

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 11/12/2018**

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, Farmer, Gilbert, Hicks, Krueger, Pinkston, Porath.

Councilmembers Absent: None.

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

Others Present: Lania Rocha, Bob Plumb, Steve Shumaker, Steve Long, John & Kathy Knickerbocker, John Wilson, Dawn & Erik Jamison, Andy Harris, Faye Porath.

NOMINATIONS & ELECT MAYOR

Motion No. 181112-01

(Carried)

Nomination of Councilmember Krueger by Councilmember Pinkston for the office of Mayor.

Nomination of Councilmember Hicks by Councilmember Hicks for the office of Mayor.

Motion by Councilmember Cramer
Second by Councilmember Hicks

I Move to close nominations for the Swartz Creek City Council Mayor.

YES: Unanimous Voice Vote.
NO: None. Motion declared carried.

Vote to elect Mayor.

Councilmember	Farmer:	Krueger
Councilmember	Gilbert :	Hicks
Councilmember	Hicks :	Hicks
Councilmember	Krueger:	Krueger
Councilmember	Pinkston:	Krueger
Councilmember	Porath:	Krueger
Councilmember	Cramer:	Krueger

Elected (*Minimum 4 Votes Needed*): Krueger

NOMINATIONS & ELECT MAYOR PRO-TEM

Motion No. 181112-02

(Carried)

Nomination of Councilmember Pinkston by Councilmember Cramer for the office of Mayor Pro-Tem.

Nomination of Councilmember Hicks by Councilmember Hicks for the office of Mayor Pro-Tem.

Motion by Councilmember Cramer
Second by Councilmember Gilbert

I Move to close nominations for the Swartz Creek City Council Mayor Pro-Tem.

YES: Unanimous Voice Vote.
NO: None. Motion declared carried.

Vote to elect Mayor Pro-Tem.

Councilmember	Gilbert :	Hicks
Councilmember	Hicks :	Hicks
Councilmember	Krueger:	Pinkston
Councilmember	Pinkston:	Pinkston
Councilmember	Porath:	Pinkston
Councilmember	Cramer:	Pinkston
Councilmember	Farmer:	Pinkston

Elected (*Minimum 4 Votes Needed*): Pinkston

APPROVAL OF MINUTES

Resolution No. 181112-03

(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 October 22, 2018 to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 181112-04

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as, amended moving item 10F up to 10D for the Regular Council Meeting of November 12, 2018, to be circulated and placed on file.

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

CITY MANAGER'S REPORT

Resolution No. 181112-05

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager's Report of November 12, 2018, including reports and communications as updated to be circulated and placed on file.

Discussion Ensued.

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

MEETING OPENED TO THE PUBLIC:

None.

COUNCIL BUSINESS:

CDBG PUBLIC HEARING

Open 7:32 p.m.

Mr. Zettel informed the public that the city by virtue of being in Genesee County is considered an entitlement community for Community Development Block Grant funds, federal funds that have very specific purpose to develop communities. In past we have had the ability to allocate 15% of our funds to service projects, which historically has been senior center services. Previously the city had geographies, census tracks, which were considered low to moderate income. Funds could be used in those areas to improve the community by eliminating blight or adding useful public features such as streetscapes, sidewalks and other similar investments. So the funds have been used in the past to beautify the entrance to Elms Park as well as the small areas of downtown streetscapes. Those opportunities are no longer available. In the 2010 census none of

the census tracts in the city qualified for low to moderate income anymore. Which means the other 85% of the funds had to be spent in an alternate fashion. Eligible expenses included demolition, which we were able to use once. We have no such eligible properties at this point and time. What we were able to do in the past is give the money to the County Home Program, which is used to help lower income individuals, with required maintenance to their single family house. So we turned over approximately \$25,000 to that program in the past. So we are now in the new three year cycle 2019-2021, of which they earmarked \$28,819 to the city. If we do the 15% allocation to senior center services (\$4,322.85). The other 85% we can reinvest in the Home Program, otherwise we have no qualifying expense for city owned properties that are blighted. It can be directly spent on the senior center. The center does have some qualifying expenses, such as a rear door, drainage issues, and deferred maintenance with the shared parking lot. Mr. Zettel recommends to consider those options of the senior center over investing in the Home Program. Mr. Zettel encourages the public to communicate about past projects such as streetscapes, home demolition, the Home Program and senior center services. He also encourage comments on ways to spend funds on our current allocation of \$28,819.

