

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 5/13/2013**

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

Invocation and Pledge of Allegiance to the Flag.

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

Councilmembers Absent: Porath

Staff Present: City Manager Paul Bueche, City Clerk Juanita Aguilar,
City Attorney Mike Gildner.

Others Present: Sharon Shumaker, Bob Plumb, Ron Schultz, Tommy
Butler, Peggy and Richard Mattson, JJ Schmidt, Francis
Aragona, Bill Beckett, Jim Florence, Mark Kietzman.

Resolution No. 130513-01

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Shumaker

I Move the Swartz Creek City Council excuse the absence of Councilmember Porath due to death in family.

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

APPROVAL OF MINUTES

Resolution No. 130513-02

(Carried)

Motion by Mayor Pro Tem Abrams
Second by Councilmember Shumaker

I Move the Swartz Creek City Council hereby approve the amended Minutes of the Regular Council Meeting, held Monday, April 22, 2013, to circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 130513-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the Swartz Creek City Council approves the Agenda, as amended, for the Regular Council Meeting of May 13, 2013, to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 130513-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the City Manager's Report of May 13, 2013, to be circulated and placed on file.

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

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

MEETING OPENED TO THE PUBLIC:

Swartz Creek Life Publication

(Presentation)

Sharon Bratcher from Swartz Creek Life Publication stated that the first issue was sent out in March. The publication is sent out free. The magazine is dedicated to promoting the Swartz Creek community. They would like people in the community to send in ideas on stories for the magazine. They encouraged all councilmembers to send in stories or ideas.

Barbara Villareal, 7096 Yarmy Dr., commented that she is concerned about her neighborhood with blight, the care of rental units and break ins with the abandoned properties.

City Manager Paul Bueche responded that the council is aware of many of the issues and they have been doing research on several things along with the Shared Service Study recommendations, and asked her to continue to keep in touch with the City office on problems.

COUNCIL BUSINESS:

Bill Beckett from WT Development Co. made a brief presentation in regards to Taco Bell Final Site Plan and responded to questions regarding it.

Taco Bell, Final Site Plan Approval

Resolution No. 130513-05

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hurt

I Move the City of Swartz Creek accept the recommendation of the Swartz Creek Planning Commission and approve the final site plan for the construction of a Taco Bell Restaurant, as applied for and illustrated in plans submitted to the City and dated April 17, 2013, with the following conditions:

1. Approval of the drive thru special land use
2. Approval of the PUD Amendment pertaining to the plans dated April 18, 2013.
3. Enter into a Development Agreement with the City.

YES: Shumaker, Abrams, Gilbert, Hurt, Krueger,
NO: Hicks. Motion Declared Carried.

Bill Beckett from WT Development Co. made a brief presentation in regards to Special Land Use Permit and responded to questions regarding it.

**TACO BELL, SPECIAL LAND USE PERMIT, DRIVE THROUGH WINDOW,
TAX ID #58-31-551-004 (Portion Thereof)**

Resolution No. 130513-06

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Shumaker

I Move the City of Swartz Creek accept the recommendation of the Swartz Creek Planning Commission and approve the Taco Bell Restaurant's special land use for a drive thru take out window as illustrated in plans submitted to the City and dated April 17, 2013, with the following conditions and waivers:

1. Waiver of a drive thru by-pass lane, as permitted by ordinance
2. Waiver of a traffic impact study, as permitted by ordinance
3. Waiver of the required parking (drive thru stacking spaces), as permitted by ordinance
4. Removal of the exit only access at the drive thru.
5. Removal of strips by drive thru entrance, "pork chop".

YES: Shumaker, Abrams, Gilbert, Hurt, Krueger,
NO: Hicks. Motion Declared Carried.

ELMS-MILLER PDD-PUD AMENDMENT, TAX ID #58-31-551-004

Resolution No. 130513-07A

(Failed)

Motion by Mayor Pro Tem Abrams
Second by Councilmember Hurt

I Move the City of Swartz Creek accept the recommendation of the Swartz Creek Planning Commission and approve a Planned Unit Development Amendment for the South East corner of Miller and Elms Roads, as detailed in plans submitted to the City and dated April 18, 2013, with the following conditions:

1. All signs shall comply with height, area, material, and other requirements of the zoning ordinance or be granted variances.
2. The sidewalk shall be designed and planned to connect to the Elms Road sidewalk.
3. "Adequate" privacy fence on the south lot line to separate the PUD from the residential area.

