

**City of Swartz Creek
AGENDA**

**Regular Council Meeting, Monday October 25, 2010 7:00 P.M.
City Hall Building, 8083 Civic Drive Swartz Creek, Michigan 48473**

1. **CALL TO ORDER:**
2. **INVOCATION AND PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**
4. **MOTION TO APPROVE MINUTES:**
 - 4A. Regular Council Meeting of October 11, 2010 MOTION Pg. 6,14-20
5. **APPROVE AGENDA**
 - 5A. Proposed / Amended Agenda MOTION Pg. 6
6. **REPORTS & COMMUNICATIONS:**
 - 6A. [City Manager's Report](#) (Agenda Item) MOTION Pg. 6, 2-5
 - 6B. Monthly Fire Report Pg. 21-46
 - 6C. DDA Minutes, Oct 14th Pg. 47-52
 - 6D. Miller-Elms PUD, PC Minutes, Reviews (Agenda Item) Pg. 53-96
 - 6E. Draft Medical Marijuana Ordinance (Agenda Item) Pg. 97-104
 - 6F. County WWS Debt Service Commitment (Agenda Item) Pg. 105-107
 - 6G. FHA Notice, Engineer Conflicts Pg. 108-112
 - 6H. MML Board Directors Elections Pg. 113-116
 - 6I. Comcast Letter, Channel Changes Pg. 117
 - 6J. Legislative Updates Pg. 118-120
 - 6K. MPSC Notice Pg. 121-122
7. **MEETING OPENED TO THE PUBLIC:**
 - 7A. General Public Comments
8. **COUNCIL BUSINESS:**
 - 8A. Public Hearing, Miller – Elms PUD Amendment PUB HRNG. Pg. 53-96
 - 8B. Miller Elms Planned Unit Development Amendment RESO. Pg. 7, 53-96
 - 8C. Zoning Code Amendment DISC. Pg. 97-104
 - 8D. 2011 County Debt Service Commitment RESO. Pg. 8, 105-107
 - 8E. Heritage Village Association, SAD Streets RESO. Pg. 9, 4
 - 8F. Extend Swartz Ambulance Agreement RESO. Pg. 9, 9-12
9. **MEETING OPENED TO THE PUBLIC:**
 - 9A. General Public Comments
10. **REMARKS BY COUNCILMEMBERS:**
11. **ADJOURNMENT:**
 - 11A. General Motion MOTION

**City of Swartz Creek
CITY MANAGER'S REPORT**

Regular Council Meeting of Monday October 25, 2010 7:00 P.M.

TO: Honorable Mayor, Mayor Pro-Tem & Council Members
FROM: PAUL BUCHE // City Manager
DATE: 22-October-2010

OLD / ROUTINE BUSINESS – REVISITED ISSUES / PROJECTS

- ✓ **2009-2010 FINANCIALS** (*Status*)
 The field work for the audit is complete. I am looking for a Council presentation at the November 8th meeting.
- ✓ **WATER – SEWER RATES** (*Status*)
 As we have discussed through last year's audit, the budget process, and at the last meeting regarding the pre-audit figures, we have problems once again with water and sewer revenues, specifically water. The single biggest problem is skyrocketing bulk water fees passed along from the County. When you add escalating costs for operation and maintenance, labor benefit costs and declining usage, this fund is in trouble. We have been chasing rates for a several years with the problem now being compounded by incessant bulk water fees passed along from the County, who blames it on Detroit. The bottom line is we need to move on water rates again, very soon, as we have absorbed the July 1 increase.
- ✓ **MTT APPEALS, GM BANKRUPTCY** (*Status*)
 Pending final settlement.
- ✓ **PERSONNEL POLICIES & PROCEDURES** (*Status*)
 Pending.
- ✓ **DISASTER, EMERGENCY RESPONSE POLICY COMMITTEE** (*Status*)
 Pending.
- ✓ **MAJOR STREET FUND, TRAFFIC IMPROVEMENTS** (*See Individual Category*)
 - 2011-2014 T.I.P. APPLICATION** (*Status*)
 Here is a schedule of City projects that are funded or in the queue (shaded).

