04 ARBOR DAY PROCLAMATION**

Moved by Osentoski. Seconded by Pattison.

Approve the Arbor Day Proclamation as presented.

#### **CITY OF LAPEER ARBOR DAY PROCLAMATION**

**WHEREAS**, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

**WHEREAS**, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

**WHEREAS**, Arbor Day is now observed throughout the nation and the world; and

**WHEREAS**, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

**WHEREAS**, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

**WHEREAS**, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

**WHEREAS**, Trees, wherever they are planted, are a source of joy and spiritual renewal,

**THEREFORE, BE IT RESOLVED** that I, Deborah G. Marquardt, Mayor of the City of Lapeer and the Lapeer City Commission do hereby declare May 6, 2020 as Arbor Day planting day in the City of Lapeer and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations. Dated this 4<sup>th</sup> day of May 2020.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

### **78 2020 05-04 MDOT CATEGORY B RESOLUTION – RECONSTRUCT SECOND ST.**

Moved by Pattison. Seconded by Stroh.

Approve the resolution to establish a request for funding of \$224,850 to reconstruct Second St. from Jackson St. to N. Main St. and to authorize the City Manager and/or Department of Public Works Director to act as agent.

A RESOLUTION TO ESTABLISH A REQUEST FOR FUNDING, DESIGNATE AN AGENT, ATTEST TO THE EXISTENCE OF FUNDS AND COMMIT TO IMPLEMENTING A MAINTENANCE PROGRAM FUNDED BY THE TRANSPORTATION ECONOMIC DEVELOPMENT FUND CATEGORY B PROGRAM FOR THE FOLLOWING IMPROVEMENTS:

Remove and replace asphalt pavement, modify existing storm sewer system, and install curb and gutter on Second St. from Jackson St. to N. Main St. (see attached map).

#### City of Lapeer

WHEREAS, the City of Lapeer is applying for \$224,850 in funding through MDOT from the Transportation Economic Development Category B Program to Reconstruct Second St. from Jackson St. to N. Main St. (M-24).

WHEREAS, MDOT requires a formal commitment from the public agency that will be receiving these funds and will be implementing and maintaining these infrastructure projects.

NOW, THEREFORE, BE IT RESOLVED THAT, the City has authorized City Manager and/or Department of Public Works Director, to act as agent on behalf of the City to request Transportation Economic Development Fund Category B Program funding, to act as the applicant's agent during the project development, and to sign a project agreement upon receipt of a funding award.

BE IT FURTHER RESOLVED THAT, the City attests to the existence of, and commits to, providing at least \$224,850 toward the construction costs of the project(s), and all costs for design, permit fees, administration costs, and cost overruns.

BE IT FURTHER RESOLVED THAT, the City commits to owning, operating, funding and implementing a maintenance program over the design life of the facilities constructed with Transportation Economic Development Fund Category B Program funding.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

#### **PUBLIC HEARINGS**

None.

#### **ADMINISTRATIVE REPORTS**

##### **79 2020 05-04 FY 2020-2021 BUDGET NOTICE: SET PUBLIC HEARING FOR MAY 18, 2020**

Moved by Atwood. Seconded by Stroh.

Approve setting a public hearing on May 18, 2020 at 6:30 p.m. or as soon thereafter as may be heard regarding the Fiscal Year 2020-2021 City of Lapeer Budget and the first year of the proposed 2020-2026 Capital Improvement Plan.

Commissioner Cattane asked how the public hearing would take place if the stay at home order was extended. City Manager Kerbyson indicated that if the stay home order was extended, we would be conducting the public hearing and meeting as we are tonight, virtually. Public will have the ability to comment through email, GoToMeeting, or via telephone.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

##### **80 2020 05-04 MEDICAL MARIHUAN ASSESSMENT 2020**

Moved by Cattane. Seconded by Pattison.

To keep the number limit for medical marijuana facilities as is.

ON A ROLL CALL VOTE:

Ayes: Cattane, Osentoski, Pattison, Stroh.

Nays: Atwood.

Abstain: None  
Absent: None.  
MOTION CARRIED.

### **81 2020 05-04 MILLVILLE ROAD WATER MAIN REPLACEMENT PROJECT**

Moved by Pattison. Seconded by Stroh.

To award the contract for the Millville Water Main Replacement Project to Superior Excavating, lowest bidder, in an amount of \$466,647.50 and authorize the Department of Public Works Director to sign all necessary documents.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **CITY MANAGER'S REPORT**

The Community Center will remain closed through the end of May per the Governor's Executive Order. Throughout many of the buildings we will be installing sneeze guards so that employees will be protected; other protocols will be in place as well once we open to the public. The Building Department is very busy reviewing plans and performing several inspections at the hospital as they are pouring concrete. Focused on submitting for FEMA funding and has learned we must participate in three (3) webinars to be considered for the grant funds. Lastly, if you have questions about the budget please call prior to Saturday and he will be happy to discuss.

Commissioner Stroh asked if it is a large expense having to install Plexiglas. City Manager Kerbyson indicated it has not been that significant per building, but some building we will be adding a door or half door to eliminate public from walking around counters. Also, at City Hall where glass is already in place, we are cutting what he calls "mouse holes" into the glass so that we have the ability of pass paperwork between staff and residents; similar to what you used to see at a bank.

Commissioner Cattane asked if there has been a significant drop in the income tax revenue coming in for April. City Manager Kerbyson stated that normally we would be done by April 15; however, with the extension it is beginning to trickle off. In the past, we usually get 30% of the revenue during the last 20 days of the season.

### **CITY ATTORNEY'S REPORT**

City Attorney Nolan stated we are receiving lots and lots of pre-trial notices from the courts indicating that we will be starting back up May 15<sup>th</sup>-16<sup>th</sup>, 2020. However, if the order gets extended, we won't know when we will be back in court. Courts are using video conferencing when they can, and there is an initiative in the works; attempting to do jury trials via web which he recommends against it.

### **UNFINISHED BUSINESS**

None.

### **PUBLIC COMMENTS**

None.

### **DEPARTMENTAL COMMUNICATIONS**

None.

### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: It is morbid to say he is happy to see there are only 27 deaths in our county, after last week when the body county was climbing by the day; these are our neighbors and all lives are precious. So proud of the hospital, medical facilities and our community; we are beating this and he thanks everyone; keep up the good work.

Commissioner Stroh: Echoes Commissioner Cattane's comments; our community is staying home and pushing numbers down; concerned with the Arts; many events have been cancelled by Lapeer Art Association, Stone's Throw Theater, Lapeer Community Schools and Chatfield School to list a few. Many organizations are looking at how to program and move forward with safe distances and still be profitable. Concerned with

how the Center for the Arts is going to move forward as they need money and bodies for success; move forward with the Arts Council as soon as possible.

Commissioner Osentoski: Wants the citizens and business to know that the City is here to help them; if you need anything, please reach out to the Mayor, Commissioners, or the City to see if we can help in anyway. Stay strong and we will get through this. The residents of the City of Lapeer did not vote overwhelmingly to allow recreational marihuana and gets a kick out of the public comment people using COVID-19 as a reason.

Commissioner Pattison: Proud of the way the City is reacting; grocery stores have labeled isles with directions; please follow the guidelines at the stores; follow correctly if not for your sake, for the sake of others and to keep us all safe; faster we do it, the faster we are out of this.

Mayor Marquardt: Apologizes for her delay this evening; computer issues. Proud of the City and the employees and how we have all been handling this. Worried about businesses; will be reaching out to the downtown businesses to see how they are doing. See everyone on Saturday morning for the Budget Workshop.

## **82 2020 05-04 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:06 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:06 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

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Tracey S. Russell, Deputy City Clerk

**MINUTES OF A WORKSHOP MEETING  
LAPEER CITY COMMISSION  
May 9, 2020**

A workshop meeting of the Lapeer City Commission was held May 9, 2020 electronically via GoToMeeting and at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 9:00 a.m.

**ROLL CALL**

Present: Mayor Marquardt.  
Commissioners Atwood, Cattane (attended electronically, via GoToMeeting),  
Osentoski, Pattison, Stroh.  
Absent: None.

City Manager: Dale Kerbyson (present).

**Also Present:** City Clerk Romona Sanchez, Interim Finance Director Kelly Hanna, Director of Housing Denise Soldenski, Director of Parks, Recreation & Cemetery Rodney Church, Police Chief David Frisch, Fire Chief Terry Kluge, Director of Public Works Pamela Reid and Building Official Darryl Oliver (arrived at 10:00 a.m.; departed Noon).

Mayor Marquardt called the meeting to order at 9:00 a.m. and turned the meeting over to City Manager Dale Kerbyson.

City Manager Kerbyson stated the Coronavirus situation has presented the City of Lapeer with a significant challenge in the preparation of this budget. These challenges include unknown factors, such as when the economy will return to normal; when the City's workforce will return to normal, and when City events may return to a normal schedule. Effects of the Coronavirus situation are unknown so its effects have not been incorporated into the budget and will only become apparent as future events unfold. Therefore, this budget should be considered with those events in mind as the 2020-2021 fiscal year unfolds and it may need to be amended.

CIP 2020-2026

City Manager Kerbyson began with the CIP 2020-2021 Budget by providing highlights of each project. Discussion about the total funds for 2020-2021; with a breakdown of vehicles and equipment projects included: software updates, police vehicles; firefighter equipment; cyber security; trucks with plows; bullet-proof vest replacement; portable radios for fire department; scag mower replacement; in-car video; graffiti removal; email upgrade and mapping and record keeping software. Also, infrastructure & continuing initiatives which included: residential property improvement fund; sidewalk repair & maintenance; scrub sealing; preventative maintenance bridge project; re-branding initiative and cemetery fence replacement.

Mayor Marquardt called for a break from 10:00 a.m. – 10:14 a.m.

FY 2020-2021 Budget

City Manager Kerbyson lead the group through each department's budget explaining any line item budget that was called to question and gave detailed information on each department's increase or decrease as needed. He also provided additional information about the new projects, software, etc. that are being requested by each department. Discussions took place relating to any increase and decrease to specific department line items. In addition, department heads answered questions with more specific details about projects as needed.

Mayor Marquardt called for a lunch break from Noon – 12:34 p.m.

City Manager Kerbyson resumed his review of the budget; providing explanation of line items and answering any questions of the Mayor and Commission. Open discussions between the City Manager, Mayor, Commissioners and Department Heads continued as they moved further through the FY 2020-2021 budget. City Manager Kerbyson also shared a chart on the history of the General Fund fund balance, indicating the percentages over the years as well as this year's budget. Finally, there was a review of budgeted items that could be removed from the current budget should the Commission wish to do so to reduce the budget expenditures.

Mayor Marquardt thanked all the department heads for doing all the hard work.

By general consensus the meeting adjourned at 3:19 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, CMC, City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
MAY 18, 2020**

A regular meeting of the Lapeer City Commission was held May 18, 2020 electronically via GoToMeeting and 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.

**83 2020 05-18 AGENDA APPROVAL**

Moved by Pattison. Seconded by Stroh.

Approve the Agenda for May 18, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**84 2020 05-18 MINUTES**

Moved by Cattane. Seconded by Atwood.

Approve the minutes of the Regular Meeting held May 4, 2020 and the Budget Workshop on May 9, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

A letter was received and distributed to the Commission regarding Medical Marihuana Ordinance; Alternative RX, LLC from Ivan Ammori dated May 4, 2020 (see attached). Mr. Ammori attended the meeting and indicated he would appreciate any consideration the Commission could give to him in relation to the letter. Mayor Marquardt gave instruction for City Attorney Mike Nolan to work with Mr. Ammori and his attorney.

Bernard Jocuns commented on having a friendlier message on the PIX marquee instead of notification of events being postponed, something along the lines of "Stay Well". Mayor Marquardt directed City Manager Kerbyson to look into making this change.

**CONSENT AGENDA**

**85 2020 05-18 CONSENT AGENDA**

Moved by Osentoski. Seconded by Atwood.

Approve the Consent Agenda for May 18, 2020 resulting in the following:

1. Special Event Request from Veterans Esteem Team Inc. to hold a modified "in-vehicle" Memorial Day Parade on Monday, May 25, 2020 from 10AM to 12PM; beginning in City Lot #5 with parade participants exiting onto N. Saginaw Street traveling south bound to Horton Street, west on Horton to north on N. Court Street to west on Nepessing Street.
2. Special Event Request from Lapeer Downtown Development Authority (DDA) for the Annual Concert Series at the Lapeer Farmer's Market Pavilion on Thursday evenings, beginning June 4<sup>th</sup> and running until August 13, 2020 from 6:30 PM – 8:00 PM.
3. Special Event Request from Lapeer Downtown Development Authority (DDA) to hold their Annual Summer Car Cruise on Nepessing Street, between Mason Street and Pine Street. The event would be held every Monday night beginning June 8, 2020

and run through September 28, 2020 from 5:00PM – 9:00PM, excluding the Labor Day holiday.

Commissioner Pattison questioned both Special Events hosted by the DDA, alcohol is not indicated on the application, will that be a yes or no? Executive Director James Alt indicated no for both events on alcohol.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **86 2020 05-04 BILL LISTING FOR MAY 18, 2020**

Moved by Cattane. Seconded by Pattison.

Approve the Bill Listing for May 18, 2020 in the amount of \$404,808.23.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

#### **87 2020 05-18 PUBLIC HEARINGS FY 2020-2021 Budget Public Hearing**

Mayor Marquardt opened the public hearing at 6:40 p.m. Hearing no comments from the public, closed the public hearing at 6:40 p.m.

Moved by Pattison. Seconded by Atwood.

Approve Resolution to Adopt the Budget of the City of Lapeer for the Fiscal Year July 1, 2020 to June 30, 2021 and to Make Appropriations Therefore, and the first year of the proposed 2020-2025 Capital Improvement Program.

Commissioner Stroh stated he does not see the CIP or the changes made from the Budget Workshop within the budget presented for this meeting, should the CIP have been attached? City Manager Kerbyson indicated the CIP items are within the budget itself. Commissioner Stroh questioned, wasn't it supposed to be at 19%; he sees 14% for the General Fund. Director of Finance Kelly Hanna referred to the General Fund Summary, the middle column is what the Administration recommended; the Commission approved the column on the far right which is coming in at 17% or \$1.9 million.

