

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 11/24/2014**

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, Krueger, Pinkston, Porath, Shumaker.

Councilmembers Absent: Hicks.

Staff Present: City Manager Adam Zettel, City Clerk Juanita Aguilar, City Treasurer Deanna Korth, DPS Director Tom Svrcek, City Engineer Lou Fleury.

Others Present: Jerry Summers, Bob Plumb, Steve Shumaker, Elaine Tucker, Brigitte Woodbury, Joe Perreault, Boots Abrams, Sharon Shumaker.

APPROVAL OF MINUTES

Resolution No. 141124-01

(Carried)

Motion by Councilmember Porath
Second by Councilmember Gilbert

I Move the Swartz Creek City Council hereby approve the amended Minutes of the Regular Council Meeting held Monday, November 10, 2014 to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 141124-02

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Shumaker

I Move the Swartz Creek City Council approve the Agenda as presented, for the Regular Council Meeting of November 24, 2014, to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 141124-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager's Report of November 24, 2014, to be circulated and placed on file.

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

MEETING OPENED TO THE PUBLIC

Jerry Summers, 4370 Springbrook, asked when the street discussion would begin.

COUNCIL BUSINESS

Fiscal Year 2013-2014 Audit Report

Pam Hill from Plante Moran Accounting Firm, along with Crystal Simpson and Ashley Edmonds, presented the audit results for Fiscal Year 2013-2014.

Resolution No. 141124-04

(Carried)

Motion by Councilmember Gilbert
Second by Mayor Pro-Tem Abrams

I Move the City of Swartz Creek accept the 2013-2014 Fiscal Audit Report prepared by Plante-Moran, a copy of which is attached hereto, and further, direct such to be published, distributed, circulated and placed on file in a manner prescribed by law.

Discussion Took Place.

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

Local Street Plan Findings by Rowe PSC

City Manager Adam Zettel stated that he used several avenues to get information to the public, including a newsletter, facebook, city website, newspaper articles and flyers distributed to local businesses, with very small results in attendance at the Council Meetings. Mr. Zettel stated that he will continue to look for other ways to inform the public about the informational meetings.

Engineer Lou Fleury made a presentation on local street plan findings. Mr. Fleury stated that the presentation is about an asset management plan.

City Manager Zettel explained the long term strategy for fixing the roads.

Mayor Krueger stated that most of the presentation was aimed at a millage assessment. Mr. Krueger asked Engineer Fleury how residents would be able to get to their homes during the road fixes. Mr. Fleury explained different ways to accommodate residents.

Jerry Summers, 4370 Springbrook, spoke about how much the state gives to major roads. Mr. Summers stated that he doesn't drive on any of the local streets and doesn't believe he should pay for them to be fixed. Mr. Summers stated that Springbrook should be excluded from the proposed city levy. Mr. Summers stated that Springbrook residents don't see anything from the city except for the tax bills.

Steve Shumaker, 7446 Country Meadow, referred to the city charter, section 10.1, which specifies that the council has the power to make special assessments should they be needed for public improvements within the city. Mr. Shumaker stated that he believes council should follow the charter and have a special assessment for those who benefit from the improvements. Mr. Shumaker stated that he does not agree that the condo's and manufactured home communities should be levied like everyone else. Mr. Shumaker stated that he should not bear a full share of the improvements when others will be receiving the most benefit. Mr. Shumaker stated that everything that he said at the last meeting was not included in the minutes.

Kevin Welninski, 5372 Worchester, stated that he would be better with a millage as opposed to an assessment. Mr. Welninski asked what happens when his street is back near the bottom of the curve and no maintenance can be done. Mr. Welninski stated that the whole point is to replace, repair and maintain the streets. Mr. Welninski asked for reassurance that the "maintain" portion will be done. Mr. Welninski asked how to keep heavy vehicles out of Winchester Village. Mr. Welninski stated that busses other than for Syring school and special needs students have no reason to be in the village.

Councilmember Shumaker stated that he used to believe that bus routes could be controlled by the police department, and that he has since been advised that is not the case.

