

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 08/27/2018**

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.

Councilmembers Absent: Porath.

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

Others Present: Lania Rocha, Bob Plumb, Steve Shumaker, Tommy Butler, Jentery Farmer, Doug Stephens., Tabitha Marsh.

EXCUSE COUNCILMEMBER PORATH

Resolution No. 180827-01

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Florence

I Move the Swartz Creek City Council excuse councilmember Porath.

Unanimous Voice Vote.

APPROVAL OF MINUTES

Resolution No. 180827-02

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday August 13, 2018, to be circulated and placed on file.

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

APPROVAL OF AGENDA

(Carried)

Resolution No. 180827-03

Motion by Councilmember Florence
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as, presented and printed for the Regular Council Meeting of August 27, 2018, to be circulated and placed on file.

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

CITY MANAGER'S REPORT

Resolution No. 180827-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager's Report of August 27, 2018, including reports and communications as updated to be circulated and placed on file.

Discussion Ensued.

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

MEETING OPENED TO THE PUBLIC:

Tabitha Marsh, candidate for Circuit Court Judge, introduced herself and gave a brief history of her career and family's long presence in Genesee County.

Doug Stephens, Art in the Park had a good show, close to the same results as last year. Thanked the council and city for their support. The only issue they had is with parking. Would like the city/park board to consider opening up the drive to continue through the park to allow additional entrance/exit at the south parking lot area.

COUNCIL BUSINESS:

RESOLUTION TO APPROVE THE INITIAL SALE INSTRUMENT FOR 5256 DONSHENK

Resolution No. 180827-05

(Denied)

Motion by Councilmember Gilbert
Second by Councilmember Cramer

WHEREAS, the city has acquired a residential structure located at 5256 Don Shenk Drive from the county via the tax reversion process in 2017 for the purpose of blight removal and restoration to improve neighborhood conditions; and

WHEREAS, the city awarded a contract for services to restore the home, including but not limited to roofing, HVAC, floor restoration, basement finishing, landscaping, appliances, various fixtures, and other components, with said services now being substantially complete; and

WHEREAS, the city may recover invested costs upon sale of the residence, but additional proceeds must be turned over to the appropriate county agency; and

WHEREAS, the city invited public offers for purchase in July of 2018, and received a written offer from an interested party; and

WHEREAS, the potential buyer is now offering an alternate purchase instrument in the form of a land contract with \$20,000 down and a total purchase price of \$130,000.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek City Council authorizes staff, in consultation with the city attorney, to complete the land contract agreement with a prevailing interest rate, insurance, and other applicable terms and to then make the completed land contract sale instrument available to the general public, for a period of not less than 30 days, in accordance with the City's Land Sale Policy of April 28, 2014.

BE IT FURTHER RESOLVED the purchase agreement shall be reviewed by the city council subsequent to the review period.

Discussion Ensued.

YES: None.

NO: Pinkston, Cramer, Florence, Gilbert, Hicks, Krueger.
Motion denied.

RESOLUTION TO APPROVE THE LEASE ABATEMENT FOR THE COMMUNICATION TOWER IN ELMS PARK

Resolution No. 180827-06

(Carried)

Motion by Mayor Pro Tem Pinkston
Second by Councilmember Cramer

WHEREAS, the City of Swartz Creek (Landlord) and Nextel West Corp., a Delaware corporation, d/b/a Nextel Communications, entered into that certain Communications Site Lease Agreement (Ground), dated June 16, 2005, as evidenced by that certain Memorandum of Lease, recorded April 16, 2014, as Instrument No. 201404160032238, and ultimately assigned to Tenant f/k/a TowerCo Assets LLC, a Delaware limited liability company, pursuant to that certain Assignment and Assumption of Ground Lease, recorded December 15, 2008, as Instrument No. 200812150081749, both recordings of the Register of Deeds of Genesee County, Michigan, as amended and assigned from time to time (collectively, "Agreement") for Tenant's use of a portion of the real property ("Premises") located at 4127 Elms Road, Swartz Creek, MI 48473 ("Land"), being more particularly described in the attached Exhibit "A";; and

WHEREAS, the tower is currently without an active wireless provider; and

WHEREAS, the Landlord and Tenant desire and intend to amend and supplement the Agreement as provided in the Amendment to Communications Site Lease Agreement (Ground) as included in the city council packet of August 27, 2018; and

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council hereby approves the Amendment to Communications Site Lease Agreement (Ground) as included in the city council packet of August 27, 2018 and further directs the Mayor to execute said agreement on behalf of the City.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPOINTMENT A FIRE BOARD MEMBER AND BOARD OF REVIEW MEMBER

Resolution No. 180827-07

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Gilbert

WHEREAS, the laws of the State of Michigan, the Charter and Ordinances of the City of Swartz Creek, interlocal agreements in which the City of Swartz Creek is a member, and previous resolutions of the city council require and set terms of offices for various appointments to city boards and commissions, as well as appointments to non-city boards and commissions seeking representation by city officials; and

WHEREAS, there exists a vacancy on the Fire Board and a need for an alternate on the Board of Review; and