Commissioner Cattane questioned two items, 1) the rebranding and 2) the parking lot at the recreation center, when those items come up for review, can we make adjustments when they come up? Mayor Marquardt replied, yes

ON ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **ADMINISTRATIVE REPORTS**

#### **88 2020 05-18 CITY-WIDE FEE SCHEDULE.**

Moved by Osentoski. Seconded by Pattison.

Approve the City-Wide Fee Schedule as presented, effective 07-01-2020.

Commissioner Stroh asked about the handicapped parking fee, why is it going up from \$150 to \$250 and is it stating that the \$250 is for Special Event citations? City Manager Kerbyson indicated the previous Commission felt it should be a stronger message so people would not continue to park in the handicapped spaces. Police Chief Frisch indicated the \$150 fee is the citations for violations outside of Special Events. All fees are increased during Special Events as it is not often that action is needed towards our citizens. Mayor Marquardt requested City Manager Kerbyson investigate when the previous fee was set at \$150. Commissioner Cattane requested a new fee schedule be sent to him on the Building Department as the left margin was hard to read.



Mayor Marquardt questioned the cemetery fees, why do we no longer have two fees, one for resident openings, cremations, etc. and a separate fee for non-residents? Director of Parks, Recreation, and Cemetery Rodney Church indicated after researching other facilities, it was most common throughout municipal cemeteries to have one fee and the majority of people who purchase are non-residents, therefore it made more sense to have one fee versus two separate fees. Mayor Marquardt indicated residents already pay property taxes, income taxes, and assumed the lower fees at the cemetery was an

extra break for residents. Director Church indicated that after researching pricing, that the cemetery prices have not been increased in years and it was time to increase them.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**89 2020 05-18 DOWNTOWN OUTDOOR DINING AREA RIGHT-OF-WAY LICENSE – FAT BOY’S.**

Moved by Cattane. Seconded by Stroh.

Approve the Right of Way License application for Outdoor Dining Area at Fat Boy’s Bar & Grill located at 10 E. Nepessing Street with no changes proposed from last year’s license.

Commissioner Cattane requested confirmation from Police Chief Frisch that this was fine as this establishment has frequent officer calls to this location. Chief Frisch indicated it is all good.

ON A ROLL CALL VOTE:

Ayes: Cattane, Osentoski, Pattison, Stroh.

Nays: Atwood.

Abstain: None

Absent: None.

MOTION CARRIED.

**90 2020 05-18 MICHIGAN DEPARTMENT OF TRANSPORTATION CONSTRUCTION CONTRACT #20-5222 AND MUNICIPAL RESOLUTION FOR MILLVILLE ROAD RECONSTRUCTION PROJECT.**

Moved by Osentoski. Seconded by Pattison.

Approve entering into contract number 20-5222 between Michigan Department of Transportation (MDOT) and the City of Lapeer and to approve the MUNICIPAL RESOLUTION as required and allow the DPW Director to sign all necessary documents.

Commissioner Atwood asked if the stretch of Millville Road that will be under construction will be closed completely, as LJ’s Market has gone through a lot over the last several years. City Manager Kerbyson said it is never our intention to close a road; however, it may be necessary to close for an open road cut but unlikely.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**91 2020 05-18 MILLVILLE ROAD WATER MAIN REPLACEMENT PROJECT; ROWE PROFESSIONAL SERVICES CO. - CONSTRUCTION ENGINEERING AGREEMENT.**

Moved by Cattane. Seconded by Atwood.

Approve the contract for Construction Engineering Services with Rowe Professional Services Company for the Millville Road Water Main Replacement project, not to exceed \$36,900.00, and allow the DPW Director to sign all necessary documents. Funding is available in the Fiscal Year 2019-2020 Budget Project #22310.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**92 2020 05-18 AMENDMENT TO CHAPTER 19, OFFENSES AGAINST PUBLIC PEACE, SAFETY AND MORALS ORDINANCE.**

Commissioner Pattison introduced a proposed Amendment to Chapter 19, Offenses Against Public Peace, Safety and Morals Ordinance., of the General Ordinance of the City of Lapeer.

**CITY MANAGER'S REPORT**

City Manager Dale Kerbyson reported on a couple of items 1) Received a National Railroad Grant to paint the cabooses adjacent to the Historic Train Depot for \$15,000-\$16,000, should look brand new after three weeks of work (was in the paper). Commission Stroh questioned if the area was ever named, as Sam Morey was instrumental in getting the cabooses, maybe do some type of recognition; 2) The City Clerk have 1,070 permanent absentee voters and will send out another 950 letters this week to registered voters; 3) Requested protocol for flags at half mass or fully raised during Memorial Day. Discussion was held and it was the consensus that flags would be raised at sunrise on Memorial Day and placed back to half mass the following morning.

**CITY ATTORNEY'S REPORT**

City Attorney Nolan apologized for not connecting to the meeting in a timely fashion as he had computer issues; indicated we have received a contract to repair the railroad crossing on Saginaw. Mayor Marquardt requested Mr. Nolan to meet with Ivan and his attorney regarding the letter submitted to Commission which was discussed during Public Comments.

**UNFINISHED BUSINESS**

**93 2020 05-18 APPOINTMENT – LAPEER BUILDING AUTHORITY.**

Moved by Osentoski. Seconded by Stroh.

Re-appoint Dale Kerbyson to the Lapeer Building Authority for a term to expire 06-01-2023.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

None.

**DEPARTMENTAL COMMUNICATIONS**

Monthly Departmental Reports received into the record as presented.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Atwood: Will Millville will be closed during construction? City Manager Kerbyson confirmed it will be closed for six weeks with a detour of Millville to Davis Lake Road to M24. Thanks to all the volunteers for flower planting, good turnout, it was good to get out and nice to see Rodney/Ryan; thanks for the pizza.

Commissioner Cattane: Thanks to City Manager and City Attorney for going after the Saginaw railroad repair, my car thanks you. Sees that life is coming back, more people on the streets, the war is not won yet, but we will win it.

Commissioner Stroh: Thank you to everyone for all that you do.

Commissioner Pattison: Everyone keep in mind why we celebrate Memorial Day.

Mayor Marquardt: Thanks to all the volunteers that came out to plant flowers, Rodney/Ryan had it well organized; lots of pizza, drinks, cookies, chips. Maybe it will become an annual event, in the past the Master Gardeners used to do it. Is looking forward to being at the Memorial Day Ceremony, hope you can attend, will go down in history with area youth organizing this event.

City Manager Kerbyson wished everyone a happy Memorial Day, as did Mayor Marquardt.

**94 2020 05-18 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:18 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:18 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
JUNE 1, 2020**

A regular meeting of the Lapeer City Commission was held June 1, 2020 electronically via GoToMeeting and 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.

**95 2020 06-01 AGENDA APPROVAL**

Moved by Atwood. Seconded by Osentoski.

Approve the Agenda for June 1, 2020 as with the removal of item G-4.

ON A ROLL CALL VOTE:

Ayes: Atwood, Osentoski.

Nays: Cattane, Pattison, Stroh.

Absent: None.

**MOTION FAILED 2-3.**

**96 2020 06-01 AGENDA APPROVAL**

Moved by Cattane. Seconded by Pattison.

Approve the Agenda for June 1, 2020 as presented.

Commissioner Atwood asked for clarification as to why Item G-4 is on the agenda. Mayor Marquardt stated that the Commission requested City Attorney Nolan to draft an ordinance to have a co-location for recreational marihuana.

ON A ROLL CALL VOTE:

Ayes: Cattane, Pattison, Stroh.

Nays: Atwood, Osentoski.

Absent: None.

**MOTION CARRIED.**

**97 2020 06-01 MINUTES**

Moved by Stroh. Seconded by Cattane.

Approve the minutes of the Regular Meeting held May 18, 2020.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

**PUBLIC COMMENTS**

City Clerk Romona Sanchez received an email from Mr. Sam E. Williams, Lapeer, requested his email be read into the record; *"I can't believe the Lapeer City Commission is planning on having hearings regarding the sale of Recreational Marijuana at this time, with everything else that is going on with the Covid-19 Coronavirus. I think they would have a full plate without adding this issue to the menu. What's in it for the City of Lapeer? Why do we want to be known as the "Pot Capital" of Lapeer County, when to my knowledge no other city, village or township within Lapeer County opted for the sale of Medical Marijuana??? We already have approval for six (6) Medical Marijuana establishments with four (4) currently open for business. I would hope all of the various law enforcement officials within Lapeer County would speak out against it. Rest assured I am, and will be doing so!"* Sam E. Williams – Lapeer.

Jeanette Osentoski, resident and business owner, about recreational marihuana being on the agenda and no concern for the struggling DDA businesses; no comments regarding the Governor's announcement; encourages the Mayor and Commissioners to step up and help out the businesses in the downtown area.

Aaron Geyer commented on the draft recreational marijuana ordinance; noted a couple errors in the document. There are two D-2, also and more to the point, 69-04 A(1), referees to a MRTMA license already being issued, needs to be rephrased. One cannot have a pre-requisite for an application that includes licensing by the State, because one cannot get a license from the State without having a license from the City first. Next, Mr. Nolan's idea was to grant some mechanism that allows the six (6) medical licensees to have some kind of co-location/vertical integration, which would allow his client to participate. COVID-19 has delayed their process; if ordinance is passed now, his client would not be able to get the recreational license.

Mike Bahoura, owner of Pure Lapeer, 1330 Imlay City Road, commented on recreational marijuana ordinance. To answer the question, how does this help Lapeer; he ran the numbers \$50,000-\$55,000 per licensed retail facility would be received by cities that have opted into recreational. This ordinance does not add more physical sites, allows the six (6) medical locations another avenue to work within the State requirements. Respects differing opinions, consider the options and don't lose the control by letting it go to a ballot initiative.

### **CONSENT AGENDA**

#### **98 2020 06-01 CONSENT AGENDA**

Moved by Cattane. Seconded by Pattison.

Approve the Consent Agenda for June 1, 2020 resulting in the following:

1. Special Event Request from Lapeer Community Schools to hold a "Graduating Seniors Vehicle Cruise" on Thursday, June 4, 2020 at 7:45 pm beginning at the high school and proceeding the route as noted in the Special Event Application.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **99 2020 05-04 BILL LISTING FOR JUNE 1, 2020**

Moved by Pattison. Seconded by Stroh.

Approve the Bill Listing for June 1, 2020 in the amount of \$804,714.82.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

### **ADMINISTRATIVE REPORTS**

#### **100 2020 06-01 BUDGET AMENDMENTS FY 2019-2020**

Moved by Osentoski. Seconded by Cattane.

Approve the budget adjustments for the FY 2019/2020.

Commissioner Cattane asked about the closed fund. Finance Director Hanna explained that it is money remaining in a fund after the debt has been paid and finalized and there is no reason for the fund to remain open, it is good practice to close it.

Commissioner Atwood commented that account number for the City Attorney fee has an increase of \$26,700 for additional fees related to marijuana which is related to the court case we are involved in. This increases the total attorney fees to approximately \$160,000 for the year.

ON ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**101 2020 06-01 DELINQUENT SPECIAL ASSESSMENT**

Moved by Pattison. Seconded by Stroh.

Approve adding the Special Assessment District Delinquent Installments as of May 1, 2020 to the 2020 Summer Tax Roll as authorized by City Charter.

Commissioner Cattane asked what the assessments included. Finance Director Hanna indicated that the Special Assessments billing is sent out in October of each year, and if the bill is not paid in full, the amount is then added to the tax bill as is the City's procedure.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**102 2020 06-01 ORDINANCE AMENDMENT: CHAPTER 19**

Moved by Cattane. Seconded by Pattison.

Adopt the Amendments to Chapter 19, Offenses Against Public Peace, Safety and Morals Ordinance, of the General Ordinance of the City of Lapeer.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**103 2020 06-01 ORDINANCE AMENDMENT: CHAPTER 69**

Commissioner Pattison introduced an Amendment to Chapter 69, Adult Use Marihuana Businesses and Facilities, of the General Ordinance of the City of Lapeer.

**104 2020 06-01 INITIATION OF TEXT AMENDMENT**

Moved by Pattison. Seconded by Stroh.

Approve initiation of Text Amendments to amend the Zoning Ordinance to allow Recreational Marihuana Facilities based on the same regulations as Medical Marihuana Facilities and to be consistent with the drafted Ordinance Chapter 69 as discussed.

Commissioner Osentoski asked for an explanation of the text amendment.

City Manager Kerbyson stated that the current ordinance only discusses medical marihuana; in order to move forward we need to add recreational to the ordinance.

Commissioner Atwood indicated that we are putting the cart before the horse as the City Commission has not made a motion to opt into MRTMA and yet we are working on amendments to Chapter 69 to allow recreational businesses. During public comments, Mr. Bahoura indicated that he had been working with the City for approximately 5 months, not sure who it is or who they have been working with. It appears there is a consultant that is steering the City outside of City Hall and something does not appear to be right with this. Has spoken up against this topic, however, he cannot let the City be used for what comes down to money.

Mayor Marquardt stated this is the first step, and this will go to the Planning Commission for a public hearing, then the ordinance amendment will be brought back to this Commission for a vote.

City Manager Kerbyson stated the Commission could wait until they approved opting in to recreational marihuana, however, that would take another two months for the Planning Commission to act, which would drag out the process. At which time we would have an ordinance in place, without guidance on how the facilities need to be operated. The City has requested this be on the agenda so that we can regulate the facilities like we regulate the medical marihuana facilities and treat them the same.

Caitlyn Habben stated that the technical differences are when there is an amendment to Chapter 69 that is a separate police power; as opposed to the request for the initiation that is with the Zoning Ordinance, Chapter 7. That comes from a different act which states every Text Amendment must go to the Planning Commission and must have a

Public Hearing, then it can go to the legislative body for approval. With medical marihuana we tried to do these in tandem as well, primarily because we don't want to have a licensing procedure that we stumble upon because it's not actually in the Zoning Ordinance where the Planning Department can do their portion which is getting them through the permitting process.

City Manager Kerbyson also stated that Commissioner Atwood was correct in stating that the Planning Commission worked for more than a year to get the details on how we wanted the facilities constructed and maintained.

ON A ROLL CALL VOTE:

Ayes: Cattane, Pattison, Stroh.

Nays: Atwood, Osentoski.

Absent: None.

