

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 03/14/2016**

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.

Councilmembers Absent: Shumaker.

Staff Present: City Manager Adam Zettel, City Clerk Connie Eskew, Director of Public Service Tom Svrcek.

Others Present: Tommy Butler, Jim Barclay, Steve Shumaker, Bob Plumb, Dennis Cramer, Jim Florence, Boots Abrams, Penny Messer, Sandy Raffaelli, Jim O'Brien, Elaine Tucker, Gerri Bill, Darrell Terpenning, Dave Alexander, Jentery Farmer, Rick Ballreich, Charles Campbell, Dennis Cramer, Carl Carlson.

**Excuse Councilmember Shumaker**

**Resolutions No. 160314-01**

**(Carried)**

Motion by Mayor Pro Tem Abrams  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City council excuse Councilmember Shumaker, he Was called away to fulfill a heavenly obligation.

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

Moment of Silence for Councilmember Shumaker  
Memories of Councilmember Shumaker shared by public and Councilmembers.

**APPROVAL OF MINUTES**

**Resolution No. 160314-02**

**(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 February 22, 2016 to be circulated and placed on file.

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

### **APPROVAL OF AGENDA**

#### **Resolution No. 160314-03**

**(Carried)**

Motion by Mayor Pro Tem Abrams  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the Agenda as presented for the Regular Council Meeting of March 14, 2016, to be circulated and placed on file.

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

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

#### **Resolution No. 160314-04**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council accept the City Manager's Report of March 14, 2016, including reports and communications, to be circulated and placed on file.

Discussion Ensued.

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

### **SWARTZ CREEK WOMENS CLUB**

**Presentation**

The Swartz Creek Women's Club presented Mayor David Krueger with a check of \$500.00 to the Elms Rd. Parks improvements. They also wanted everyone to know there will be a chili dinner at the United Methodist Church Friday, March 12, 2016 4-7 p.m., with all donations going to the Cops in the Park program.

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

Steve Shumaker resides at 7446 Country Meadow, commented in regards to filling the councilmember position.

### **COUNCIL BUSINESS**

## CITY COUNCIL APPOINTMENT

**Resolution No. 160314-05**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Mayor Pro Tem Abrams

**WHEREAS**, City Council Member Michael Shumaker passed away suddenly on March 2, 2016, and;

**WHEREAS**, the City Charter, Section 4.7, requires the seat be filled within thirty days with a qualifying elector, and;

**WHEREAS**, James Florence, a longtime serving member of the planning commission and park board, as well as numerous other community organizations, has volunteered to serve in the capacity as the Fourth Precinct Swartz Creek City Council Member, and;

**WHEREAS**, Mr. Florence has been found to satisfy the criteria to hold office as a City Council Member,

**NOW, BE IT RESOLVED** that the Swartz Creek City Council hereby appoints James Florence to the vacant Fourth Precinct City Council seat of the late Mr. Michael Shumaker, as outlined in the city charter.

**BE IT FURTHER RESOLVED** that City Clerk is directed to administer the oath of office to Mr. Florence and execute other related administrative functions necessary to formalize Mr. Florence's status as a City Council Member prior to the regular meeting of March 28, 2016.

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

NO: None. Motion Declared Carried

**2 Minute Recess** Recess taken to swear in new councilmember James Florence to take seat on the council.

## SPRINGVALE SITE PLAN & SPECIAL LAND USE

Adam Zettel, City Manager informed council that planning commission recommended approval as illustrated in plans with a few conditions noted and informed the council that if any they have any further questions that the owner and his representative are in attendance at meeting to answer.

**Resolution No. 160314-06**

**(Carried)**

Motion by Councilmember Pinkston  
Second by Councilmember Hicks

**WHEREAS**, the city received a proposal to construct a nursing facility on 3.65 acres of vacant land west of Kroger, identified as parcel 58-35-200-007, said land

zoned multiple family (RM-1) with a Planned Unit Development overlay zoning classification, and;

**WHEREAS**, the project is a special land use within the RM-1 district and requires a full site plan review, with an additional approval for the special land use, and;

**WHEREAS**, the planning commission, in reviewing the application materials and review criteria in Zoning Ordinance Sections 8, 20, & 26-30, among other sections, found the proposed site plan for a nursing facility meets the intent of the zoning ordinance, and;

**WHEREAS**, the planning commission, in reviewing the same sections, found that some components of the plan, while not rigidly in compliance with the ordinance, can be waived as part of the application for a Nursing Home facility if circumstances support the legislative intent and other applicable review standards, and;

**WHEREAS**, the city council affirms the findings of the planning commission and hereby determines it reasonable to approve the following waivers:

