

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 05/11/2009**

The meeting was called to order at 7:00 p.m. by Mayor Abrams in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance to the Flag.

Councilmembers Present: Abrams, Binder, Hicks, Hurt, Krueger, Shumaker.

Councilmembers Absent: Porath.

Staff Present: City Manager Paul Bueche, City Clerk Juanita Aguilar, City Attorney Dick Figura, DPS Director Tom Svrcek, Assistant City Manager Adam Zettel.

Others Present: Tommy Butler, Jason Christie, Ron Schultz, Jim Florence, Sharon Klein, Jamie Terrell.

Resolution No. 090511-01 **(Carried)**

Motion By Councilmember Hurt
Second by Councilmember Shumaker

I Move to excuse Councilmember Poraths absence due to work conflicts.

YES: Binder, Hicks, Hurt, Krueger, Shumaker, Abrams.
NO: None. Motion Declared Carried.

APPROVAL OF MINUTES

Resolution No. 090511-02 **(Carried)**

Motion by Councilmember Krueger
Second by Councilmember Hurt

I Move the Swartz Creek City Council hereby approve the Minutes for the Regular Council Meeting, held April 27, 2009, as presented, to be circulated and placed on file.

YES: Hicks, Hurt, Krueger, Shumaker, Abrams, Binder.
NO: None. Motion Declared Carried.

APPROVAL OF AGENDA

Resolution No. 090511-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the Agenda, as presented, for the Regular Council Meeting of May 11, 2009 to be circulated and placed on file.

YES: Hurt, Krueger, Shumaker, Abrams, Binder, Hicks.
NO: None. Motion declared carried.

REPORTS AND COMMUNICATIONS:

City Manager’s Report

Resolution No. 090511-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the City Manager’s Report of May 11, 2009, to be circulated and placed on file.

Discussion Took Place.

YES: Krueger, Shumaker, Abrams, Binder, Hicks, Hurt
NO: None. Motion declared carried.

All other reports and communications were accepted and placed on file.

MEETING OPENED TO THE PUBLIC:

None.

COUNCIL BUSINESS:

Hometown Days Permits, Master Resolution

Resolution No. 090511-05

(Carried)

Motion by Councilmember Binder
Second by Councilmember Hurt

I Move the City of Swartz Creek approve Resolutions 090511-8B through 090511-8J, allowing for the various permits relative to the annual Swartz Creek Hometown Days events, to be held beginning Wednesday May 27, 2009, and concluding on Monday June 1, 2009, inclusive of all stipulations and conditions as specified and listed within.

Resolution No. 090511-06

HOMETOWN DAYS, STREET CARNIVAL, GENERAL STREET & PROPERTY USE PERMITS

I Move the City of Swartz Creek approve and authorize the Swartz Creek Hometown Days Committees' application for street closing and City property use permits for the following locations:

- A. Morrish between Miller and Ingalls-Wade, Carnival Midway.
- B. Holland between Miller and Ingalls, Vendor – Carnival.
- C. City Lot located at the southwest corner of Miller and Morrish, Carnival – Midway.
- D. Ingalls at Holland and Park Land located to the North and Northwest of the intersection of Morrish and Ingalls, Carnival & Midway.
- E. City owned property located along the North side of Fortino, West of South Morrish Road, Car Show and Radio D.J., general parking.
- F. City owned property and residential dwelling, 4438 South Morrish Road.
- G. City owned property, 4505 Fortino.
- H. Fire Hall

Street and City property use, unless otherwise indicated, begins Wednesday, May 27, 2009 at 9:00 a.m. until Monday June 1, 2009 at 9:00 A.M., for the purpose of, and authorization to conduct a carnival, vendor/display area, car show and or other similar events under the following stipulations:

- 1. Insurance certificate naming the City as insured in the amount not less than \$1,000,000.00 (One-Million Dollars)
- 2. Written permission from deed holders of any private properties to be used and appropriate insurance certificates naming such parties as additional insured.
- 3. Sufficient number of portable bathrooms placed and located, and liter control program in accordance and under the approval of Director of Community Services.
- 4. General approval of the Chief of Police. Traffic control and pedestrian safety plan in accordance with and under the approval of office of Chief of Police.

Resolution No. 090511-07

HOMETOWN DAYS, AMPLIFIED CONCERT MUSIC PERMIT

I Move the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committee application to conduct an outdoor concert to be held at the outdoor football stadium of the Swartz Creek High School on Friday, May 29, 2009 between 4:30 p.m. and 10:00 p.m., under the following stipulations:

- 1. Insurance certificate naming the City as insured in the amount not less than \$1,000,000.00 (One-Million Dollars)

2. Written authorization from the School District Superintendent along with acceptable insurance certificates naming the School District as an additional insured, minimum amount not less than \$1,000,000 (One Million Dollars)
3. General approval of the Chief of Police. Traffic control and pedestrian safety plan in accordance with and under the approval of office of Chief of Police.
4. Music to end no later than 10:00 p.m.