**MOTION CARRIED 3-2.**

### **105 2020 06-01 REVIEW OF THE CITY COMMISSION RULES AND PROCUDURES**

Moved by Pattison. Seconded by Osentoski.

Approve the Amendment to the City of Lapeer Rules and Procedures of the City Commission as presented.

Commissioner Stroh asked for clarification of the process. Finance Director Hanna, answered that the bill listing will still be sent to the Commission, however, we will no longer hold checks after they are processed. This will increase efficiency in the Finance Department. City Manager Kerbyson stated this would not change the transparency of the Commission at all.

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 Lapeer High School parade will be Thursday, June 4, 2020, it should be a very nice event; Friday June 5 at the Library there is a planned, peaceful protest for racial and social indignities. In relation to marihuana revenue for the City, it appears that we will receive very little if any from the State of Michigan for the foreseeable future.

### **CITY ATTORNEY'S REPORT**

City Attorney Nolan stated that he attended a *Zoom* hearing this morning and made a motion to dismiss the case with FB Lapeer. The increase in fees to the City Attorney has been the litigation. He will also follow up with Mr. Geyer relating to the public comment so that we have the best possible ordinance for the City.

### **UNFINISHED BUSINESS**

#### **106 2020 06-01 APPOINTMENT – DOWNTOWN DEVELOPMENT AUTHORITY**

Appointment by Mayor Marquadt. Moved by Osentoski. Seconded by Atwood.

Appoint Jeff Hogan to the Downtown Development Authority for a term to expire 01-01-2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **PUBLIC COMMENTS**

Glenn Alverson commented on recreational marihuana. The business side was presented tonight; need to look at the human factor. He would also ask that the Mayor and Commissioner take a look at the pros and cons so they can make a decision that will benefit the community.

Jeanette Osentoski, stated she implores the Commission to help out the DDA, this City as a whole is going to need help; dereliction of the duties of the Mayor's office; it would have been better to hear from the Mayor on how to help businesses during COVID-19 not draft a recreational marijuana ordinance; will inform the public letting them know what the Mayor has been doing for the last three months.

Mayor Marquardt replied to Ms. Osentoski, the downtown as well as the City is a very high concern of hers. She is not one to sit back and do nothing and has been very active within the DDA; being at all meetings including virtual ones with Jim Alt and all promotion and committees, planted flowers recently to make the downtown more beautiful and you are more than welcome to speak to anyone you want to.

Mike Bahoura commented that nothing nefarious has been going on; is working to improve his business. Is willing to send his figures to City that he has been working with relating to the State Excise Tax; businesses are going to be struggling and he is providing jobs to approximately 15 people and plans to stay in the City.

Gabe Parton Lee, general counsel of Northwest Confectioners, a medical marijuana processor seeking to operate in Lapeer stated they have all their permits in and will be renovating an unused building; employing 25 people with benefits. Thanked the Commission for consideration to amendment of Chapter 69. Is looking forward to being a good partner to the community; recognizes the opposition and will work to prove their worth.

#### **DEPARTMENTAL COMMUNICATIONS**

Monthly Departmental Reports received into the record as presented.

#### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Atwood: Apologized to Mr. Nolan, didn't mean anything negative in his comments; does not feel the City is in collusion with anyone. He is trying to stay calm and cool and understand this process.

Commissioner Cattane: Touched by the actions of the Sheriff of Genesee County over the weekend; his ability to calm the anger; multiple cities had fire and looting; Flint had nothing. COVID-19 is not gone, it can come back. Wife works in the industry; he will be wearing a mask when we meet again in person.

Commissioner Stroh: Arts are continuing to struggle; good news today from Governor; art is the least expensive thing we can do when we need something uplifting. Gallery 194 will be doing a virtual artist every month; holding a summer show; audiences will be difficult to find anytime soon as they are not able to assemble. Thanked Mr. Nolan as we plow through these uncharted waters.

Commissioner Osentoski: Asked to close Nepessing a few times a week to allow the restaurants more seating; he is not against marijuana; wants to know how recreational is going to benefit the City of Lapeer.

Commissioner Pattison: We keep hearing comments about medical and recreational marijuana yet, we are limited on discussing marijuana because of the Open Meetings Act. Congratulations to the Classes of 2020; the parks are looking great.

City Manager Kerbyson: Mr. Bahoura made his point earlier; State of Michigan retains first \$20 million before anything is distributed; street closure in the DDA may have an issue with liquor, however, we working to get past that. We will continue to do virtual meetings until the Commission votes to remove virtual meetings; wear face masks if meeting is in the building; great fly over this weekend with a group of WWII planes.

Mayor Marquardt: Remind people that the reason the recreational marijuana was requested has to do with safety and voters passed this; additionally if there was ballot initiative passed, City would lose the opportunity to regulate those businesses; performed a marriage ceremony last week which was very exciting.



**107 2020 06-01 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:52 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:52 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A SPECIAL MEETING  
JUNE 10, 2020**

A regular meeting of the Lapeer City Commission was held June 10, 2020 electronically via GoToMeeting and at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 5:30 p.m.

**ROLL CALL**

Present: Mayor Marquardt.

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

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, absent.

Mayor Marquardt led the Pledge of Allegiance.

**108 2020 06-10 AGENDA APPROVAL**

Moved by Osentoski. Seconded by Stroh.

Approve the Agenda for June 10, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

Executive Director James Alt explained how the expanded seating around the downtown of the City will allow patrons more options to enjoy the restaurants while still adhering to social distancing guidelines. It was felt this will increase foot traffic in the downtown for the other businesses as well.

**CONSENT AGENDA**

**109 2020 06-10 CONSENT AGENDA**

Moved by Stroh. Seconded by Cattane.

Approve the Consent Agenda for June 10, 2020 resulting in the following:

1. Special Event Request from Downtown Development Authority to hold a Re-Opening Downtown – Expanding Seating from June 8, 2020 through August 31, 2020, with restrictions on some dates; to operate as outlined within the Governors Orders 114 and 115; comply with all Liquor Control Commission rules and regulations and to supply proper proof of insurance.

A discussion ensued regarding other businesses in the DDA; restaurants throughout the City; the removal of parking on Nepessing; possibility of hand sanitizing stations; businesses sanitizing tables between uses; keeping people safe while visiting the DDA and the possibility of having the parks department hose down the tables each morning with water.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.  
MOTION CARRIED.

**PUBLIC COMMENT**

James Alt thanked the Commission for having this meeting and pulling this together.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Atwood: Thanked everyone who had a hand in this; thanked James Alt for all his efforts and hard work; this will help the downtown.

Commissioner Osentoski: Thanked James Alt; City Manager Kerbyson and Police Chief Frisch for their work on this.

Commissioner Pattison: Eat local and shop local.

Mayor Marquardt: Thanked James Alt; City Manager Kerbyson and Police Chief Frisch; this will be nice for the downtown.

**110 2020 06-10 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 6:10 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 6:10 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
JUNE 15, 2020**

A regular meeting of the Lapeer City Commission was held June 15, 2020 electronically via GoToMeeting and 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.

**111 2020 06-15 AGENDA APPROVAL**

Moved by Cattane. Seconded by Stroh.

Approve the Agenda for June 15, 2020 with the addition of F-7, waive fees for temporary signs.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**112 2020 06-15 MINUTES**

Moved by Osentoski. Seconded by Pattison.

Approve the minutes of the Regular Meeting held June 1, 2020 and the Special Meeting held June 10, 2020.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Jenny Burkhardt, Wilder Road, gave invocation and read a scripture.

**113 2020 06-15 CONSENT AGENDA**

Moved by Pattison. Seconded by Stroh.

Commissioner Atwood questioned if it was going to be held and when is the deadline to cancel it if needed? Mayor Marquardt replied no later than July 1<sup>st</sup> for final notification; Chief Frisch agreed with Mayor Marquardt.

Approve the Consent Agenda for June 15, 2020 resulting in the following:

1. Special Event Request from the Lapeer Area Chamber of Commerce to hold their Annual Lapeer Days Festival on Friday, August 21<sup>st</sup> through Sunday, August 23<sup>rd</sup>,

2020 in the downtown area as long as it is in compliance with the Governors Executive Orders.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

### **114 2020 06-15 OPTIMIST BEER TENT RESOLUTION**

Moved by Cattane. Seconded by Stroh.

#### **RESOLUTION - LAPEER OPTIMIST CLUB**

Authorize the Lapeer Optimist Club to use the City sidewalks and Cedar Street north of Nepessing Street for their beer tent on Friday, August 21, 2020 through Sunday, August 23, 2020, be approved. It is the consensus of this legislative body that the request be approved by the State Of Michigan, Department of Consumer & Industry Services, Liquor Control Commission

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **PUBLIC HEARINGS**

None.

## **ADMINISTRATIVE REPORTS**

### **115 2020 06-15 FY 2020-21 DDA OPERATING BUDGET FOR THE DOWNTOWN DEVELOPMENT AUTHORITY.**

Moved by Stroh. Seconded by Osentoski.

Approve the FY 2020-21 Operating Budget for the Downtown Development Authority.

ON ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **116 2020 06-15 MILLVILLE ROAD REHABILITATION PROJECT, ROWE PROFESSIONAL SERVICES CO. - CONSTRUCTION ENGINEERING AGREEMENT**

Moved by Osentoski. Seconded by Atwood.

Director of DPW, Pam Reid gave an overview of the project. Commissioner Cattane questioned, did this part of Millville have work completed within the last 10 years. Ms. Reid indicated, not by the City, the County worked on the road and it is now failing.

Approve the contract for Construction Engineering Services with Rowe Professional Services Company for \$125,150 for the Millville Road Rehabilitation project and authorize the DPW Director to sign all relevant documents.

ON A ROLL CALL VOTE:

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

Nays: None.  
Absent: None.  
MOTION CARRIED.

**117 2020 06-15 LAPEER COUNTY VETERANS AFFAIRS MILLAGE.**

Moved by Stroh. Seconded by Pattison.

Commissioner Cattane is confused and would like additional information. City Manager Kerbyson gave a brief explanation, the DDA voted to not capture the millage, TIFA made the decision for final approval, money is for special elected millage to go directly to the veterans. TIFA has the ability to capture and use money in their districts.

Approve the Agreement to Share Captured Assessed Value for the Veterans Affairs millage required to be signed by the Mayor and City Manager.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**118 2020 06-15 PLANTE MORAN WATER & SEWER FUND FINANCIAL FORECAST JUNE 30, 2021 TO 2025**

Moved by Osentoski. Seconded by Pattison.

City Manager Kerbyson introduced Brian Camiller from Plante and Moran who gave an explanation on water rates and what was found in the water study. Discussion was held on compounding the rates and clarification of 3-5% increase per year per meter, with larger meters being charged more than a smaller meter.

Approve rate adjustments as proposed within the Water and Sewer Fund Financial Forecast conducted by Plante Moran.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**119 2020 06-15 COMPONENT UNIT 2020-2021 BUDGETS & AMENDMENTS**

Moved by Osentoski. Seconded by Atwood.

City Manager Kerbyson commented, this is an acceptable annual item for approval. Mayor Marquardt requested City Manager Kerbyson to mention a couple of projects that will be paid for but are not listed. City Manager Kerbyson state the parking lot at the Recreational Center; a DeMille road project; \$5,000 appropriation to install new signage in the new trails which will include \$200K cash and with borrowing the balance as a loan.

Approve the 2020-2021 Budgets for the Brownfield Redevelopment Authority, the Tax Finance Increment Authorities 1, 2 & 3, the Local Development Finance Authority and the Economic Development Corporation and the revised 2019-2020 Budgets as needed for same as recommended by their respective Boards.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**120 2020 06-15 SIGNATURE CHANGE FOR CHOICE ONE**

Moved by Stroh. Seconded by Pattison.

Approve the following changes to all City of Lapeer bank accounts with Choice One Bank: add Kelly Hanna, Director of Financial Services and Kathy Newbery, Deputy Director of Financial Services, as signatories; remove Kaye Hodges and Harry Green as signatories; and Tracey Russell and Romona Sanchez to remain as signatories (as was approved by the Commission on October 7, 2019).

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**121 2020 06-15 WAIVE FEES FOR TEMPORARY SIGNS.**

Moved by Cattane. Seconded by Stroh.

Commissioner Cattane stressed the need to give businesses that have been shut down a break on the fees for signage as there have been too many lost opportunities, we should help businesses get back on their feet. Commissioner Stroh requested clarification on the ordinance, we are not waiving penalties for signs that are permanent, correct? City Manager Kerbyson clarified we are not charging penalties for temporary signs for the next 60 days, temporary signs do not have a permit fee, we have not sent out any penalty fees for temporary signs during COVID19. Commissioner Pattison stated we are just waiving fees, not waiving permits to put up a temp sign for the next 60 days. Commissioner Atwood was concerned about temporary signs getting out of control and that they may become a safety issue. Chief Frisch clarified a temporary sign from a bigger sign that waives or dances, there are two different types of signage, no signs can be put in right-of-way, or impede traffic, and everyone needs to use common sense. City Manager Kerbyson indicated the City has been waiving all temporary signage fees during COVID19.

Approve waiving the fees for temporary signage for 60 days until August 16, 2020.

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 regarding the Census counts, Housing Director Soldenski has sent notification to her senior group. The City currently has a response rate of 71.5% which is better than 10 years ago which was 69.8% above state average. The office is working on increasing the response rate with various social media outlets and sending out Christmas cards with complete Census website address.

Filed a Grant Application for Calhoun bridge replacement. City Hall is currently having carpet repairs completed and had a new roof put on last week. The Cobra lights are being removed in the downtown and replacements are being ordered. City will receive

funds for trail signage funds from TIFA. During the next Commission meeting we should have a cyber security proposal on hand for approval.

### **CITY ATTORNEY'S REPORT**

City Attorney Nolan stated the Lapeer District Courts are now processing cases via Zoom and are working their way through it; should slowly start to see things return to somewhat normal.

### **UNFINISHED BUSINESS**

#### **122 2020 06-15 APPOINTMENT – CCONSTRUCTION BOARD OF REVIEW**

Appointment by Mayor Marquadt. Moved by Osentoski. Seconded by Cattane.

To appoint Bruce Johnson, Keith Brace, and Ken Pike to the Construction Board of Review with a two year expiration date of June 30, 2022.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **123 2020 06-15 APPOINTMENT – ELECTION COMMISSION**

Moved by Pattison. Seconded by Stroh.

