

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 10/09/2017**

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: Cramer, Florence, Gilbert, Hicks, Krueger, Pinkston, Porath.

Councilmembers Absent: None.

Staff Present: City Manager Adam Zettel, Clerk Connie Eskew, City Attorney Mike Gildner.

Others Present: Lania Rocha, Steve Shumaker, Bob Plumb, Tommy Butler, Steve Long, Lou Fleury, Kim Carlson.

**APPROVAL OF MINUTES**

**Resolution No. 171009-01**

**(Carried)**

Motion by Councilmember Porath  
Second by Mayor Pro Tem Pinkston

**I Move** the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday September 25, 2017, to be circulated and placed on file.

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

**APPROVAL OF AGENDA**

**Resolution No. 171009-02**

**(Carried)**

Motion by Councilmember Cramer  
Second by Councilmember Florence

**I Move** the Swartz Creek City Council approve the Agenda as, amended for the Regular Council Meeting of October 3, 2017, to be circulated and placed on file.

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

## **CITY MANAGER'S REPORT**

**Resolution No. 171009-03**

**(Carried)**

Motion by Councilmember Florence  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council accept the City Manager's Report of October 3, 2017, including reports and communications, to be circulated and placed on file.

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

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

Lou Fleury, Rowe, gave update on the street paving project. November deadline should be met based on where they are at now and assuming weather cooperates. Elms Park updates the trail is ready for paving, asphalt for handicap parking still needs to be done and some sidewalk work still needs done.

Michael Berry, Cougar Electric, wanted to let the council know about his concerns with improper installation of generators and proper permits not being pulled on the installations. He asked the council to do some research and see if permits have been pulled and if they were installed properly. He has seen many installed improperly and is concerned with the safety of homeowners.

Steve Long 5356 Worchester, asked the council to close streets under construction and not allow trick or treating for safety reasons on Halloween. He also voiced his concerns over notices received for street construction work to be done and then it not being done in the time frame notice indicated. He expressed the inconvenience this causes the residents.

### **COUNCIL BUSINESS:**

#### **RESOLUTION TO APPROVE THE SITE PLAN AND SPECIAL LAND USE FOR KFC RESTAURANT AND DRIVE THROUGH AT 7026 MILLER ROAD**

**Resolution No. 171009-04**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Cramer

**WHEREAS**, the city received a proposal to construct a restaurant with drive through on 0.55 acres of vacant land on Miller Road, identified as parcel 58-36-576-001, said land zoned General Business District (GBD) with a Planned Unit Development overlay zoning classification, and;

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

**WHEREAS**, the planning commission found that the project, as a redevelopment of a former gas station with three curb cuts, is being developed in accordance with the intent and concept plan on file for the Planned Unit Development District, 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 restaurant, inclusive of the special land use for drive through, meets the intent of the zoning ordinance, and;

**WHEREAS**, the planning commission found that the site plan in conjunction with the special land use, meets all other general standards applicable for the site plan and special land use, with the following exceptions:

1. Landscaping requirement for seven canopy trees (four provided, plus nine ornamental)
2. Drive through stacking of ten spaces (eight provided), and;

**WHEREAS**, the planning commission, in reviewing the same sections, found that the plan, while not in strict compliance with the specific ordinance requirements for a special land use, finds such special land use requirements to be unnecessary or irrelevant in accordance with Zoning Section 30.09, including:

1. SLU Requirement for a 75' rear yard setback (20' provided)
2. Three drive through delivery spaces (two provided)
3. Two RV/Truck parking spaces (zero provided), and;

**WHEREAS**, the planning commission found that the landscape plan, as submitted, is a more optimized plan in accordance with Zoning Section 28.07 and that the drive through stacking provided is sufficient per the requirements of the applicant per Zoning Section 26.03, and

**WHEREAS**, the engineering reviews are not yet available as it relates to utilities, storm water, and related features, and;

**WHEREAS**, the planning commission recommended approval of the site plan, dated 10/03/2017 (general), 09/19/2017 (landscape) & 09/05/2017 (elevations), to the city council, subject to the following alternate plans, as well as any recommendations of the city engineers:

1. Landscaping provision as illustrated
2. Drive through stacking of eight spaces, and;

**WHEREAS**, the Swartz Creek Planning Commission recommended approval of the special land use to the city council, subject to the following waivers and the recommendations of the city engineers:

1. Waiver of provision a 75' rear yard setback (20' provided)
2. Waiver of provision of one of three drive through delivery spaces
3. Waiver of provision for two RV/Truck parking spaces, and;

**WHEREAS**, the city council concurs with the findings and recommendation of the planning commission.

**NOW, BE IT RESOLVED** that the Swartz Creek City Council hereby recommends approval of the site plan, dated 10/03/2017 (general), 09/19/2017 (landscape) & 09/05/2017 (elevations), subject to the following alternate plans, as well as any recommendations of the city engineers:

1. Landscaping provision as illustrated
2. Drive through stacking of eight spaces.

**BE IT FURTHER RESOLVED** that the Swartz Creek City Council hereby approves the special land use, subject to the following waivers and the recommendations of the city engineers:

1. Waiver of provision a 75' rear yard setback (20' provided)
2. Waiver of provision of one of three drive through delivery spaces
3. Waiver of provision for two RV/Truck parking spaces.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

