

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 04/09/2018**

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 Chris Stritmatter.

Others Present: Lania Rocha, Bob Plumb, Fay Porath, Steve Shumaker, James Barclay, Tommy Butler, Dave Plumb, Tami Henry, Nate Henry, Brenda Huyck, Lt. Matt Bade.

APPROVAL OF MINUTES

Resolution No. 180409-01

(Carried)

Motion by Councilmember Porath
Second by Councilmember Florence

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday March 26, 2018, to be circulated and placed on file.

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

APPROVAL OF AGENDA

(Carried)

Resolution No. 180409-02

Motion by Councilmember Cramer
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as, printed for the Regular Council Meeting of April 9, 2018, to be circulated and placed on file.

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

CITY MANAGER'S REPORT

Resolution No. 180409-03

(Carried)

Motion by Councilmember Florence
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager's Report of April 9, 2018, 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:

Tami Henry, 6269 Maple Avenue, wasn't in favor of the decision to change the name of Winshall Park.

Nate Henry, 5411 Don Shenk, wasn't in favor of name change of Winshall Park.

Ron Amon, 5193 Greenleaf, he is following up previous complaint he made on the overnight parking of a commercial vehicle on Greenleaf. The vehicle is still an issue.

Mr. Zettel responded that the parking ordinance needs to be looked at and changed.

Lt. Bade recommended strengthening the ordinance.

COUNCIL BUSINESS:

PARKING ORDINANCE

Discussion

Councilmember Florence enforce the law and if it needs strengthened make changes.

Mayor Krueger commented attorney suggested adopting progressively more expensive system of fines.

RESOLUTION TO APPROVE TRAFFIC CONTROL ORDER NUMBER 173, TO PROHIBIT ONSTREET PARKING ON THE WEST SIDE OF WINSTON STREET

Resolution No. 180409-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Cramer

WHEREAS, the city owns and operates a system of major and local streets, including traffic control devices; and

WHEREAS, Chapter 18, Article II of the Swartz Creek City Charter adopts the provisions of the Michigan Manual on Uniform Traffic Control Devices, 2009 Edition; and

WHEREAS, Section 1A.08 of the Michigan Manual on Uniform Traffic Control Devices, 2009 Edition grants local control of the regulation of traffic devices; and

WHEREAS, the street administrator and staff from the Metro Police Department of Genesee County recommend that stopping, standing, and parking be prohibited on the west side and permitted on the east side of Winston.

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek approve Traffic Control Order #173 as a permanent order and direct the staff to place and/or remove signs in accordance with the MUTCD

Discussion Ensued.

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

NO: None. Motion Declared Carried.

******Master Resolution******

MASTER RESOLUTION TO APPROVE VARIOUS PERMITS RELATED TO THE 2018 HOMETOWN DAYS EVENTS

Resolution No. 180409-05

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Porath

WHEREAS, Swartz Creek Hometown Days organization is a recognized charitable entity that operates in Swartz Creek; and

WHEREAS, Hometown Days is seeking permits and approvals to operate an annual festival on private and public grounds within the city, including a parade, carnival, petting zoo, fireworks display, 'beer tent', food/drink vendors, a car show, and numerous other activities; and

WHEREAS, the City Council finds the Hometown Days organization and the event to be beneficial to the public and in good standing; and

WHEREAS, the 20.01.G of Appendix A of the City Code of Ordinances provides for conditions of approval for a festival within the city, provided that the duration is less than 10 days, the operator is a charitable entity, and city council approval is required.

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek hereby approves Resolutions/Motions 180409-5B1 through 180409-5B9, allowing for the various permits related to the annual Swartz Creek Hometown Days festival, to be

held beginning Tuesday, May 29, 2018 and concluding on Monday, June 4, 2018, 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. 180409-05B1

Motion by Councilmember Gilbert
Second by Councilmember Porath

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.
2. Holland between Miller and Ingalls, Vendor – Carnival.
3. City Lot located at the southwest corner of Miller and Morrish, Carnival.
4. Ingalls at Holland and Park Land located to the North and Northwest of the intersection of Morrish and Ingalls, Carnival.
5. City owned property located along the North side of Fortino, West of Morrish Road, Car Show, Vendors, 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. City owned property, 5012 Holland Drive
10. Fire Hall out lot properties.
11. Use of DPW Yard and Generator (access subject to department).