To appoint Denise Marinelli to the Election Commission to fill a vacancy with a termination date of December 31, 2020.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **PUBLIC COMMENTS**

None.

### **DEPARTMENTAL COMMUNICATIONS**

Monthly Departmental Reports, Downtown Development Authority Monthly Report, and the Investment Report for the Quarter Ended March 31, 2020 received into the record as presented.

### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Osentoski: Thanks for picnic tables, blockades, etc. in the downtown for additional outside dining.

Commissioner Cattane: The County is only giving COVID updates every 3 days update. John Hopkins is assuming everyone's count and seems to be accurate. Nice to see Cobra lights gone and restaurants open, good to see everyone downtown. Keep inching back to normal.

Commissioner Stroh: Thanks to Parks' team and Dales' team for clearing out behind the T-shirt and muffler shops; great to see surfacing of streets, a lot of progress and projects going on; nice to see things happening so quickly. As we move forward,



always try to be as transparent, accessible and open to people we represent and putting our best foot forward.

Commissioner Atwood: Congratulations to businesses that were able to open – salons, spas, restaurants. Water rates are a tough one for me, don't like to spend extra money, like to make sure we are being fiscally responsible and taking care of our water system which is very important; great study and very good presentation – broke it down very well, hope public understands. If it would help, would volunteer to make a short video to help the last month for census, if someone wants to be a spokes-person, would make it a short upbeat video. Thanks to everyone for your hard work in staying safe and fiscally responsible.

Commissioner Pattison: Glad to see everyone reopening. Need to remember we need to do our part and wear the face masks; need to practice social distancing, let's avoid doing this again. Looking forward to signs on trails, did get lost in the woods, signs would be helpful.

City Manager Kerbyson: Stated Commissioner Pattison is not only one getting lost on the trail, even Rodney got lost this past weekend; signs will be helpful, ultimately will set up points of reference for emergency response.

Mayor Marquardt: Expressed appreciation to Dale and team and to Rodney and team for making it possible to put tables out for outdoor seating for restaurants. Happy to do whatever to help businesses for temporary signs and not charge them. Was by the Building Department and noticed the nice paint job on railroad caboose, go check it out, looks nice, thank you for Rodney for grant. Not sure what the next Executive Order will be but hopes we will be able to meet live at City Hall in July.

**124 2020 06-15 ADJOURNMENT**

Moved by Osentoski.

Adjourn the regular meeting at 8:05 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 8:05 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
JULY 6, 2020**

A regular meeting of the Lapeer City Commission was held July 6, 2020 electronically via GoToMeeting and 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.

**125 2020 07-06 AGENDA APPROVAL**

Motion by Cattane. Seconded by Pattison.

Approve the Agenda for July 6, 2020 as presented.

ON A ROLL CALL VOTE:

Ayes: Atwood, Cattane Osentoski. Pattison, Stroh.

Nays: None.

Absent: None.

MOTION CARRIED.

**126 2020 07-06 MINUTES**

Motion by Stroh. Seconded by Cattane.

Approve the minutes of the Regular Meeting held June 15, 2020.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Bernard Jocuns, 682 Pine Street, shared his views in favor of the Indigenous People's Day Resolution.

Gabe Parton Lee, legal counsel for Northwest Confections Michigan LLC, a medical marijuana processing facility located at 525 S. Court St. asked the Commission to urge the Planning Commission to conduct their August meeting virtually and not cancel it as was done with the July meeting.

**127 2020 07-06 CONSENT AGENDA**

Motion by Osentoski. Seconded by Atwood.

Approve the Consent Agenda for July 6, 2020 resulting in the following:

1. Special Event Amendment Request from the Kiwanis Club of Lapeer to add Kona Ice and up to four Food Trucks to their Rubber Duck Dash event for September 19, 2020 which was approved on February 17, 2020.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

**128 2020 07-06 INDIGENOUS PEOPLE'S DAY RESOLUTION**

Motion by Pattison. Seconded by Cattane.

Approve the Indigenous People's Day Resolution replacing Columbus Day, on the Second Monday of October or each year beginning in the year 2020 and going forward.

## Indigenous People's Day Resolution

**WHEREAS**, the City of Lapeer recognizes the annexation of the Odawa, Ojibwe, and Potawatomi Indigenous Nations who have lived upon this land since time immemorial and values the progress our society has accomplished through Native American thought and culture; and

**WHEREAS**, the City of Lapeer understands that in order to help close the equity gap, government entities, organizations, and other public institutions must change their policies and practices to better reflect experiences of Native American peoples and uplift our country's indigenous roots, history, and contributions; and

**WHEREAS**, the idea of Indigenous People's Day was first proposed in 1977 by a delegation of Native Nations to the United Nations – sponsored International Conference on Discrimination Against Indigenous Populations in the Americas; and

**WHEREAS**, in 1990, representatives from 120 Indigenous Nations at the First Continental Conference on 500 Years of Indian Resistance unanimously passed a resolution to transform Columbus Day into an opportunity to educate the rest of the country about pre-existing indigenous cultures that have survived an often violent colonization process and continue to exist and thrive in present day America; and

**WHEREAS**, some States, including the States of Alaska, Hawaii, Oregon and South Dakota do not recognize Columbus Day; and

**WHEREAS**, the cities of Berkeley, CA; Albuquerque, New Mexico; Minneapolis, MN, and others, have voted to recognize Indigenous People's Day to honor the culture, heritage and contributions of Native Americans; and

**WHEREAS**, in Michigan, Traverse City, Alpena, and Ann Arbor have voted to recognize the second Monday of October as Indigenous People's Day to honor the culture, heritage and contributions of Native Americans; and

**WHEREAS**, the Tribal Council of the Grand Traverse Band of Ottawa and Chippewa Indians has passed a resolution: (1) officially recognizing Indigenous People's Day on the second Monday in October; (2) stating that Indigenous People's Day shall be used to reflect upon the ongoing struggles of indigenous peoples on this land; and (3) to celebrate the thriving cultures and value that the Odawa, Ojibwe, Potawatomi, and other indigenous peoples contribute to society.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Lapeer shall recognize Indigenous People's Day, replacing Columbus Day, on the second Monday of October;

**IT IS FURTHER RESOLVED** that Indigenous People's Day shall be used to reflect upon the ongoing struggles of indigenous peoples on this land and to celebrate the thriving cultures and value that the Odawa, Ojibwe, Potawatomi, and other indigenous peoples contribute to communities throughout Michigan, the United States of America, and all over the world;

**IT IS FURTHER RESOLVED** that the City of Lapeer encourages other businesses, organizations and public entities to recognize Indigenous People's Day.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **PUBLIC HEARINGS**

None.

### **ADMINISTRATIVE REPORTS**

#### **129 2020 07-06 ZONING TEXT AMENDMENT**

Commissioner Pattison introduced an ordinance amendment Chapter 7, Sec 7-16.04, 7-16.05, 7-16.08, and 7-18.04 regarding the off-street parking lot areas and terminology.

#### **130 2020 07-06 2020-2021 SOLID WASTE LICENSES**

Motion by Atwood. Seconded by Stroh.

Approve the Solid Waste Licenses for 2020-2021 for Republic Services, Rick Rhein Disposal, Advance Disposal and Deerfield Disposal.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**131 2020 07-06 SECONDHAND DEALER AND PAWNBROKER**

Motion by Osentoski. Seconded by Atwood.

Mayor to approve the secondhand dealer and pawnbroker license for Lapeer Gold & Loan located at 801 East Street.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**132 2020 07-06 IT AND CYBERSCEURITY ASSESSMENT**

Motion by Stroh. Seconded by Pattison.

Approve the contract with Plante Moran in the amount of \$34,790 for an IT and Cybersecurity Assessment for the City of Lapeer.

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 the Planning Commission did meet on June 16, 2020; therefore, business is not being halted as was previously stated.

**CITY ATTORNEY'S REPORT**

City Attorney Nolan stated that he and the City Manager worked on the contract with Plante Moran and he is happy the Commission has approved it.

**UNFINISHED BUSINESS**

**133 2020 07-06 APPOINTMENT – DOWNTOWN DEVELOPMENT AUTHORITY**

Appointment by Mayor Marquardt. Motion by Cattane. Seconded by Osentoski.

Appoint Michael J. Burke Jr. to the Downtown Development Authority for a term to expire January 1, 2023.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**134 2020 07-06 RE-APPOINTMENT – LAPEER HOUSING COMMISSION**

Appointment by Mayor Marquardt. Motion by Osentoski. Seconded by Stroh.

Re-appoint Kerri Roberts to the Lapeer Housing Commission for a term to expire August 1, 2025.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**135 2020 07-06 RE-APPOINTMENT – LAPEER NEIGHBORHOODS, INC.**

Appointment by Mayor Marquardt. Motion by Cattane. Seconded by Pattison.

Re-appoint James Mikus and Jennell RaCosta to Lapeer Neighborhoods, Inc. for a term to expire August 1, 2022.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**136 2020 07-06 RE-APPOINTMENT – PLANNING COMMISSION**

Appointment by Mayor Marquardt. Motion by Pattison. Seconded by Cattane.  
Re-appoint Austin Kelly to the Planning Commission for a term to expire August 1, 2023.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**137 2020 07-06 RE-APPOINTMENT – YOUTH COUNCIL**

Appointment by Mayor Marquardt. Motion by Stroh. Seconded by Osentoski.  
Re-appoint Joshua Atwood to the Youth Council, as Commission Representative for a term to expire July 1, 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

None.

**DEPARTMENTAL COMMUNICATIONS**

Medical Marihuana Licenses Provisioning Center was received into the record as presented.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: Requested that all Boards and Commissions of the City of Lapeer go to virtual meetings or meet outside; boards need to be able to conduct business and would like to see this as an agenda item at the next meeting. Requested that the recreational marihuana topic be on the next agenda and possibly have the next Commission meeting outdoors so others who do not have access to virtual meetings can attend.

Commissioner Atwood: Reached out to First Nations People asking for their opinion about the resolution presented tonight; we cannot rewrite or delete history but we can learn from it and make necessary changes; well written resolution.

Commissioner Stroh: Cultural Arts are taking it hard as most productions have been shuttered until 2021. Support the cultural arts that are available now; thanked Donna Crouce and Mike Nolan for their help on the new Art Council for the Commission to consider; thanked the Lapeer Area businesses for their efforts at keeping people safe from COVID-19; everyone be safe and follow the orders.

Commissioner Osentoski: Group starting the ballot initiative to allow recreational marihuana are not City residents; let the ballot initiative go on the ballot and be voted on by the residents of the City of Lapeer; will be voting “No” on the EMS proposal.

Commissioner Pattison: COVID-19 is not going away; please continue to maintain social distancing; Commission will continue to conduct our meetings virtually.

Mayor Marquardt: Chamber has decided to cancel the food truck events for this year; need to have a discussion about recreational marihuana; City residents have voted in favor of such; Commission must have a discussion on this and review it to make a decision.

**138 2020 07-06 ADJOURNMENT**

Motion by Cattane.

Adjourn the regular meeting at 7:18 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:18 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A SPECIAL MEETING  
JULY 13, 2020**

A special meeting of the Lapeer City Commission was held July 13, 2020 electronically via GoToMeeting and 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.

**PUBLIC COMMENTS**

Mayor Marquardt read public comments from Mark Calvert; Patricia Waugh; Kari Kohlman; Paul Cote, 695 Lamoreaux; taxpayer resident; Jim Stone, Hadley; Bernadette Treece; James Stutesman; Sam Williams; Linda McAlpine; Jacob Dikhow, partner Shango Lapeer.

City Clerk Sanchez read public comments from Lori Hicks; Colin Stover; Marvin Karana; Mariah Bonfiglio; Rick Thompson all emailed public comment, read by the Mayor.

Glenn Alverson, 359 Devonshire Drive, expressed concern about this meeting; should be available to all residents; doesn't want Lapeer to be the marketing arm for marihuana.

The following people spoke in favor of Chapter 69, Adult Use Marihuana Businesses and Facilities.

Gabe Parton Lee, Northwest Confections LLC.

Chris Aiello, Attorney on Mound Road.

Josh Mayo

Mike Bahoura

Bill Marquardt

Crystal Lubick

George Pittenturf

Marlana Swindell

Rick Thompson

Mike Lumetta

Mark Calvert, spoke against Chapter 69, Adult Use Marihuana Businesses and Facilities.

Mayor Marquardt stated that given the importance and sensitivity of the subject matter which is being considered at tonight's meeting, I am granting a variation of the rules and a departure from parliamentary procedures. This will allow us to have a full and fair airing of all Commissioners views and opinions concerning the subject.

Each Commissioner was given the opportunity to speak about the ordinance; expressing their opinion, making comments and asking questions. Mayor Marquardt then called for a motion.

**139 2020 07-13 ORDINANCE AMENDMENT – CHAPTER 69**

Motion by Osentoski. Seconded by Atwood.

Direct the City Attorney to prepare a ballot initiative for the November ballot for the people to vote on this crucial decision.

Commissioner Atwood stated going from a majority Commission which was opposed to this, to a majority Commission in favor of; putting this to a vote of the people would clarify if the voters of Lapeer want recreation sales in the City limits or not.

Commissioner Pattison stated there was a vote two years ago and the majority of voters did want this. Let the people decide with their pocketbooks. If they do not want it, they do not have to purchase it.

Commissioner Atwood added the medical marihuana industry is who is reaching out to us right now and pushing for this; their businesses will not make it if we don't allow recreational.

Mayor Marquardt stated if we wait until November, there are petitions out there circulating and we could be forced to add 12 more facilities in the City.

Commissioner Osentoski indicated the citizens of Lapeer will not be in favor of 12 locations; not worried about that petition. Let's put our own language together.

ON A ROLL CALL VOTE:

Ayes: Atwood, Osentoski.

Nays: Cattane, Pattison, Stroh.

Absent: None.

MOTION FAILED.

**140 2020 07-13 ORDINANCE AMENDMENT – CHAPTER 69**

Motion by Pattison. Seconded by Cattane.

Adopt the Amendment to Chapter 69 – Adult Use Marihuana Businesses and Facilities, of the General Ordinance of the City of Lapeer, as revised by the City Attorney, with the change that the hour of operation for all facilities be allowed from 7 a.m. – 11 p.m.; and have the ordinance take effect 90 days from publication.