**Resolution No. 090511-08 HOMETOWN DAYS, STREET USAGE PERMIT,
MOTOR AND PEDESTRIAN PARADE**

I Move the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committees' application for street closing / usage permit for Saturday, May 30, 2009 from 11:00 a.m. until 1:30 p.m. for purposes of conducting a parade, streets used to be Fairchild Street, Miller Rd, and Frederick St under the following stipulations:

1. Insurance certificate naming the City as an additional insured party in the amount not less than \$1,000,000.00 (One Million Dollars).
2. No candy or other objects be thrown or handed from, to or at any vehicle, trailer, float, or similar, and further, that the Hometown Days Committee establish and maintain a list of all participants and/or entries in the parade that identifies a contact person, such contact to be informed by the Hometown Days Committee of the stipulation and motor vehicle code enforcement actions for violations thereof.
3. General approval, and under the direction and control of the Office of the Chief of Police.

**Resolution No. 090511-09 HOMETOWN DAYS PERMIT, AERIAL FIREWORKS
DISPLAY**

I Move the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committee's application for one fireworks aerial display to be held on Friday, May 29, 2009, at or shortly after dusk, with a cancellation date of Saturday, May 30, 2009, at or shortly after dusk, to be launched from properties directly west of the Swartz Creek Middle School Building, said properties owned by the Swartz Creek School District and Mr. Scott Hoover, under the following stipulations and conditions:

1. Insurance certificate naming the City as insured in an amount to be determined adequate by the City Manager.
2. Written permission from the aforementioned parcel owners along with acceptable insurance certificates naming said parcel owners as additional

insured parties, in an amount to be determined adequate by the City Manager.

3. Traffic Control Plan and administration by the Offices of Chief of Police and Director of Community Services.
4. Detailed Plan submitted to and approved by the Fire Chief.
5. All decisions concerning the event and cancellation thereof, if needed, under the direction and control of the Fire Chief.

Resolution No. 090511-10 HOMETOWN DAYS PERMIT, OPERATE BEER TENT

I Move the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committee application to operate a beer tent for the sale of beer and wine on the premises, along with live entertainment, to be held on Parcel No. 58-02-200-014, owned by Scott Kincaid and located 5086 Morrish Road, south of Wade Street, beginning Thursday, May 28, 2009 until Sunday, May 31, 2009, under the following stipulations:

1. Michigan Liquor Control Commission Approved Application with appropriate insurance in accordance with the rules of the L.C.C. and naming the City and all other property owners as additional insured parties, in an amount not less than \$1,000,000 (One Million Dollars).
2. Portable bathrooms appropriately located and litter control program in accordance and under the approval of Director of Community Services.
3. Traffic control and pedestrian safety plan in accordance with and under the approval of Office of Chief of Police.
4. Adherence to all L.C.C. stipulations and regulations, state and local laws.
5. No music after 11:00 p.m. Thursday, May 28, 2009 and 1:00 a.m. Friday, May 29, 2009 (Saturday Morning), and Saturday May 30, 2009 (Sunday morning).
6. A Christian Concert, without alcohol sales, will be permitted within the tent on Sunday, May 31, 2009 between 5:00 PM and 9:30 PM.
7. Adequate security as approved by the Chief of Police.
8. Adherence to and under the direction of control from the Office of the Chief of Police.

Resolution No. 090511-11 HOMETOWN DAYS PERMIT, CEREMONIAL DISCHARGE OF A FIREARM

I Move the Swartz Creek City Council, pursuant to section 10-212(3) of the Code of Ordinances, approve and authorize the Swartz Creek Hometown Days Committee to discharge weapons as a part of a military concert and ceremonial military honor guard, to be held at the Swartz Creek High School's outdoor football stadium, on Friday, May 29, 2009, at approximately 9:00 p.m., in conjunction with a concert and aerial fireworks display, with a backup rain date of Saturday, May 30, 2009 at approximately 9:00 p.m. under the following stipulations and conditions:

section 3-1 of the Code of Ordinances of the City of Swartz Creek, to recognize that certain activities are protected under the Michigan Right to Farm Act and to regulate and prohibit other activities, a copy of which is attached hereto.

Discussion Took Place.

YES: Abrams, Binder, Hicks, Hurt, Krueger, Shumaker
NO: None. Motion Declared Carried.