Street and City property use, unless otherwise indicated, begins Tuesday, May 29, 2018 at 9:00 a.m. until Monday June 4, 2018 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, Cooks Diesel 5248 Morrish Road; William Kincaid & Kincaid Properties 5086 South Morrish: St. Mary's Catholic Church 4413 Morrish Road; John Alexander; Pentecostal Church of God / Family Worship Center 4494 Morrish Road; Mark O'Brien 5099 South Morrish; Kallas Heating and Cooling 8077 Miller; Swartz Creek Schools 8354 Cappy (High School Middle

School); Scott Hoover 8280 Crapo; Swartz Creek Area Fire Department; Meijer Great Lakes Limited.

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. Approval by 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. 180409-05B2

I Move the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committees' application for street closing / usage permit for Saturday, June 2, 2018 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. 180409-05B3

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, June 1, 2018, at or shortly after dusk, with a cancellation date of Saturday, June 2, 2018, 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. 180409-05B4

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 31, 2018 12:00 PM through Sunday, June 3, 2018, 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 31, 2018 and after 1:30 a.m. on Friday, June 1, 2018 (Saturday Morning), and Saturday, June 2, 2018 (Sunday Morning), and Sunday, June 3, 2018, 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. 180409-05B5

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, June 1, 2018, at approximately 9:00 p.m., in conjunction with a concert and aerial fireworks display, with a backup rain date of Saturday, June 2, 2018 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. 180409-05B6

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, June 2, 2018, 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. 180409-5B7

I Move the City of Swartz Creek waive the permit fees for the temporary structure (trailer) and electrical permit inspection fees for the Swartz Creek Hometown Days Committee.

TRAFFIC CONTROL APPROPRIATION

Resolution No. 180409-5B8

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.

RESOLUTION TO APPROVE THE POSSESSION OF ANIMALS OTHERWISE PROHIBITED BY ORDINANCE

Resolution No. 180409-5B9

WHEREAS, the festival activities include various animal events and attractions that include animals that are prohibited without approval as outlined in Ordinance Section 3-1.; and

WHEREAS, the Hometown Days Chairperson requested the city council to affirm approval of certain animal events and activities as outlined in a letter dated March 26th, 2018; and

WHEREAS, the City Council finds these activities to be in line with prior events and approvals as part of the routine functions of the festival.

NOW, THEREFORE, BE IT RESOLVED the Swartz Creek City Council hereby authorizes the Whispering Pines Mobile Farm/Petting Zoo, and the Agricultural tent, and related features and animals to operate and be present within the city and for such operation to hereby be incorporated into the festival permit for Hometown Days.

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

MEETING OPENED TO THE PUBLIC:

Tommy Butler, 40 Somerset, commented on the parking ticket issues.

Lt. Bade offered active shooter training to councilmembers if they were interested. He informed everyone that on April 26th at 6 p.m. at Redwood Lodge there is an awards dinner for the Metro Volunteer Program.

Brenda Huyck, representative for Hometown Days committee, thanked the council and invited them to the kickoff dinner.

Nate Henry, 5411 Don Shenk, requested yard parking be included in the changes of the parking ordinance.

REMARKS BY COUNCILMEMBERS:

Councilmember Porath donations are being taken to cover the dinners of award winners at the MVP dinner. He reminded everyone of the Fire Board meeting Monday April 16th.

Councilmember Cramer is looking forward to Hometown Days. He wants everyone to spread the word about the Veterans Wall of Honor at the Cage.

Councilmember Florence he is also looking forward to Hometown Days. He has had a lot of questions in regards to the SCF program.

Councilmember Hicks while walking through Winchester Village she has received a lot of good positive feedback from residents on Worchester in regards to the road construction.

Councilmember Gilbert looking forward to Hometown Days and the parade.

Mayor Pro Tem Pinkston Worchester and Chesterfield look great.

Mayor Krueger by end of week it is supposed to be nice and he's going fishing.

ADJOURNMENT

Resolution No. 180409-06

(Carried)

Motion by Councilmember Porath
Second by Councilmember Gilbert

I Move the Swartz Creek City Council adjourn the regular meeting at 7:49 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Eskew, City Clerk