Commissioner Atwood noted at the June 1, 2020 meeting he made a motion to remove Item G-4 from the agenda; language to change Chapter 69 which was voted down 3-2; everyone is on record that is in favor of this tonight indicating they have spoken with the consultant that was hired by the provisioning centers which is not illegal, but in his opinion not ethical.



Commissioner Pattison stated he has spoken to Henry who is a friend of his; Commissioner Atwood does not know what was discussed; did not tell Henry how he was going to vote; wanted to have this discussion many times; every time he has asked to discuss this topic has been road blocked; has wanted to discuss this many times yet not been able too; appreciates the Mayor calling for this special meeting to address this.

Commissioner Cattane does not appreciate the line of questioning that makes it look as if the members of the Commission are doing something nefarious; been trying to have discussions about Marihuana yet every time it has been shut down with obstacle after obstacle; to bring up COVID-19 like we could cure it and where is your leadership; open to ideas.

Mayor Marquardt reminded everyone that we did have a meeting regarding COVID-19 and where our departments were.

ON A ROLL CALL VOTE:

Ayes: Cattane, Pattison, Stroh.

Nays: Atwood, Osentoski.

Absent: None.

MOTION CARRIED.

#### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: Thank you for the special meeting; good thing that we had this conversation; vote with your dollar.

Commissioner Atwood: Never put up any road block during this process nor stopped anyone from speaking; waited for this topic to be brought up and asked questions; congratulations to the medical provision centers and future businesses.

Commissioner Stroh: Thanked the Mayor for having the meeting; thanked everyone who attended the meeting virtually and expressed their concerns; thrilled that we have made a decision and are moving forward supporting this industry.

Commissioner Osentoski: Those who are not in favor of this; you can vote on the November ballot against it.

Commissioner Pattison: Thanked the Commission for finally having this discussion; came in open minded; wanted to hear the discussion; didn't appreciate the comments from Commissioner Atwood, it was not proper; thanked the Mayor for calling the meeting.

City Manager Kerbyson: Had we of been in the correct region we could have had this meeting at the Pix.

#### **141 2020 07-13 ADJOURNMENT**

Motion by Cattane.

Adjourn the regular meeting at 8:30 p.m.

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

Nays: None.  
Absent: None.  
MOTION CARRIED.

The regular meeting adjourned at 8:30 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
JULY 20, 2020**

A regular meeting of the Lapeer City Commission was held July 20, 2020 electronically via GoToMeeting and 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, Pattison, Stroh.

Absent: Commissioner Osentoski.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Marquardt led the Pledge of Allegiance.

**142 2020 07-20 AGENDA**

Motion by Cattane. Seconded by Stroh.

Approve the Agenda for July 20, 2020 as presented.

ON A ROLL CALL VOTE:

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: Osentoski.

MOTION CARRIED.

**143 2020 07-20 MINUTES**

Motion by Cattane. Seconded by Stroh.

Approve the minutes of the Regular Meeting held July 6, 2020 and a Special Meeting held July 13, 2020 as presented.

ON A ROLL CALL VOTE:

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: Osentoski.

MOTION CARRIED.

**PUBLIC COMMENTS**

Mayor Marquardt read public comments from: Jacob Dikhow, James Stutesman, Lorinda Youness, and Jason Iser.

City Clerk Romona Sanchez read public comments from: Lane Wilson, Logan Hoover, Jody McDougall, Beth Miller and Cynthia Arnold.

Mike Bahoura, Pure Lapeer, commented on recreational marihuana and on Commissioner Osentoski's backtracking and going against what the Commission voted on. Explained Pure Lapeer has been nothing but an advocate for the City; phones are finally ringing again for future business; does not want to see the vote become undone.

Cindy LaBaza, S. Lapeer Road, has an item on the Planning Commission agenda, has been cancelled for June & July, requests that the August Planning Commission meeting be held to address her topic on the agenda.

Gabe Lee, Northwest Confections, thanked the Commission, appreciates everyone's work on the Ordinance Amendment, is looking forward to working in the City, is excited and thankful the City opted in. Would like to further explain their process to Commissioners Atwood and Osentoski to prove they can be good operators for the City.

George Pittenturf, Releaf Center, thanked the Commission for holding the July 13, 2020 meeting, agrees with Mr. Bahoura, has had no police issues or no issues with anyone; wants to become a part of the community, marihuana is not the nasty beast that everyone thinks it is, wants to make it clear that those who need medical marihuana will still be able to purchase it; invited anyone to come to their facility to see how it is run.

Bernard Jocuns, Nepessing Street, has concerns; thanked everyone for their diligence to get the appropriate things done; some Commissioners do not care to understand the

people and the processes; no one gets a do-over. Some Commissioners do not understand the reason behind the ballot initiatives, the processes or what their jobs are; some of what is going on is ridiculous; would be great if marihuana was a gateway drug.

Marlana Swindell, employee from a local marihuana shop, read headlines of Sunday's paper and thought – who does Commission Osentoski think he is – a 4 year old throwing a fit. Doesn't understand why this is on the table, cannot trust Commissioner Osentoski due to what he is doing, he is supposed to represent the people; very disappointed in his actions and is disgusted with him. Bottom line, she feels they help the people, recreational marihuana will help those that cannot afford the \$150 medical card.

### **CONSENT AGENDA**

None.

### **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

### **PUBLIC HEARINGS**

None.

### **ADMINISTRATIVE REPORTS**

#### **144 2020 07-20 BUDGET ADJUSTMENT FY2020/2021.**

Motion by Cattane. Seconded by Atwood.

Approve the CIP Project #20050 In-Car Video budget adjustment to be increased by \$15,000.

ON A ROLL CALL VOTE:

Ayes: Atwood, Cattane Pattison, Stroh.

Nays: None.

Absent: Osentoski.

MOTION CARRIED.

#### **145 2020 07-20 BUDGET ADJUSTMENT FY2020/2021.**

Motion by Pattison. Seconded by Stroh.

Approve the Fire Department budget adjustment to be increased by \$3,762.

ON A ROLL CALL VOTE:

Ayes: Atwood, Cattane Pattison, Stroh.

Nays: None.

Absent: Osentoski.

MOTION CARRIED.

#### **146 2020 07-20 BUDGET ADJUSTMENT FY2020/2021.**

Motion by Cattane. Seconded by Pattison.

Approve the Police and Fire Department budget adjustment to be increased by \$9,900.

ON A ROLL CALL VOTE:

Ayes: Atwood, Cattane Pattison, Stroh.

Nays: None.

Absent: Osentoski.

MOTION CARRIED.

#### **147 2020 07-20 BUDGET ADJUSTMENT FY2020/2021.**

Motion by Stroh. Seconded by Cattane.

Approve the Project #21160 – Water System Mapping GIS budget adjustment to be increased by \$23,140.

Commissioner Stroh questioned if this project was discussed during the budget workshop? City Manager Kerbyson indicated, yes, the GIS system was in last years' CIP and the balance of what needs to be completed needs to be carried over to this years' budget.

ON A ROLL CALL VOTE:

Ayes: Atwood, Cattane Pattison, Stroh.

Nays: None.

Absent: Osentoski.

MOTION CARRIED.

#### **148 2020 07-20 BUDGET ADJUSTMENT FY2020/2021.**

Motion by Pattison. Seconded by Cattane.

Approve Project #22310 – Millville Road Water Main Project budget adjustment to be increased by \$291,000.

Commissioner Stroh questioned if the additional funds for this project are due to the surge and water main breaks that have occurred recently? City Manager Kerbyson indicated yes, and that he has had conversations with Great Lakes Water Authority to recoup funds from their insurance and will continue to make efforts to do so, however, is unsure if we will get any funds returned. Commissioner Stroh was concerned on how this will affect the budget and that we need to keep a close eye on this going forward.

ON A ROLL CALL VOTE:

Ayes: Atwood, Cattane Pattison, Stroh.

Nays: None.

Absent: Osentoski.

MOTION CARRIED.

**149 2020 07-20 MILLVILLE RD. WATER MAIN REPLACEMENT PROJECT  
SUPERIOR EXCAVATING, INC. – PAYMENT REQUEST #1.**

Motion by Pattison. Seconded by Cattane.

Approve Payment Request #1 to Superior Excavating in the amount of \$374,841.62 for services completed on the Millville Road Water Main Replacement Project.

ON A ROLL CALL VOTE:

Ayes: Atwood, Cattane Pattison, Stroh.

Nays: None.

Absent: Osentoski.

MOTION CARRIED.

**CITY MANAGER'S REPORT**

City Manager Kerbyson informed the Commission of several items: 1) yard waste from the storm will be delayed for pickup due to road prep for the upcoming road project; 2) White Junior High needs an ALTA survey to prepare for development, this was started last Friday and should be completed today by Spicer; 3) Muffler Man location will be staked out this week so we can determine who is responsible for the debris behind this location and get it taken care of; 4) the new lights for downtown should be arriving this week; 5) the City is well into the Cyber Security Survey with meetings taking place with myself and Kelly Hanna on equipment information; the expectation is that it will take approximately another 45 days to complete the survey.

**CITY ATTORNEY'S REPORT**

None.

**UNFINISHED BUSINESS**

None.

**PUBLIC COMMENTS**

None.

**DEPARTMENTAL COMMUNICATIONS**

The Monthly Departmental Reports, Monthly Downtown Development Authority Report, and the Bill Listing were received into the record as presented.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: Questioned City Attorney Mike Nolan if there were any precedence on the ballot initiative that is going on right now. Mr. Nolan asked by a Commissioner, not that he was aware of. Commissioner Cattane indicated he would appreciate Mr. Nolan looking into this situation.

Commissioner Stroh: Glad to see everyone smiling; enjoyed the ribbon cutting for Culver's this morning; the City needs to reach out to other organizations and work on relationships such as the DDA and the Chamber, to extend a friendly hand to other businesses; would like to see a monthly report from the Center of Arts showing what they are doing, what they are forecasting and anticipating with what is going on, it is important to know their needs.

Commissioner Pattison: Apologized for his internet issues; best of health to everyone; hope everyone is following the guidelines and wearing masks, maintaining social distancing and hopes to see the kids back to school.

City Manager Kerbyson: Reached out to Consumers to put a rush on the house across the street from Rite Aid to remove the gas line, as soon as it is removed the demo team

can come in to tear the house down. Spoke with Commission Osentoski regarding his conversations with the businesses downtown about the tables in the street, which most indicate are not being used but taking up needed parking spaces, would like to decide by next week whether or not to remove the tables.

Mayor Marquardt: Noticed the pocket park and the tables next to Blend are being used but no one at the tables in the street.

City Clerk Sanchez: The budget and CIP books are ready for distribution, if the Commissioners would like to call ahead to come to City Hall for pick up, we will be happy to meet them at the door and give them their books.

Mayor Marquardt: Attended the Culver's ribbon cutting and was able to tour the back cooking area and see what they are doing regarding social distancing for their employees, was very clean and attractive – the electricity was out at the time of the opening, but it was still nice to see their facility. Toured the Team Work apartments, 5 new ones, all but one are already rented, thanked Ann Zettle and the Executive Board, as well as the City of Lapeer for putting this project together. Informed Cindy LaBaza, that to her knowledge, the Planning Commission will be doing a virtual meeting for August.

**150 2020 07-20 ADJOURNMENT**

Motion by Cattane.

Adjourn the regular meeting at 7:31p.m.

Ayes: Atwood, Stroh, Cattane, Pattison.

Nays: None.

Absent: Osentoski.

MOTION CARRIED.

The regular meeting adjourned at 7:31 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
AUGUST 3, 2020**

A regular meeting of the Lapeer City Commission was held July 20, 2020 electronically via GoToMeeting and 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.

**151 2020 08-03 AGENDA**

Motion by Stroh. Seconded by Pattison.

Approve the Agenda for August 3, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**152 2020 08-03 MINUTES**

Motion by Osentoski. Seconded by Pattison.

Approve the minutes of the Regular Meeting held July 20, 2020 as presented.

Commissioner Stroh questioned if a person could make a motion to approve the minutes if they were not at the meeting the minutes were for. City Attorney Nolan confirmed that Commissioner Osentoski could not make the motion due to not being at the July 20, 2020 Commission meeting.

Motion of support withdrawn by Pattison. Motion withdrawn by Osentoski.

Motion by Stroh. Seconded by Pattison.

Approve the minutes of the Regular Meeting held July 20, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

None.

**153 2020 08-03 CONSENT AGENDA**

Motion by Atwood. Seconded by Cattane.

Approve the Consent Agenda for August 3, 2020 resulting in the following:

1. Special Event Request for Stone Soup Food Bank to hold a food give away on August 6, 2020 from 8:00 a.m. to 3:00 p.m. @ 475 S. Court Street.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

Discussion was held regarding World Day Against Trafficking In Persons which was July 30, 2020. Commissioner Atwood indicated that everyone should be more aware of these crimes every day of the year, not just on July 30<sup>th</sup>; more and more young adults and children are faced with human trafficking; it is not age or gender specific; everyone is at risk; it is considered modern day form of slavery; public needs to be educated; not bringing it up to create fear but to make people aware of it; there has been a significant increase in missing children compared to last year; encouraged to do your research; victims are not sought out by only strangers but could be inter family involved with the crime.

Mayor Marquardt requested a resolution be prepared prior to January 2021 as that is the official month of awareness for this crime; maybe a committee or a “Stand Up For Our Children” at City Hall next July. set up to help take care of our community – do not let this issue die, stand up for our children in front of City Hall, figure out how we can make others aware of this.

Commissioner Stroh indicated that men are also victims to human trafficking; and this involves labor and slave labor that is being exported. We need to be more vigilant; possibly combine our efforts with a National or State organization.

Commissioner Atwood stated Operation Underground Railroad is a volunteer based program provides training; that focuses on this crime; Genesee Sherriff Chris Swanson has a GHOST team in place for this type of crime.

Commission Cattane thanked Commissioner Atwood from bringing this topic to the Commission and is support of helping.

Police Chief Frisch informed the Commission the Police Department has been putting on a program at the Lapeer High School for several years that addresses this issue. This is not a gender specific or age related problem. Here in Lapeer, the president of the Child Advocacy Center is Detective Sargent Gormley; we have a team program with the elementary schools; we very involved and transparent; includes statistics in his monthly report to the Commission; have literature that is given out and participate in public information; very good partners in hotel ownership for watching for things that are not quite right; education and awareness need to start at home.

