

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 4/27/2015**

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, DPS Director Tom Svrcek, City Attorney Mike Gildner.

Others Present: Ron Schultz, Bob Plumb, Jim Florence, Sharon Shumaker, James Barclay, Boots Abrams.

**APPROVAL OF MINUTES**

**Resolution No. 150427-01**

**(Carried)**

Motion by Councilmember Porath  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council hereby approve the corrected Minutes of the Regular Council Meeting held Monday, April 13, 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. 150427-02**

**(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 April 27, 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. 150427-03**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council accept the City Manager's Report of April 27, 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**

### **2015 Law Day Proclamation**

Mayor Krueger read the 2015 Law Day Proclamation and presented it to City Attorney Mike Gildner.

### **Hometown Days Master Resolution**

**Resolution No. 150427-04**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Gilbert

**I Move** the City of Swartz Creek approve Resolutions 150427-8B1 through 150427-8B9, allowing for the various permits relative to the annual Swartz Creek Hometown Days events, Swartz Creek Area Fire Department and Riverbend Striders – Cross Country, to be held beginning Tuesday May 26, 2015 and concluding on Monday June 1, 2015, inclusive of all stipulations and conditions as specified and listed within, including the provision of valid insurance that lists the City of Swartz Creek as an additionally insured party for all events.

## **HOMETOWN DAYS, STREET CARNIVAL, GENERAL STREET & PROPERTY USE PERMITS**

**Resolution No. 150427-8B1**

**I Move** the City of Swartz Creek approve and authorize the Swartz Creek Hometown Days Committees' application for street closing and City property use permits for the following locations:

1. Morrish between Miller and Ingalls-Wade, Carnival Midway.
2. Holland between Miller and Ingalls, Vendor – Carnival.
3. City Lot located at the southwest corner of Miller and Morrish, Carnival – Midway.
4. Ingalls at Holland and Park Land located to the North and Northwest of the intersection of Morrish and Ingalls, Carnival & Midway.
5. City owned property located along the North side of Fortino, West of Morrish Road, Car Show and Radio D.J., general parking.
6. City owned property, 4438 South Morrish Road.
7. City owned property, 4505 Fortino.
8. City owned property, Fortino (Branoff)
9. Fire Hall out lot properties.
10. Use of DPW Yard and Generator.

Street and City property use, unless otherwise indicated, begins Tuesday, May 26, 2015 at 9:00 a.m. until Monday June 1, 2015 at 9:00 A.M., for the purpose of, and authorization to conduct a carnival, vendor/display areas, car show and or other similar events under the following stipulations:

1. Insurance certificate naming the City as insured in the amount not less than \$1,000,000.00 (One-Million Dollars)
2. Written permission from deed holders of any private properties to be used and appropriate insurance certificates naming such parties as additional insured: City of Swartz Creek, John Alexander DBA J&J Services 5280 Morrish Road, Branoff Trusts Fortino Drive 58-35-576-032: William Kincaid 5086 South Morrish: St. Mary's Catholic Church 4413 Morrish Road: Pentecostal Church of God / Family Worship Center 4494 Morrish Road: Mark O'Brien 5099 South Morrish; Swartz Creek Schools 8354 Cappy (High School Middle School); Scott Hoover 8280 Crapo.
3. Sufficient number of portable bathrooms placed and located, and liter control program in accordance and under the approval of Director of Community Services.
4. General approval of the Chief of Police. Traffic control and pedestrian safety plan in accordance with and under the approval of office of Chief of Police.

## **HOMETOWN DAYS, STREET USAGE PERMIT, MOTOR AND PEDESTRIAN PARADE**

### **Resolution No. 150427-8B2**

**I Move** the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committees' application for street closing / usage permit for Saturday, May 30, 2015 from 9:00 a.m. until 12:30 p.m. for purposes of conducting a parade, streets to be used include the high school performing arts center entrance, Miller Rd, and Frederick St under the following stipulations:

1. Insurance certificate naming the City as an additional insured party in the amount not less than \$1,000,000.00 (One Million Dollars).

2. No candy or other objects be thrown or handed from, to or at any vehicle, trailer, float, or similar, and further, that the Hometown Days Committee establish and maintain a list of all participants and/or entries in the parade that identifies a contact person, such contact to be informed by the Hometown Days Committee of the stipulation and motor vehicle code enforcement actions for violations thereof.
3. General approval, and under the direction and control of the Office of the Chief of Police.