Mr. Welninski stated that he does not see the reason that empty busses have to drive through the village.

DPS Director Tom Svrcek stated that he would call the schools and talk to them about it. Mr. Svrcek stated that the schools have been very cooperative in the last couple of years with the busses on the roads. Mayor Krueger suggested that Mr. Welninski attend a school board meeting and speak to the board about the his concerns.

Councilmember Shumaker stated that the turning radius of a bus is much bigger than that of a car and sometimes the busses go over the curbs at intersections and damage the curb.

Mayor Krueger called for a five minute break.

Commission Appointments

Resolution No. 141124-05

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Shumaker

I Move the Swartz Creek City Council concur with the Mayor and City Council appointments as follows:

- | | | |
|-------------------|--|---------------------------|
| #141124-8C | <u>MAYOR RE-APPOINTMENT:</u>
Fire Board, Citizen
Two year term, expiring November 28, 2016 | John Knickerbocker |
| #141124-8D | <u>MAYOR RE-APPOINTMENT:</u>
Genesee County Metropolitan Alliance, Elected official
Two year term, expiring November 28, 2016 | John Gilbert |
| #141124-8E | <u>MAYOR RE-APPOINTMENT:</u>
Genesee County Metropolitan Alliance, Citizen representative
Two year term, expiring November 28, 2016 | Ronald Shultz |
| #141124-8F | <u>MAYOR RE-APPOINTMENT:</u>
Flint Area Narcotics Group, Elected official
Two year term, expiring November 28, 2016 | Rae Lynn Hicks |
| #141124-8G | <u>MAYOR RE-APPOINTMENT:</u>
Flint Area Narcotics Group, Alternate
Two year term, expiring November 28, 2016 | Rick Clolinger |
| #141124-8H | <u>MAYOR APPOINTMENT:</u>
GAIN Auto Theft, Elected official
Two year term, expiring November 28, 2016 | John Gilbert |
| #141124-8I | <u>MAYOR RE-APPOINTMENT:</u>
GAIN Auto Theft, Alternate
Two year term, expiring November 28, 2016 | Rick Clolinger |
| #141124-8J | <u>MAYOR RE-APPOINTMENT:</u>
Small Cities, Delegate
Two year term, expiring November 28, 2016 | David Krueger |
| #141124-8L | <u>MAYOR RE-APPOINTMENT:</u>
Small Cities, Alternate
Two year term, expiring November 28, 2016 | Michael Shumaker |
| #141124-8M | <u>MAYOR RE-APPOINTMENT:</u>
Local Officers Compensation Committee
Remainder of three year term, expiring November 28, 2016 | Robert Plumb |
| #141124-8N | <u>MAYOR RE-APPOINTMENT:</u>
Local Officers Compensation Committee | Ronald Shultz |

Three year term, expiring November 27, 2017

- | | | |
|-------------|---|--------------------------|
| #141124-8O | <u>MAYOR RE-APPOINTMENT:</u>
Local Officers Compensation Committee
Four year term, expiring November 26, 2018 | Patricia Maksymiu |
| #141124-8P | <u>MAYOR APPOINTMENT:</u>
Planning Commission, Elected official
Three-Year Term expiring November 27, 2017 | Dennis Pinkston |
| #141124-8Q | <u>MAYOR RE-APPOINTMENT:</u>
Planning Commission
Three-Year Term expiring November 27, 2017 | Craig Culinski |
| #141124-8R | <u>MAYOR RE-APPOINTMENT:</u>
Water & Waste Advisory Committee
Two-Year Term expiring November 28, 2016 | Thomas Svrcek |
| #141124-8S | <u>MAYOR APPOINTMENT:</u>
Water & Waste Advisory Committee, Alternate
Two-Year Term expiring November 28, 2016 | Adam Zettel |
| #141124-8T | <u>MAYOR RE-APPOINTMENT:</u>
Zoning Board of Appeals
Two-Year Term expiring November 28, 2016 | Curt Porath |
| #141124-8U | <u>MAYOR RE-APPOINTMENT:</u>
Construction Board of Appeals
Two-Year Term expiring November 28, 2016 | Douglas Stephens |
| #141124-8V | <u>MAYOR RE-APPOINTMENT:</u>
Construction Board of Appeals
Two-Year Term expiring November 28, 2016 | Michael Shumaker |
| #141124-8X | <u>MAYOR RE-APPOINTMENT:</u>
Construction Board of Appeals
Two-Year Term expiring November 28, 2016 | Ronald Shultz |
| #141124-8X | <u>MAYOR RE-APPOINTMENT:</u>
911 Consortium
Two-Year Term expiring November 28, 2016 | Adam Zettel |
| #141124-8Y | <u>MAYOR RE-APPOINTMENT:</u>
Street Administrator
Two-Year Term expiring November 28, 2016 | Thomas Svrcek |
| #141124-8Z | <u>MAYOR APPOINTMENT:</u>
Street Administrator, Alternate
Two-Year Term expiring November 28, 2016 | Adam Zettel |
| #141124-8AA | <u>MAYOR APPOINTMENT:</u>
Board of Review, Alternate
Three-Year Term expiring June 30, 2017 | Richard Ballreich |

