

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 02/08/2016**

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, Finance Director Juanita Aguilar, City Clerk Connie Eskew, City Attorney Charles Boike.

Others Present: Bob Plumb, Tommy Butler, Jim Barclay, Steve Shumaker, Sharon Shumaker, Dennis Cramer, Jim Florence, George Trundle, Steven Long, Jan Elde, Dave Donaldson, Peggy Donaldson, Dave Arceo, Dave Alexander, George Zelenbaba.

APPROVAL OF MINUTES

Resolution No. 160208-01

(Carried)

Motion by Councilmember Porath
Second by Councilmember Gilbert

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held Monday January 25, 2016 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. 160208-02

(Carried)

Motion by Mayor Pro Tem Abrams
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as presented and printed for the Regular Council Meeting of February 8, 2016, 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. 160208-03

(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 February 8, 2016, including reports and communications, to be circulated and placed on file.

Discussion Ensued.

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

Adam Zettel, City Manager introduced Charles Boike, City Attorney, it is his first time meeting with the city and filling in for Mike Gildner. He also introduced Ms. Eskew, the new City Clerk.

MEETING OPENED TO THE PUBLIC

Jan Elde, resident at 3435 Heritage Blvd, representing a group of concerned residents of Heritage Village in regards to their concerns about two medical marijuana grow houses in their community. They have serious concerns about these grow houses: zoning, property values, crime potential, explosion/fires and environmental hazards. She respectfully requested that Swartz Creek City government seriously consider zoning and/ or ordinances which would regulate where these grow houses are established. They would also greatly appreciate regulations prohibiting these grow houses in residential neighborhoods. She asked any or all assistance the city can provide would be greatly appreciated. She also thanked Rae Lynn Hicks, friend and councilmember for her support and encouragement.

City Manager Adam Zettel encouraged residents to call the police if anything appears suspicious, and as far as from a zoning standpoint he doesn't believe we can do much more than what we already have in progress.

City Attorney Charles Boike commended Mrs. Elde for her presentation and agreed with Mr. Zettel statements. He also stated that if an ordinance was adopted it could be challenged, especially with our current moratorium in place.

Peggy Donaldson, resident at 6290 Arlington Dr. spoke with the Building/Zoning Administrator in Fenton with regards to their new ordinances adopted because of medical marijuana houses and how things are improving there because of these changes.

George Zelenbaba, resident at 6291 Arlington Dr. responded that both grow houses are rentals through Mr. Nemer.

City Manager Adam Zettel, remarked that the city will look into some things and see what can be done. He also suggested that the association should look and see if they can make changes as an association.

Mayor Krueger suggested that the association contact FANG, Flint Area Narcotics Group.

Councilmember Hicks commented in regards to environmental issues, fire codes and health codes, and suggested that they keep complaining.

Councilmember Porath suggested the association go and talk to Mr. Nemer about the issue.

George Trundle, resident at 6292 Augusta Dr., questioned if there could be an inspection done.

City Manager Adam Zettel responded that the city may need to consider offering an industrial area that can be used for medical marijuana grow houses, along with looking into an ordinance similar to what Fenton has in place.

Dennis Cramer resides at 5299 Worchester Dr., commented on some of his own personal circumstances. He also wanted to know what the progress was with the KWA.

City Manager Adam Zettel responded that it's ahead of schedule and on budget, but there is some concern that Flint City may not be participating in the KWA.

COUNCIL BUSINESS

MASTER PLAN DRAFT DISTRIBUTION APPROVAL

Resolution No. 160208-04

(Carried)

Motion by Councilmember Hicks
Second Councilmember Gilbert

WHEREAS, the City of Swartz Creek master plan was last revised on February 10, 2010; and

WHEREAS, the Michigan Planning Enabling Act requires a plan to be reviewed every five years in order to maintain its applicability and maximum legal integrity; and

WHEREAS, the City Council directed the planning commission to review and potentially revise the master plan; and

WHEREAS, the planning commission, after hosting workshops, public meetings, and reviewing the existing plan, revised the master plan to include considerations for the following:

1. The closure of Sports Creek Raceway
 2. The construction of Meijer
 3. The continued decrease in taxable values and state revenue sharing
 4. Changes in city staffing levels/services
 5. Changes in demographics and economics
 6. Related changes to the city's land uses and expectations
- ;and,

WHEREAS, the planning commission finalized updates and recommended distribution of the draft plan at their regular meeting on January 5, 2016.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby directs the staff to post and distribute notice of a public hearing to review the master plan, said hearing to be held on April 25, 2016 during the course of business at the regular city council meeting.

