

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 9/9/2013**

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, Porath, Shumaker.

Councilmembers Absent: None.

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

Others Present: Boots Abrams, Tommy Butler, Lou Fleury, Bud Grimes.

APPROVAL OF MINUTES

Resolution No. 130909-01

(Carried)

Motion Councilmember Porath
Second by Councilmember Shumaker

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting, held Monday, August 26, 2013 to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 130909-02

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Shumaker

I Move the Swartz Creek City Council approves the Agenda, as amended, for the Regular Council Meeting of September 9, 2013, to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 130909-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the City Manager's Report of September 9, 2013, to be circulated and placed on file.

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

Resolution No. 130909-04

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Hurt

I Move that a left turn lane be added on Fortino Drive at Morrish Road, project to be added to the MDOT Safety Projects.

YES: Krueger, Porath, 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:

Boots Abrams and the Swartz Creek Women's Club presented a check for \$800 to the City to be used towards improvements at Winshall Park.

Mayor Krueger presented a Proclamation to Perkin's Library for "Library Card Sign Up Month".

COUNCIL BUSINESS:

Re-Zoning Parcel I.D. No. 58-32-100-006 / 5387 Miller Road / R-1 Residential to NBD Neighborhood Business District

Resolution No. 130909-04

(Failed)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the City of Swartz Creek adopt Ordinance No: 411, as follows:

CITY OF SWARTZ CREEK

ORDINANCE NO. 411

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF SWARTZ CREEK TO ZONE PROPERTY DESCRIBED AS 5387 MILLER ROAD, TAX I.D. NO: 58-32-100-006, FROM R-1 RESIDENTIAL TO NBD, NEIGHBORHOOD BUSINESS DISTRICT

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Amendment of Section 3.00 – Zoning Map

Section 3.00 of the City of Swartz Creek Zoning Ordinance, as it refers to the official zoning map of the city, is hereby amended to indicate that 5387 Miller Road, Tax I.D. No: 58-32-100-006 is to be zoned for Neighborhood Business District.

Section 2. Effective Date.

This ordinance shall be effective on the 7th day of October, 2013.

Moved:
Second:
Voting For:
Voting Against:
Absent:

The Mayor declared the ordinance adopted.

David Krueger, Mayor

Juanita Aguilar, City Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance No. 411 which was enacted by the Swartz Creek City Council at a regular meeting held on the 9TH day of September, 2013.

Juanita Aguilar
City Clerk

Publish Date:
Paper: Swartz Creek View
Effective Date: October 7, 2013

BE IT FURTHER RESOLVED that such rezoning is stipulated and conditioned on the City Council's approval of the final site plan submittal, dated August 30, 2013, and the granting of appeal of the rear yard setback by the Zoning Board of Appeals

Discussion Ensued.

YES: Hicks.
NO: Porath, Shumaker, Abrams, Gilbert, Hurt, Krueger. Motion Failed.

Final Site Plan Approval, Office Use, 5387 Miller Road, Tax I.D. No: 58-32-100-106 / Michael Floria

Resolution No. 130909-05

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Shumaker

I Move the Swartz Creek City Council table the Final Site Plan Approval, Office Use, 5387 Miller Road, Tax I.S. No. 58-32-100-106 / Michael Floria.

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

Qualification Based Selection (Q.B.S.), Engineering Services

Resolution No. 130909-06

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hurt

WHEREAS, the City of Swartz Creek is a Local Governmental Unit and recognized Street Authority eligible to receive funding from the Michigan Department of Transportation and the Federal Highway Administration; and,

WHEREAS, it is the duty of the City of Swartz Creek to provide for the safety of its citizens and in so doing, provide for safely designed, engineered, and constructed public roads, highways, bridges, drainage systems, and other improvements; and

WHEREAS, it is in the best interest of the city to protect people by demanding and insuring that qualified engineers and land surveyors, also known as design professionals, render services which will assist in making construction projects safer for public use; and

WHEREAS, selection of design professionals based upon qualification to perform the required services rather than selection supported solely on price, is more likely to produce a better and safer result; and

WHEREAS, the Michigan Department of Transportation and the Federal Highway Administration the periodic bidding of design professional services for state and federally funded projects and the City of Swartz Creek desires to comply with all such requirements and guidelines with respect to selection of design professionals; and

WHEREAS, the City has adopted a process and developed an RFP that extends for a period of at least three (3) years, at the option of the city, thus eliminating the need to engage in additional selection processes on a project by project basis, and

further, invited 14 firms to submit and advertised in a newspaper of general circulation, the results of which was returns of five interested firms; and

WHEREAS, after reviewing bid returns in open session, the City finds that all submittals meet professional standards and qualifications and further, the City finds that the submitting firms are nearly identical in possessing the services the City seeks and additional consideration was given to the submitting firms for meeting the general needs of the City.

