

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 10/28/2019**

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, Treasurer Deanna Korth, Director of Public Services Tom Svrcek.

Others Present: Lania Rocha, Cerry & Kay Lockrey, Steve Shumaker, Nate Henry, Jim Barclay, Metro PD Chief Bade, Pam Hill, Mike Machala.

EXCUSE MAYOR PRO TEM PINKSTON

Resolution No. 191028-01

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Farmer

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. 191028-02

(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 October 14, 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. 191028-03

(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 28, 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. 191028-04

(Carried)

Motion by Councilmember Farmer
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager's Report of October 28, 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:

Guy Lockrey, Sanctuary Church of Swartz Creek, wanted to make council aware of his denial for tax exemption.

Mr. Zettel, City Manager explained to Mr. Lockrey and the council that this is not the venue for this type of appeal. He will provide more detailed findings on this to Mr. Lockrey.

COUNCIL BUSINESS:

Audit

Presentation

Pam Hill & Mike Machala, Plante Moran Representatives, presented the results of the City's audit for year ending June 30, 2019. This included the audit opinion letter. They reviewed governmental fund revenue, taxable value, components of governmental fund expenditures, general fund, components of governmental funds, long-term liabilities,

and business-type activities long-term liabilities. Items to consider looking ahead are strategic plans that are already in place, budgeting, and upcoming GASB pronouncements.

RESOLUTION TO ACCEPT THE 2018-2019 FISCAL YEAR AUDIT BY INDEPENDENT AUDITOR PLANTE-MORAN

Resolution No. 191028-05

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Cramer

WHEREAS, Section 8.13 of the City Charter requires an audit of all accounts of the city government; and

WHEREAS, independent auditors, retained by the city per a qualified bidding selection process, have completed said audit for the most recent fiscal year, 2019; and

WHEREAS, said audit contains financials for related public utilities, enterprise accounts, and the Downtown Development Authority; and

WHEREAS, the audit, as presented to the city council on October 28, 2019, has been found to meet generally accepted accounting standards and required reporting provisions of state and local law.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek approve the 2018-2019 Fiscal Audit Report prepared by Plante-Moran, a copy of which is attached hereto, and further, direct such to be published, distributed, circulated and placed on file in a manner prescribed by law.

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

NO: None. Motion Declared Carried.

A RESOLUTION TO APPROVE A SHARED SERVICE AGREEMENT WITH MUNDY TOWNSHIP THAT WILL ENABLE THE SERVICE AND COST SHARING OF A PROFESSIONAL ENGINEER

Resolution No. 191028-06

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hicks

WHEREAS, the city operates a department of community services that is responsible for the overseeing operations and investment of streets, water, sewer, storm, parks, facilities, waste, and related functions; and

WHEREAS, the city is creating a succession plan for the Director of Community Services and finds that a professional engineer would be desirable to oversee the aggressive upcoming capital improvement programs of the city; and

WHEREAS, the Township of Mundy is expanding their physical assets and is in need of limited engineering services; and

WHEREAS, Public Act 63 of 2011, introduced the Economic Vitality Incentive Program, requires municipalities receiving over \$4,500 in revenue sharing to engage in numerous activities, including service consolidation; and

WHEREAS, the city and township can benefit from the skill set of a qualified professional engineer, but this will come at a greater expense.

NOW, THEREFORE, I Move the City of Swartz Creek hereby approves the agreement for joint services with Mundy Township as attached and directs staff to integrate the terms of the agreement into the official minutes of record and to establish and set procedures, policies, and duties as necessary to implement and perform services as outlined in the agreement.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

Break 8:18 p.m. - 8:25 p.m.

**A RESOLUTION TO AMEND SECTION 18 OF THE CODE OF ORDINANCES BY
ADDING SECTION 18, ARTICLE 5 DISTRACTED DRIVING**

Resolution No. 191028-07

(Carried)

Motion by Councilmember Root
Second by Councilmember Cramer

WHEREAS, the City of Swartz Creek maintains police power over the operation of motor vehicles; and

WHEREAS, the prevalence of distracted driving and the accidents and injuries resulting from such behavior is pronounced in Genesee County, Michigan.

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

**CITY OF SWARTZ CREEK
ORDINANCE NO. 445**

An ordinance to amend Chapter 18 of the Code of Ordinances by adding Section 18, Article 5, entitled "Distracted Driving."

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Amendment of Chapter 18 of the Code of Ordinances.

The City hereby amends Chapter 18 of the Code of Ordinances of the City of Swartz Creek by adding Section 18, Article 5, entitled "Distracted Driving" to read as follows:

Sec. 18-101. - Title.

This ordinance shall be known and cited as the Swartz Creek Distracted Driving Ordinance.

Sec. 18-102. - Definition.

