

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 11/09/2015**

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.

Councilmembers Present: Abrams, Krueger, Pinkston, Porath, Shumaker.

Councilmembers Absent: Gilbert, Hicks.

Staff Present: City Manager Adam Zettel, City Clerk Juanita Aguilar.

Others Present: Sharon Shumaker, Bob Plumb, Tommy Butler, Connie King, Troy Medore, Glenda Grable, James Barclay, Dave Alexander.

**MOTION TO EXCUSE**

**Resolution No. 151109-01**

Motion by Mayor Pro Tem Abrams  
Second by Councilmember Shumaker

**I Move** the Swartz Creek City Council hereby excuse Councilmembers Hicks and Gilbert.

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

**APPROVAL OF MINUTES**

**Resolution No. 151109-02**

**(Carried)**

Motion by Councilmember Porath  
Second by Councilmember Pinkston

**I Move** the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held Monday, October 26, 2015 to be circulated and placed on file.

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

**APPROVAL OF AGENDA**

**Resolution No. 151109-03**

**(Carried)**

Motion by Mayor Pro Tem Abrams  
Second by Councilmember Pinkston

**I Move** the Swartz Creek City Council approve the Agenda as amended for the Regular Council Meeting of November 9, 2015, to be circulated and placed on file.

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

### **City Manager's Report**

**Resolution No. 151109-04**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Mayor Pro Tem Abrams

**I Move** the Swartz Creek City Council accept the City Manager's Report of November 9, 2015, including reports and communications, to be circulated and placed on file.

Discussion Ensued.

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

### **MEETING OPENED TO THE PUBLIC**

Tommy Butler, resides at 40 Somerset, commented about an article in The View about the Morrish Road light at Bristol and he thought that at another meeting it was brought up that it wasn't needed. Mayor Krueger responded that there is money for that light, from Meijer, when enough traffic warrants it. Adam Zettel, City Manager commented that the intersection is under jurisdiction of the county, we are going to approach the county about it.

### **PUBLIC HEARING:**

Open 7:23 p.m.

### **Community Development Block Grant Needs**

Adam Zettel, City Manager, described that the city receives by virtue of Genesee County Community Development Block Grant Program a sum of monies every three years, approximately \$40,000.00 and fifteen percent of that can be used for service projects within the city. These are federal funds that have to be used for specific purposes and should be used to benefit low to moderate income areas. The city of Swartz Creek does not any such areas defined by the last census which could create a problem for us in a year or two when we have to figure out how to spend the other eighty-five percent for physical improvements or other investments in the city that would benefit low to moderate income areas. We would like to open it up to the public to see if there are any other ideas

come up on ways to spend this \$5183.00 over three years, to improve the community by servicing qualifying populations. He noted that previous expenditures for the service portion include the senior center. It was also noted that the city considered funding Swartz Creek Cares About Teens afterschool program, but the restrictions were cumbersome. Previous construction projects included the streetscape and parking improvements done in various phases, throughout the downtown. The public was invited to speak on current and prior efforts.

Councilmember Porath commented that is so restrictive. Mayor Krueger also agreed that is very restrictive. James Barclay, resides at 8420 Cappy Lane, wanted to know if it could be used for the monies the DDA is going to spend. Mr. Zettel replied he wasn't sure but it is plausible.

Closed 7:29 p.m.

### **Medical Marijuana Moratorium**

Mayor Krueger asked for public input on this topic. No public comments were made.

### **Parking Ordinance Amendment**

### **Discussion**

Adam Zettel, City Manager, remarked that the city does not allow parking in front lawns. The zoning ordinance doesn't prohibit that and generally it hasn't been a problem. In the last year or so we have been getting a lot of complaints. Included is a draft police ordinance provision. He feels that it is something that needs to be enforced.

Discussion Ensued.

## **COUNCIL BUSINESS**

### **MORATORIUM ON MEDICAL MARIJUANA ESTABLISHMENTS**

**Resolution No. 151109-05**

**(Carried)**

Motion by Councilmember Pinkston  
Second by Mayor Pro Tem Abrams

**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 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 the most recently 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 November 12, 2015.

Discussion Ensued.

Voting For: Porath, Shumaker, Abrams, Krueger, Pinkston.

Voting Against: 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. 151109-05, which was passed by the Swartz Creek City Council at a regular meeting held on the 9<sup>th</sup> day of November, 2015.

\_\_\_\_\_  
Juanita Aguilar  
City Clerk

**Publish Date: November 12, 2015**  
**Paper: The Swartz Creek View**  
**Effective Date: November 12, 2015**

### **CDBG ALLOCATION**

**Resolution No. 151109-06**

**(Carried)**

Motion by Councilmember Porath  
Second by Mayor Pro Tem Abrams

**WHEREAS**, the City of Swartz Creek City Council receives an allocation of Community Development Block Grant Funds from Genesee County on a three year cycle; and

**WHEREAS**, the funds for services can equal up to 15% of the three year allocation for approved and eligible purposes; and,

**WHEREAS**, as a Group 2 community, applications are now being accepted for service projects only; and,

**WHEREAS**, the city council held a public hearing on November 9, 2015 to hear public comment related to the use of such funds,

**NOW, THEREFORE, BE IT RESOLVED THAT** the Swartz Creek City Council dedicate 15% of the three year Community Development Block Grant Distribution, an amount estimated to be \$5,183, to support services, including labor, at the Swartz Creek Area Senior Center, Inc., a recognized non-profit senior citizens center located at 8095 Civic Drive, Swartz Creek, MI 48473.