## **HOMETOWN DAYS PERMIT, AERIAL FIREWORKS DISPLAY**

### **Resolution No. 150427-8B3**

**I Move** the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committee's application for one fireworks aerial display to be held on Friday, May 29, 2015, at or shortly after dusk, with a cancellation date of Saturday, May 30, 2015, at or shortly after dusk, to be launched from properties directly west of the Swartz Creek Middle School Building, said properties owned by the Swartz Creek School District and Mr. Scott Hoover, under the following stipulations and conditions:

1. Insurance certificate naming the City as insured in an amount to be determined adequate by the City Manager.
2. Written permission from the aforementioned parcel owners along with acceptable insurance certificates naming said parcel owners as additional insured parties, in an amount to be determined adequate by the City Manager.
3. Traffic Control Plan and administration by the Offices of Chief of Police and Director of Community Services.
4. Detailed Plan submitted to and approved by the Fire Chief.
5. All decisions concerning the event and cancellation thereof, if needed, under the direction and control of the Fire Chief.

## **HOMETOWN DAYS PERMIT, OPERATE ENTERTAINMENT TENT**

### **Resolution No. 150427-8B4**

**I Move** the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committee application to operate an entertainment tent with the sale of beer and wine for consumption on the premises, along with live entertainment, to be held on Parcel No. 58-02-200-014, owned by William Kincaid and located 5086 Morrish Road, south of Wade Street, beginning Thursday, May 28, 2015 12:00 PM through Sunday, May 31, 2015, 9:30 PM, under the following stipulations:

1. Michigan Liquor Control Commission Approved Application with appropriate insurance in accordance with the rules of the L.C.C. and naming the City and all other property owners as additional insured parties, in an amount not less than \$1,000,000 (One Million Dollars).

2. Portable bathrooms appropriately located and litter control program in accordance and under the approval of Director of Community Services.
3. Traffic control and pedestrian safety plan in accordance with and under the approval of Office of Chief of Police.
4. Adherence to all L.C.C. stipulations and regulations, state and local laws.
5. No music after 11:00 p.m. Thursday, May 28, 2015 and after 1:30 a.m. on Friday, May 29, 2015 (Saturday Morning), and Saturday May 30, 2015 (Sunday Morning), and Sunday, May 31, 2015, 9:30 PM.
6. Adequate security as approved by the Chief of Police.
7. Adherence to and under the direction and control of the Office of the Chief of Police.

## **HOMETOWN DAYS PERMIT, CEREMONIAL DISCHARGE OF A FIREARM**

### **Resolution No. 150427-8B5**

**I Move** the Swartz Creek City Council, pursuant to section 10-212(3) of the Code of Ordinances, approve and authorize the Swartz Creek Hometown Days Committee to discharge weapons as a part of a military concert and ceremonial military honor guard, to be held at the Swartz Creek High School's outdoor football stadium, on Friday, May 29, 2015, at approximately 9:00 p.m., in conjunction with a concert and aerial fireworks display, with a backup rain date of Saturday, May 30, 2015 at approximately 9:00 p.m. under the following stipulations and conditions:

1. Insurance certificate naming the City as an additional insured party in an amount not less than \$1,000,000.00 (One Million Dollars).
2. The party(ies) discharging the weapon(s) must be a practicing military honor guard trained and capable in the handling of firearms.

## **HOMETOWN DAYS PERMIT, CEREMONIAL DISCHARGE OF A FIREARM**

### **Resolution No. 150427-8B6**

**I Move** the Swartz Creek City Council, pursuant to section 10-212(3) of the Code of Ordinances, approve and authorize the Swartz Creek Hometown Days Committee to discharge weapons in conjunction with a Parade and as a ceremonial military honor guard, to be held along Miller Road on Saturday, May 30, 2015, at approximately 10:00 A.M., under the following stipulations and conditions:

1. Insurance certificate naming the City as an additional insured party in an amount not less than \$1,000,000.00 (One Million Dollars).
2. The party(ies) discharging the weapon(s) must be a practicing military honor guard trained and capable in the handling of firearms.

## **WAIVER OF INSPECTION FEE, HOMETOWN DAYS COMMITTEE**

### **Resolution No. 150427-8B7**

**I Move** the City of Swartz Creek waive the electrical permit inspection fees for the Swartz Creek Hometown Days Committee, in the estimated amount of \$70, for the repair / upgrade of a drop service panel located at 5043 & 5045 Morrish Road.

## **TRAFFIC CONTROL APPROPRIATION**

### **Resolution No. 150427-8B8**

**I Move** the City of Swartz Creek provide traffic control devices to ensure the safety of the public during the duration of the Swartz Creek Hometown Days event and hereby direct the Director of Public Works to order or supply barricades sufficient to do so at a cost not to exceed \$1,750, appropriated to the community promotions department of the general fund.

