

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 08/13/2018**

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, Director of Public Services Tom Svrcek, Attorney Mike Gildner.

Others Present: Lania Rocha, Bob Plumb, Fay Porath, Steve Shumaker, Erik & Dawn Jamison, Tommy Butler, Andy Harris, Joe Lawson, Jentery Farmer, Chief Matt Bade.

APPROVAL OF MINUTES

Resolution No. 180813-01

(Carried)

Motion by Councilmember Porath
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday July 23, 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. 180813-02

Motion by Councilmember Cramer
Second by Councilmember Florence

I Move the Swartz Creek City Council approve the Agenda as, printed for the Regular Council Meeting of August 13, 2018, 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. 180813-03

(Carried)

Motion by Councilmember Florence
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager's Report of August 13, 2018, including reports and communications to be circulated and placed on file.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Steve Shumaker, 7446 Country Meadow Drive, remarked on the parking violation ordinance, art proposal on ballot and campaigning at the polls.

COUNCIL BUSINESS:

RESOLUTION TO APPROVE THE SALE AND USE OF VACANT UNITS IN HERITAGE VILLAGE CONDOMINIUM

Resolution No. 180813-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Porath

WHEREAS, the city acquired a total of six vacant units in Heritage Village Condominium, including the following units:

| | |
|--------------------|---------------|
| 3284 Heritage Blvd | 58-30-651-091 |
| 3278 Heritage Blvd | 58-30-651-092 |
| 3270 Heritage Blvd | 58-30-651-093 |
| 3264 Heritage Blvd | 58-30-651-094 |
| 3323 Heritage Blvd | 58-30-651-106 |
| 3329 Heritage Blvd | 58-30-651-107 |

WHEREAS, the city determined that a public purpose existed for obtaining the lots, being control and guarantee for the collection of the special assessment fees, the preservation of property values for the existing homes in the condominium neighborhood and the control over the quality of housing constructed on said units; and

WHEREAS, the city previously found that the long term intent is to sell the lots to recover assessment costs and other administrative costs that may occur and to preserve property values consistent with the findings within this resolution; and

WHEREAS, the city permitted a negotiation between the Heritage Village of Swartz Creek Homeowners Association (HoA), local builders, and city staff to occur with the intent to develop these units in a manner that ensures quality and timely development of housing at a market sale price of each unit; and

WHEREAS, the HoA requested sale of the units to J.W. Morgan Construction, LLC., with certain conditions, as outlined in their statement from July 6, 2017 and the city subsequently resolved to sell two lots to J.W. Morgan Construction, with proceeds to be paid to the HoA; and

WHEREAS, J.W. Morgan Construction has commenced construction on four purchased units and is requesting to purchase two more at the same cost; and

WHEREAS, the City Council resolved to approve specific sales instruments for units 89 and 90 on June 25, 2018, pending a 30 day public inspection period; and

WHEREAS, said inspection time frame is concluded without comment.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby approves the sale and final transaction of units (89 & 90) in Heritage Village to J.W. Morgan Construction, LLC., in accordance with the purchase agreements and quit claim deeds attached.

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

BE IT FURTHER RESOLVED, that the council directs staff to account for the surplus proceeds from said sales with the expectation that such proceeds are allocated and paid to the Heritage Village of Swartz Creek Homeowners Association or the Genesee County Treasurer/Genesee County Land Bank in accordance with applicable law.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE THE SALE AND USE OF 5157 MORRISH ROAD

Resolution No. 180813–05

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Florence

WHEREAS, the City acquired a blighted house located at 5157 Morrish Road, PID 58-01-100-013, through the tax reversion process with the intent of eliminating and preventing blight; and

WHEREAS, the City has found no short or long term public, direct use for this property; and

WHEREAS, the city can recover invested costs for this property but cannot financially gain from the sale of this property; and

WHEREAS, the planning commission directed staff to solicit proposals for use from the general public and adjacent land owners; and

WHEREAS, an adjacent land owner and local home builder submitted proposals for use and purchase of this property; and

WHEREAS, the planning commission recommended that the preferred use is to be the sale to the adjacent home owner as proposed by Michael Vozar, and the city council affirmed this at their regular meeting on June 11, 2018; and

WHEREAS, the city council directed the city manager to engage in negotiations for a sale to Michael Vozar as outlined in the proposal as included in the June 11, 2018 city council packet, with final approval to be by the Swartz Creek City Council, in accordance with the city's land sale policy and city charter; and

WHEREAS, the City Council resolved to approve specific sales instruments for this parcel on June 25, 2018, pending a 30 day public inspection period; and

WHEREAS, said inspection time frame is concluded without comment.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby approves the sale and final transaction of 5157 Morrish Road, identified as PID 58-01-100-013., in accordance with the purchase agreement and quit claim deed attached.