1. Waiver of setbacks required for RM-1 uses in accordance with 30.09 and acceptance of the proposed setbacks
2. Waiver of the lot coverage requirement of 25% and acceptance of a 28% lot coverage
3. Waiver of the minimum unit size of 350 sq. ft. and acceptance of a minimum unit size of 284 sq. ft.
4. Waiver of the RM-1 requirement limiting building length to 180' and acceptance of the building length as proposed
5. Waiver of the courtyard size requirement for dementia care only and acceptance of the dementia care courtyard as proposed
6. Waiver of landscaping requirements and acceptance of the proposed landscaping with the addition of noted screening, and;

**WHEREAS**, the city council affirms the planning commission findings that the site plan, in conjunction with the special land use, meets all other general and specific standards applicable,

**NOW, BE IT RESOLVED** that the Swartz Creek City Council hereby approves the site plan, dated February 8, 2016, revised March 8, 2016, to the city council, subject to the following conditions:

1. Execution of a Development Agreement that includes, among other standards provisions, provisions for infrastructure investment, necessary easements, and offsite improvements.
2. Approval of the site drainage plan and installation by the Genesee County Drain Commission.
3. Continued compliance with all other applicable federal, state, and local statutes, ordinances, and engineering standards.

**BE IT FURTHER RESOLVED** that the Swartz Creek City Council hereby approves the special land use as illustrated on plans, dated February 8, 2016, revised March 8, 2016, subject to the conditions in this resolution.

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

NO: None. Motion Declared Carried.

**WATER SYSTEM ORDINANCE AMENDMENT**

**Resolution No. 160314-07**

**(Carried)**

Motion by Councilmember Porath  
Second by Mayor Pro Tem Abrams

**WHEREAS**, the City of Swartz Creek owns, operates, and maintains a water distribution system, and

**WHEREAS**, the City has found that access to and use of the system, in lieu of wells, is in the best interest of the public, and

**WHEREAS**, the City Council, finds that the complete and total prohibition of wells in the city could render some residential properties without a viable or reasonable economic use,

**THEREFORE, I MOVE** the City of Swartz Creek ordain:

**ORDINANCE NO. 428**

An ordinance to amend Section 19 of the City of Swartz Creek Code of Ordinances in order to enable the drilling and use of residential water wells under limited circumstances.

**THE CITY OF SWARTZ CREEK ORDAINS:**

**Section 1. Repeal of Section 19.31.g, City Code of Ordinances and replace it with Section 19.31.g, Drilling, Use of Wells Prohibited.**

Section 19.31.g of the City of Swartz Creek Code of Ordinances is hereby to read as follows:

Drilling, use of wells prohibited. The drilling and use thereof of wells, the water from which is intended for human consumption, is prohibited unless all of the following circumstances apply:

1. The proposed use for any new or replacement well is for service to a single family residential structure.
2. The parcel served does not have access to public water main at the right-of-way or private water main established to serve a condominium or other planned project; OR the structure to be served is 500 feet or more from a public or accessible private water main.
3. The parcel served is two acres in size or larger and is recorded on the 2015 assessment roll.
4. The Genesee County Health Department approves the drilling of said well.

If any existing well, after the effective date of this article shall cease to provide potable water, then in that event the premises served by such well shall be connected to the water system as provided in this article. However, under no circumstances shall an existing well be connected, directly or indirectly, with any portion of the system provided by the city.

**Section 2. Repeal of Conflicting Ordinances.**

The City Council hereby repeals all Ordinances or parts of Ordinances in conflict herewith, including Section 19.31.g.

**Section 3. Effective Date.**

This ordinance shall be effective twenty (20) days after publication.

At a regular meeting of the City Council of the City of Swartz Creek held on March 14, 2016, adoption of the foregoing ordinance was moved by Councilmember Porath and supported by Mayor Pro Tem Abrams.

Voting for: Abrams, Gilbert, Hicks, Krueger, Pinkston, Porath, Florence.  
Voting against: None.

The Mayor declared the ordinance adopted.

\_\_\_\_\_  
David A. Krueger  
Mayor

**CERTIFICATION**

The foregoing is a true copy of Ordinance No. 428, which was enacted by the City Council of the City of Swartz Creek at a regular meeting held on March 14, 2016.

\_\_\_\_\_  
Connie Eskew, City Clerk

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

**SEWER DISPOSAL ORDINANCE AMENDMENT**

**Resolution No. 160314-08**

**(Carried)**

Motion by Mayor Pro Tem Abrams  
Second by Councilmember Porath

**WHEREAS**, the City of Swartz Creek owns, operates, and maintains a sewer collection system, and

**WHEREAS**, the City has found that access to and use of the system, in lieu of private sewage disposal systems, is in the best interest of the public, and

**WHEREAS**, the City Council, finds that the complete and total prohibition of private sewage disposal systems in the city could render some residential properties without a viable or reasonable economic use,

**THEREFORE, I MOVE** the City of Swartz Creek ordain:

**ORDINANCE NO. 429**

An ordinance to amend Section 19 of the City of Swartz Creek Code of Ordinances in order to enable the installation and use of residential septic systems under limited circumstances.