TABLE #1 2011-2014 TIP, ALL PROJECTS, FUNDED & QUEUE (*shaded*)

| Project | Year | Grant | City Match | P.E. | C.E. | Total |
|---------------------------------|----------|-------------|------------------|------------------|------------------|--------------------|
| Miller Between Elms & Tallmadge | 2011 | \$338,997 | \$85,749 | \$27,684 | \$45,000 | \$497,430 |
| Bristol Road @ GM-SPO | 2013 | \$54,912 | \$13,728 | \$8,000 | \$16,000 | \$92,640 |
| Trail, Elms Park to Heritage | 2013 | \$296,000 | \$221,000 | \$25,000 | \$45,000 | \$587,000 |
| Miller Between Tallmadge & Dye | Unfunded | \$951,602 | \$237,901 | \$76,000 | \$120,000 | \$1,385,503 |
| Miller Between Seymour & Elms | Unfunded | \$1,635,357 | \$408,839 | \$100,000 | \$160,000 | \$2,304,196 |
| City Funded Totals | - | - | \$967,217 | \$236,684 | \$386,000 | \$1,590,901 |

- MILLER ROAD PROJECT, ELMS-TALLMADGE** (*Status*)
Pending Completion of design, grade inspection and MDOT bid, as approved at the meeting of September 13th (\$27,684).
- MORRISH ROAD NORTH CONSTRUCTION PROJECT - MEIJER'S** (*Status*)
Completed, except for a couple of punch list cleanup items.
- MORRISH ROAD GUARDRAIL** (*Status*)
Still looking.

✓ **LOCAL STREET FUND, TRAFFIC IMPROVEMENTS**

- 2008 REPAIR ROSTER** (*Status*)
As a re-cap, the contractor's are Maintenance & Construction Company, of Romulus Michigan, at \$101,547, with construction engineering and testing (\$1,980), the total being \$103,527, and Lang Construction of Flint Michigan, in the amount of \$8,523 for the storm sewer repairs. Totals are:

| <i>Total Project Cost</i> | | | | |
|---------------------------|------------------|-----------------|-----------------|-----------------|
| <i>Cape Seal</i> | \$104,000 | | | |
| <i>Storm Repair</i> | \$8,523 | <i>101 Fund</i> | <i>203 Fund</i> | <i>226 Fund</i> |
| TOTAL | \$112,523 | \$8,766 | \$70,000 | \$33,757 |

- ✓ **WWS SEWER USE – IPP ORDINANCE** (*Status*)
Pending.
- ✓ **SEWER REHABILITATION PROJECT, I&I, PENALTIES** (*Status*)
Phase III of the relining was approved at the December 7, 2009 Council Meeting, the work completed in the spring of 2010. Phase I of the Manhole Re-habilitation Project was completed in the fall of 2009 and involved the repair of 22 basins located in the Winchester Woods area. We approved Phase II of the Manhole Rehabilitation program at the October 11th meeting, which is another 21 (maximum) manhole repairs, located in the 6000 Block of Bristol Road and the 6000 Block of Miller Road. The total cost for these is estimated at \$26,450. As a reminder, the County has always informed us that as long as we continue to work towards the reduction of infiltration and inflow, the penalties will not be assessed. Our relining and manhole rehabilitation should be much more than adequate to accomplished this.
- ✓ **KAREGNONDI WATER AUTHORITY** (*Status*)
Still out there.
- ✓ **MARATHON STATION BLIGHT & NON-CONFORMING USE** (*Status*)
We have several developers interested in this property. The time is still running on the auction redemption period at the Land Bank. I'll keep the Council posted on developments.
- ✓ **SALE OF CITY PROPERTY 5129 MORRISH ROAD** (*Status*)
Pending a report back to the Council with recommendation on the structure as well as the house the City owns at Morrish & Fortino.
- ✓ **SWARTZ AMBULANCE AGREEMENT** (*Resolution*)
I've had a number of meetings with Swartz. They have vacated the house they were in which was actually rented by the City and sub-let to Swartz without cost. They have moved into an office at the Flint Surveying and Engineering Building at 5370 Miller. The rent is cheaper with anticipated smaller utility bills. I have offered to make a yearly contribution of \$2,500 to offset their absorption of rent and utilities, with the exception of

the first year, being \$1,000. The purpose here is that they owe 2 months' rent from where we terminated the payments with Woodside. In other words, we would contribute \$2,500 per year, excepting the first year wherein we would pay \$1,500 to settle with Woodside and \$1,000 to Swartz. After that, we would contribute \$2,500 annually to Swartz to maintain their operation in the City, as they have for the last half-dozen years. I think it's a good deal, and recommend we enter into the contract as included with tonight's agenda.