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

BE IT FURTHER RESOLVED, that the council directs staff to account the surplus proceeds from said sales with the expectation that such proceeds are allocated and paid to the Genesee County Treasurer in accordance with applicable law.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE THE SALE AND USE OF VACANT LAND ON WADE STREET

Resolution No. 180813-06

(Carried)

Motion by Mayor Pro Tem Pinkston

Second by Councilmember Cramer

WHEREAS, the City acquired vacant property located at Wade and Second Street, PID 58-01-502-036, through the tax reversion process with the intent of eliminating and preventing blight; and

WHEREAS, the City has found no short or long term public, direct use for this property; and

WHEREAS, the city can recover invested costs for this property but cannot financially gain from the sale of this property; and

WHEREAS, the planning commission directed staff to solicit proposals for use from the general public and adjacent land owners; and

WHEREAS, an adjacent land owner and local home builder submitted proposals for use and purchase of this property; and

WHEREAS, the planning commission recommended that the preferred use is to be residential infill housing as proposed by Woodside Builders, and the city council affirmed this at their regular meeting on June 11, 2018; and

WHEREAS, the city council directed the city manager to engage in negotiations for a sale to Woodside Builders as outlined in the proposal as included in the June 11, 2018 city council packet, with final approval to be by the Swartz Creek City Council, in accordance with the city's land sale policy and city charter; and

WHEREAS, the City Council resolved to approve specific sales instruments for this parcel on June 25, 2018, pending a 30 day public inspection period; and

WHEREAS, said inspection time frame is concluded without comment.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby approves the sale and final transaction of vacant land on Wade Street, identified as PID 58-01-502-036., in accordance with the purchase agreement and quit claim deed attached.

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

BE IT FURTHER RESOLVED, that the council directs staff to account the surplus proceeds from said sales with the expectation that such proceeds are allocated and paid to the Genesee County Treasurer in accordance with applicable law.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE A RELEASE OF ALL CLAIMS AND SETTLEMENT AGREEMENT BETWEEN CAROLINE NASHATKA AND THE CITY OF SWARTZ CREEK

Resolution No. 180813-07

(Carried)

Motion by Councilmember Porath

Second by Councilmember Cramer

WHEREAS, the City of Swartz Creek maintains insurance on and for the use of property, equipment, and services that the City owns and provides; and

WHEREAS, the City of Swartz Creek has been engaged in risk management with the Michigan Municipal League Liability and Property Pool, as serviced by Meadowbrook Insurance Group since 1985; and

WHEREAS, a former employee of the City was involved in an incident in the course of employment with the city on or about July 31, 2016 that resulted in presently pending action in the Circuit Court for the County of Genesee, State of Michigan, Case No. 18-110420-NI before the Honorable Joseph J. Farah, entitled: Caroline Nashatka v. City of Swartz Creek; and

WHEREAS, Meadowbrook Insurance Group and counsel, Plunkett Cooney, have negotiated and recommend approval of a Release of All Claims and Settlement Agreement between the parties; and

WHEREAS, this position is affirmed by the city attorney and staff.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek hereby approves the Release of All Claims and Settlement Agreement as included in the August 13, 2018 city council packet and directs the City Manager to oversee execution of the agreement and resolution of the action to the extent required.

Discussion Ensued.

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

RESOLUTION TO PURCHASE 4X4 TRUCK

Resolution No. 180813-08

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Florence

WHEREAS, the city finds it necessary to replace a 2004 Dodge Ram Pickup Truck with a comparable piece of equipment; and

WHEREAS, the City's Purchasing Ordinance, Chapter 2, Article VI, Section 2-406 provides for and encourages cooperative government purchasing practices; and

WHEREAS, the Director of Public Services has selected a Ford F250 4x4 with plow from the State of Michigan Vehicle Contract; and

WHEREAS, the 2019 Motor Pool Fund has sufficient funds set aside for this planned equipment replacement.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek City approve the purchase of the 2019 Ford Diesel F250 Super Cab 4x4 Pickup with 8' Box and Plow from Signature Ford in the amount of \$38,887 plus associated fees and expenses, to be apportioned from the Motor Pool Fund (661).

