

**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 16th, 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.

Debbie Marquardt, Mayor

Romona Sanchez, City Clerk