Mayor David Krueger commented on streetscape improvements. Mr. Zettel responded the improvements would have to be in low to moderate districts, which we have none. Mayor Krueger also commented on using it for firefighting equipment. Mr. Zettel responded that an income survey would have to be done.

Councilmember Farmer asked if the funds could be used on a trail. Mr. Zettel responded the physical improvements would have to be in qualified low to moderate income census tracts which we do not have any.

Councilmember Porath wanted to know if we have to allocate the money tonight. Mr. Zettel responded that we have to create a list only of things that are of interest. Things we do know that qualify are the Home Program, senior center services, and senior center grounds and facilities. It could be possible to do fire equipment acquisition funding, but he would have to look into that.

Mayor Krueger went through the list of possible things the funds could be used for.

Construction projects are: sidewalk improvements, street improvements, water/sewer improvements, improvements to lighting in public spaces, improvements to neighborhood parks/recreational facilities, acquisition of real property, special assessment assistance, construction/rehabilitations of publicly owned buildings (not used for general government), streetscape improvements in neighborhoods/commercial districts, purchase firefighting equipment, demolition and clearance activities and single family housing.

Public service projects are: code enforcement activities, senior programs/services, job training, crime prevention/public safety, education programs and recreational services.

Erik Jamison, business owner, would like to see funds used for purchasing smoke detectors and providing them to the community for free.

Steve Shumaker, resident, suggested using funds for special assessments, thinks using repairing the parking lot at senior center. He also feels using funds for the Home Program is good too.

Public Hearing
Closed 7:52 p.m.

RESOLUTION TO APPROVE THE CITY CDBG ALLOCATION

Resolution No. 181112-06

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Cramer

WHEREAS, the City of Swartz Creek City Council receives an allocation of Community Development Block Grant Funds from Genesee County on a three year cycle, with the next allocation expected to be \$28,819; and

WHEREAS, applications are now being accepted for service projects and construction projects; and,

WHEREAS, projects must meet specific criteria as noted on the pre-application forms, including expenditure in low/moderate income areas, or serving a low/moderate income population while accomplishing a national objective; and,

WHEREAS, the funds for services can equal up to 15% of the three year allocation for approved and eligible purposes; and,

WHEREAS, the city council held a public hearing on November 12, 2018 to hear public comment related to the use of such funds,

NOW, THEREFORE, BE IT RESOLVED THAT the Swartz Creek City Council dedicate 15% of the three year Community Development Block Grant Distribution, an amount estimated to be \$4,322.85, to support services, including labor, at the Swartz Creek Area Senior Center, Inc., a recognized non-profit senior citizens center located at 8095 Civic Drive, Swartz Creek, MI 48473.

BE IT FURTHER RESOLVED THAT the Swartz Creek City Council dedicate 85% of the three year Community Development Block Grant Distribution, an amount estimated to be \$24,496.15, to support the following activities:

1. Senior Centers Construction/ Rehabilitation of publicly owned buildings
(not used for general government)
2. The Home Program

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

NO: None. Motion Declared Carried.

