

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 10/14/2019**

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, Root.

Councilmembers Absent: Pinkston.

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

Others Present: Lania Rocha, Bob Plumb, Steve Shumaker, Cade Surface, Lisa & David Spillane, Kim Miller, Robert Daavettala, Wanda Tyler, Metro PD Chief Bade, Sara Neeb, Glenda Grable, Maria Green, Nate Henry.

EXCUSE MAYOR PRO TEM PINKSTON

Resolution No. 191014-01

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Gilbert

I Move the Swartz Creek City Council excuse Mayor Pro Tem Pinkston.

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

APPROVAL OF MINUTES

Resolution No. 191014-02

(Carried)

Motion by Councilmember Root
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday September 23, 2019 to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 191014-03

(Carried)

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 October 14, 2019, to be circulated and placed on file.

YES: Hicks, Krueger, Root, Cramer, Farmer, Gilbert.

NO: None. Motion Declared Carried.

CITY MANAGER'S REPORT

Resolution No. 191014-04

(Carried)

Motion by Councilmember Farmer
Second by Councilmember Cramer

I Move the Swartz Creek City Council accept the City Manager's Report of October 14, 2019, including reports and communications to be circulated and placed on file.

Discussion Ensued.

YES: Krueger, Root, Cramer, Farmer, Gilbert, Hicks.

NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Steve Shumaker, 7446 Country Meadow Drive, is unsure how the police agreement will work with Mari Dan. He is glad to see the shelter ordinance and the possibility of a distracting driving ordinance.

Glenda Grable, 4464 Colony Court, updated council on her proposed agreement with Springbrook regarding the fire hydrant.

David Spillane, 6498 Bristol, commented on the Safe Routes to School Project.

Sara Neeb, 8098 Maple, commented on the Safe Routes to School Project.

COUNCIL BUSINESS:

A RESOLUTION TO ESTABLISH A REQUEST FOR FUNDING, DESIGNATE AN AGENT, ATTEST TO THE EXISTENCE OF FUNDS TO CARRY OUT VARIOUS

**INFRASTRUCTURE PROJECTS AND COMMIT TO IMPLEMENTING A
MAINTENANCE PROGRAM FOR INFRASTRUCTURE FUNDED BY THE SAFE
ROUTES TO SCHOOL PROGRAM**

Resolution No. 191014-05

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Cramer

WHEREAS, the Safe Routes to School program, is a federally funded program administered in Michigan by the Michigan Department of Transportation (MDOT); and

WHEREAS, the City of Swartz Creek in partnership with Swartz Creek Community Schools, is applying for funds through MDOT from the Safe Routes to School program to construct certain infrastructure projects throughout the City, including sidewalks, crosswalks, signals, pedestrian bridges, off-street trails, and related features to enable and encourage children to safely walk and bike to school; and

WHEREAS, MDOT requires a formal commitment from the public agency that will be receiving these funds and will be implementing and maintaining these infrastructure projects.

NOW, THEREFORE, BE IT RESOLVED THAT, the City has authorized Adam Zettel, City Manager, to act as agent on behalf of the City to request Safe Routes to School funding, to act as the applicant's agent during the project development, and to sign a project agreement upon receipt of a funding award.

BE IT FURTHER RESOLVED THAT, the City attests to the existence of, and commits to, the funds necessary to carry out the project, including engineering for design and construction, permit fees, administration costs, and cost overruns.

BE IT FURTHER RESOLVED THAT, the City commits to owning operating, funding and implementing a maintenance program over the design life of the facilities constructed with Safe Routes to School funding.

Discussion Ensued.

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

Break 7:55 pm to 8:01 pm

**A RESOLUTION TO AMEND SECTION 4 OF THE CODE OF ORDINANCES BY
ADDING SECTION 4, ARTICLE 5 SEVERE WEATHER PROTECTION SHELTER**

Resolution No. 191014-06

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Farmer

WHEREAS, the City of Swartz Creek maintains police power over various building, trade, and property maintenance codes related to maintaining the health, safety, and welfare of the public, and

WHEREAS, the need for severe weather protection shelters is pronounced in Genesee County, Michigan.

