

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 9/13/2021**

The meeting was called to order at 7:01 p.m. by Mayor Krueger in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance.

Councilmembers Present: Fountain, Florence, Gilbert, Hicks, Krueger, Pinkston, Henry.

Councilmembers Absent: None.

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

Others Present: Lania Rocha, Erik Jamison, Dennis Cramer, Lt. Todd Johnson.

APPROVAL OF MINUTES

Resolution No. 210913-01

(Carried)

Motion by Councilmember Florence
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday August 23, 2021 to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 210913-02

(Carried)

Motion by Councilmember Henry
Second by Councilmember Fountain

I Move the Swartz Creek City Council approve the Agenda as, printed for the Regular Council Meeting of September 13, 2021, to be circulated and placed on file.

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

CITY MANAGER'S REPORT

Resolution No. 210913-03

(Carried)

Motion by Councilmember Fountain
Second by Councilmember Florence

I Move the Swartz Creek City Council accept the City Manager's Report of September 13, 2021, including reports and communications to be circulated and placed on file.

Discussion Ensued.

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

MEETING OPENED TO THE PUBLIC:

Dennis Cramer 5299 Worchester Drive, no new updates from the census bureau. Councilmember Henry thanked Mr. Cramer for his help on the 9/11 tribute.

COUNCIL BUSINESS:

RESOLUTION TO APPROVE THE PARK WAIVER REQUEST OF THE GFWC SWARTZ CREEK WOMENS CLUB

Resolution No. 210913-04

(Carried)

Motion by Mayor Pro Tem Hicks
Second by Councilmember Gilbert

WHEREAS, the City of Swartz Creek requires park usage reservations and fees in accordance with adopted rules and regulations; and

WHEREAS, the GFWC Swartz Creek Women's Club reserved Pavilion #2 in Elms Park for September 26, 2021 for the purpose of holding an annual meeting; and

WHEREAS, the city park rules and regulations states that "fees may be waived in full if reservations by a non-profit are found to result in a public benefit directly or if proceeds from the reserved event are found to be a benefit to the city."; and

WHEREAS, the City Council finds the petitioning group to be a qualifying group with a qualifying activity.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby waives all fees for the September 26, 2021 reservation in Elms Park.

Discussion Ensued.

YES: Krueger, Pinkston, Henry, Fountain, Florence, Gilbert.

Abstain: Hicks.

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE A PARADE PERMIT FOR THE SWARTZ CREEK COMMUNITY SCHOOLS HOMECOMING PARADE ON SEPTEMBER 24, 2021

Resolution No. 210913-05

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Pinkston

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 24, 2021; 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 24, 2021 from 4:45 pm to 6:30 pm. Parade route as follows:

Crapo/Maple, Eastbound to Morrish
Morrish, Northbound to Miller
Miller, Westbound to PAC
PAC to High 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.

Discussion Ensued.

YES: Pinkston, Henry, Fountain, Florence, Gilbert, Hicks, Krueger.

NO: None. Motion Declared Carried.

**RESOLUTION TO AFFIRM THE SALE OF REAL PROPERTY OWNED BY THE CITY
AT 8067 MILLER ROAD**

Resolution No. 210913-06

(Carried)

Motion by Councilmember Pinkston

Second by Councilmember Florence

WHEREAS, the city owns a single family home located at 8067 Miller Road, PID 58-02-529-021; and

WHEREAS, after acquiring an easement for public use from the site, the community has been engaged in finding a preferred option for the permanent use of this parcel; and

WHEREAS, the city's various boards and commissions have found that the rehabilitation of the home for use as a single family residence or live-work space is the preferred option; and

WHEREAS, the city has rehabilitated the home and listed it for sale; and

WHEREAS, a buyer has made an offer to purchase the home for the price of \$192,500, with a closing date of September 15, 2021; and

WHEREAS, the city council agreed to sell the house as proposed, conditioned upon the affirmation of the sale after the expiration of a 30 day public inspection period; and

WHEREAS, the public inspection period has expired, with no comments received.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council affirms the sale and authorizes the Mayor, in consultation with the city attorney, to complete and execute the sale and closing of 8067 Miller Road.

BE IT FURTHER RESOLVED, the City of Swartz Creek City Council designates, authorizes, and directs the Mayor to act as signatory and to execute any and all sale and transfer instruments required to transfer the property at closing.