**THE CITY OF SWARTZ CREEK ORDAINS:**

**Section 1. Repeal of Section 19.102.4, City Code of Ordinances and replace it with Section 19.102.4, Required Connection to Available Sanitary Sewer.**

Section 19.102.4 of the City of Swartz Creek Code of Ordinances is hereby to read as follows:

The owner of any house, building, structure, premises, or property used for human occupancy, employment, recreation or other purposes, situated within the county and/or the local unit, and abutting on any street, alley or right-of-way, in which there is located, or may in the future be located, a public sewer or combined sewer within 100 feet of the property line, is hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this article, when given official notice to do so, provided that such connection shall not be required to be made less than six months nor more than 18 months after the sewer is made available for connection thereto. An exception shall be made when all of the following apply:

1. The proposed use for any new or replacement private sewage disposal system is for service to a single family residential structure.
2. The parcel served does not have access to public sewer collection line at the right-of-way or private sewer line established to serve a condominium or other planned project; OR the structure to be served is 500 feet or more from a public or accessible private sewer collection line.
3. The parcel served is two acres in size or larger and is recorded on the 2015 assessment roll.
4. The Genesee County Health Department approves the installation of said private sewage disposal system.

## **Section 2. Repeal of Conflicting Ordinances.**

The City Council hereby repeals all Ordinances or parts of Ordinances in conflict herewith, including Section 19-102.4.

## **Section 3. Effective Date.**

This ordinance shall be effective twenty (20) days after publication.

At a regular meeting of the City Council of the City of Swartz Creek held on March 14, 2016, adoption of the foregoing ordinance was moved by Mayor Pro Tem Abrams and supported by Councilmember Porath.

Voting for: Gilbert, Hicks, Krueger, Pinkston, Porath, Florence, Abrams.

Voting against: None.

The Mayor declared the ordinance adopted.

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David A. Krueger  
Mayor

## **CERTIFICATION**

The foregoing is a true copy of Ordinance No. 429, which was enacted by the City Council of the City of Swartz Creek at a regular meeting held on March 14, 2016.

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Connie Eskew, City Clerk

Yes: Gilbert, Hicks, Krueger, Pinkston, Porath, Florence, Abrams.

No: None. Motion Declared Carried.

## **COMMISSION APPOINTMENTS**

**Resolution No. 160314-09**

**(Carried)**

Motion by Councilmember Florence  
Second by Mayor Pro Tem Abrams

**I Move** the Swartz Creek City Council concur with the Mayoral appointments as follows, said terms subject to provisions of the city charter, code of ordinances, state law, and various bylaws (rules and procedures):

**#160314-8D1** **MAYOR RE-APPOINTMENT:**  
Downtown Development Authority  
Four-Year Term Expiring March 31, 2020

**Teresa Spence**

- #160314-8D2 **MAYOR RE-APPOINTMENT:** **Connie King**  
Downtown Development Authority  
Four-Year Term Expiring March 31, 2020
- #160314-8D3 **MAYOR APPOINTMENT:** **Ryan Bueche**  
Park Advisory Board  
Remainder of Three-Year Term Expiring December 31, 2018
- #160314-8D4 **MAYOR RE-APPOINTMENT:** **Robert Plumb**  
Zoning Board of Appeals - Alternate  
Three-Year Term expiring June 30, 2019
- #160314-8D5 **MAYOR RE-APPOINTMENT:** **Kathy Ridley**  
Planning Commission  
Three-Year Term Expiring June 30, 2019
- #160314-8D6 **MAYOR RE-APPOINTMENT:** **Bud Grimes**  
Planning Commission  
Three-Year Term Expiring June 30, 2019
- #160314-8D7 **MAYOR RE-APPOINTMENT:** **Larry Cummings**  
Local Officers Compensation Commission  
Five-Year Term Expiring September 30, 2021
- #160314-8D8 **MAYOR RE-APPOINTMENT:** **Wanda Tyler**  
Board of Review  
Three-Year Term Expiring June 30, 2019
- #160314-8D9 **MAYOR APPOINTMENT:** **Jentery Farmer**  
Planning Commission  
Remainder of Three-Year Term Expiring June 30, 2018
- #160314-8D10 **MAYOR APPOINTMENT:** **Joel McRee**  
Fire Board  
One-Year Term: April 1, 2016 - March 31, 2017

Discussion Ensued.

Yes: Hicks, Krueger, Pinkston, Porath, Florence, Abrams, Gilbert.

No: None. Motion Declared Carried.