BE IT FURTHER RESOLVED, the City of Swartz Creek, finding the 2004 pickup truck to be beyond its useful life for the execution of safe and efficient duties, hereby direct and authorize the Director of Public Services to auction this vehicle and related appurtenances (listed below) by means of the Bidcorp.com or related public auctioning service.

1. 2004 Dodge Ram Truck; VIN 3D7KU26C04G117546

Discussion Ensued.

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

RESOLUTION TO APPROVE CONSUMERS GAS REGULATOR SPECIAL LAND USE

Resolution No. 180813-09

(Carried)

Motion by Councilmember Florence
Second by Councilmember Cramer

WHEREAS, the city received a proposal to install gas regulator utility equipment at 6133 Bristol Road parcel 58-31-526-010, said land zoned Single Family Residential (R-1), and;

WHEREAS, the project is a special land use within the R-1 district and the submission of a site plan sufficient to make findings for review of the special land use was provided, and;

WHEREAS, the planning commission held a public hearing related to this matter at its regular meeting on August 7, 2018, and;

WHEREAS, the planning commission, in reviewing the application materials and review criteria in the Zoning Ordinance, including Article 30, among other sections, made the following findings related to the proposal to place gas regulation equipment at this site:

1. The proposal meets general standards for special land use approval
2. The proposal meets specific standards for special land use approval, and;

WHEREAS, the Swartz Creek City Council agrees with these findings.

NOW, THEREFORE, BE IT RESOLVED that the Swartz Creek City Council hereby approves the special land use application, dated June 27, 2018, with plans dated June of 2016, updated March of 2018.

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

NO: None. Motion Declared Carried.

Break 8:05 p.m. to 8:15 p.m.

RESOLUTION TO APPROVE PROFESSIONAL SERVICES FOR THE DESIGN OF A STREETScape AND FIRST PHASE FOR PARTS OF MILLER ROAD AND HOLLAND SQUARE

Resolution No. 180813-10

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Cramer

WHEREAS, the City of Swartz Creek acquired 5012 Holland Drive from Genesee County and subsequently removed the fuel tanks and above grade structures using financial resources of the Swartz Creek Downtown Development Authority (DDA); and

WHEREAS, Exxon Mobile commenced soil removal and site restoration, making the site available for reuse in line with applicable deed restrictions in 2018; and

WHEREAS, the City Council, at their regular meeting on November 28, 2016, resolved to enable the DDA to coordinate planning and funding of any potential reuse of this site; and

WHEREAS, the DDA has been working with stakeholders that include residents, adjacent land owners, OHM Advisors, staff, and a steering committee to determine the most suitable use of the property; and

WHEREAS, the preferred concepts have resulted in the potential for a streetscape from Holland Drive to Hayes along Miller Road, some available parking at Holland Square, and future phases that include dedicated recreational/public space and buildings/shelters onsite; and

WHEREAS, the adjacent land owners are not currently able or willing to integrate their sites into the finalized Holland Square project; and

WHEREAS, the DDA therefore finds that a flexible approach to constructing the initial streetscape and open space/parking area is beneficial to future site use and integration.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby authorizes the Swartz Creek Downtown Development Authority to begin design engineering for streetscape enhancements to Miller Road and 5012 Holland Drive in accordance with the professional services agreement included in the August 13, 2018 city council packet.

BE IT FURTHER RESOLVED, that any design plans must be approved by the Swartz Creek City Council, after review by the planning commission, prior to the award of any bid for construction.

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

NO: None. Motion Declared Carried.

A RESOLUTION TO APPROVE A NEW LOCATION AND SUPERVISOR FOR THE PARKING VIOLATIONS BUREAU AND TO APPROVE ORDINANCE 433 TO AMEND THE PARKING VIOLATIONS BUREAU PROVISIONS

Resolution No. 180813-11

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Porath

WHEREAS, the City of Swartz Creek maintains ordinances to regulate and enforce parking provisions in public and private spaces, and

WHEREAS, repeat offenders of the city's parking ordinances have been found to diminish the public health and safety of the community, and

WHEREAS, the city desires more effective penalties and disincentives for repeat offenders that violate the city's parking ordinances, and;

WHEREAS, the Metro Police Authority of Genesee County is responsible for identifying and citing vehicles that are in violation of these ordinances, and;

WHEREAS, maintaining the Parking Violations Bureau at the city offices has been found to be inefficient and ineffective, and;

WHEREAS, the City Manager and City Attorney find that transferring the Parking Ordinance Violations Bureau, per Ordinance Section 18-67, to the Metro Police Authority of Genesee County is both desirable and permissible.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council, per Ordinance Section 18-67, hereby establishes the City of Swartz Creek Parking Violations Bureau under the supervision of the Chief of Police of the Metro Police Authority of Genesee County, subject to policies established by the Metro Police Authority of Genesee County, with operational locations located at 8100 Civic Drive, Swartz Creek, Michigan and 5420 Hill 23 Drive, Flint, Michigan.