NOW, THEREFORE, BE IT RESOLVED that the Swartz Creek City Council, in compliancy with requirements set forth by Michigan Department of Transportation and the Federal Highway Administration, hereby create a Qualification Based Selection list for professional design, inspection and other engineering services, as follows:

1. Rowe Professional Services
2. Hubble, Roth & Clark Inc.
3. Orchard, Hiltz & McCliment Inc.
4. Wade-Trim Associates Inc.
5. Fleis & Vandenbrink Engineering Inc.

BE IT FURTHER RESOLVED that the City direct the Staff to solicit pricing for various engineering services the City may use or desire, from all five firms, and negotiate if needed, and bring all such findings back to the Council for review.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

Street Usage Permit, Annual School Homecoming Football Parade

Resolution No. 130909-07

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Hicks

I Move the City of Swartz Creek approve the application of the Swartz Creek Student Council to conduct their annual High School Homecoming Parade on Friday, October 4, 2013 from 4:30 pm to 6:30 pm. Parade route as follows:

Fredrick Drive, Southbound to Miller
Miller Westbound to Fairchild
Fairchild Southbound to Middle School

Under the direction and control of the office of the Chief of Police and in accordance with the stipulations and conditions set forth in the permit and application.

Discussion Took Place.

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

City Owned Vacant Lots

(Discussion)

City Manager Bueche updated the City Council on the lots that the City currently owns. Discussion took place as to whether or not to sell the lots.

MEETING OPEN TO PUBLIC

Ed Coon, 7233 Maplecrest, spoke about the possibility of Kal Nemer rebuying lots in Springbrook. Mr. Coon stated that he believes that about 90 percent of the Springbrook residents would object to that happening. Mr. Coon asked for clarification on who owns certain lots in Springbrook.

Jim Florence, 4296 Springbrook, spoke about the properties in Springbrook, stating that he was one of the interested parties that wanted to buy a lot next to his own. Mr. Florence stated that Springbrook Association holds the master deeds to all of the properties and dictates what can be built on them. Mr. Florence spoke about many banks not granting mortgages on homes in Springbrook East and Heritage due to them not being HUD and/or FHA approved. Mr. Florence stated that September is Senior Center Month and they will be celebrating on October 17th from noon to 4pm by having a Health Fair.

Tommy Butler, 40 Somerset, spoke about the intersections of Fortino/Morrish and Morrish/Bristol, stating that he feels that they are dangerous.

REMARKS BY COUNCILMEMBERS:

Councilmember Shumaker stated that Bristol Road is under the jurisdiction of Genesee County. Mr. Shumaker stated that he feels people approach the Bristol/Morrish intersection as if it is a 4-way stop.

Councilmember Porath stated that he agrees that the Bristol/Morrish intersection is dangerous. Mr. Porath asked everyone to remember what happened on 9-11-01.

Councilmember Gilbert spoke about the Morrish Road Bridge, asking how they were planning on repairing it.

Councilmember Hurt stated that he is grateful the City Attorney was at the meeting as he was influenced several times by the attorney's input.

Councilmember Shumaker spoke about the bump shop on Miller Road near Dye Road. Mr. Shumaker stated that he has noticed that sections of fencing have been removed and that they are now encroaching onto City property. Mr. Shumaker asked if posts should be installed there and a letter sent to stop the encroachment.

Mayor Pro-Tem Abrams asked if the traffic lights in front of the SPO plant were going to be removed. Mr. Abrams mentioned that he attended the ribbon cutting at the new Performing Arts Center.

Mayor Krueger spoke about placing a concave mirror on the post across from Fortino and Morrish. Mr. Krueger stated that he felt it would make it easier to see if anyone is coming.

Adjournment

Resolution No. 130909-08

(Carried)

Motion by Councilmember Shumaker
Second by Mayor Pro-Tem Abrams

I Move the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 9:30 p.m.

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

David Krueger, Mayor

Juanita Aguilar, City Clerk