Resolution No. 130513-07B

(Carried)

Motion by Councilmember Hurt
Second by Mayor Pro Tem Abrams

I Move the City of Swartz Creek to amend item number two to state
"The sidewalk shall be designed and planned to connect to the crossing at the corner of Elms and Miller and the planned sidewalk on south Elms Rd will be eliminated . "

YES: Abrams, Gilbert, Hurt, Krueger, Shumaker.
NO: Hicks. Motion Declared Carried.

Resolution No. 130513-07C

(Amended)

I Move the City of Swartz Creek accept the recommendation of the Swartz Creek Planning Commission and approve a Planned Unit Development Amendment for the South East corner of Miller and Elms Roads, as detailed in plans submitted to the City and dated April 18, 2013, with the following conditions:

1. All signs shall comply with height, area, material, and other requirements of the zoning ordinance or be granted variances.
2. The sidewalk shall be designed and planned to connect to the crossing at the corner of Elms and Miller and the planned sidewalk on south Elms Rd. will be eliminated.
3. "Adequate" privacy fence on the south lot line to separate the PUD from the residential area.

YES: Gilbert, Hurt, Krueger, Shumaker, Abrams.
NO: Hicks. Motion Declared Carried.

Recess called at 8:30 p.m.
Meeting reconvened at 8:40 p.m.

MASTER RESOLUTIONS: HOMETOWN DAYS PERMITS, FIRE DEPARTMENT PERMIT, RIVERBEND STRIDERS – CROSS COUNTRY PERMIT

Resolution No. 130513–08

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the City of Swartz Creek approve Resolutions 130513-8D through 130513-8N, allowing for the various permits relative to the annual Swartz Creek Hometown Days events, Swartz Creek Area Fire Department and Riverbend Striders – Cross Country, to be held beginning Tuesday May 28, 2013 and concluding on Monday June 3, 2013, inclusive of all stipulations and conditions as specified and listed within.

Resolution No. 130513-8D 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, 4438 South Morrish Road.
- G. City owned property, 4505 Fortino.
- H. Fire Hall out lot properties.
- I. Use of DPW Yard and Generator.

Street and City property use, unless otherwise indicated, begins Tuesday, May 28, 2013 at 9:00 a.m. until Monday June 3, 2013 at 9:00 A.M., for the purpose of, and authorization to conduct a carnival, vendor/display areas, 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: City of Swartz Creek, Chase JPM Bank 4459 Fortino Drive, John

Alexander DBA J&J Services 5280 Morrish Road, Branoff Trusts Fortino Drive 58-35-576-032; William Kincaid 5086 South Morrish; St. Mary's Catholic Church 4413 Morrish Road; Pentecostal Church of God / Family Worship Center 4494 Morrish Road; Mark O'Brien 5099 South Morrish; Swartz Creek Acquisitions (Race Track) 4290 South Morrish; Swartz Creek Schools 8354 Cappy (High School Middle School); Scott Hoover 8280 Crapo.

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. 130513-8E 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 31, 2013 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. 130513-8F 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, June 1, 2013 from 11:00 a.m. until 1:30 p.m. for purposes of conducting a parade, streets used to be Cappy Lane, 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. 130513-8G 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 31, 2013, at or shortly after dusk, with a cancellation date of Saturday, June 1, 2013, 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. 130513-8H HOMETOWN DAYS PERMIT, OPERATE ENTERTAINMENT TENT

I Move the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committee application to operate an entertainment tent with the sale of beer and wine for consumption on the premises, along with live entertainment, to be held on Parcel No. 58-02-200-014, owned by William Kincaid and located 5086 Morrish Road, south of Wade Street, beginning Thursday, May 30, 2013 12:00 PM through Sunday, June 2, 2013, 9:30 PM, 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 30, 2013 and after 1:30 a.m. on Friday, May 31, 2013 (Saturday Morning), and Saturday June 1, 2013 (Sunday Morning), and Sunday June 2, 2013, 9:30 PM.
6. Adequate security as approved by the Chief of Police.
7. Adherence to and under the direction and control of the Office of the Chief of Police.

**Resolution No. 130513-8I 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 31, 2013, at approximately 9:00 p.m., in conjunction with a concert and aerial fireworks display, with a backup rain date of Saturday, June 1, 2013 at approximately 9:00 p.m. under the following stipulations and conditions:

1. Insurance certificate naming the City as an additional insured party in an amount not less than \$1,000,000.00 (One Million Dollars).
2. The party(ies) discharging the weapon(s) must be a practicing military honor guard trained and capable in the handling of firearms.