ROAD SALT

Resolution No. 181112-07

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Cramer

WHEREAS, the city finds it necessary to control ice and snow accumulation on public streets and parking areas with the application of road salt during winter months; and

WHEREAS, this process requires approximately 1,100 tons of rock salt during a winter season; 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 Genesee County Road Commission has previously bid and/or negotiated the purchase of rock salt for application to public right-of-ways during those relentless and invasive Michigan winters; and

WHEREAS, the GCRC negotiated a salt price for the coming winter, with year over year increase, with Detroit Salt Company of 12841 Sanders St., Detroit, at a unit cost of \$54.40 per ton, and a cooperative purchasing invitation has been extended to the City from the Genesee County Road Commission on April 17, 2018; and

WHEREAS, the City finds the per-ton cost of \$54.40 to be extremely competitive.

NOW, THEREFORE, I MOVE the City of Swartz Creek City accept the Genesee County Road Commission's cooperative purchasing agreement and appropriate an amount not to exceed \$59,840, plus 10% contingency, for the purchase of rock salt from the Detroit Salt Company, expenses to be distributed proportionate to use at the direction of the City's Treasurer.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE THE SITE PLAN FOR PHASE II OF APPLE CREEK STATION

Resolution No. 181112-08

(Carried)

Motion by Mayor Pro Tem Pinkston
Second by Councilmember Cramer

WHEREAS, the city received a proposal to construct 48 multi-family housing units on vacant land located within the Apple Creek Station housing development, identified as parcels 58-36-300-029 and 58-36-300-030 said land zoned Multiple Family Residential (RM-1), and;

WHEREAS, the project requires site plan approval for a use permitted 'as-of-right', and;

WHEREAS, the planning commission found that the project is being developed in accordance with the intent of the RM-1 zoning district and city master plan, and;

WHEREAS, the planning commission, in reviewing the application materials and review criteria in Zoning Ordinance Sections 8, 20, & 26-29, among other sections, found the proposed site plan meets the intent and objective requirements of the zoning ordinance, 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 conditions at their regular meeting on November 6, 2018, and;

NOW, BE IT RESOLVED that the Swartz Creek City Council hereby approves the site plan, dated 11/09/2018, subject to the following, as well as any recommendations of the city engineers:

1. Amended architectural elevations indicating added face brick
2. Relocation of dumpster off of Gala Drive
3. Administrative allowance for shrub to tree substitution at a 4 to 1 ratio

Discussion Ensued.

Break 8:18 p.m. to 8:28 p.m.

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

NO: None. Motion Declared Carried.

RESOLUTION TO ENTER INTO CLOSED SESSION TO CONSULT WITH AN ATTORNEY REGARDING A SETTLEMENT STRATEGY (ROLL CALL VOTE)

Resolution No. 181112-09

(Carried)

Motion by Councilmember Porath

Second by Councilmember Cramer

WHEREAS, the City of Swartz Creek is party to a potential settlement agreement resulting from specific pending litigation, and;

WHEREAS, the MCL 15.268(d) permits a governing body to enter a closed session to consult with its attorney regarding strategy in connection with this ligation, with the finding that discussion in an open meeting could have a detrimental financial effect on the settlement position of the city.

NOW THEREFORE, BE IT RESOLVED the City of Swartz Creek City Council exit the regular session of the city council and enter into a closed session for the purpose of consultation with its attorney.

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

NO: None. Motion Declared Carried.

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

Resolution No. 181112-10

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Porath

I Move to accept the recommendation of the counsel of Michigan Municipal League in relation to this suit.

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

MEETING OPENED TO THE PUBLIC:

None.

REMARKS BY COUNCILMEMBERS:

Mayor Pro Tem Pinkston commented on the majority leader of the senate is pro horse racing.

Councilmember Cramer noticed the worked on Worchester with the new lights. The Veterans Memorial Service was excellent.

Councilmember Porath welcomed Councilmember Farmer.

Mayor Krueger will be making a number of recommendations for appointees at the next meeting and asked if anyone had recommendations to let him know.

ADJOURNMENT

Resolution No. 181112-11

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Farmer

I Move the Swartz Creek City Council adjourn the regular meeting at 8:54 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Eskew, City Clerk