BE IT FURTHER RESOLVED, the City Council directs the city manager to distribute the draft master plan prior to said public hearing in accordance with state law.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

CONSUMERS ENERGY LIGHTING CONTRACT ADDITION

Resolution No. 160208-05

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hicks

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 April 13, 2015; and

WHEREAS, a need for additional street lighting has been identified for the public streets within the Springbrook East Condominium Association; and

WHEREAS, CE is proposing to install ten (10) lights for a cost of \$1,000, plus monthly fees related to ongoing operation and maintenance; and

WHEREAS, as a component of the residential development, the installation fees are the responsibility of the developer; and

WHEREAS, the developer has deposited a sufficient sum in an escrow account maintained by the city for this purpose; 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 February 8, 2016, and further directs the Mayor to execute said contract.

BE IT FURTHER RESOLVED, the cost for installation shall be appropriated from the Springbrook East lot sale escrow account, with any unforeseen costs to be withdrawn from the same account or billed to the developer.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

TRANSPORTATION IMPROVEMENT PROGRAM FUND

Resolution No. 160208-06

(Carried)

Motion by Councilmember Pinkston

Second by Mayor Pro Tem Abrams

WHEREAS, the City of Swartz Creek is eligible for Federal Aid funds distributed through the Federal Highway Administration and the Michigan Department of Transportation; and

WHEREAS, the City of Swartz Creek has submitted an application for said funds to support hot mix asphalt roadway rehabilitation on Worchester Drive, from Cappy to Winston at an estimated cost of one hundred seventy-two thousand four hundred seventy-four dollars (\$172,474); and

WHEREAS, the City of Swartz Creek has submitted an application for said funds to support hot mix asphalt roadway rehabilitation on Fairchild Street, from Miller Road to Cappy Lane at an estimated cost of three hundred five thousand one hundred five dollars \$305,105; and

WHEREAS, a local match of no less than 20% is required to obtain federal funding.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek City Council, of the County of Genesee hereby certifies it will provide the estimated thirty-four thousand four hundred ninety-five dollars (\$34,495) for Worchester and sixty-one thousand twenty-one dollars (\$61,021) for Fairchild Street as matching funds for these respective street rehabilitation projects.

Discussion Ensued.

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

MEETING OPEN TO THE PUBLIC:

None.

REMARKS BY COUNCILMEMBERS:

Councilmember Shumaker commented a resident on Worchester Drive wanted to call attention on the free weekly newspaper thrown in driveways and if there are any ordinances regarding this. Councilmember Porath responded that the resident is to call and request that they stop delivery. Councilmember Shumaker appreciates the Heritage Village residents coming in.

Councilmember Hicks wanted to let Jan Elde know she did a good job and commented that nobody would know there was any problem unless someone says something so always say something. She requested at end of minutes if we could put a brief note of pending meetings. She also commented on sign ordinances in regards to these new bright lights used at commercial properties. She mentioned speaking with Officer Paul and he commented that both dogs are doing well.

Councilmember Pinkston mentioned he read an article that NYC council makes \$148,000 a year and wanted everyone to know that a lot of committee's members are working for free.

Mayor Pro Tem Abrams, commented he has served 32 years and wanted to mention about a letter a resident received in regards to water lead line insurance. He commented about open trash burning and calling 911 for non-emergencies.

Mayor Krueger stated that the analysis of the vote on the legalization of medical marijuana found the places that pushed for it were Ann Arbor, Mt. Pleasant and East Lansing. He

also mentioned on the water lead line insurance, that it is legal but he would check on cost for replacement versus paying a monthly insurance cost.

City Manager Adam Zettel wanted to update everyone that a federal judge found that a portion of the GAG order law to be unconstitutional.

Adjournment

Resolution No. 160208-07

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Shumaker

I Move the Swartz Creek City Council adjourn the regular meeting at 8:45 pm.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Eskew, City Clerk