**Resolution No. 130513-8J 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 in conjunction with a Parade and as a ceremonial military honor guard, to be held along Miller Road on Saturday, June 1, 2013, at approximately 12:00 noon, under the following stipulations and conditions:

1. Insurance certificate naming the City as an additional insured party in an amount not less than \$1,000,000.00 (One Million Dollars).
2. The party(ies) discharging the weapon(s) must be a practicing military honor guard trained and capable in the handling of firearms.

Resolution No. 130513-8K AMPLIFIED OUTDOOR MUSIC, FEATHER & FIN

I Move the City of Swartz Creek approve the use of an outdoor music / DJ amplification system at Feather & Finn Ice Cream, 7543 Miller Road, in conjunction with the Swartz Creek Hometown Days Festival, permit for Saturday, June 1, 2013 from 2:00 p.m. until 10:00 p.m., only.

Resolution No. 130513-8L

WAIVER OF INSPECTION FEE, HOMETOWN DAYS COMMITTEE

I Move the City of Swartz Creek waive the electrical permit inspection fees for the Swartz Creek Hometown Days Committee, in the amount of \$70, for the repair / upgrade of a drop service panel located at 5043 & 5045 Morrish Road.

Resolution No. 130513-8M

STREET CLOSURE PERMIT, FIRE DEPARTMENT WATER-BALL CONTEST

I Move the City of Swartz Creek permit the closure of the dead end of Civic Drive on Saturday, June 1, 2013 from 2:00 PM to 6:00 PM for the Swartz Creek Area Fire Department, purpose being to hold a water-ball contest in conjunction with the Swart Creek Hometown Days Festival

Resolution No. 130513-8N

STREET USE PERMIT, ANNUAL 5K ROAD RACE, SWARTZ CREEK CROSS COUNTRY – RIVERBEND STRIDERS

I Move the City of Swartz Creek approve the application for a street usage permit to conduct a 5 kilometer foot road race on Thursday, May 30, 2013, 6:00 PM – 7:30 PM, applicant: the River-Bend Striders - Swartz Creek Cross Country Team, in the care of Mr. Allen Murphy, race to be held in Winchester Village Subdivision, in accordance with the application submitted, under the direction and control of the Chief of Police.

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

NO: Motion Declared Carried.

2013-2014 FY BUDGET, SET PUBLIC HEARING

Resolution No. 130513-09

(Carried)

Motion by Councilmember Hicks

Second by Councilmember Hurt

I Move the City of Swartz Creek set a Public Hearing, to be held on Tuesday, May 28, 2013 at 7:00 PM, at the regularly scheduled City Council Meeting, or as soon thereafter as this matter can be heard, to hear public comments and needs regarding the Proposed 2013-2014 Fiscal Year Budget, and further, post a notice of the public hearing in the View News, with a copy of the proposed budget to be available in the Clerk's Office beginning May 14, 2013.

Discussion Ensued

YES: Hurt, Krueger, Shumaker, Abrams, Gilbert, Hicks.
NO: Motion Declared Carried

FIRE AGREEMENT

Discussion

Mike Gildner, City Attorney, briefly updated the council. The Fire Agreement is still in negotiation.

Meijer Grand Opening Donation, Improvements

Discussion

Paul Bueche, City Manager, commented Meijer is donating \$10,000 to city improvements at the Grand Opening. In return for their donation they would like some type of recognition. Mr. Bueche made several recommendations for improvements to Meijer. The council decided to put the money in escrow and make a decision in the next couple months where this would be best used.

Karegnondi Water Project

Discussion

Mayor David Krueger updated that there is a go on the project. They don't think they will have to raise water rates. The project will take 3-4 years to complete. Mayor Krueger asked Mr. Bueche to contact Mr. O'Brien to come speak to the council.

MEETING OPENED TO THE PUBLIC:

None.

REMARKS BY COUNCILMEMBERS:

Councilmember Gilbert commented he wants someone to take a look at the Arby's pylon sign.

Councilmember Shumaker commented on the sewer rates staying the same, and on companies selling insurance for water/sewer lead protection.

Mayor Pro-Tem Abrams commented that he was disappointed on the attendance at the Small Cities Meeting.

Mayor Krueger commented Small Cities Meeting will be here in Swartz Creek, June 5th.

Adjournment

Resolution No. 130513-10

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Hurt

I Move the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 10:00 p.m.

YES: Unanimous Voice Vote.
NO: None. Motion Declared Carried.

David A. Krueger, Mayor

Juanita Aguilar, City Clerk