Discussion Ensued.

YES Shumaker, Abrams, Krueger, Pinkston, Porath.

NO: None. Motion Declared Carried.

### **APPROPRIATION & BID AWARD, SNOW REMOVAL**

**Resolution No. 151109-07**

**(Carried)**

Motion by Mayor Pro Tem Abrams

Second by Councilmember Shumaker

**WHEREAS**, the city solicited sealed bids for plowing and salting services for city-owned lots and sidewalks in 2014 for a period to end on May 1, 2015; and

**WHEREAS**, the approved low bid was submitted by T's Lawncare & Snow Removal of Swartz Creek, Michigan; and

**WHEREAS**, T's Lawncare & Snow Removal has agreed to extend their unit costs through May 1, 2016; and

**WHEREAS**, the city council finds the service adequate and the price competitive and in compliance with the city's bidding policy,

**NOW, THEREFORE BE IT RESOLVED**, that the City of Swartz Creek extend the low bid award 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, 2016.

Discussion Ensued.

YES Abrams, Krueger, Pinkston, Porath, Shumaker.

NO: Motion Declared Carried.

## **DYE ROAD LOT SALES**

**Resolution No. 151109-08**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Mayor Pro Tem Abrams

**WHEREAS**, the City of Swartz Creek owns two vacant, unimproved parcels of real property on Dye Road, identified as parcel 58-29-551-026, and 58-29-551-028, and;

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

**WHEREAS**, the city council decided to offer the properties for sale by means of holding a public auction and as a result received bid totaling \$2,500 and \$3,250, respectively, and;

**WHEREAS**, stated interest in the property was for industrial use, and;

**WHEREAS**, the city, after public review, opted not to zone the properties for industrial use, and;

**WHEREAS**, the potential buyers no longer have an interest in acquiring the parcels,

**NOW, BE IT RESOLVED** that the City of Swartz Creek reject all bids and other offers and direct the city manager to communicate this directive to the successful bidders and the auctioning company.

YES Krueger, Pinkston, Porath, Shumaker, Abrams.

NO: Motion Declared Carried.

## **ZONING BOARD OF APPEALS COMPENSATION**

**Resolution No. 151109-09**

**(Carried)**

Motion by Councilmember Pinkston  
Second by Mayor Pro Tem Abrams

**WHEREAS**, the Zoning Board of Appeals is an adjudicatory board established by state law and appointed by the Swartz Creek City Council to fulfill obligations in accordance with PA 110 of 2006 and the city Code of Ordinances; and

**WHEREAS**, the ZBA members are compensated \$5 per meeting and the chair of the ZBA is compensated \$10 per meeting, and

**WHEREAS**, the City Council can establish and adjust the compensation of the ZBA members in accordance with Zoning Ordinance Section 22.01H, and

**WHEREAS**, the Swartz Creek Local Officers Compensation Commission, at their regular meeting on October 29<sup>th</sup>, recommended an increase to this compensation based upon analysis of comparable pay and consideration of the expenses of conducting business,

**NOW, THEREFORE, BE IT RESOLVED** that the City of Swartz Creek City Council hereby adopts the following compensation table for Swartz Creek Zoning Board of Appeals Members:

Chair:	\$25.00 per meeting
Commissioners:	\$20.00 per meeting

**BE IT FURTHER RESOLVED** that such payment shall be made on a quarterly basis.

Discussion Ensued.

YES Krueger, Pinkston, Porath, Shumaker, Abrams.

NO: None. Motion Declared Carried.

## **MEETING OPEN TO THE PUBLIC:**

Glenda Grable, resides at 4464 Colony Court, she feels that tickets shouldn't be issued for parking on the front lawn. There are situations that are happening and she feels that it should be looked at a little longer.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Porath commented he feels the reason we do have more cars on the front lawn and streets is due to more rentals, which may cause more occupants living in the property.

Councilmember Shumaker commented about a car on Porath’s property parked on an incline working on a car. He also commented that he had to widen his driveway due to the number in his household a while ago. He remarked on signs of loading and unloading on Bristol Road in front of GM Plant and would like them to be evaluated.

Councilmember Pinkston talked about his dirt road and they don’t have anyone parking on the lawn.

Mayor Pro Tem Abrams responded to Mr. Butler’s comment about things going so slow. He stated in regards to direct deposit he would rather have a check. His parking at his house is going to be difficult once family members move in.

Mayor Krueger mentioned that the GM plant put paving stones down with large open areas that allow grass to grow which allows it to be a parking area also.

**MEETING OPEN TO THE PUBLIC:**

Dave Alexander, resides at 5346 Greenleaf Drive, asked if parking tickets were still issued to vehicles parking in streets after 2:00 a.m. Mayor Krueger responded that they are.

Glenda Grable commented that she feels it’s not necessary to issue parking tickets for parking on lawns maybe they could be approached first for the reason why. If the police have been out on several calls for the parking and people aren’t complying then she feels they should be ticketed.

Councilmember Porath mentioned on his street almost every night there is a car parked in the road.

**Adjournment**

**Resolution No. 151109-10**

**(Carried)**

Motion by Mayor Pro Tem Abrams  
Second by Councilmember Shumaker

**I Move** the Swartz Creek City Council adjourn the regular meeting at 8:22 pm.

Unanimous Voice Vote.

---

**David A. Krueger, Mayor**

---

**Juanita, City Clerk**