NOW, THEREFORE, I MOVE the City of Swartz Creek ordains:

**CITY OF SWARTZ CREEK
ORDINANCE NO. 444**

An ordinance to amend Chapter 4 of the Code of Ordinances by adding Section 4, Article 5, entitled "Severe Weather Protection Shelter."

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Amendment of Chapter 4 of the Code of Ordinances.

The City hereby amends Chapter 4 of the Code of Ordinances of the City of Swartz Creek by adding Section 4, Article 5, entitled "Severe Weather Protection Shelter" to read as follows:

Sec. 4-51. - Title.

This ordinance shall be known and cited as the Swartz Creek Severe Weather Protection Shelter Ordinance.

Sec. 4-52. - Purpose.

The United States has been divided into four zones that geographically reflect the number and strength of extreme windstorms. Genesee County is located near the border of Wind Zones III and IV, which are indicative of an area which experience design wind speeds (3-second gusts) in excess of 200 mph. Local building codes consider the effects of "code-approved" design winds. A tornado can cause winds much greater than those on which local code requirements are based. Having a house built to "code" does not mean that a house can withstand wind from any event, no matter how extreme. Genesee County Emergency Management has reported that Genesee County has the distinction of having more tornadoes than any other county in the state of Michigan. Federal Emergency Management Agency Guidelines indicate Genesee County is in a "high risk" wind zone area and that a shelter is the preferred method of protection from high winds. The purpose of this ordinance is to establish standards for the installation of such shelters for new single-family residential dwelling unit construction.

4-53. - Definitions.

1. *Dwelling*: A structure or portion thereof, which is used exclusively for human habitation.
2. *Dwelling, Single-Family*: A building designed exclusively for one-family residential use.
3. *Modular House*: A house constructed of modular units that have been built elsewhere and which are brought to the site, in whole or in parts, and installed on a permanent foundation.

4-54. - Applicability.

Only single-family dwelling units receiving an approved building permit on or after the effective date of this ordinance shall be subject to the construction standards specified herein.

4-55. - Construction standards.

All single-family residential dwelling units shall be attached to a permanent foundation. Severe weather protection shelter installation shall be in accordance with the in-residence shelter specifications contained in the Federal Emergency Management Agency report. *Taking Shelter From the Storm: Building a Safe Room Inside Your House*, Second Edition, August 1999, as may be amended. However, the shelter location shall be limited to the basement and be directly beneath the dwelling, or house.

4-56. - Exemptions.

Residential structures providing basements or equivalent consistent with BOCA Building Code equal to not less than twenty-five (25) percent of the dwelling's first floor footprint area.

4-57. - Violations.

Violation of this ordinance is a municipal civil infraction. In addition to pursuing a municipal civil infraction proceeding, the City may also institute an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance. All remedies available to the City under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive. Each day a violation of this ordinance shall exist shall be deemed a separate offense. In addition to a fine to be determined by the City Council, per resolution, the court, at its discretion, may award other costs, attorney's fees, damages, expenses and other remedies as provided by law.

4-58. - Nuisance.

A violation of this ordinance is hereby declared to be a public nuisance, which may be abated by an injunction issued out of a court of record.

Section 2. Effective date.

This Ordinance shall take effect twenty (20) days following publication.

At a regular meeting of the City Council of Swartz Creek held on the 14th day of October, 2019, Councilmember Gilbert moved for adoption of the ordinance and Councilmember Farmer supported the motion.

The Mayor declared the ordinance adopted.

David Krueger
Mayor

Connie Olger
Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance No. 444 which was enacted by the Swartz Creek City Council at a regular meeting held on the 14th day of October, 2019.

Connie Olger
City Clerk

Discussion Ensued.

