

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 4/13/2015**

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, Gilbert, Hicks, Krueger, Pinkston, Porath, Shumaker.

Councilmembers Absent: None.

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

Others Present: Ron Schultz, Bob Plumb, Jim Florence, Jennifer Moench, Boots Abrams, Sharon Shumaker, Connie King, Troy Medore, James Barclay.

APPROVAL OF MINUTES

Resolution No. 150413-01

(Carried)

Motion by Councilmember Porath
Second by Mayor Pro-Tem Abrams

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held Monday, March 23, 2015 to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 150413-02

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Hicks

I Move the Swartz Creek City Council approve the Agenda as presented, for the Regular Council Meeting of April 13, 2015, to be circulated and placed on file.

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

City Manager's Report

Resolution No. 150413-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hicks

I Move the Swartz Creek City Council accept the City Manager's Report of April 13, 2015, to be circulated and placed on file.

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

MEETING OPENED TO THE PUBLIC

None.

COUNCIL BUSINESS

FY15 Mid-Year Budget Amendment

Resolution No. 150413-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Gilbert

WHEREAS, Act 621 of P.A. 1978 provides for a uniform budgeting system for local units of government; and

WHEREAS, Act 275 of P.A. of 1980 further prohibits deficit spending by local units of government; and

WHEREAS, the City Council has reviewed the City's 2014 – 2015 Revenue and Expenditure Report through March 2015, and finds that it is not in deficit; however, certain department activity line items may be in deficit; and

WHEREAS, the City Council has received a Budget Amendment Summary and Revenue and Expenditure Reports reflecting proposed changes in budgeted items; and

WHEREAS, new budget amounts necessitate adjustments to the original adopted budget; and

WHEREAS, said supplemental documentation shows the new proposed revenue and expenditures by fund.

THEREFORE BE IT RESOLVED, the Swartz Creek City Council hereby authorizes and directs the city manager to make all necessary mid-year budget adjustment amendments to Fund 101 (General Fund) in accordance with the supplemental documentation (pages 24 to 41) attached.

Discussion Took Place.

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

Consumers Energy Lighting Contract Addition

Resolution No. 150413-05

(Carried)

Motion by Councilmember Gilbert
Second by Mayor Pro-Tem Abrams

WHEREAS, the street lights in the city are owned and operated by Consumers Energy Company (CE), a Michigan utility with principle offices located at One Energy Plaza, Jackson MI, 49201; and

WHEREAS, CE is the sole provider of street lights, electrical delivery, and maintenance on said lights in the County of Genesee, including Swartz Creek City; and

WHEREAS, the operations and terms, including pricing, under which such services are delivered are regulated by the Michigan Public Service Commission; and

WHEREAS, CE supplies street lighting services to the city under a current standard street lighting contract which outlines specific fixture counts and types; and

WHEREAS, this contract has been revised and approved by the city as recently as February 9, 2015; and

WHEREAS, a need for additional street lighting has been identified at 4510 Morrish Road as part of the parking lot improvements; and

WHEREAS, CE is proposing to install one additional decorative light for a cost of \$1,675, plus monthly fees related to ongoing operation and maintenance; and

WHEREAS, an addition to the contract is required to effect this change.

NOW THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council hereby agrees to the proposed addition to the CE street lighting contract, as included in the city council packet for April 13, 2015, and further directs the Mayor to execute said contract.

BE IT FURTHER RESOLVED, the cost for installation shall be appropriated from the Community Development Block Grant parking lot improvement project.

Discussion Ensued.

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

Moratorium on Medical Marijuana Establishments

Resolution No. 150413-06

(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 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 April 23, 2015.

Discussion Ensued.

Moved: Councilmember Pinkston
Second: Mayor Pro-Tem Abrams
Voting For: Shumaker, Abrams, Gilbert, Hicks, Hurt, Krueger, Porath.
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. 150413-06, which was passed by the Swartz Creek City Council at a regular meeting held on the 13th day of April, 2015.

Juanita Aguilar
City Clerk

Publish Date: April 23, 2015
Paper: The Swartz Creek View
Effective Date: April 23, 2015

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

K-9 Donation Acceptance

Resolution No. 150413-07a

(Amended)

Motion by Councilmember Shumaker
Second by Mayor Pro-Tem Abrams

WHEREAS, the City of Swartz Creek operates a K-9 unit within the police department that is supported by the general fund; and

WHEREAS, the existing K-9 is expected to retire within one year; and

WHEREAS, the City Council finds the K-9 program to serve a public purpose and desires to continue to budget resources to support the unit.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek hereby accepts donations from the general public for the purpose of supporting the K-9 program of the Swartz Creek Police Department and directs the finance director to deposit such funds in a dedicated account for said purpose.

Resolution No. 150413-07b

(Carried)

Motion by Councilmember Shumaker
Second by Mayor Pro-Tem Abrams

I Move that “service groups, public groups & organizations” be added after “general public”.

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

Resolution No. 150413-07c

(Carried)

Motion by Councilmember Shumaker
Second by Mayor Pro-Tem Abrams

WHEREAS, the City of Swartz Creek operates a K-9 unit within the police department that is supported by the general fund; and

WHEREAS, the existing K-9 is expected to retire within one year; and

WHEREAS, the City Council finds the K-9 program to serve a public purpose and desires to continue to budget resources to support the unit.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek hereby accepts donations from the general public, service groups, public groups & organizations for the purpose of supporting the K-9 program of the Swartz Creek Police Department and directs the finance director to deposit such funds in a dedicated account for said purpose.

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

Local Street Contingency Options

Discussion

City Manager Zettel gave a brief presentation on what the street repair options are if the ballot question does not pass.

MEETING OPEN TO THE PUBLIC:

Jen Moench, 5030 First Street, wanted to know if we currently have a K9. Adam Zettel, City Manager responded that our dog is getting ready for retirement and we are looking at replacing him with a new dog.

Boots Abrams, 5352 Greenleaf Drive, commented that the Women's Club is having a Rockathon to raise monies for the K9.

REMARKS BY COUNCILMEMBERS:

Councilmember Hicks has had some requests, for a park bench and for a library book station at one of the parks. She also wanted to know what happened with the banners for child abuse. Adam Zettel, City Manager responded that the requester decided not to go ahead with it due to cost.

Councilmember Shumaker commented that Dave's Pizzeria has new owners and Kallas Heating & Cooling moved into the old Doors Galore building. He requested that the trash container in front of the Kallas building be moved so their sign is visible.

Councilmember Porath wanted to thank Connie King (Jan's) for having the save our streets fundraiser there. He also reminded everyone that April 17&18th is the open house at City Hall and asked if everyone could spend some time there. He commented they will need volunteers to go door to door closer to the election.

Councilmember Gilbert commented about the save our street signs.

Mayor Pro Tem Abrams commented about the Mundy Twp. truck, driven by the building inspector, he suggested we buy a city of Swartz Creek sign to put on the truck when he is in the city.

Mayor Krueger is happy for the good weather and hoping it will stay this way.

Adjournment

Resolution No. 150413-08

(Carried)

Motion by Mayor Pro Tem Abrams
Second by Councilmember Shumaker

I Move the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 8:14 p.m.

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

David A. Krueger, Mayor

Juanita Aguilar, City Clerk