## **STREET USE PERMIT, ANNUAL 5K ROAD RACE, SWARTZ CREEK CROSS-COUNTRY – RIVERBEND STRIDERS**

### **Resolution No. 150427-8B9**

**I Move** the City of Swartz Creek approve the application for a street usage permit to conduct a 5 kilometer foot road race on Thursday, May 28, 2015, 5:00 PM – 7:00 PM, applicant: the River-Bend Striders - Swartz Creek Cross Country Team, in the care of Mr. Allen Murphy, race to be held in Winchester Village Subdivision, in accordance with the application submitted, under the direction and control of the Chief of Police and contingent upon the provision of valid insurance listing the City of Swartz Creek as an additionally insured party.

Discussion Ensued.

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

## **Assessments: Delinquent Water, Sewer, Weeds & Sidewalks**

### **Resolution No. 150427-05**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Hicks

**I Move** the City of Swartz Creek direct the Treasurer to prepare an audit of all outstanding debts owed to the City for delinquent water, sewer, mowing, sidewalk repairs and further, to cause such debts to be assessed against the property owner of record, in accordance with City Ordinance and State Statute, said debts to be placed against the summer 2015 tax collection roll.

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

**DPW Truck Purchase**

**Resolution No. 150427-06**

**(Carried)**

Motion by Councilmember Pinkston  
Second by Mayor Pro-Tem Abrams

**WHEREAS**, the City of Swartz Creek purchasing ordinance encourages the use of cooperative extended purchasing programs, and;

**WHEREAS**, the City of Swartz Creek desires to purchase one 2015 Ford F250 Super Cab 4x4 pickup truck and by virtue of the size of the city, we cannot purchase such vehicles in a sufficient quantity to allow for a maximum discounted price, and;

**WHEREAS**, the County of Macomb has an extended cooperative purchasing program that is open for use by any governmental agency and has let for bid the specified vehicle, said bid awarded to Signature Ford, 1960 E Main Street, Owosso, Michigan, base price of \$25,249.00, and;

**WHEREAS**, with the addition of the 8.5' plow package, the total cost of the vehicle is \$30,426; and

**WHEREAS**, this vehicle will be purchased to replace a 2003 Dodge pickup truck, VIN: 3D7KU26663G853142.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Swartz Creek recognize Macomb County's Extended Purchasing Program and accept the bid award to Signature Ford, 1960 E Main Street, Owosso, Michigan, and further, appropriate an amount not to exceed \$30,426 for the purchase of a 2015 Ford pickup truck, identified as "T.8" in the Macomb County vehicle bid award list for 2015, funds to be appropriated from 661 Motor Pool.

**BE IT FURTHER RESOLVED**, that the City of Swartz Creek, finding the 2003 pickup truck to be beyond its useful life for the execution of safe and efficient departmental activities, hereby direct and authorize the Director of Public Services to auction this vehicle and related appurtenances (listed below) by means of the Bidcorp.com service.

1. Equipped plow package, including mounts, blade, and all hydraulic, mechanical, and electronic components.

Discussion Took Place.

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

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

None.

## **REMARKS BY COUNCILMEMBERS:**

Councilmember Porath spoke about a plan for the Save Our Streets Committee to hand out brochures and talk to the community on Wednesday and Thursday at 5:30 pm. Mr. Porath spoke about the upcoming election on May 5.

Councilmember Shumaker spoke about a review for reclassification for the North Morrish Road bridge. Mr. Shumaker thanked the staff for having the trash barrel moved on Miller Road so that the new Al Kallas sign could be seen on Miller Road. Mr. Shumaker spoke about the Open House that the city held to inform residents about the proposed street millage. Mr. Shumaker stated that the City Manager should be commended for all of the time and work and professionalism that he put into the Open House.

Councilmember Pinkston spoke about the Save Our Streets Committee sending out postcards to residents, purchasing yard signs & newspaper advertising, Facebook posts, and other ways that they have tried to get the information on the upcoming proposed millage out to residents. Mr. Pinkston invited everyone to come out on Wednesday and Thursday to help hand out flyers.

Councilmember Porath spoke about how great City Manager Zettel did with the Open House and how professional he was with all of the residents. Mr. Porath stated that the City is very lucky to have him as a City Manager.

Mayor Pro-Tem Abrams thanked Councilmember Gilbert for handing out the GAIN report and spoke briefly about it. Mr. Abrams spoke about the new fire truck. Mr. Gilbert informed the council about the public dedication of the fire truck on May 9<sup>th</sup>.

Mayor Krueger thanked everyone who has worked hard on the Save Our Streets promotion. Mr. Krueger stated that members of the committee will be at the polling place on May 5 to promote the millage.

## **Adjournment**

**Resolution No. 150427-07**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Hicks

**I Move** the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 8:02 p.m.

YES: Unanimous Voice Vote.

NO: None. Motion Declared Carried.

---

**David A. Krueger, Mayor**

---

**Juanita Aguilar, City Clerk**