### **PUBLIC HEARINGS**

None.



## **ADMINISTRATIVE REPORTS**

### **154 2020 08-03 ZONING ORDINANCE – TEXT AMENDMENTS**

Motion by Cattane. Seconded by Stroh.

Adopt the proposed amendments to Chapter 7 (Zoning Ordinance) of the General Ordinance of the City of Lapeer; Sec 7-16.04, 7-16.05, 7-16.08, and 7-18.04 regarding the off-street parking lot area and terminology.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **155 2020 08-03 STREET ADMINISTRATOR – MDOT ACT 51 PROGRAM**

Motion by Pattison. Seconded by Atwood.

Adopt the Municipal Resolution for Designation of Street Administrator appointing Ross Slusher as Street Administrator for the City of Lapeer.

#### MUNICIPAL RESOLUTION FOR DESIGNATION OF STREET ADMINISTRATOR

**Whereas**, Section 13(9) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which funds are returned under the provisions of this section, that, "the responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act." and

**Therefore, be it further resolved**, that Ross Slusher is designated single Street Administrator for the City of Lapeer in all transactions with the State Transportation Department as provided in Section 13 of the Act.

City Manager Kerbyson updated the Commission on the Streets Department and that Pam Reid will be retiring therefore, with Ross Slusher's experience, he will be assigned as the MDOT contact designee which the City is required to have per MDOT. This new designation for Mr. Slusher is simply a housekeeping issue, nothing more.

Commissioner Stroh asked if we are currently searching for a replacement for Department of Public Works Director, Pam Reid. City Manager Kerbyson stated we have completed an extensive search without a replacement found and may contract the position out while we continue the search for a full-time replacement.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**156 2020 08-03 MICHIGAN DEPARTMENT OF TRANSPORTATION CONTRACT #2019-0716 & RESOLUTION**

Motion by Pattison. Seconded by Osentoski.

Approve the Municipal Resolution, Michigan Department of Transportation Contract #2019-0716 for State Trunkline Maintenance effective for the period of October 1, 2019 through September 30, 2024.

City Manager Kerbyson explained that for the upcoming years of the contract, Mr. Slusher would be the person working directly with MDOT as Street Administrator for the M-24 corridor. Commission Stroh asked whether or not this line item has a threshold that this person is limited to? City Manager Kerbyson and DPW Director Reid indicated the MDOT contract annually has been for \$68,000, however, this has dropped to \$35,000 which the City stays within the boundaries of funding; the City has a close communication with MDOT in maintaining the assets and is a pretty fail-safe system.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**CITY MANAGER'S REPORT**

None.

**CITY ATTORNEY'S REPORT**

City Attorney requested to speak in regards to a question he was asked. Mayor Marquardt read the statement, indicated everyone is aware and has read the information, a lot of words have been thrown out from all sides and she wants to move on to other City business. If you would like to let everyone know that everybody has done everything properly according to the rules and the City Charter. Mr. Nolan indicated the Mayor touched on it perfectly and wanted to be able to comment if anyone had any further questions or comments.

Mr. Nolan also informed the Commission he has had both marihuana cases challenged that did not receive licenses; has filed motions asking both cases to be dismissed, motions were denied as there are still issues of fact that remain to be resolved. He will be sending copies of the Judge's written opinions to you; cases are progressing and will hopefully come to a conclusion in the next couple of months, however we are involved with the scoring company out of Virginia which will probably be logistically difficult to get it taken care of. In any event, the cases are moving forward and will send any correspondence in this regard.

**UNFINISHED BUSINESS**

None.

**PUBLIC COMMENTS**

None.

## **DEPARTMENTAL COMMUNICATIONS**

Medical Marihuana Licenses Provisioning Center, Grower, Processor, Secure Transporter, Safety Compliance Facility Update therefore; it was received into the record as presented.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Stroh: There are 3 Art Shows opening this weekend, Stones Throw, Gallery 194, and Upper Gallery Art Association; would like to get an update on the reports and City projects over the last four months, will email the City Manager with his list so Dale can update the whole Commission his response to the list of items.

Commissioner Atwood: Thanks to Chief Frisch for information regarding Human Trafficking; police department does a fantastic job with that and it is tough work; looks forward to seeing a Proclamation on the Human Trafficking. Appreciates the Sheriff and the Chief for holding school events; a lot of technology out there and this happens at the local levels; if you see something, say something; be aware, educated and keep safe.

Commissioner Cattane: Going to echo Commissioner Atwood; thanks to everyone. Thanked the City Clerk and all of the Clerks for the election work they do; we are blessed to have Romona; worried about not having enough election workers, people need to step up; Commissioners are not allowed to work the City's election but he will be working for Lapeer Township to help out; need to find more people for the November election which is a bigger concern for worker attendance.

Commissioner Pattison: Thanks to Commissioner Atwood for bringing information on the Human Trafficking situation; important to vote tomorrow; thanks.

Mayor Marquardt: Get out and vote; sincere appreciation to Romona Sanchez for all her hard work, give her a day off as soon as she wants it; thanks to all the City staff, Chief Frisch and the police department, regarding Human Trafficking, maybe have a training and Chief Frisch may check with Sherriff McKenna.

## **157 2020 08-03 ADJOURNMENT**

Motion by Cattane.

Adjourn the regular meeting at 7:15 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:15 p.m.

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Debbie Marquardt, Mayor

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
AUGUST 17, 2020**

A regular meeting of the Lapeer City Commission was held August 17, 2020 electronically via GoToMeeting and 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.

**158 2020 08-17 AGENDA**

Motion by Pattison. Seconded by Stroh.

Approve the Agenda for August 17, 2020 with the addition of F-9, Michigan Municipal League Annual Conference representatives and alternate.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**159 2020 08-17 MINUTES**

Motion by Cattane. Seconded by Pattison.

Approve the minutes of the Regular Meeting held August 3, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Jenny Burkhart, 865 N. Wilder gave an invocation and read a scripture from John.

**CONSENT AGENDA**

**160 2020 08-17 SPECIAL EVENT REQUEST- GIRL SCOUTS**

Motion by Cattane. Seconded by Pattison.

Approve the Special Event Request from the Girl Scouts of Southeastern Michigan to hold a recruiting event at Cramton Park on September 15, 2020 at 5:00 p.m. as long as it is in compliance with current (at the date of the event) Coronavirus related Executive Orders.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.  
MOTION CARRIED.

**161 2020 08-17 SPECIAL EVENT REQUEST – DOWNTOWN DEVELOPMENT AUTHORITY**

Motion by Osentoski. Seconded by Pattison.

Approve the Special Event Amendment Request from the Downtown Development Authority to enhance the outdoor seating for the restaurants through October 31, 2020.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**162 2020 08-17 SPECIAL EVENT REQUEST – TILTED AXIS**

Motion by Cattane . Seconded by Stroh.

Approve the Special Event Request from Tilted Axis Brewing Company to hold an Oktoberfest event on Friday and Saturday, September 25 -26, 2020 from Noon to 11 p.m. with conditions that compliance with the current Governor’s Executive Orders will be required and approval of outdoor liquor licenses application from LCC.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**163 2020 08-17 SPECIAL EVENT REQUEST – PROJECT BROTHERHOOD RESOLVE**

Motion by Cattane. Seconded by Osentoski.

Approve the Special Event Request from Project Brotherhood Resolve to hold their Annual Ruck for the Fallen Walk September 19, 2020 starting at 8:00 a.m.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**164 2020 08-17 SPECIAL EVENT REQUEST- DOWNTOWN DEVELOPMENT AUTHORITY**

Motion by Stroh. Seconded by Osentoski.

Approve the Special Event Request from Downtown Development Authority to hold a sidewalk sale in the downtown area August 20-22, 2020; as outlined within the Governor’s Orders for social and safe distancing.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**165 2020 08-17 SPECIAL EVENT REQUEST – LAPEER OPTIMIST CLUB**

Motion by Cattane. Seconded by Atwood.

Approve Special Event Request from the Lapeer Optimist Club to hold their annual Chicken Barbeque event on Saturday, August 22, 2020 from Noon to 6:00 p.m. with conditions that compliance with current Governor’s Executive Orders as required.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

Motion by Pattison. Seconded by Cattane.

Approve the resolution to declare August 26, 2020 as Women’s Equality Day.

**A RESOLUTION TO DECLARE  
AUGUST 26, 2020  
WOMEN’S EQUALITY DAY**

**Whereas**, The women of the United States have designated August 26, the anniversary date of the certification of the nineteenth Amendment which culminated a 72-year effort by women suffragettes to extend the right to vote to women, as a symbol of the continued fight for equal rights; and

**Whereas**, The women of the United States have historically been treated as second-class citizens and have often been denied privileges, public or private, legal or institutional; and

**Whereas**, The women of the United States have joined together to assure that these rights and privileges are available to all citizens equally; and

**Whereas**, The women of the United States have won their right to vote in 1920;

**Now, Therefore, be it resolved**, that the members of the Lapeer City Commission declare August 26, 2020, as Women’s Equality Day and an opportunity to continue to work for equal rights for all citizens.

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

NAYS: None.

ABSENT: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

**PUBLIC HEARINGS**

None.

**ADMINISTRATIVE REPORTS**

**166 2020 08-17 PURCHASE OF PROPERTY – L20-84-900-050-00**

Motion by Pattison. Seconded by Cattane.

Approve and accept the Quit Claim Deed for the property described as L-20-84-900-050-00 from Lapeer County Land Bank Authority.

A discussion took place on what may be done with the property in the future, as well as having the entrance blocked from unauthorized use.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**167 2020 08-17 INTRODUCE ORDINANCE AMENDMENT TO CHAPTER 22**

Commissioner Pattison introduced an Ordinance Amendment to Chapter 22 Water Regulations.

**168 2020 08-17 FIXED ASSET DISPOSAL**

Motion by Osentoski. Seconded by Pattison.

Approve the disposal of a 2011 SCAG Mower.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**169 2020 08-17 M-DOT CONSTRUCTION CONTRACT #20-5240**

Motion by Cattane. Seconded by Pattison.

Approve entering into Contract No: 20-5240 between Michigan Department of Transportation (MDOT) and the City of Lapeer and approve the Municipal Resolution as required.

**CITY OF LAPEER MUNICIPAL RESOLUTION  
MICHIGAN DEPARTMENT OF TRANSPORTATION  
CONTRACT NO: 20-5240  
JOB NUMBER: 202389CON; 202393CON**

**PART A - CS 4400; JOB # 202389CON; #5322, #5484, # 12765**

Rehabilitation work for the Structure # 5322, which carries Imlay City Road over the South Branch of the Flint River; Structure # 5484, which carries Mason Street over Farmers Creek; and structure # 12765, which carries McCormick Drive Ext over Hunters Creek; including deck epoxy healer/sealer, deck patching, structure patching, approach stabilization and maintenance of traffic work; an all together with necessary related work.

**PART B - CS 4400; JOB # 202393CON; #5485, # 12962**

Rehabilitation work for the Structure # 5485, which carries Fox Street over Farmers Creek; Structure # 12960, which carries DeMille Road over Canadian National and Grand Trunk Western Railroad; including deck epoxy healer/sealer, deck patching, structure patching, approach stabilization and maintenance of traffic work; an all together with necessary related work.

BE IT RESOLVED THAT the Michigan Department of Transportation Contract # 20-5240, Job #: 202389CON; 202393CON for a five bridge Preventative Maintenance Project as described above between the Michigan Department of Transportation and the City of Lapeer is hereby accepted and City Manager Dale Kerbyson and Mayor Debbie Marquardt are authorized to sign the required documents.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**170 2020 08-17 MILLVILLE ROAD WATER MAIN REPLACEMENT PROJECT CHANGE ORDER #1- SUPERIOR EXCAVATING**

Motion by Osentoski. Seconded by Atwood.

Approve Change Order #1 to the Construction Contract with Superior Excavating resulting in a net increase of \$155,000 revising the contract amount to \$621,647.50.

City Manager Kerbyson stated the increase is due to extending the water lines beyond the limits of the construction contract because of the water pressure surge that happened a month ago which caused several breaks beyond on the section we working on. Commissioner Stroh asked if Great Lakes Water Authority will be paying any of this increase. City Manager Kerbyson stated it has not yet been discussed with them.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**171 2020 08-17 MILLVILLE ROAD WATER MAIN REPLACEMENT PROJECT PAYMENT REQUEST #2 - SUPERIOR EXCAVATING**

Motion by Cattane. Seconded by Pattison.

Approve Payment Request #2 to Superior Excavating in the amount of \$225,593.60 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.

**172 2020 08-17 SALE OF PROPERTY – 1432 N. SAGINAW STREET**

Motion by Stroh. Seconded by Osentoski .

Approve the sale of 8,625 square feet of City of Lapeer property (L22-03-700-040-00) to Mr. and Mrs. Steven Chown in the amount of \$7,856.25 and authorize the Mayor and City Manager to sign the required documents.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**173 2020 08-17 BILL LISTING**

Motion by Pattison. Seconded by Cattane.

Approve the Bill Listing for June 1, 2020 through August 12, 2020 in the amount of \$7,541,104.68.

Commissioner Stroh asked why this is coming up again. City Manager Kerbyson stated that Director of Financial Services Hanna recommended that the bills be done on a monthly basis; however, our auditors have stated that we must approve the Bills at each meeting based on a law from 1895 which requires communities to do so.



Commissioner Stroh asked if the Finance Department has any issue with this as there had been a concern about efficiency in the department with this practice. Director of Financial Services Hanna stated she did not see any issues as the finance department will continue to run efficiently and will mail payment so that no late fees are incurred.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **174 2020 08-17 MICHIGAN MUNICIPAL LEAGUE ANNUAL CONFERENCE REPRESENTATIVE AND ALTERNATE**

Motion by Cattane. Seconded by Pattison.

Approve Commissioner Pattison as the Representative and Commissioner Stroh as the Alternate Representative for the City of Lapeer for the Michigan Municipal Annual Conference to be held virtually September 29 – October 2, 2020.

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 we have done a lengthy interview for the replacement of the DPW Director and he will be talking with the application in the next few days. Also, the Restart Michigan Grants, there are 211 applications in county; 93 from 48446 zip code, which will be reviewed soon; should go out by September 1, 2020.

#### **CITY ATTORNEY'S REPORT**

None.