WHEREAS, said appointments are Mayoral appointments, subject to affirmation of the city council.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council concur with the Mayor and City Council appointments as follows:

#180827-07 MAYORAL APPOINTMENT: Robert Plumb
Board of Review, Citizen
Remainder of a three year term, expiring June 30, 2020

#180827-07 MAYORAL APPOINTMENT: David Spillane
Fire Board, Citizen
Remainder of a one year term, expiring March 31, 2019

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE PROFESSIONAL SERVICES FOR DESIGN, SPECIFICATION CREATION AND ESTIMATION FOR REHABILITATION OF 8002 MILLER ROAD

Resolution No. 180827-08

(Carried)

Motion by Councilmember Florence
Second by Councilmember Cramer

WHEREAS, the city has acquired a commercial structure located at 8002 Miller Road, Parcel ID Number 58-35-576-049, that is in need of repairs and improvement; and

WHEREAS, the structure is occupied by an existing business that leases the bottom floor for retail space; and

WHEREAS, the council finds that it is in the best interest of the economic viability of the structure and surrounding neighborhood to improve the function of the building for the existing retail use and upper floor residential use; and

WHEREAS, the council finds that professional services may be needed to provide advice and to formalize specifications for the renovation of such structure.

NOW, BE IT RESOLVED, the Swartz Creek City Council hereby approves the proposal from NJB Architects, Inc. dated August 20, 2018, as included in the city council packet of August 27, 2018.

BE IF FURTHER RESOLVED, the City Council directs the City Manager to work with the existing occupant to develop and bid specifications for reasonable improvements that are expected to accumulate to a value less than the improved true cash value of the property, with the city council approval required to award any resulting bids for such work.

Discussion Ensued.

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

RESOLUTION TO APPROVE PROFESSIONAL SERVICES FOR ZONING ORDINANCE UPDATES

Resolution No. 180827-09

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Florence

WHEREAS, the City Council, to further the proactive stance of the city as it relates to economic development, is actively engaged in the pursuit of standard Redevelopment Ready Communities certification; and

WHEREAS, during the 2018 review, the State of Michigan Economic and Development Corporation (MEDC) indicated that zoning ordinance changes are required per a zoning audit that the state contractor performed on the city's existing code; and

WHEREAS, the city finds the state contractor to be qualified, knowledgeable, and in the best position to continue with making the specific changes that they recommended; and

WHEREAS, the contractor, CIB Planning, has provided a professional services agreement related to zoning changes that staff and the MEDC find to be a top priority.

NOW THEREFORE, BE IT RESOLVED the City of Swartz Creek approves the professional service agreement with CIB Planning, a copy of which is attached hereto, and apportion a cost not to exceed \$15,000 of general fund dollars to support said service.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE A PARADE PERMIT FOR THE SWARTZ CREEK COMMUNITY SCHOOLS HOMECOMING PARADE ON SEPTEMBER 14, 2018

Resolution No. 180827-10

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hicks

WHEREAS, the City of Swartz Creek owns, operates, and maintains a network of major and local streets; and

WHEREAS, the streets, upon the finding of a public benefit and no unreasonable hardship, may be permitted for closure from time to time as permitted by the city council; and

WHEREAS, the Swartz Creek Community Schools seeks a street closure permit for the annual Homecoming Parade, to commence at 5:00 p.m. on Friday, September 14, 2018; and

WHEREAS, the city council, following the recommendation of the police authority, finds that the application, including insurance, is complete and that this event offers a public benefit without imposing an unreasonable hardship.

NOW, THEREFORE, BE IT RESOLVED that the City of Swartz Creek approves the application of the Swartz Creek Community Schools to conduct their annual High School Homecoming Parade on Friday, September 14, 2018 from 4:45 pm to 6:30 pm. Parade route as follows:

Crapo/Maple, Eastbound to Morrish
Morrish, Northbound to Miller
Miller, Westbound to Fairchild
Fairchild, Southbound to Middle School

Under the direction and control of the Chief of Police (or designee) and in accordance with the stipulations and conditions set forth in the permit and application, including the provision of proper insurance.

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

NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Bob Plumb, 37 Somerset Drive, thanked council for the appointment.

REMARKS BY COUNCILMEMBERS:

Councilmember Cramer inquired on Sharp Funeral Home's progress.

Councilmember Florence the GFWC, Kiwanis, Art Guild and the city helped with Art in the Park and did a great job.

Councilmember Hicks reminded everyone the Park Board meeting is September 5th and encouraged Mr. Stephens to attend and discuss the parking issues they had at Art in the Park.

Mayor Pro Tem Pinkston after reading about the indictment of the Thetford Police Chief is thankful the Metro PD did not accept Thetford Township into the department. He is not sure if he will be at the next council meeting due to surgery.

Mayor Krueger will not be at the next council meeting, he will be out of town. It was a great day for Art in the Park.

ADJOURNMENT

Resolution No. 180827-11

(Carried)

Motion by Councilmember Gilbert
Second by Mayor Pro Tem Pinkston

I Move the Swartz Creek City Council adjourn the regular meeting at 8:50 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Eskew, City Clerk