"**Distracted Driving**" means the following:

1. The physical manipulation of any 2-way wireless electronic communication device used for dialing numbers; or scrolling; or typing or entering multiple letters, numbers, symbols, or other text; or the sending, receiving, and reading of any non-voice data in the device while the motor vehicle is in motion on any highway or street or place open to the general public within the City of Swartz Creek. As used in this subsection, a wireless 2-way communication device does not include a global positioning or navigation system that is affixed to the motor vehicle.
2. The physical manipulation or handling of any wireless entertainment or electronic communication device for the purpose of speaking into, or listening to voice data, while the motor vehicle is in motion on any highway or street or place open to the general public within the City of Swartz Creek; or
3. Any action by the driver of a motor vehicle that diverts his or her attention resulting in the failure to use due care and caution in the safe operation of a motor vehicle while the vehicle is in motion on any highway or street or place open to the general public within the City of Swartz Creek. Such action can include but is not limited to: eating, reading, writing, performing personal hygiene/ grooming, physical interaction with pets, passengers, or unsecured cargo, any of which is done in a manner that prohibits the driver from maintaining direct physical control of the motor vehicle steering mechanism with at least one hand that is free of all other objects and used entirely to form a controlled grip on the steering mechanism.

4-53. – Violation as a Civil Infraction.

- 1 A person shall not engage in distracted driving within the City of Swartz Creek.
- 2 A person who violates this section is responsible for a civil infraction.
- 3 Exceptions. This section does not apply to a person who is using an electronic communication device to do one or more of the following:
 - a. Report a traffic accident, medical emergency or serious road hazard.
 - b. Report a situation in which the person believes his or her personal safety is in jeopardy.
 - c. Report or avert the perpetration or potential perpetration of a criminal act against the individual or another person.
 - d. Carry out official duties as a police officer, law enforcement official, member of a paid or volunteer fire department, or operator of an emergency vehicle.

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 28th day of October, 2019, Councilmember Root moved for adoption of the ordinance and Councilmember Cramer 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. 445 which was enacted by the Swartz Creek City Council at a regular meeting held on the 28th day of October, 2019.

Connie Olger
City Clerk

Discussion Ensued.

YES: Cramer, Gilbert, Krueger, Root.

NO: Farmer, Hicks. Motion Declared Carried.

**RESOLUTION TO APPROVE AN AGREEMENT BETWEEN METRO POLICE
AUTHORITY OF GENESEE COUNTY, THE CHARTER TOWNSHIP OF MUNDY, AND
THE CITY OF SWARTZ CREEK REGARDING POLICE PROTECTION UNITS**

Resolution No. 191028-08

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Farmer

WHEREAS, the City and the Charter Township of Mundy (“Mundy”) entered into an Interlocal Agreement to create Authority to provide police services to both the City and the Township (“Interlocal Agreement”); and

WHEREAS, the Authority currently provides police services to the Township and City for the benefit of the general public; and

WHEREAS, the Article VI, Section 6.02 of the Interlocal Agreement provides in part that states that the Parties shall execute an agreement that provides for the funding of the Authority; and

WHEREAS, pursuant to Article VI, Section 6.02 of the Interlocal Agreement, the Parties hereto desire to execute an Agreement to set forth how the Authority will be funded; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Swartz Creek approves the Agreement Between Metro Police Authority of Genesee County, The Charter Township of Mundy, and the City of Swartz Creek Regarding Police Protection Units, as included in the October 28, 2019 city council packet.

BE IT FURTHER RESOLVED that the City of Swartz Creek City Council directs the Mayor to execute said agreement on behalf of the city.

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

NO: Gilbert. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Tom Svrcek, Director of Public Services, thanked everyone it’s been great working with everyone.

REMARKS BY COUNCILMEMBERS:

Councilmember Gilbert thanked Chief Bade for the speed sign by his house, it's working.

Councilmember Hicks she's concerned about the enforcement of the distracted driving ordinance. She will be interested in seeing some statistics in the future. It's been great working with Mr. Svrcek.

Councilmember Farmer this weekend was a really cool experience to see downtown filled up and have streets closed. He does think we need some form of traffic control at Morrish/Fortino at future events. He thanked Mr. Svrcek for all he has done.

Councilmember Cramer updated everyone on the census committee and they are onboard with the school getting some honors society students helping. Thanked Mr.Svrcek for all his years of service at the city.

Councilmember Root noticed at Fairchild/Cappy during football practice people are parking on both sides of the road and it makes it difficult driving through there. Looking forward to next year's Jeepers Creekers events.

ADJOURNMENT

Resolution No. 191028-09

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Farmer

I Move the Swartz Creek City Council adjourn the regular meeting at 9:12 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Olger, City Clerk