Adopt ORD #400, Zoning Code Amendments

Amendment to Resolution No. 090511-16

(Carried)

Motion by Councilmember Krueger
Second by Councilmember

I Move the City of Swartz Creek amend Ordinance #400 to read that signs be limited to a single background color, single text color and a single numerical color.

Discussion Took Place.

YES: Binder, Hicks, Hurt, Krueger, Shumaker, Abrams.
NO: None. Motion Declared Carried.

Resolution No. 090511-16

(Carried As Amended)

Motion by Councilmember Krueger
Second by Councilmember Hurt

I Move the City of Swartz Creek adopt Ordinance #400, an ordinance to amend the Zoning Ordinance of the City of Swartz Creek to bring said ordinance into compliance with the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended; to amend the regulations regarding accessory buildings and structures, fences and hedges, flag poles, mechanical equipment and utilities; to amend the regulations regarding signs; to amend the regulations regarding site plan review; and to amend the City's Official Zoning Map, a copy of which is attached hereto.

Discussion Ensued.

YES: Hicks, Hurt, Krueger, Shumaker, Abrams, Binder.
NO: None. Motion Declared Carried.

T-Mobile Tower, Rent Reduction Request

Resolution No. 090511-17

(Failed)

Motion by Councilmember Shumaker
Second by Councilmember Hicks

I Move the City of Swartz Creek approve, in concept, the request of T-Mobile for a reduction of rent as described within their correspondence dated April 22, 2009, and further, direct the City Manager to prepare an addendum to the lease agreement between the City and T-Mobile and bring the same back to the City Council for approval.

Discussion Took Place.

YES: None.

NO: Hurt, Krueger, Shumaker, Abrams, Binder, Hicks. Motion Declared Failed.

Assessment, Delinquent Water, Sewer, Sidewalks & Weeds

Resolution No. 090511-18

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the City of Swartz Creek direct the Treasurer to prepare an audit of all outstanding debts owed to the City for delinquent water, sewer, mowing & sidewalk repairs, and further, to cause such debts to be assessed against the property owner of record, in accordance with City Ordinance and state statute, said debts to be placed against the summer 2009 tax collection roll.

Discussion Ensued.

YES: Krueger, Shumaker, Abrams, Binder, Hicks, Hurt.

NO: None. Motion Declared Carried.

2009-2010 Annual MML Workers Comp Policy Renewal

Resolution No. 090511-19

(Carried)

Motion by Councilmember Binder
Seconds by Councilmember Hurt

I Move the City of Swartz Creek approve the renewal of the City's Workers Compensation Insurance Policy, number 5000860-00, with the Michigan Municipal League, Meadowbrook Insurance Company, and further, appropriate \$21,299 for payment of premiums for July 1, 2009 through June 30, 2010, funds to be taken from 101, 590, 591, and 661, in accordance with the cost distribution schedule as apportioned by fund by the Michigan Municipal League and Meadowbrook Insurance Company.

YES: Shumaker, Abrams, Binder, Hicks, Hurt, Krueger.
NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC

Tommy Butler, 40 Somerset, questioned whether a representative from Swartz Creek attended the meeting with the County and Washington recently. Mayor Abrams advised that it was by invitation only. Mr. Butler also questioned if the Department of Public Works has a safety program that reduces loss time due to accidents. City Manager Bueche advised that it does. Mr. Butler asked if the City Council has a plan for how the City is going to get more money. City Manager Bueche stated that the City of Swartz Creek is one of the most fiscally responsible in the County and State and that there are plans in place for land use.

REMARKS BY COUNCILMEMBERS:

Councilmember Krueger has borrowed a float and the City will provide a truck for the Hometown Days Parade. Mr. Krueger invited all Councilmembers and City employees to participate.

Councilmember Shumaker talked about several residents on Duval drive who had problems with water coming in. DPS Director Svrcek advised that Liquiforce took care of the problem.

Councilmember Hicks stated that she attended the first Farmer's Market and that she was pleased with the bags that the City is selling. Ms. Hicks had some questions about recycling. Ms. Hicks wondered if the recycling items had to be separated as they are all thrown into the truck together.

Councilmember Binder wanted to let everyone know that the Air Force statue would be at the Veteran's Memorial on Memorial Day with a ceremony to begin at 3:00pm. Ms. Binder advised that during Hometown Days on Saturday, May 30, 2009, an auction will be held to benefit the Veteran's Memorial.

ADJOURNMENT:

There being no objection, Mayor Abrams declared the meeting adjourned at 9:00 p.m.

Richard Abrams, Mayor

Juanita Aguilar, City Clerk