## **MUNDY TOWNSHIP BUILDING SERVICES AGREEMENT AMENDMENT**

**Resolution No. 160314-10**

**(Carried)**

Motion by Councilmember Hicks  
Second by Mayor Pro Tem Abrams

**WHEREAS**, the city operates a building services department that performs permitting, reviews, and inspections for building and trade occupations within the city limits ; and

**WHEREAS**, the City Council approved entering into a joint services agreement with Mundy Township on January 27, 2014 to provide such services; and

**WHEREAS**, the city created and implemented a rental registration and inspection program that expands the role of the building official; and

**WHEREAS**, Mundy Township seeks an amendment to provide for the expenses and time required of these expanded services,

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek hereby approves the agreement amendment for joint services with Mundy Township as attached with the condition that the maximum number of rental inspections be changed to 20 per month, and further directs the city manager to execute said amendment.

Discussion Ensued.

Yes: Krueger, Pinkston, Porath, Florence, Abrams, Gilbert, Hicks.  
No: None. Motion Declared Carried.

### **CRACK SEALING BIDS**

**Resolution No. 160314–11**

**(Carried)**

Motion by Councilmember: Gilbert  
Second by Councilmember Hicks

**WHEREAS**, the city's streets are in need of surface treatments as part of the recognized need to apply proper asset management practices to infrastructure assets; and

**WHEREAS**, one of the more fundamental and affordable forms of surface treatment is overband crack sealing, which is generally applied to those street segments that are not in need for more intensive forms of rehabilitation; and

**WHEREAS**, the city conducted a sealed bid process for the application of overband sealant on over three miles of major streets; and

**WHEREAS**, the lowest qualified bid, as submitted by Curbco Inc., includes a cost-per-road-foot proposal and total cost for the application of this treatment; and

**WHEREAS**, the application of this treatment is also desired for Seymour Road; and

**WHEREAS**, the exact quantity of material needed may change due to the impact of the 2016 freeze-thaw cycle,

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek hereby approves the proposal submitted by Curbco, Inc. in the amount of \$15,115.38 to perform overband crack sealing on major streets, including Elms Road (Miller to N. City Limits), Morrish Road (S. City Limits to I-69), and Miller Road (Morrish to N. Seymour).

**BE IT FURTHER RESOLVED** the City of Swartz Creek allocates \$3,801.60 to apply sealant to Seymour Road (Miller to Norbury) and an additional \$4,729.25 to allow a 25% project contingency, resulting in a total allocation of \$23,646.23, funds to be appropriated to the Major Street (202) fund.

Discussion Ensued.

Yes: Pinkston, Porath, Florence, Abrams, Gilbert, Hicks, Krueger.

No: None. Motion Declared Carried.

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

Bob Plumb resident at 37 Somerset, commented on the appointment of Jim Florence and commended the council for their recommendation.

Tommy Butler resident at 40 Somerset, commented on the appointment of Mr. Florence and questioned the appointment and not being elected.

### **REMARKS BY COUNCILMEMBERS:**

Councilmember Pinkston remarked he was going to miss Mike and Jim Florence is a super replacement. He also mentioned that Al Terpenning and his staff were very professional with their presentation at the Planning Commission meeting and this will be a great project for the community.

Councilmember Gilbert commented on Mike Shumaker and he will be missed very much and welcome to Jim Florence.

Councilmember Hicks mentioned of a conversation she had with Mike and thanked Mr. Florence for taking on the position. She would also like something posted on website/newsletter regarding temporary sign ordinance being we are having several elections this year.

Councilmember Porath reminded everyone a week from Wednesday, March 23<sup>rd</sup> the Police Authority will be meeting at night here at City Hall. He also welcomed Mr. Terpenning to the community in regards to the Springvale project.

Councilmember Florence remarked that he and Mike went back along ways and he was always around to help with the community. He also wanted Al Terpenning to know that he wanted to be on the list for his residents. He wanted the council to know it is a pleasure to be here.

Mayor Pro Tem Abrams, remarked on the charter in regards to the appointment. He also mentioned the burma shave signs for the Art in the Park if they could be put in Elms Park. He commented he missed Mike.

Mayor Krueger announced there will be a Police Authority meeting on Wednesday the 23<sup>rd</sup>, and on Tuesday the 22<sup>nd</sup>, the Genesee County Metropolitan Alliance is having an open house here at City Hall 5-7 p.m. and Save our Streets committee meeting is Monday the 21<sup>st</sup>. He wanted to extend his welcome to Mr. Florence.

Tom Svrcek, Director of Public Service wanted to let the council know he finally got a call back in regards to the broken pole on Miller Rd. and hopefully it will be replaced soon.

**Adjournment**

**Resolution No. 160314-12**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Porath

**I Move** the Swartz Creek City Council adjourn the regular meeting at 8:40 pm.

Unanimous Voice Vote.

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**David A. Krueger, Mayor**

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**Connie Eskew, City Clerk**