#### **UNFINISHED BUSINESS**

None.

#### **DEPARTMENTAL COMMUNICATIONS**

The Monthly Department Reports and the Medical Marijuana Licenses Provisioning Center, Grower, Processor, Secure Transport, Safety Compliance Facility Update were received into the record as presented a.

#### **PUBLIC COMMENTS**

Kimberly Bizon, candidate for the U.S. Congressional 10<sup>th</sup> District seat, introduced herself stating her platform is putting people and community first. Thanked the Commission for holding virtual meeting and looks forward to connecting with the people of Lapeer; she can be reached at [Kimberlybizonforcongress.com](mailto:Kimberlybizonforcongress.com)

#### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Osentoski: He was asked to read a comment from the Citizens For a Better Lapeer; which thanked City Attorney Nolan for his endorsement of their petition language; petitions will be circulated; asked if Chief Frisch could talk about summary

incidents which are down 40% from last year. Chief Frisch proved a brief overview of the figures in the monthly report.

Commissioner Pattison: Rode by Waste Water Treatment Plant, noticed a couple semi-trucks removing a large amount of sludge; the retaining basins appear to be clean. Ask for a full report on the complete status of the Waste Water Treatment Plant.

Commissioner Stroh: At the August 3, 2020 meeting expressed concerns over a number of issues that we have not been getting timely updates on; sent email to City Manager; copied entire Commission on that email; expressed concerns with the items, some of which have been going on for some time; no response received a week and a half later. Finds it interesting that he came to the last meeting with nothing to report; would have expected the follow-up reports to come hastily.

Commissioner Cattane: Asked for an update on the Planning Commissions roll with recreational marihuana; worked the election for Lapeer Township; amazed by our City Clerk Romona and all the other Clerks; amazing experience to work the polls; everyone should work one election; Clerks are worried they will not have enough workers for the November Election; get out and vote; volunteer to work the polling station if you are able.

Mayor Marquardt: Great experience to work at the election; discussed having Certificates of Appreciation for Catherine Bostick-Tullis, A. Wayne Bennett, Glenn Alverson to be presented at the next meeting, September 8, 2020; requested City Manager Kerbyson reach out to Wayne Bennett to attend. Thanked the department heads for the monthly reports; knows there is a lot of detail. Regarding special elections, there is a cost associated for holding those; last one cost approximately \$6,000. Called for a Special Meeting on Tuesday, August 25, 2020.

### **175 2020 08-17 SPECIAL MEETING IN PERSON**

Motion by Cattane. Seconded by Stroh.

To hold the Special Meeting of August 25, 2020 in person at City Hall @ 6:30 p.m.

Commissioner Pattison stated that all guidelines with social distancing and masks should be followed.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **176 2020 08-17 ADJOURNMENT**

Motion by Cattane.

Adjourn the regular meeting at 7:52 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:52 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A SPECIAL MEETING  
AUGUST 25, 2020**

A special meeting of the Lapeer City Commission was held August 25, 2020 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.

**PUBLIC COMMENTS**

Jeff Hogan asked what the specific reason this special meeting is being called. He stated that what it appears is being discussed is not what one of the options for a closed meeting as stated in the open meetings act.

**177 08-25 CLOSED SESSION**

Motion by Cattane. Seconded by Stroh.

To move to a closed session to consider material exempt from discussion or disclosure by state or federal statute.

ON A ROLL CALL VOTE:

Ayes: Cattane, Pattison, Stroh.

Nays: Atwood, Osentoski.

Absent: None.

MOTION CARRIED 3-2.

The commission returned to the special meeting at 8:36 p.m.

**178 2020 08-25 ADJOURNMENT**

Motion by Osentoski.

Adjourn the regular meeting at 8:37 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The special meeting adjourned at 8.37 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
SEPTEMBER 8, 2020**

A regular meeting of the Lapeer City Commission was held September 8, 2020 electronically via GoToMeeting 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.

**177 2020 09-08 AGENDA APPROVAL**

Moved by Pattison. Seconded by Cattane.

Approve the Agenda for September 8, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**178 2020 09-08 MINUTES**

Moved by Cattane. Seconded by Osentoski.

Approve the minutes of the Regular Meeting held August 17, 2020 and Special Meeting held August 25, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

None.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

**179 2020 09-08 PROCLAMATION – A. WAYNE BENNETT**

Mayor Marquardt read the following proclamation into the record:

***Proclamation  
In Recognition of A. Wayne Bennett***

***WHEREAS***, A. Wayne Bennett was elected to the City Commission on November 5, 2007 and served the citizens of the City of Lapeer in that capacity until November 2019; and

**WHEREAS**, A. Wayne Bennett, has given conscientious, responsible, and professional service and has taken an Oath to serve the citizens of the City of Lapeer during his time on the City Commission; and

**WHEREAS**, A. Wayne Bennett has devoted time and effort in service to the Zoning Board of Appeals, and has been dedicated to local community affairs and the development of projects during his tenure; and

**WHEREAS**, A. Wayne Bennett served on the Prison Liaison Committee and was instrumental in spearheading the "We Love Lapeer" signs and getting them placed all around the City; as well he has encouraged others to attend City Commission meetings and offer a prayer during public comment whom he always thanked; and

**WHEREAS**, A. Wayne Bennett, has 12 given 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 the Lapeer City Commission wishes to honor and express deep appreciation to A. Wayne Bennett for his efforts and devotion to public service and wish him continued success.

**180 2020 09-08 PROCLAMATION – CATHERINE BOSTICK-TULLIS**

Mayor Marquardt read the following proclamation into the record:

**Proclamation  
In Recognition of Catherine Bostick-Tullius**

**WHEREAS**, Catherine Bostick-Tullius was appointed to the City Commission on June 30, 2009 and served the citizens of the City of Lapeer in that capacity until November 2019; and

**WHEREAS**, Catherine Bostick-Tullius, has given conscientious, responsible, and professional service and has taken an Oath to serve the citizens of the City of Lapeer during her time on the City Commission; and

**WHEREAS**, Catherine Bostick-Tullius has devoted time and effort in service to the Downtown Development Authority and Zoning Board of Appeals, and has been dedicated to local community affairs and the development of projects during her tenure; and

**WHEREAS**, Catherine Bostick-Tullius served on the board of the Michigan Municipal League (MML), serving as Vice President; and then as President of the MML for 2017-18; participated on the steering committee to establish the Pix Arts Council for Greater Lapeer and has been a member of Lapeer Main Street Committee and Lapeer County Habitat for Humanity; and

**WHEREAS**, Catherine Bostick-Tullius, has given 10 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 the Lapeer City Commission wishes to honor and express deep appreciation to Catherine Bostick-Tullius for her efforts and devotion to public service and wish her continued success.

**181 2020 09-08 PROCLAMATION – GLENN ALVERSON**

Mayor Marquardt read the following proclamation into the record:

**Proclamation  
In Recognition of Glenn Alverson**

**WHEREAS**, Glenn Alverson was appointed as Mayor of the City Commission on June 3, 2019 and served the citizens of the City of Lapeer in that capacity until November 2019; and

**WHEREAS**, Glenn Alverson, has given conscientious, responsible, and professional service and has taken an Oath to serve the citizens of the City of Lapeer during his time on the City Commission; and

**WHEREAS**, Glenn Alverson has devoted time and effort in service to the Downtown Development Authority and Planning Commission, and has been dedicated to local community affairs and the development of projects during his tenure; and

**WHEREAS**, Glenn Alverson served on the Greater Lapeer Transportation Authority Board of Directors, Local Officers Compensation Commission, the Lapeer County Board of Canvassers and the Lapeer District Library; and promoted civic activism and volunteerism; and

**WHEREAS**, Glenn Alverson, served the City of Lapeer as Mayor; he leaves those in the City of Lapeer proud to have known him and to have served with him.

**THEREFORE, LET IT BE KNOWN** that the Lapeer City Commission wishes to honor and express deep appreciation to Glenn Alverson for his efforts and devotion to public service and wish him continued success.

## **PUBLIC HEARINGS**

None.

## **ADMINISTRATIVE REPORTS**

### **182 2020 09-08 2020-2021 PROPERTY AND LIABILITY INSURANCE RENEWAL**

Moved by Cattane. Seconded by Pattison.

Approve Peterson McGregor & Associates for the City of Lapeer's Property and Liability Insurance at a cost of \$181,574.50 for Fiscal Year July 1, 2020 to June 30, 2021 and authorize the City Manager to sign required documents.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **183 2020 09-08 ORDINANCE AMENDMENT TO CHAPTER 22**

Moved by Pattison. Seconded by Stroh.

Approve an Ordinance Amendment to Chapter 22 Water Regulations, Section 20-11 of the General Ordinances of the City of Lapeer.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **184 2020 09-08 CROSS CONNECTION PLAN AMENDMENT**

Moved by Pattison. Seconded by Stroh.

Approve the proposed revisions to the City of Lapeer's Cross Connection Plan.

ON A ROLL CALL VOTE:

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

**185 2020 09-08 BULLETPROOF VEST REPLACEMENT**

Moved by Stroh. Seconded by Cattane.

Approve the purchase of replacement Bulletproof Vests from On Duty Gear, LLC in the amount of \$15,265.

ON A ROLL CALL VOTE:

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

**186 2020 09-08 REZONE – RM-1 MULTIPLE-FAMILY RESIDENTIAL TO OS-1  
PARCEL #L21-40-400-040 – 550 S. SAGINAW**

Commissioner Cattane introduced an Ordinance Amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02 (a)(26) to the General Ordinances of the City of Lapeer.

**187 2020 09-08 REZONE – R-1 SINGLE-FAMILY RESIDENTIAL TO I-1 PARCEL  
L#20-84-901-040-00 – 155 S. SAGINAW**

Commissioner Cattane introduced an Ordinance Amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02 (a)(27) to the General Ordinance of the City of Lapeer.

**188 2020 09-08 BILL LISTING APPROVAL**

Moved by Pattison. Seconded by Cattane.

Approve the Bill Listing for August 13, through August 31, 2020 in the amount of \$1,291,044.11.

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 memo in the packet outlines the two items under consideration which will be presented at the next Commission meeting; as our Planner Caitlyn Habben was unavailable to attend tonight's meeting and needs to ensure adequate time to prepare these items and get them presented to the City Commission.

**CITY ATTORNEY'S REPORT**

City Attorney Nolan stated he is working with Chief Frisch who has provided some latitude on some of the court cases; they have been working together to deal with some of the people who are in the criminal cases to get them into counseling, therapy, drug treatment plans, etc. So far this has been very successful; the people are thankful for the opportunity to get themselves out of the situations they have found themselves in.



He thanked Chief Frisch for allowing us to engage in a program like this; going to court is not just about crime and punishment; sometimes it's about providing assistance to those who need it. This has been a success and he is pleased to be a part of it.

**UNFINISHED BUSINESS:**

**189 2020 09-08 APPOINTMENT TO THE LOCAL OFFICERS COMPENSATION COMMISSION**

Appointment by Mayor Marquardt. Moved by Osentoski. Seconded by Cattane. Re-appoint Sam Williams to the Local Officers Compensation Commission for a term to expire 10-01-2025.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**190 2020 09-08 APPOINTMENT TO THE LAPEER COUNTY CENTRAL DISPATCH AUTHORITY**

Moved by Pattison. Seconded by Cattane.

Re-appoint Terry Kluge to the Lapeer County Central Dispatch Authority for terms to expire 09-2023.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

None.

**DEPARTMENTAL COMMUNICATIONS**

The Medical Marihuana Licenses Provisioning Center, Grower, Processor, Secure Transport, Safety Compliance Facility Update was received into the record as presented.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: His children started back to school today; everyone at school is wearing masks; kids are being asked to do something that some adults are not comfortable doing. Kids are doing it; but some leadership doesn't. Asked why we are always trying to jam south M-24 fast food restaurants drive-thru's and marihuana on the same agenda; these are hot topic items; bring a lot of passion to the residents. This meeting was very happy go lucky; doesn't bring forth the passion of the people. Is it not wise to have both of these topics on the same agenda; thinks they should be separated.

Commissioner Atwood: Give a shout out to our small business owners; pray and hope they continue to survive; hope they all pull through and praying for strength, wisdom, knowledge, courage and creativity for them. Concerns with marihuana and the illegal market; asked if state is working on enforcement; marihuana is being grown in barns throughout the county and we need assistance with both the legal and illegal market.

Commissioner Stroh: Cultural arts are still being impacted by COVID and the Governor's orders; the Pix has been greatly impacted with lack of being able to present; Center for the Arts annual meeting is tonight and he will be checking in on that; Stones Throw Theater seems to be doing okay; the arts are taking it on the chin like everyone else. Asked Mr. Nolan about a comment Mr. Osentoski made that he had endorsed language for the proposal; asked if he could further explain the endorsement of such.

Mr. Nolan stated that the Charter's language is what surrounds this issue; it is the Charter that uses the terminology that the City Attorney shall endorse; which means, before the ballot petition can be circulated it is required to be submitted to the City Attorney's office for his written endorsement; by his review he is approving the form of the ballot initiative. It does not mean that the City Attorney is taking a position one way or another. It is simply a compliance with Charter terminology and he approves the form of the language that is being submitted to the voters.

Commissioner Osentoski: Thanked A. Wayne Bennett, Catherine Bostick-Tullius and Glenn Alverson for their time serving the City of Lapeer.

Commissioner Pattison: Another group of businesses will be opening tomorrow and we need to follow the guidelines; follow the health department social distancing recommendations; must wear our face masks. Stay safe and follow the guidelines.

Mayor Marquardt: Addressed Commissioner Cattane's comments about the next meeting; they are being moved because Caitlyn Habben was not able to attend tonight and wants to be able to address any questions; these topics cannot be put off; be prepared for a long meeting; this is what we have to do. Ask the City Manager to gather information about rebranding, possible branding; the recreation center parking lot and if TIFA has agreed to pay; an ice skating rink if possible; maybe named in honor of Tony Macksoud as he was very active in the community. Regarding Commissioner Atwood's comments, would like to see the illegal market in the county apply for their state licenses.

City Manager Kerbyson: Discussion about RRC program; has developed a list of sites that will be submitted for redevelopment, which will bring us closer to completion with the RRC program; he submitted a note to Senator Daley for the loss of his mother on behalf of the Commission; will be receiving the final report on the IT Assessment soon, prepared to move into RFP for that project; received email about why the marijuana was not on tonight's agenda urging it's need to move it forward and now it's questioned why it is on the next agenda; today is Romona's one year anniversary with us; congratulated her.

