

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 10/27/2014**

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 Adam Zettel, City Clerk Juanita Aguilar, DPS Director Tom Svrcek, City Engineer Lou Fleury.

Others Present: Boots Abrams, Sharon Shumaker, Brent Cole, Bob Plumb, Steve Shumaker, Lou Fleury, Jim Florence, Ron Schultz.

APPROVAL OF MINUTES

Resolution No. 141027-01

(Carried)

Motion by Councilmember Porath
Second by Councilmember Shumaker

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held Monday, October 13, 2014 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. 141027-02

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the Agenda as presented, for the Regular Council Meeting of October 27, 2014, 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. 141027-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hicks

I Move the Swartz Creek City Council accept the City Manager's Report of October 27, 2014, to be circulated and placed on file.

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

MEETING OPENED TO THE PUBLIC

Steve Shumaker, 7446 Country Meadow, stated that he requested more information on the Karegnondi Water Authority appointments. City Manager Zettel stated that our community did not formally approve membership with Karegnondi, but by virtue of being within the interlocal agreement for the county wide system, the Karegnondi was adopted by that entity. Mr. Shumaker spoke about building houses near the DDA area.

Mike Olivo, 5243 Don Shenk, spoke about the police merger. Mr. Olivo mentioned a study he found about other mergers and encouraged the council to look at the study.

COUNCIL BUSINESS

Moratorium on Medical Marijuana Establishments

Resolution No. 141027-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

WHEREAS, the City of Swartz Creek Michigan, by Ordinance, has prohibited the possession or use of marijuana, as well as the sale, display, furnishing, supplying or possession of controlled substance paraphernalia; and

WHEREAS, the use, possession, cultivation, manufacture or sale of marijuana remains a crime under the Laws of the State of Michigan, the United States of America as a Schedule 1 drug under the Michigan Public Health Code and by the Treaty of 1980, entitled: Convention of Psychotropic Substances, and it is illegal to operate a motor vehicle with any amount of THC in an individual's blood system; and

WHEREAS, the people of the State of Michigan by referendum have provided that there shall not be criminal prosecution for the medical use of marijuana in limited and specific ways as provided in MCLA 333.26421 et seq; and

WHEREAS, the City of Swartz Creek passed ordinance number 407 to define and regulate medical marijuana dispensaries and growing facilities; and

WHEREAS, the legislature of the State of Michigan is considering certain legislation, specifically House Bill 4271, that is expected to significantly alter the operations of medical marijuana commercial facilities; and

WHEREAS, the City of Swartz Creek Michigan believes that in light of potential adverse effects upon its citizens, by the use, sale, production, and storage of medical marijuana that could affect the public safety, health and welfare, if certain controls were not placed as to if, where, or how such medical marijuana use is carried out; and

WHEREAS, the Swartz Creek City Council believes that its Ordinances will require amendment to comply with current and proposed legislation, including the Michigan Medical Marijuana Act (MMMA), and to regulate certain conduct by medical marijuana users and their caregivers; and

WHEREAS, the Swartz Creek City Council believes that the location in which medical marijuana caregivers provide care to medical marijuana patients requires regulation to avoid any harmful impact on the citizens by the placement or concentration of medical marijuana caregivers, within the ambit of the Zoning Ordinances of the City of Swartz Creek.

NOW, THEREFORE, BE IT RESOLVED that the Swartz Creek City Council by this Resolution determines to place a moratorium upon the establishment of caregiver facilities, dispensaries, growing facilities, and similar facilities as defined by ordinance 407 and state legislation within its City Limits for a period of one hundred eighty (180) days, to allow the City Council to consider amendments to its Zoning Ordinances and to its Drug Control Ordinances. It is the intent of the City to maintain a land use status quo pending final adoption of any proposed zoning plan or changes regarding Michigan medical marijuana caregivers as defined in MCLA 333.26421 et seq. (MMMA).

BE IT FURTHER RESOLVED that in compliance with section 32.15 of the zoning code for the City of Swartz Creek, this moratorium shall be effective immediately upon publication of this resolution in a newspaper of general circulation, date of publication October 30, 2014.