Discussion took place.

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

Appropriation & Bid Award, Snow Removal

Resolution No. 141124-06

(Carried)

Motion by Councilmember Pinkston
Second by Mayor Pro-Tem Abrams

I Move the City of Swartz Creek accept the low bid of \$290.00 per “push”, for snow removal as per the specifications set forth in the bid package, and award the work to T’s Lawncare & Snow Removal of Swartz Creek, Michigan, for a period ending May 1, 2015, with the stipulation that T’s Lawncare & Snow Removal enter into a contractor’s agreement with the City.

Discussion Ensued.

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

Local Street Engineering (Year 1)

Resolution No. 141124-07

(Carried)

Motion by Councilmember Porath
Second by Mayor Pro-Tem Abrams

I Move the City of Swartz Creek accept the proposal dated November 17, 2014 as submitted by Rowe Professional Services for design and bidding services related to local street improvements for Worchester Drive, Yarmy Drive, and Parkridge Parkway, as well as design and bidding services related to water main replacement on Worchester Drive, with the allocation of such costs to be as follows:

General Fund (101): \$83,779
Water Fund (590): \$20,664

Discussion Took Place.

YES: Krueger, Pinkston, Porath, Shumaker.
NO: Abrams, Gilbert. Motion Declared Carried.

Park Ordinance Repeal/Amendment

Resolution No. 141124-08

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Shumaker

I Move the City of Swartz Creek enact Ordinance #417, an ordinance to repeal Article III of Chapter 11 and to adopt a new Article III of Chapter 11 of the Code of Ordinances in order to more efficiently manage park rules, as follows:

**CITY OF SWARTZ CREEK
ORDINANCE NO. 417**

An ordinance to repeal Article III of Chapter 11 of the Code of Ordinances and to adopt a new Article III of Chapter 11 regarding park rules and regulations.

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Repeal of Article III of Chapter 11.

Article III of Chapter 11 of the Code of Ordinances of the City of Swartz Creek is hereby repealed in its entirety.

Section 2. Adoption of new Article III of Chapter 11.

The City Council hereby adopts a new Article III of Chapter 11 of the Code of Ordinances of the City of Swartz Creek to read as follows:

Article III. Rules and Regulations.

Sec. 11-46. Definition.

For purposes of this ordinance “park” means any area or plat of land owned or operated by the City and which is developed and used for public recreational purposes, including but not limited to, landscaped tracts, picnic grounds, playgrounds, athletic fields, stadiums, camps, foot and bicycle paths, motor vehicle drives, ice rinks and other recreational structures and facilities for the use and benefit of the public.

Sec. 11-47. Park Rules and Regulations.

The City Council may by resolution adopt rules and regulations governing the use of parks, including prohibitions or restrictions on uses and acts within parks.

Section 3. Penalty.

Any person who violates this ordinance or any resolution adopted in accordance with this ordinance shall be responsible for a municipal civil infraction.

Section 4. Effective date.

This Ordinance shall become effective twenty (20) days after publication.

