

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
JANUARY 17, 2023**

A regular meeting of the Lapeer City Commission was held January 17, 2023, at the Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

**ROLL CALL**

Present: Mayor Marquardt.

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

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Denis McCarthy, present.

Mayor Marquardt led the Pledge of Allegiance.

**15 2023 01-17 AGENDA APPROVAL**

Moved by Cattane. Seconded by Stroh.

Approve the Agenda for January 17, 2023, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**16 2023 01-17 MINUTES**

Moved by Cattane. Seconded by Swindell.

Approve the minutes of the regular meeting and closed session held January 3, 2023, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

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

Jenny Burkhart, 865 N. Wilder, read scripture and gave an invocation.

**17 2023 01-17 CONSENT AGENDA**

Moved by Stroh. Seconded by Cattane.

Approve the consent agenda for January 17, 2023, as presented:

1. Traffic Control Order # 307.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**18 2023 01-17 BILL LISTING**

Moved by Pattison. Seconded by Swindell.

Approve the bill listing for January 17, 2023, in the amount of \$1,609,480.94.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PROCLAMATION, RECOGNITIONS AND RESOLUTIONS:**

None.

**19 2023 01-17 ORDINANCE AMENDMENT – CHAPTER 14 VEHICLES AND TRAFFIC**

Commissioner Stroh introduced the Ordinance Amendment to Chapter 14 (Vehicles and Traffic), §14.5 Distracted Driving of the General Ordinances of the City of Lapeer.

**Ordinance No. 2023-01**

**§14-5 Distracted Driving- Violation Constitutes a Civil Infraction**

A. “Distracted Driving” means the following:

1. The physical manipulation of any 2-way wireless electronic communication device used for dialing numbers; or scrolling; or typing or entering multiple letters, numbers, symbols, or other text; or the sending, receiving, and reading of any non-voice data in the device while the motor vehicle is in motion on any highway or street or place open to the general public within the City of Lapeer. As used in this subsection, a wireless 2-way communication device does not include a global positioning or navigation system that is affixed to the motor vehicle.

2. The physical manipulation or handling of any wireless entertainment or electronic communication device for the purpose of speaking into, or listening to voice data, while the motor vehicle is in motion on any highway or street or place open to the general public within the City of Lapeer; or

3. Any action by the driver of a motor vehicle that diverts his or her attention resulting in the failure to use due care and caution in the safe operation of a motor vehicle while the vehicle is in motion on any highway or street or place open to the general public within the City of Lapeer. Such action can include but is not limited to: eating, reading, writing, performing personal hygiene/ grooming, physical interaction with pets, passengers, or unsecured cargo, any of which is done in a manner that prohibits the driver from maintaining direct physical control of the motor vehicle steering mechanism with at least one hand that is free of all other objects and used entirely to form a controlled grip on the steering mechanism.

B. A person shall not engage in distracted driving within the City of Lapeer. A person who violates this section is responsible for a civil infraction.

C. This section does not apply to a person who is using an electronic communication device to do one or more of the following:

1. Report a traffic accident, medical emergency or serious road hazard.

2. Report a situation in which the person believes his or her personal safety is in jeopardy.

3. Report or avert the perpetration or potential perpetration of a criminal act against the individual or another person.

4. Carry out official duties as a police officer, law enforcement official, member of a paid or volunteer fire department, or operator of an emergency vehicle.

## **CITY MANAGER'S REPORT**

### **20 2023 01-17 EXECUTIVE RECRUITMENT SERVICES – CITY MANAGER**

Moved by Pattison. Seconded by Atwood.

Approve the contract with Pivot Group Municipal Services for the Executive Recruitment Search for the position of City Manager and allow the City Manager to sign all necessary documentation.

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

Nays: None.

Absent: None.

MOTION CARRIED.

City Manager Kerbyson reported he has confirmation from Representative McClain's office that we have been earmarked for two million dollars in funding for the Genesee Street Bridge project. He discovered some odd markings on the new asphalt on Oregon Street; we have been in contact with the contractor, and they will be making repairs. The streetlights on John Conley have been restored and painted by DTE and will have new LED light bulbs installed. The money we received from State of Emergency regarding the water system is being used to install variable speed drives on all our wells; to install an in-place generator on well number 3 and to do a phosphate injection into the system to go along with the chlorine injection. No bids were received for the ice skates RFP; however, there is a group willing to sell us 75-100 pairs of used skates for \$10 per pair; we will have them on site and available for use and we have reached out to the Explorers program to see if they can maintain the skates; in the future we can have Rodney Church's staff look into providing lighting, music and entertainment for special events; send out an RFP for such in the fall for next winter.

## **CITY ATTORNEY'S REPORT**

City Attorney McCarthy stated he has been working on two tax tribunal cases with the assessor; has settled three city income tax cases this week and will be finishing up the condemnation case this week.

## **DEPARTMENTAL REPORTS**

The Monthly Departmental Reports and Marihuana Licenses Update was received into the record.

## **PUBLIC COMMENTS**

None.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: Noticed that overdose deaths have improved from 2021 to 2022; received a thank you card from the Family Literacy Center for speaking to the teens; wished City Manager Kerbyson nothing but happiness in this retirement.

Commissioner Atwood: January is human trafficking awareness month; provided statistics from Operation Underground Railroad (OUR), an organization that is committed to helping victims of such crimes and provided the hot-line number, 1-888-373-7888.

Commissioner Stroh: Thanked City Manager Kerbyson for all his years of service and looks forward to transitioning him into a graceful retirement. Lapeer continues to be a culturally challenged community as recognized by the State of Michigan, yet there are some amazing programs taking place. The Center for the Arts has a great show called Microscape, go see it. It's great to see full parking lots during the weekends with people frequenting the cultural arts events around the city. Many new things are coming, so keep an eye out for those.

Commissioner Swindell: Reached out to the kids who were recently appointed to the Youth Council; has two other students who will be applying to be on the Youth Council; hopes to have a meeting as soon as they have enough students. Lapeer High School will be putting on a musical next month, tickets will go on sale next week.

Commissioner Pattison: Thanked Commissioner Haggadone for coming tonight; good communication is a two-way street, if he needs something, please ask.

City Manager Kerbyson: Attended the show at the Pix on Saturday night, it was packed; restaurants were full; great to see all the events downtown. Thank you for your comments.

Mayor Marquardt: Thanked City Manager Kerbyson for all his work over the 18 years, she is the only one who has worked with him the entire 18 years. Sorry to see him go, but happy for his retirement; wishes him well in any future endeavors. Human trafficking does exist here in Lapeer; asked Chief Howe for an update on what law enforcement does and what other groups they are working with regarding this issue.

**21 2023 01-17 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:22 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:22 p.m.

---

Debbie Marquardt, Mayor

---

Romona Sanchez, City Clerk