Discussion Ensued.

YES: Henry, Fountain, Florence, Gilbert, Hicks, Krueger, Pinkston.

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE AN AGREEMENT WITH THE MEDC TO PERFORM SPECIFIC PLANNING SERVICES AND TO MEET CONDITIONS OF A \$30,000 GRANT

Resolution No. 210913-07

(Carried)

Motion by Councilmember Fountain
Second by Councilmember Florence

WHEREAS, the Michigan Planning Enabling Act (P.A. 33 of 2008) requires cities to create and update a Master Plan every five years; and

WHEREAS, the City is currently updating its master plan, including notable additions to expand upon the downtown plan; and

WHEREAS, the City, as a Redevelopment Ready Community, has been awarded \$30,000 by the MEDC towards technical assistance for professional consulting services related to the master plan; and

WHEREAS, the City and the MEDC utilize CIB Planning to analyze, update, and improve the city's plans, zoning ordinance, and policies; and

WHEREAS, the MEDC requires a city commitment to match the \$30,000 grant and for the city to perform reporting and related services as noted in the attached Michigan Economic Development Corporation Grant With the City of Swartz Creek (case 33046).

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council hereby approves said agreement.

BE IT FURTHER RESOLVED, the city council authorizes and directs the City Manager to execute the agreement on behalf of the city.

Discussion Ensued.

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

RESOLUTION TO APPROVE A TEMPORARY ALLEY USAGE/CLOSURE PERMIT FOR THE ALLEY NORTH OF AND ADJACENT TO 8006, 8010, 8012, 8014 MILLER ROAD

Resolution No. 210913-08

(Amended)

Motion by Councilmember Henry
Second by Councilmember Fountain

WHEREAS, the City of Swartz Creek enables closure and use of its public streets, plazas, and alleys upon application by a petitioner and approval by the city council; and

WHEREAS, the COVID pandemic has had a profound and dynamic impact on the community, including hospitality businesses that cannot provide in-person service, greatly jeopardizing the abilities of these businesses and property owners that rely on this industry; and

WHEREAS, grants were made available to enable outdoor dining, including winter service, for those business that can pursue this as an option; and

WHEREAS, the owner of 8006, 8010, 8012, and 8014 Miller Road houses two restaurant businesses that are immediately south of and adjacent to the city's public alley; and

WHEREAS, this alley is the only accessible space in which to safely accommodate outdoor service for Jamison's as well as JT's; and

WHEREAS, temporary use of this alley has been granted by the city council for the purposes of outdoor dining at this location, but such use and access has expired; and

WHEREAS, public utilities, including water and storm water, exist in the subsurface of the ally; and

WHEREAS, comments received by the public indicate that the blockage of the east access to 8002 Miller Road is problematic.

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek hereby authorizes closure and private use, including routine maintenance (waste removal, snow removal, and general safety) of the city alley north of and adjacent to 8002, 8010, 8012, and 8014 Miller Road for the purpose of food service, including alcohol sales, inclusive of all stipulations and conditions as specified and listed within the permit dated August 18, 2021, including the provision of valid insurance that lists the City of Swartz Creek as an additionally insured party for all activities.

BE IT FURTHER RESOLVED that the closure and use of said alley shall commence immediately and be valid for 180 days.

~~**BE IT FURTHER RESOLVED** that the closure and use of said alley is conditioned upon the installation of a gate on the east fence to enable access to 8002 Miller Road, as approved by the building official, within 30 days.~~

BE IT FURTHER RESOLVED that the closure and use of said alley is conditioned upon the retention of the city's access rights to operate and maintain all public utilities, systems, and appurtenances on and underneath the alley surface.

BE IT FURTHER RESOLVED that, as a condition of the permit, the city shall not be responsible for any private, personal property that may be damaged within the alley confines for any reason, including deliberate action by the city to access surface or subsurface utilities.

(Carried)

Motion by Councilmember Fountain
Second by Mayor Pro Tem Hicks

I Move to amend the motion by striking out:

BE IT FURTHER RESOLVED that the closure and use of said alley is conditioned upon the installation of a gate on the east fence to enable access to 8002 Miller Road, as approved by the building official, within 30 days.