- ✓ **LABOR CONTRACTS** (*Status*)
We approved no change to wages and extended the wage re-opener for the POLC and AFSCME agreements out to December, and thereafter, on six month increments, to meet and review finances. I look to do the same with the Supervisor's contract.
- ✓ **GO GREEN, PUBLIC SAFETY BUILDING HVAC GRANT** (*Status*)
Pending a project for the leftover funds.
- ✓ **FIRE DEPARTMENT: 2011 BUDGET & COST RECOVERY** (*Status*)
I need to get with the Township for a final endorsement before we move on this.
- ✓ **SPRINGBROOK EAST & HERITAGE ASSOCIATION S.A.D.** (*Resolution*)
As you recall for the Heritage Association, we set this for a special invite public hearing for tonight. In review, we probably need a lot more time than a regular Council meeting permits (probably around two hours). I talked it over with the Mayor and I apologize, but it would probably be much better to set a special meeting in a week and half or so, on this. I have a resolution to set a special meeting included with tonight's agenda. I will get a letter out to all the residents on Tuesday.
- ✓ **ZONING CODE AMENDMENT** (*Discussion*)
As we discussed with Mr. Gildner at the last meeting, he recommends we amend our Zoning Code to regulate dispensaries and caregiver cooperatives. Included with tonight's packet is a rough draft that Mr. Gildner prepared, for review. I've set this for discussion and if everyone's on the same page, we'll look to adopt at the next meeting. We do have the option of referring this to the Planning Commission, but bear in mind that this will add several months or more to the process. Such a delay may leave the door open for an unregulated use to get through.
- ✓ **SET PUBLIC HEARING, MILLER-ELMS PDD AMENDMENT** (*Resolution*)
We have a request to amend the Miller – Elms Concept PUD, specifically the southeast quadrant of the intersection. We also have a public hearing scheduled for tonight's meeting. As of writing, I do not have revised drawings of the PUD. I should have them for the meeting. If the Council wishes, we can delay action, however, the developer is urging the approval as they are in site plan review process with a Family Farm & Home retail store they still have hope of beginning construction this year. Mr. Zettel has a review and recommendation letter included with tonight's agenda.

NEW BUSINESS / PROJECTED ISSUES & PROJECTS

- ✓ **2011 COUNTY WWS DEBT COMMITMENT** (*Resolution*)
Every fall we have to commit, by Council Resolution, our debt service obligations to the County. We have just a single debt, being the Western Trunk Sewer Extension. Included with tonight's agenda is our commitment to the bond payment.

Council Questions, Inquiries, Requests and Comments

- ❑ *Traffic Lights, Bristol-Miller, GM-SPO.* Pending the direction that GM takes. New traffic counts as to warrants would need to be taken.
- ❑ *Sr. Center Budget, Statement, Building Cost Reconciliation.* Pending obtaining documents.
- ❑ *Deteriorated Retaining Walls & Planters at City Buildings.* The north wall at the Public Safety Building behind the Police Department collapsed. We are looking at solutions to take care of this more pressing problem first.
- ❑ *Tabled Garbage Collection Policy.* Resting comfortably... for now.
- ❑ *Abandoned Vehicles Morrish & I-69, Downtown.* Working on removal of the vehicles.
- ❑ *Youth Programs in Park.* Looking into this. This item is something that might best be suited for the City's School Liaison Officer. The matter has been referred to the Police Department for review and recommendation.

City of Swartz Creek
RESOLUTIONS
Regular Council Meeting, Monday October 25, 2010 7:00 P.M.

Resolution No. 101025-4A MINUTES, OCTOBER 11, 2010

Motion by Councilmember: _____

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held October 11, 2010 to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 101025-5A AGENDA APPROVAL

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve the Agenda as presented / printed / amended for the Regular Council Meeting of October 25, 2010 to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 101025-6A CITY MANAGER'S REPORT

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve the City Manager's Report of October 25, 2010, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

**ZONING DISTRICT AMENDMENT, MILLER – ELMS
CONCEPTUAL PLANNED UNIT DEVELOPMENT**

Motion by Councilmember: _____

WHEREAS, the applicant is proposing a 6.2 acre conceptual Planned Unit Development project that includes a 25,000 square foot retail building on the east side, as well as conceptual layouts for a 3,840 sq. ft. commercial space, a 2,508 sq. ft. restaurant with drive through, and two 7,000 sq. ft. commercial buildings (the most southerly of which is not technically incorporated in this application); and

WHEREAS, the plan conceptually illustrates parking, traffic ingress and egress, internal traffic circulation, landscaping, drainage, and building area and spacing; and

WHEREAS, a public hearing was held by the Planning Commission on October 5, 2010 to hear comments related to this plan; and

WHEREAS, reviews were completed by staff, city consultants, and the Planning Commission; and

WHEREAS, the Planning Commission subsequently approved the conceptual plan with conditions; and

WHEREAS, the applicant intends to immediately follow an approval of the conceptual Planned Unit Development with a final site plan approval for a Family Farm & Home for the 25,000 square foot retail use.