## **RESOLUTION TO APPROVE THE SITE PLAN FOR THE SPRINGBROOK EAST PHASE II CONDOMINIUM DEVELOPMENT**

**Resolution No. 171009-05**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Cramer

**WHEREAS**, the city received a proposal to continue development of two family housing within an approved Planned Unit Development on property identified as parcel 58-36-400-011, said land zoned Two Family Residential (R-4) with a Planned Unit Development overlay zoning classification, and;

**WHEREAS**, the project is a use permitted as of right that requires a full site plan review, and;

**WHEREAS**, the planning commission found that the project is proposed in accordance with the intent and concept plan on file for the Planned Unit Development District, 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 two family housing to meet the intent of the zoning ordinance, and;

**WHEREAS**, the planning commission found that the site plan, meets all other general standards applicable for the site plan, and;

**WHEREAS**, the engineering reviews are not yet available as it relates to utilities, storm water, and related features, and;

**WHEREAS**, the planning commission recommended approval of the site plan with various contingencies as required and/or enabled by the zoning ordinance, and;

**WHEREAS**, the city council concurs with the findings and recommendation of the planning commission.

**NOW, BE IT RESOLVED** that the Swartz Creek City Council hereby approves the site plan, dated March 24, 2017, and subsequently revised, subject to the following:

1. Submission of amended condominium documents, including a master deed
2. Use of street signs that match those currently used in Springbrook East
3. Approval of street, water, sewer, and storm utilities by the city engineer
4. Issuance of a bond or escrow by the developer sufficient to ensure completion of public utilities noted above, including lighting
5. Compliance of home plans with the residential design standards and any applicable condominium by laws

Discussion Ensued.

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

**RESOLUTION TO APPROVE SERVICES TO PROVIDE IMMEDIATE CLEAN UP AND PARTIAL RESTORATION SERVICES AT 5256 DON SHENK**

**Resolution No. 171009-06**

**(Carried)**

Motion by Mayor Pro Tem Pinkston  
Second by Councilmember Cramer

**WHEREAS**, the city has acquired a residential structure in the community that is in need of repairs and improvement; and

**WHEREAS**, a temporary committee and staff are working to create bid specifications for the home; and

**WHEREAS**, existing conditions of the home, including carpeting, wall coverings, and the existence of debris, make observation of existing conditions difficult and also have the potential to create a hazard; and

**WHEREAS**, the council finds that professional services are needed to mitigate such conditions; and

**WHEREAS**, time is of the essence.

**NOW, THEREFORE, BE IT RESOLVED**, the City of Swartz Creek City Council hereby authorizes the city manager to perform mitigation of the structure at 5256 Don Shenk Drive, per Ordinance Section 2-402, using the services of 1-800-Water Damage per the estimate dated September 30, 2017, costs not to exceed \$7,500.

Discussion Ensued.

YES: Porath, Cramer, Florence, Hicks, Krueger, Pinkston.  
NO: Gilbert. Motion Declared Carried.

**RESOLUTION TO APPROVE PROFESSIONAL SERVICES TO CREATE AND SUBMIT APPLICATION TO THE USDA FOR GRANT AND LOAN ASSISTANCE RELATED TO WATER MAIN REPLACEMENT**

**Resolution No. 171009-07**

**(Carried)**

Motion by Councilmember Porath  
Second by Councilmember Cramer

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

**WHEREAS**, the city is replacing streets, water main, and other public improvements as part of an ongoing investment strategy, and

**WHEREAS**, the city provides local and transmission water main that serves city residents and area residents alike, and

**WHEREAS**, the city may qualify for USDA grant funds and/or low interest loans that would defray some of the expense of providing for this local and regional water main infrastructure, and

**WHEREAS**, application for such grants and loans is an involved process, requiring the technical input of a professional engineer, and

**WHEREAS**, Rowe Professional Services Company, functioning as the city's engineer, delivered a proposal, dated September 28, 2017 to provide such services.

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek City Council accepts the proposal from Rowe in the amount of \$12,812 for the noted services.

**BE IT FURTHER RESOLVED** that the City of Swartz Creek directs the Treasurer to apportion expenses from the water fund.

**BE IT FURTHER RESOLVED**, that the City Council directs the City Manager to execute said proposal on behalf of the city.

Discussion Ensued.

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

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

Tommy Butler 40 Somerset, feels that it would be a disgrace to have Mary Crapo tore down.

## **REMARKS BY COUNCILMEMBERS:**

Councilmember Porath glad to see Mr. Gildner at meeting tonight. He informed council the fire department will not be getting a FEMA grant this year. He requested the speed limit on Morrish Road heading south past 69 be increased. He suggested councilmembers pay get reevaluated. He feels they should get a salary instead of per meeting pay.

Councilmember Cramer glad to hear about KFC putting up a Swartz Creek city sign. He informed everyone there was about 20 people who attended the Bomb Threat Awareness presentation.

Councilmember Florence concerned in regards to the generators installed and possible violations of installation.

Councilmember Hicks thanked the audience tonight for their input, she learned a lot tonight.

Councilmember Gilbert commented on the continuous garage sale at the property on Gateway.

Mayor Pro Tem Pinkston commented it's good to be green.

Mayor Krueger thanked everyone for coming out tonight and he is glad to be back.

## **ADJOURNMENT**

**Resolution No. 171009-08**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Cramer

**I Move** the Swartz Creek City Council adjourn the regular meeting at 8:44 p.m.

Unanimous Voice Vote.

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**David A. Krueger, Mayor**

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**Connie Eskew, City Clerk**