Moved: Councilmember Hicks
Second: Councilmember Hurt
Voting For: Krueger, Porath, Shumaker, Abrams, Gilbert, Hicks, Hurt
Voting Against: None
Absent: None

The Mayor declared the ordinance adopted.

David A Krueger, Mayor

Juanita Aguilar, City Clerk

CERTIFICATION

The foregoing is a true copy of Resolution No. 141027-04, which was passed by the Swartz Creek City Council at a regular meeting held on the 27th day of October, 2014.

Juanita Aguilar
City Clerk

Publish Date: October 30, 2014
Paper: The Swartz Creek View
Effective Date: October 30, 2014

Discussion Took Place.

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

Local Street Plan Findings by Rowe PSC

Engineer Lou Fleury made a brief presentation on local street plan findings. City Council would like information about options out to city residents.

Miller Road Lot Sale

Resolution No. 141027-05

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hurt

WHEREAS, the City of Swartz Creek owns a certain piece of real property on Miller Road, identified as parcel 58-36-578-018, an out lot, and;

WHEREAS, the city received an unsolicited offer to purchase this property from an adjacent landowner, and;

WHEREAS, the city council and staff, finding this property to be of marginal value to the city and no value to non-adjacent land owners, permitted the formal solicitation of offers from both neighbors with Miller Road frontage, and;

WHEREAS, one offer was received by the stated deadline from an adjacent land owner in the amount of \$1,000, and;

WHEREAS, under the city's land sale policy, the city council finds the sale process and consideration to be in the best interest of the public.

BE IT RESOLVED that the City of Swartz Creek hereby approves the sale of this lot, with the exception of a public easement, to Justin Ellison, for the consideration of \$1,000 in accordance with the quit claim deed attached, subject to combination of this parcel to the adjacent parcel of the buyer.

BE IT FURTHER RESOLVED that said instrument be made available for public inspection in accordance with the city charter.

Discussion Took Place.

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

NO: None. Motion Declared Carried.

Engineering Mitigation Proposal

Resolution No. 141027-06

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Porath

WHEREAS, the city's primary engineer (Rowe PSC) submitted resurfacing projects for Miller Road, including a segment from Morrish to Elms and a segment from Tallmadge to Dye, to the Genesee County Metropolitan Planning Commission for approval in the Traffic Improvement Program; and

WHEREAS, the projects were approved for construction during the 2015 season; and

WHEREAS, the city selected a professional engineer (OHM) to perform preliminary engineering design work for these segments and

WHEREAS, the city must also retain the services of a third party engineer to mitigate any conflicts arising out of the project between OHM and Rowe PSC; and

WHEREAS, prices for the potential scope of work as outlined by the Michigan Department of Transportation were requested from the other three pre-qualified firms on the city's federal aid eligible list, with the lowest price submitted by HRC.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek approves the proposal by HRC for an amount not to exceed \$10,900, with any such work to be done only on an as-needed basis upon the manifestation of a conflict.

BE IT FURTHER RESOLVED, that the City Council directs the staff to amend the budget to reflect expenditures as reflected above within the major street fund.

Discussion Took Place.

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

NO: None. Motion Declared Carried.

Street Usage Permit, Annual Fire Department Christmas Parade

Resolution No. 141027-07

(Carried)

Motion by Councilmember Porath
Second by Councilmember Shumaker

I Move the City of Swartz Creek accept the Chief of Police's recommendation and approve the Swartz Creek Area Fire Department's Street Usage Application to hold an annual Christmas Parade on Saturday, December 6, 2014 from 6:00 PM to 7:00 PM, route, stipulations and conditions as set forth in the application packet, a copy of which is attached hereto, under the direction and control of the office of the Chief of Police.

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

Adopt 2015 FY Fire Budget

Fire Chief Brent Cole made a brief presentation on the Fire Department Budget. Mr. Cole stated that an updated budget will be submitted to show expense of \$291,734.50 for total budget.