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

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

A RESOLUTION TO AUTHORIZE A FAIR MARKET VALUE OFFER TO 5075 BRADY STREET FOR A PERMANENT EASEMENT TO CONSTRUCT, OPERATE AND MAINTAIN THE SAFE ROUTES TO SCHOOL PATH

Resolution No. 210913-09

(Carried)

Motion by Councilmember Florence
Second by Councilmember Henry

WHEREAS, the City of Swartz Creek has formally planned for, acquired funds for, and intends to construct an extension of the Genesee Valley Regional Trail as well as connected Safe Routes to School laterals, and

WHEREAS, the trail is a high priority regional asset that functions as an integral part of a non-motorized transportation network, as well as a recreational asset, and

WHEREAS, the trail extension will provide value for public use for walkers, bikers, joggers, and other users by providing a direct health and recreational benefit and by providing access to non-motorized travel between key destinations, and

WHEREAS, MDOT standards for construction require a substantial and ridged footprint to accommodate the 10 foot wide path and accompanying shoulders, and

WHEREAS, some sections of the path lack the proper right-of-way to accommodate the path, and

WHEREAS, some permanent easements have not yet been acquired through donation or good faith offers acquisition, and

WHEREAS, the city has been working with said property owners to negotiate a market transaction for permanent easement rights.

WHEREAS, the owner of 5075 Brady Street is agreeable to provide the easement for the sum of \$5,000, a sum that staff finds reasonable.

THEREFORE, BE IT RESOLVED that the City of Swartz Creek authorizes and directs the city manager to sign and execute permanent easement as included in the city council packet of September 13, 2021.

BE IT FURTHER RESOLVED that the city shall issue payment directly to the property owners at the time of easement execution, as directed by the city attorney.

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

RESOLUTION TO ADOPT AN ORDINANCE 454, AN ORDINANCE TO REGULATE BASEMENT PROVISIONS AND DESIGN

Resolution No. 210913-10

(Carried)

Motion by Mayor Pro Tem Hicks
Second by Councilmember Henry

WHEREAS, the Public Act 110 of 2006, the Michigan Zoning Enabling Act, enables cities to regulate land use through the creation and enforcement of zoning maps and regulations, and

WHEREAS, the city, in pursuing certification as a Redevelopment Ready Community, performed a zoning audit that revealed the need for incremental changes to the zoning ordinance and;

WHEREAS, the planning commission, with the assistance of staff, and input by the public, reviewed specific changes to the zoning ordinance at their regular meeting on September 7, 2021, and;

WHEREAS, the planning commission, at a public hearing at their meeting on September 7, 2021 and in reviewing the criteria in Zoning Ordinance Section 31.04, found the proposed zoning ordinance amendments to be in the best interest of the public and recommended approval to the city council.

THEREFORE, I MOVE the City of Swartz Creek ordains:

**CITY OF SWARTZ CREEK
ORDINANCE NO. 454**

An ordinance to amend the Code of Ordinances: Zoning Appendix A to remove and replace certain sections, add new section for Conditional Uses, and sequence the code to reflect a new numbering configuration

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Removal and replacement of Articles from Appendix A of the Code of Ordinances.

The City hereby removes Article 13.03.B.1 from the Code of Ordinances of Appendix and and replaces it with the following:

All building permit applications for new one-family and two-family housing development must be submitted to the zoning administrator for approval.

Section 2. Addition of Zoning Appendix A Section 13.03.C.4: Basements.

The City hereby amends the code of ordinances to include a new Section 13.03.C.4, Basements, to the Zoning Appendix A of the Code of Ordinances to read as follows:

That the structure shall be firmly attached to a permanent basement foundation constructed on the site in accordance with the City Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such material and type as required in the applicable building code for single-family and two-family dwellings. In the event that the dwelling is a mobile home, modular home, or pre-constructed home, then such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.

Councilmember Gilbert spoke of the dentist office building on Morrish Road and the market they have there.

Councilmember Pinkston saw a yellow golf cart on Seymour Road.

Mayor Krueger commented on Autumn coming soon.

Councilmember Henry informed everyone that there is going to be a special planning commission meeting Tuesday, September 14, 2021 @ 7p.m. here at city hall.

ADJOURNMENT

Resolution No. 210913-12

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Henry

I Move the Swartz Creek City Council adjourn the regular meeting of September 13, 2021 at 8:12 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Olger, City Clerk