THEREFORE, I MOVE the City of Swartz Creek ordains:

ORDINANCE NO. 433

An ordinance to amend Article III of Chapter 18 of the Code of Ordinances to prohibit certain parking on public streets and the penalties for violations thereof.

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Amendment of Article III of Chapter 18 of the Code of Ordinances of the City of Swartz Creek by adding thereto a new Section 18-72.

The City Council hereby amends Article III of Chapter 18 of the Code of Ordinances of the City of Swartz Creek by adding thereto a new section, Section 18-72, to read as follows:

Sec. 18-72. Impounding of vehicles; failure to answer parking notices or citations.

(a) The City may impound a vehicle found on public property or on a public street whose owner failed to answer six or more parking violation notices or citations resulting from violations of the Michigan Vehicle Traffic Code. The impoundment may take place whenever the City identifies or encounters the vehicle.

(b) Accrued charges for any parking violation notices or citations owed by the owner shall include any previously incurred fees, fines, costs, or penalties arising out of the ownership or operation of the impounded vehicle, or any other vehicle owned or operated by such person. Accrued charges shall also include previously unpaid and current reasonable charges for impound and storage of the vehicle. The owner shall also pay an impound fee as determined by City Council resolution.

(c) If the owner or operator disputes liability as to the impoundment fees or previously incurred impoundment fees, fines, costs, or penalties, they may have the vehicle released from impoundment by posting a cash deposit equal to the impound fee, the tickets, fines, and costs of towing and storage not to exceed \$500.00, to the City, pending final adjudication of the disputed liability. Upon the posting of the required cash deposit, the City shall execute a release of the vehicle from impoundment and, upon delivery of such release to the operator of the impound lot, the owner's possession of the vehicle shall be restored. If the district court determines that the owner or operator of the vehicle did not fail to answer six or more parking violation notices or citations regarding illegal parking the City shall refund the entire deposit and pay all towing and storage fees. If, however, the owner or operator is determined to have failed to answer the notices or citations, the City shall apply the cash deposit to the fees, fines and costs assessed by the district court, and refund the balance, if any, to the person making the deposit.

Section 2. Effective Date.

This Ordinance shall take effect on October 1, 2018 (a minimum of twenty (20) days following publication).

At a regular meeting of the City Council of Swartz Creek held on the ____ day of _____, 2018, _____ moved for adoption of the foregoing ordinance and _____ supported the motion.

Voting for:

Voting against:

The Mayor declared the ordinance adopted.

David Krueger, Mayor

Connie Eskew, City Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance No. 433 which was enacted by the City Council of the City of Swartz Creek at a regular meeting held on August 13, 2018.

Connie Eskew, City Clerk

Publish Date: _____
Swartz Creek View

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

MEETING OPENED TO THE PUBLIC:

Jentery Farmer, 6287 St. Charles Pass, voting on Tuesday was a fantastic experience, he likes the voting location and setup.

Erik Jamison, 5015 Holland, commended the council on moving forward on Holland Square project.

REMARKS BY COUNCILMEMBERS:

Councilmember Porath the Metro PD open house was enjoyable and well put together. He commended Chief on the open house. Nice to see Mr. Gildner here tonight. The concert series ended with a great year and great weather. He liked that there was police presence at the concerts.

Councilmember Cramer voiced resident concerns such as; a boulevard on Worchester needs some straw put down to help grass, having an arcade in the Creek, the need for a laundromat, and request for radar sign put at Worchester and Daval.

Councilmember Florence has noticed more police presence and still having issues of people running through stop signs.

Councilmember Gilbert where are the police on Miller Road, people are driving too fast. He suggested an officer sit in the Masonic Temple parking lot.

Mayor Pro Tem Pinkston interested in making a donation from the Winchester Village Crime Watch for the purchase of a permanent solar radar sign on Seymour Road near Oakview.

Mayor Krueger has noticed a lot more police presence since Chief Bade has taken over. He likes the new format of the police reports in the council package.

ADJOURNMENT

Resolution No. 180813-12

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Cramer

I Move the Swartz Creek City Council adjourn the regular meeting at 8:55 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Eskew, City Clerk