Resolution No. 141027-08a

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Shumaker

I Move the City of Swartz Creek approve the 2015 Fiscal Year Swartz Creek Area Fire Department Budget, a copy of which is attached hereto, gross maximum total not to exceed \$300,234.50, and further, appropriate an amount not to exceed \$150,117.25 from the City General Fund, to be paid consummate of the agreement between the City of Swartz Creek and the Township of Clayton, payment being the City's obligation of one-half of the proposed total budget of \$300,234.50.

Resolution No. 141027-08b

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hurt

I Move to amend the amounts on the Fire Budget to reflect correct amounts submitted by the Fire Chief.

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

Resolution No. 141027-08c

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Shumaker

I Move the City of Swartz Creek approve the 2015 Fiscal Year Swartz Creek Area Fire Department Budget, a copy of which is attached hereto, gross maximum total not to exceed \$291,734.50, and further, appropriate an amount not to exceed \$145,867.25 from the City General Fund, to be paid consummate of the agreement between the City of Swartz Creek and the Township of Clayton, payment being the City's obligation of one-half of the proposed total budget of \$291,734.50.

Discussion Took Place.

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

County Water and Sewer Bond Obligations

Resolution No. 141027-09

Motion by Councilmember Shumaker
Second by Mayor Pro-Tem Abrams

WHEREAS, the City of Swartz Creek has a need to pay to the County of Genesee, the sum of \$59,377.60 to meet the bond and principal requirements on all bond obligations for water and sewer facilities in calendar year 2015; and

WHEREAS, the City of Swartz Creek has such an obligation for the retirement of a western trunk sewer extension bond through approximately 2026, and

WHEREAS, there are several means by which the funds can be secured to meet this payment; and

WHEREAS, all various means of securing these funds have been reviewed and considered;

NOW, THEREFORE, BE IT RESOLVED by the City of Swartz Creek that the monies to meet the principal and interest requirements and all bond obligations for water and sewer facilities will be secured from the following funds:

SOURCE OF FUNDS

Funds Already Available	<u>\$59,376.99</u>
Sewer Fund Total	\$59,376.99
Grand Total	\$59,376.99

Discussion Ensued.

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

MEETING OPEN TO THE PUBLIC:

Jim Florence, 4296 Springbrook Drive, spoke about things going on in the City the past weekend. Mr. Florence spoke about the women's club having a craft show that did very well. Mr. Florence talked about an event at the Performing Arts Center and stated that there are brochures available.

REMARKS BY COUNCILMEMBERS:

Councilmember Porath stated that he hoped Councilmember Hurt enjoys his retirement from Council and thanked him for his years of great service. Mr. Porath also thanked Lou Fleury for his presentation. Mr. Porath asked if the council could review the street presentation before it was presented to the public.

Councilmember Shumaker thanked Mr. Hurt for his service, knowledge and abilities. Mr. Shumaker spoke about sidewalk complaints he has received from residents. Mr. Shumaker asked if the sidewalk repair list would be completed this year. Mr. Shumaker spoke about the MDEQ stating that the salt shed is too close to the creek.

Councilmember Hicks stated that it has been wonderful working with Councilmember Hurt.

Councilmember Hurt stated that he is grateful to the voters of Precinct 1 for electing him to represent them on the City Council. Mr. Hurt stated that he hopes that he has served them well. Mr. Hurt stated this experience has shown him how cities work and the complications involved with that. Mr. Hurt stated that the city has one of the best city governments in the state. Mr. Hurt thanked everyone for the cake.

Mayor Pro-Tem Abrams thanked Mr. Hurt for his service. Mr. Abrams stated that Mr. Hurt needed to be replaced on the GAIN committee. Mr. Abrams spoke about Mr. Svrcek being appointed to the Karegnondi committee.

Mayor Krueger thanked Mr. Hurt for all the years and efforts he has put into the council. Mr. Krueger thanked Councilmembers Porath and Gilbert for the picture of the Mayor for the wall in the council chambers. Mr. Krueger reminded everyone when election day is.

Adjournment

Resolution No. 141027-10

(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 9:16 p.m.

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

David A. Krueger, Mayor

Juanita Aguilar, City Clerk