NOW, THEREFORE, the Swartz Creek City Council hereby grants preliminary approval of the Southeast Miller & Elms Planned Unit Development Concept (Family Farm & Home), for property located at 4301 & 4315 Elms Rd., including two vacant parcels of land (Parcel numbers: 58-31-551-001, 58-31-551-002, 58-31-551-003, & 58-31-300-001); site plans dated 09/03/2010-Latitude Engineering Inc.

BE IT FURTHER RESOLVED, that the approval is contingent upon execution of a Planned Unit Development agreement, signed by all owners of interest in the property, which shall include, among other items:

1. A provision for the removal of the existing drive of the PUD to the planned access drive.
2. Inclusion of a ten (10) foot non-motorized path along the entire frontage of the development, which will connect to the existing trail network.
3. Development and performance standards for any and all special land uses, including outdoor sales and storage.
4. A requirement for all required construction documents, consultant recommendations, performance bonds, other governmental permitting, and any and all items required by the zoning ordinance, the engineering standards manual, and all other applicable laws and regulations not otherwise waived.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 101025-8D 2011 COUNTY DEBT SERVICE COMMITMENT

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek has an obligation to pay to the County of Genesee, the sum of \$57,276.85 to meet the bond and principal requirements on all bond obligations for water and sewer facilities in calendar 2011; and

WHEREAS, the City of Swartz Creek has such an obligation for the retirement of a western trunk sewer extension bond through approximately 2026, and

WHEREAS, there are several means by which the funds can be secured to meet this payment; and

WHEREAS, all various means of securing these funds have been reviewed and considered;

NOW, THEREFORE, BE IT RESOLVED by the City of Swartz Creek that the monies to meet the principal and interest requirements and all bond obligations for water and sewer facilities will be secured from the following funds:

SOURCE OF FUNDS

| | |
|--------------------------|--------------------|
| Cash on Hand -Sewer | <u>\$57,276.85</u> |
| Sewer Funds Total | \$57,276.85 |

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 101025-8E

**HERITAGE VILLAGE ASSOCIATION, STREET REPAIR
SPECIAL ASSESSMENT DISTRICT**

Motion by Councilmember: _____

WHEREAS, the City Council set a public hearing for the regular meeting of October 25, 2010, to invite residents of Heritage Village Subdivision for the review of options related to the repair of the Association Streets; and

WHEREAS, in review, time constraints would be significantly less if such an invitational public hearing were set as a special meeting workshop instead of held as an agenda item at a regularly scheduled meeting.

NOW, THEREFORE, I Move that the City of Swartz Creek reschedule the planned invitational public hearing with resident homeowners of Heritage Village Subdivision, to a special Council Workshop Meeting to be held on _____, 2010, and further, direct the staff to send notices to homeowners inviting all to attend.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 101025-8F

EXTEND SWARTZ AMBULANCE AGREEMENT

Motion by Councilmember: _____

I Move the City of Swartz Creek enter into an agreement with Swartz Ambulance Company, of G-1225 West Hill Road Flint, as follows:

**PROFESSIONAL SERVICES AGREEMENT
Between
THE CITY OF SWARTZ CREEK
And
SWARTZ AMBULANCE SERVICES INC.**

This agreement is made this 25th day of October, 2010 by and between the **City of Swartz Creek**, a Michigan Municipal Corporation, with principal offices at 8083 Civic Drive, Swartz Creek, Michigan 48473 ("City") and **Swartz Ambulance Service Inc.**, a Michigan Domestic Profit Corporation, with principal offices at G-1225 West Hill Road, Flint Michigan 48507 ("Provider")

WHEREAS, the City desires to have at least one EMS Provider located within the City so as to provide its citizens with the benefits of emergency medical services and transportation; and

WHEREAS, the Provider has the necessary experience, qualifications, apparatus and equipment to provide the above described professional services and is willing to provide those services to the City.