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

RESOLUTION TO APPROVE AN AGREEMENT WITH MARI DAN MILLER FARMS TO ENABLE ENFORCEMENT OF CERTAIN POLICE ORDINANCES ON PRIVATE PROPERTY AND TO ASSIGN ENFORCEMENT RESPONSIBILITIES TO THE METRO POLICE AUTHORITY OF GENESEE COUNTY

Resolution No. 191014-07

(Carried)

Motion by Councilmember Root
Second by Councilmember Cramer

WHEREAS, the City is empowered to provide police protection services throughout the City;

WHEREAS, the City is a party to the Interlocal Agreement Establishing the Metro Police Authority of Genesee County (“the Authority”) whereby it provides police protection services by and through the Authority;

WHEREAS, the City desires to enter into the Agreement for Police Services that is attached hereto (“the Agreement”) with the Mari Dan Miller Farms, that will enable enforcement of the Uniform Traffic Code and other ordinances within the residential housing complex known as Mari-Dan; and

WHEREAS, the City wishes to assign to the Authority, and the Authority agrees to accept, the rights and responsibilities specified in the Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the City of Swartz Creek approves the Agreement for Police Services, with the Mari Dan Miller Farms, as included in the October 14, 2019 city council packet, and directs the City Manager to execute said agreement on behalf of the city.

BE IT FURTHER RESOLVED that the City of Swartz Creek assign or transfer to the Metro Police Authority of Genesee County all of its rights and responsibilities of the Agreement attached hereto.

Discussion Ensued.

YES: Cramer, Farmer, Hicks, Krueger, Root.

NO: Gilbert. Motion Declared Carried.

DISTRACTED DRIVING ORDINANCE

DISCUSSION

City Manager, Adam Zettel, ordinance is modeled after Troy City who has had success.

Chief Bade recommends this ordinance.

Councilmember Hicks wonders if this is going too far for our small community wonders if just something educational would help instead of a ticket.

Councilmember Farmer questions why the state isn’t enforcing this.

RESOLUTION TO APPROVE TRAFFIC CONTROL ORDER NUMBER 176, TO RELOCATE NO PARKING SIGNS ON HELMSLEY DRIVE

Resolution No. 191014-08

(Carried)

Motion by Councilmember Cramer

Second by Councilmember Hicks

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 east side and permitted on the west side of Helmsley Drive.

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek approve Traffic Control Order #176 as a permanent order and direct the staff to place and/or remove signs in accordance with the MUTCD.

Discussion Ensued.

YES: Farmer, Gilbert, Hicks, Krueger, Root, Cramer.

NO: None. Motion Declared Carried.

MOSQUITO CONTROL

DISCUSSION

Adam Zettel, City Manager, there has been no public request for mosquito control other than spraying the parks for youth football. Rose Pest Control, who we currently use for our municipal buildings, supplied some information for future. They are willing to come in and do a presentation. Mr. Zettel feels that we don't pursue this.

Councilmember Farmer feels this is something we can explore next year.

Councilmember Hicks believes prevention/education is the way to go. We can come back to this next year once we will have EEE statistics from this year.

MEETING OPENED TO THE PUBLIC:

Chief Bade invited everyone to a retirement luncheon for Detective Mike Neering on Wednesday, October 23, 2019 at 11am at Metro Police Authority.

REMARKS BY COUNCILMEMBERS:

Councilmember Cramer updated on the Census committee. The committee is looking at using high school Honor Society students to help.

Councilmember Farmer commented week one of Jeepers Creekers was a very good time.

Councilmember Hicks had a great time both weeks of the Jeepers Creekers event. She did receive one noise complaint about the movie night.

Councilmember Gilbert thanked Chief Bade for the speed limit sign next door to him, he has really slowed traffic down.

ADJOURNMENT

Resolution No. 191014-09

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Farmer

I Move the Swartz Creek City Council adjourn the regular meeting at 8:47 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Olger, City Clerk