At a regular meeting of the City Council of Swartz Creek held on the 24th day of November, 2014, Mayor Pro-Tem Abrams moved for adoption of the foregoing ordinance

and Councilmember Shumaker supported the motion.

Discussion Ensued.

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

The Mayor declared the ordinance adopted.

David Krueger
Mayor

Juanita Aguilar
City Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance No. 417 which was enacted by the Swartz Creek City Council at a regular meeting held on the 24th day of November, 2014.

Juanita Aguilar
City Clerk

Golf Cart Donation Acceptance

Resolution No. 141124-09

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Pinkston

I Move the City of Swartz Creek accept the donation of a 2000 Yamaha gas powered golf cart by Genesee Valley Meadows golf course, included donated paint services from Woods Collision, said golf cart to be used primarily for public safety purposes within the police department.

Discussion Took Place.

YES: Krueger, Pinkston, Porath, Abrams, Gilbert.
NO: Shumaker. Motion Declared Carried.

Parking Ordinance Amendment

Resolution No. 141124-10

(Carried)

Motion by Councilmember Gilbert

Second by Councilmember Porath

I Move the City of Swartz Creek enact Ordinance #418, an ordinance to amend Section 18-71 of Article III of Chapter 18 of the Code of Ordinances to affirm and bring them into compliance with state law concerning certain alcohol-related driving offenses and the penalties for violations thereof, as follows:

**CITY OF SWARTZ CREEK
ORDINANCE NO. 418**

An ordinance to amend Section 18-71 of Article III of Chapter 18 of the Code of Ordinances to prohibit certain parking on public streets and the penalties for violations thereof.

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Amendment of Section 18-71 of Article III of Chapter 18 of the Code of Ordinances of the City of Swartz Creek.

Section 18-71 of Article III of Chapter 18 of the Code of Ordinances of the City of Swartz Creek is hereby amended by adding "Parking on City Streets from 2 a.m. to 6 a.m." as one of the prohibited offenses, and that the penalty for violations of that offense is \$20.00.

Section 2. Effective Date.

This Ordinance shall take effect twenty (20) days following publication.

At a regular meeting of the City Council of Swartz Creek held on the 24th day of November, 2014, Councilmember Gilbert moved for adoption of the foregoing ordinance and Councilmember Porath supported the motion.

YES: Krueger, Pinkston, Porath, Shumaker, Abrams, Gilbert.

NO: None. Motion Declared Carried.

The Mayor declared the ordinance adopted.

David Krueger
Mayor

Juanita Aguilar
City Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance No. 418 which was enacted by the Swartz Creek

City Council at a regular meeting held on the 24th day of November, 2014.

Juanita Aguilar
City Clerk

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

MEETING OPEN TO PUBLIC:

Steve Shumaker, 7446 Country Meadow, spoke about the park ordinance stating that it seems strange to allow for civil infractions and not list what the actual infraction would be. Mr. Shumaker spoke about the parking ordinance stating that he felt that the council is doing the reverse of what was done with the park ordinance by putting the fees in the ordinance.

REMARKS BY COUNCILMEMBERS:

Councilmember Pinkston asked Mr. Zettel how many lots the city owns on Young and Cardigan Drive. Mr. Zettel stated that the city owns two lots.

Councilmember Gilbert spoke about the snowfall and sidewalk clearing, stating that he found that quite a few sidewalks were cleared off.

Councilmember Shumaker spoke about the lights on the bridge on south Morrish Road stating that they were well done. Mr. Shumaker spoke about the repaired pavilion at Winshall Park stating that the insurance company is not allowed to tell you who your contractor can be and would like it checked in to. Mr. Shumaker asked if the city has a copy of the Michigan Traffic Law and the Michigan Uniform Traffic Control Manual. Mr. Zettel stated that the items are available online or at the city offices.

Mayor Krueger spoke about the police office being re-opened with a new part-time administrative assistant.

Adjournment

Resolution No. 141124-11

(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 9:56 p.m.

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

David A. Krueger, Mayor

Juanita Aguilar, City Clerk