NOW, THEREFORE, the City and the Provider AGREE AS FOLLOWS:

1. Agreement Term.

The term of this Agreement shall be for the following period:
November 1, 2010 through October 31, 2011.

2. Scope of Services:

The scope of services to be performed by the Provider is as follows:

- A. Establish, maintain and staff a base of operations within the corporate limits of the City on a 24-hour basis.
- B. Respond to medical requests consisting of, but not limited to Advanced Life Support (A.L.S.), Basic Life Support (B.L.S.), and transports.
- C. Work under and within the Genesee County 911 Consortium Dispatch Center and the Genesee County Medical Control Board.

3. Compensation:

The Provider shall be compensated as follows:

The City shall make an annual contribution of \$2,500 to the Provider, except for the first year of this agreement (November 1, 2010 to October 31, 2011), where such contribution shall be \$1,000. The contribution is designed to assist with the cost of maintaining a base within the City's corporate limits. The Payment will be made after the November 1st commencement as soon as the City can arrange for such.

4. Applicable Law.

This Agreement shall be governed by and in accordance with the laws of the State of Michigan applicable to contracts made and to be performed in this state.

5. Licensure; Obligations to the City.

The Provider shall maintain proper licensure for the company and all employees as set forth in state and local laws, rules and ordinances, for the operation of an emergency medical response and transport service. The Provider shall remain current and not be in default of any obligations due to the City including, but not limited to, the payment of taxes, fines, penalties, licenses or other monies due to the City. Violations of this clause shall constitute a substantial and material breach of this Agreement. Such breach shall constitute good cause for the termination of this Agreement should the City determine to terminate on a basis other than convenience.

6. Disclaimer of Contractual Relationship.

Nothing contained in the Agreement Documents shall create any contractual relationship between the City and any Subcontractor of the Provider.

7. Independent Contractor

No provision of this Agreement shall be construed by the parties or by any other person as creating an employer-employee relationship. It is hereby expressly understood and agreed that the Provider is an independent contractor as that term is defined in Michigan law, and, as such, it is not entitled to any benefits not otherwise specified herein.

8. Hold Harmless and Indemnification:

To the fullest extent permitted by law, the Provider agrees to defend, pay on behalf of, indemnify, and hold harmless the City, its elected and appointed officials, employees and volunteers and others working on behalf of the City against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on behalf of the City, by reason of personal injury, including bodily injury or death and/or property damage including loss of use thereof, which may arise as a result of Provider's act(s), omission(s), fault(s) or negligence of any of its employees, officers, agents, subcontractors or representatives in its performance of this Agreement.

9. Non Exclusive

Nothing in this contract shall be deemed to grant the provider an exclusive franchise or an exclusive right to provide emergency medical services within the City.

10. Insurance.

The Provider shall not commence work under this Agreement until it has procured and provided evidence of the insurance coverages required under this section. All coverages shall be placed with insurance companies licensed and admitted to do business in the State of Michigan unless otherwise approved by the City. Policies shall be reviewed by the City for completeness and limits of coverage. All coverage's shall be with insurance carriers acceptable to the City. The Provider shall maintain the following insurance coverages for the duration of the Agreement.

A. Commercial General Liability coverage of not less than one million dollars (\$1,000,000) per person and four million dollars (\$4,000,000) per occurrence combined single limit with the City, and its elected and appointed officials and employees named as Additional Insured's.

B. Workers Compensation Insurance in accordance with Michigan statutory requirements including Employer's Liability Coverage.

C. Commercial Automobile-Vehicle Insurance in the amount of not less than one million dollars (\$1,000,000) per person and four million dollars (\$4,000,000) per occurrence combined single limit per accident with the City, and its elected and appointed officials and employees.

Any deductible or self-insured retention must be declared to and approved by the City. In addition, the total dollar value of all claims paid out on the policy shall be declared. At the option of the City, either: The insured shall reduce or eliminate such deductibles or self-insured retention as respects to the City, its officials, employees and volunteers; or the Provider shall procure a bond guaranteeing payment of losses and related investigation, claim administration and defense expense.

The Provider shall furnish the City with certificates of insurance for all coverages requested and with original endorsements for those policies requiring the Additional Insured's' status. All certificates of insurance must provide the City with not less than 30 days advance written notices in the event of cancellation for non-payment of premium or any other reason, non-renewal or any material change in policy coverage. In addition, failure to mail such notice shall impose no obligation or liability of any kind upon the City, its agent or representatives. All certificates must identify the City as the Certificate Holder and the above referenced officers, employees and agents as Additional Insured's. The Provider must provide, upon request, certified copies of all insurance policies. If any of the above coverages expire during the term of this Agreement, the Provider shall deliver renewal certificates and/or policies to the City at least ten days prior to the expiration date. The Provider shall ensure that all Subcontractors utilized obtain and maintain all insurance coverage's required by this Agreement.