#### **191 2020 09-08 ADJOURNMENT**

Moved by Atwood.

Adjourn the regular meeting at 7:20 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:20 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
SEPTEMBER 21, 2020**

A regular meeting of the Lapeer City Commission was held September 21, 2020 electronically via GoToMeeting 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.

**192 2020 09-21 AGENDA APPROVAL**

Moved by Pattison. Seconded by Osentoski.

Approve the Agenda for September 21, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**193 2020 09-21 MINUTES**

Moved by Osentoski. Seconded by Atwood.

Approve the minutes of the Regular Meeting held September 8, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Larry Opalewski representative of Mark & Cindy Labaza owners of 1040 S. Lapeer Road spoke in favor of the Text Amendment on the agenda tonight as it will address this property only as it is half in and half out of the exclusion zone.

Mark Labaza addressed the Commission regarding his property located at 1040 S. Lapeer Road which is half in and half out of the restricted area. The property is located a mile north of I-69. The Text Amendment concerns one property only; does not change the master plan; does not change the prohibited zone; just clarifies the existing ordinance. To put the City's mind at ease, Mr. Labaza, stated that he is willing to sign an agreement that would ban him from selling his property to any existing restaurant in Lapeer that has a drive-through window; and would extend this restriction to any developer buying this property. This would eliminate any concerns of leap frogging; but would allow him to sell his property. Please approve this Text Amendment.

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

Clare Longoria, spoke on leapfrogging and will cooperate to encourage zoning ordinance be stricken in its entirety.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

## **PUBLIC HEARINGS**

None.

### **194 2020 09-21 CONSENT AGENDA**

Moved by Cattane. Seconded by Pattison.

Approve the Consent Agenda for September 21, 2020 resulting in the following:

1. Special Event Application from Stone Soup Food Bank to hold their Annual Fall Hunger Awareness Week Fund Collection on October 9-10, 2020 from 9:00AM – 4:00PM at various intersections throughout the City.

Mayor Marquardt questioned if Millville Road construction would be an issue for this event. City Manager Kerbyson indicated the construction should be finalized by the date of this event.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **ADMINISTRATIVE REPORTS**

### **195 2020 09-21 REZONING – RM-1 MULTIPLE- FAMILY RESIDENTIAL TO OS-1. PARCEL #L21-40-400-040-00 - 550 S. SAGINAW STREET**

Moved by Cattane. Seconded by Pattison.

Adopt an Ordinance Amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02 (a)(26) to the General Ordinance of the City of Lapeer.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **196 2020 09-21 REZONING – R-1 SINGLE-FAMILY RESIDENTIAL TO I-1**

#### **PARCEL #L20-84-901-040-00 - 155 S. SAGINAW STREET**

Moved by Cattane. Seconded by Osentoski.

Adopt an Ordinance Amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02 (a)(27) to the General Ordinance of the City of Lapeer.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**197 2020 09-21 TEXT AMENDMENT TO SEC. 7-13.04.B(9) DRIVE-THROUGH RESTAURANT**

Commissioner Atwood 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.

**198 2020 09-21 TEXT AMENDMENT TO SEC. 7-06.02, 7-08.02, 7-13.12, 7-16.02, 7-20.04, AND 7-24.09**

Commissioner Cattane introduced 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.

**199 2020 09-21 INTRODUCTION OF AMENDMENTS TO ORDINANCE 69 – ADULT USE MARIHUANA BUSINESSES AND FACILITIES**

Commissioner Pattison introduced an Ordinance Amendment to Chapter 69 (An Ordinance to Authorize and the Establishment of Adult Use Marihuana Businesses and Facilities) of the General Ordinances of the City of Lapeer.

**200 2020 09-21 CONTRACT FOR DESIGN ENGINEERING AND SURVEY SERVICES WITH ROWE FOR THE REPLACEMENT OF THE LAPEER COMMUNITY CENTER PARKING LOT**

Moved by Cattane. Seconded by Pattison.

Approve the attached contract for design engineering services for the replacement of the Lapeer Community Center Parking Lot in the amount of \$24,500 which is budgeted and approved in the FY 20/21 Capital Improvement Project #91830.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**201 2020 09-21 NEW BANK ACCOUNTS**

Moved by Cattane. Seconded by Osentoski.

Authorize the Director of Financial Services to open bank accounts with ELGA Credit Union, Dort Federal Credit Union and Security Credit Union.

Commissioner Atwood asked if the City is closing any bank accounts. Director of Financial Services Hanna indicated the City is not closing any accounts, we are looking to diversify and the Credit Unions are paying a higher interest rate than the other banks. Commissioner Stroh asked if we approached our current banks regarding the rates and if there will be any negative fallout from moving funds. Ms. Hanna stated the City will maintain the current accounts as primary; however, the City is looking to purchase certificates of deposits. Those organizations have been contacted and cannot provide a

better interest rate. We will be limiting the amount we are putting into the Credit Union account; and will maintain our current relationship with Choice One Bank.

City Manager Kerbyson indicated it has been suggested the City diversify where it keeps funding because the FDIC does not insure up to the level of the dollars we keep in the bank. Therefore, the more sites we use the higher level of insurance we have for our funds.

ON A ROLL CALL VOTE:

Ayes: Atwood, Osentoski, Pattison, Stroh.

Nays: None.

Absent: None.

Abstain: Cattane.

MOTION CARRIED.

### **202 2020 09-21 BILL LISTING APPROVAL**

Moved by Pattison. Seconded by Atwood.

Approve the Bill Listing for September 1 through September 13, 2020 in the amount of \$1,284,931.42.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **CITY MANAGER'S REPORT**

City Manager Kerbyson referred to an article in the Sunday County Press regarding the Farmers Market Pavilion; we will do significant investigating to be able to respond to the letter; may need to discuss with the City Attorney and Commission before a reply can be issued. We will be submitting an EDA Grant for \$3.5 million dollars to be used to rebuild the Genesee Street Bridge. The City audit starts tomorrow; the Finance Department has been preparing for their arrival over the past month and the auditors will be onsite for 2 days. Received the certified ALTA Survey for White Junior High which was too large for the Title Company to record; we will have to submit something smaller. We will be starting Cyber Security Training Program for each City employee in groups of 10 next week. Also, we are developing an RFP for IT services throughout the City and will send out a bid packet as soon as it is completed, most likely within the next month.

### **CITY ATTORNEY'S REPORT**

City Attorney Nolan requested to be put on an upcoming Agenda to have an Executive Session to give an update on the current litigation he is working on.

### **UNFINISHED BUSINESS:**

#### **202 2020 09-21 APPOINTMENT TO PLANNING COMMISSION**

Appointment by Mayor Marquardt. Moved by Pattison. Seconded by Cattane.

To appoint Marty Johnson and Doug Roberts to the Planning Commission for a term to expire 08-01-2023.

A discussion was held on how a person is selected for recommendation to a board seat and it was the consensus of the Commission that they would like to see the interest

forms for any future recommendations for board appointments with their agenda packets.

**ON A ROLL CALL VOTE:**

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

**PUBLIC COMMENTS**

None.

**DEPARTMENTAL COMMUNICATIONS**

The Departmental Monthly Reports, Downtown Development Authority Status Report, Investment Report for the Quarter Ended June 30, 2020, and the Medical Marihuana Licenses Provisioning Center, Grower, Processor, Secure Transport, Safety Compliance Facility Update were received into the record as presented.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Atwood: Explained why he made a motion to Item # F.3 – Text Amendment to Sec. 7-13.04.B(9) Drive-through Restaurant. The property is half in and half out of the area that is zoned with restrictions and because of Mr. Labaza’s agreement; times are changing, these restrictions are 13 years old and the City needs to look at the rest of the restriction area. He encourages the Planning Commission to be proactive and look at what other communities are doing; fear cannot hold us back, it cannot drive us and the restrictions need to be re-evaluated. The downtown has vastly improved and times are changing, make a positive change; it is time to re-evaluate and develop that area. Support small businesses. Stay healthy and safe.

Commissioner Osentoski: Reminded everyone that in 2018, 47% of Lapeer registered voters cast votes to legalize marihuana. The Lapeer Concerned Citizens Group wanted me to let you know they will be submitting their petitions to the City of Lapper adopt an initiative to completely prohibit recreational marihuana facilities in the City. Within 30 days of presenting the petitions to the Commission, the Commission shall either pass the initiative and adopt an ordinance or call for a special election to be held as soon as the Bureau of Elections allows for a special election to be held.

Commissioner Cattane: Summer is almost over; medical marihuana history was voted on in November 2018, soon after that the City of Lapeer adopted Chapter 68; at which time Commissioners Cattane, Pattison & Stroh were not elected at that time; but Commissioner Osentoski was. Regarding a contract signed on 2007 by Mayor Sprague for annexation of property, we have spent north of \$3 million dollars developing the property with water/sewer beyond I-69 and have nothing to show for it; money has been spent by tax payers in this community; opposes the theory of dark spaces, can’t live in fear; need to develop south I-69 property, don’t want to increase the size of my little town, but need to due to the money spent for development of it; business and property owners have been extremely patient; cooperation is needed and we need to get along better with Lapeer Township, let’s bring in more jobs and increase median income. Everyone needs to be safe and moms and dads need to learn the computer/internet to help their kids.



Commissioner Stroh: Agrees with both Commissioners Atwood and Cattane; need to have the Planning Commission investigate the development of south Main down to I-69 and types of businesses; thanks to property owners for their patience; dining habits have changed; would love to see broader diversity in menu choices; not afraid of the leapfrog mentality or dark stores; not a good idea to have restaurants on residential side of Baldwin; fine dining is limited as there are no more liquor licenses in Lapeer County, only limited to Main Street in the DDA district. Cultural Arts are happening within the City. Center for the Arts has a new exhibit going up. Stone's Throw Theater is winding down with Molly Jones and will bring in local artist Bill Kirsammer who is a sculpture and carver and his work is amazing; wishes everyone well as we enter the fall season.

Commissioner Pattison: Michigan State University put together a study on the economic impact of adult use marihuana in the State of Michigan, it is on the MRA website and is very interesting reading; once established, it is estimated that level of retail sales once established is going to be approximately \$3 billion dollars; will have an economic impact of \$7.8 billion, employment and businesses along the marihuana supply chain estimated to be 13,500 jobs and a total economic impact in the State of 23,700 new jobs; possible tax revenues \$495.7 million dollars of which \$298.6 million dollars in excise tax. It passed in Michigan and we have a proposed vote coming up because not enough people in Lapeer voted. If less people vote for an upcoming election, is that valid for another vote? Summer is over, be safe, take care of yourselves.

City Manager Kerbyson: Over the last two weeks he has had conversations with Senators as they are pushing by Consumers Energy to make all solar installations past and future tax exempt; no need for this, our Senator had initially support; however, it is an unneeded tax break. In the past, the City has reached out and provided some funds to the City of Escanaba who was fighting with the State for the dark store lawsuit; the Michigan Tax Tribunal had allowed the taxes to be rolled down to derelict or vacant property, making it more likely the store would remain closed. City has been asked to support a resolution to not allow one of the members be reappointed to the Michigan Tax Tribunal under the current Governor.

Mayor Marquardt: The Dog Park Raffle drawing was held on September 12, sold majority of tickets, almost 900 out of 1,000; event was very successful, next step is to apply for a matching grant, may be able to start building the Dog Park next spring, City Manager Kerbyson commented that it is at the point of Go-Fund-Me for the Dog Park, need to raise about \$30K. Attended Neighbors Helping Neighbors drive thru event at the Center Building which was well attended; bag lunches were available and boxes of food were available for those that needed it, vendors outside to provide assistance as well. She will be attending the video conference tomorrow for brainstorming with the Refuge about future development. Positives for marihuana industry include recreational would all be regulated, more high paying jobs with benefits, property tax benefits and employment tax as well; should be treated just like any other business; in 2018, 58% of registered voters voted which is considered a high turnout.

## **203 2020 09-21 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:51p.m.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:51 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

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Tracey S. Russell, Deputy City Clerk

**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 5<sup>th</sup> 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 5<sup>th</sup> 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
<b>Medical Marihuana Facility Uses</b>					
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
<b>Medical Marihuana Facility Uses</b>			
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 12<sup>th</sup> 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**

<b>Medical Marihuana Facility</b>	
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.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk



**MINUTES OF A WORKSHOP  
LAPEER CITY COMMISSION  
OCTOBER 12, 2020**

A workshop of the Lapeer City Commission was held October 12, 2020 at the Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 5:31 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.  
City Clerk: Romona Sanchez, present.

Also Present: James Alt, DDA Executive Director.

Mayor Marquardt led the Pledge of Allegiance.

The City Commission met and reviewed/discussed the Farmer's Market Pavilion; 911 surcharge on cell phones; Ivy Terrace development; City Commission meetings being conducted virtually vs. in person; seating within Commission Chambers based on the new guidelines; City Rebranding; White Junior High School; signage on the trails; and possibly an art piece for the dog park.

City Attorney Nolan departed the meeting at 6:07 p.m.

By general consensus the meeting adjourned at 7:26 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, CMC, City Clerk

**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 5<sup>th</sup> 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 5<sup>th</sup> 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
<b>Medical Marihuana Facility Uses</b>					
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
<b>Medical Marihuana Facility Uses</b>			
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 12<sup>th</sup> 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**

<b>Medical Marihuana Facility</b>	
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.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

**MINUTES OF A WORKSHOP  
LAPEER CITY COMMISSION  
OCTOBER 12, 2020**

A workshop of the Lapeer City Commission was held October 12, 2020 at the Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 5:31 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.  
City Clerk: Romona Sanchez, present.

Also Present: James Alt, DDA Executive Director.

Mayor Marquardt led the Pledge of Allegiance.

The City Commission met and reviewed/discussed the Farmer's Market Pavilion; 911 surcharge on cell phones; Ivy Terrace development; City Commission meetings being conducted virtually vs. in person; seating within Commission Chambers based on the new guidelines; City Rebranding; White Junior High School; signage on the trails; and possibly an art piece for the dog park.

City Attorney Nolan departed the meeting at 6:07 p.m.

By general consensus the meeting adjourned at 7:26 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, CMC, City Clerk