11. Interpretation.

If any provision contained herein shall be determined by a court of competent jurisdiction or an appropriate administrative tribunal or official to be contrary to any provision of law or to be unenforceable for any reason, then, to the extent necessary and possible to render the remainder of this agreement enforceable, such provision may be modified or severed by such court or administrative tribunal or official having jurisdiction over this Agreement and the interpretation thereof, or the parties hereto, so as to, as nearly as possible, carry out the intention of the parties to this Agreement, considering the purpose of the entire Agreement as it relates to such provision.

12. Laws and Ordinances.

The Provider shall obey and abide by all of the laws, rules and regulations of the Federal Government, State of Michigan, Genesee County and the City of Swartz Creek, applicable to the performance of this agreement, including, but not limited to, labor laws.

13. Modifications/Changes.

Any modification to this Agreement must be in writing and signed by the authorized employee, officer, board or council representative authorized to make such contractual modifications pursuant to the state law and local ordinances.

14. Non-Assignability.

The Provider shall not assign or transfer any interest in this Agreement without the prior written consent of the City Manager.

15. Nondiscrimination.

The Provider will not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, disability or other handicap, age, marital status, or status with regard to public assistance. The Provider will take affirmative action to insure that all employment practices are free from such discrimination. Such employment practices include but are not limited to the following: hiring, upgrading, demotion, transfer, recruitment, or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

16. Notices.

Notices to the City shall be deemed sufficient if in writing and mailed, postage prepaid, addressed to the City Manager, **City of Swartz Creek**, 8083 Civic Drive, Swartz Creek Michigan 48473, or to such other address as may be designated in writing by the City Manager from time to time.

Notices to the Provider shall be deemed sufficient if in writing and mailed, postage prepaid, addressed to the Provider, **Swartz Ambulance Service Inc**, G-1225 West Hill Road, Flint Michigan 48507, or to such other address as may be designated in writing by the Provider from time to time.

17. Records / Reports.

The City, at its discretion, may require the Provider to prepare and submit to the City Manager, periodic reports that reflect the number of runs in the City, run types (BLS-ALS) call date and times and response times and dates.

If the Provider is unable to staff the Emergency Medical Services Response Base in a manner outlined within Section 2A of this agreement, the Provider shall notify, in writing, the Office of the City Manager within one business day of such closure.

Excepting such records that are protected by privacy statutes, all documents, information, reports and the like prepared and/or generated by the Provider as a result of this Agreement shall become the sole property of the City. The Provider agrees that said documents are confidential information intended for the sole use of the City and that it will not disclose any such information, or in any other way make such documents public, without the express written approval of the City Manager or the order of a court of competent jurisdiction or as required by the Michigan law.

18. Severability.

The invalidation of one or more terms of this Agreement shall not affect the validity of the remaining terms.

19. Standards of Performance.

The Provider agrees to exercise independent judgment and to complete performance under this Agreement in accordance with sound professional medical and emergency practices. In entering into this Agreement, the City is relying upon the professional reputation, experience, certification and ability of the Provider. The Provider agrees that all of the obligations required by it pursuant to this Agreement shall be performed by its officers, employees, agents and subcontractors working under its direction and control. The continued effectiveness of this Agreement during its term or any renewal term shall be contingent, in part, upon the Provider maintaining any required certifications in accordance with the requirements of state or local law, rule or ordinance.

20. Termination.

This Agreement may be terminated by either party hereto by submitting a notice of termination to the other party. Such notice shall be in writing and shall be effective thirty (30) days from the date it is submitted unless otherwise agreed to by the parties hereto. The Provider, upon receiving such notice of termination of this Agreement shall turn over and give to the City all pertinent records, date and information to the date of termination.

21. Time of Service/Performance.

The Provider's services shall commence immediately upon receipt of the notice to proceed and shall be carried out forthwith and without unreasonable delay.

22. Whole Agreement Clause.

This written agreement embodies the entire agreement between the parties hereto, and additions, deletion or modification hereto must be in writing and signed by both parties.

The City and the Provider have executed this Agreement as of the date first above written.

THE CITY OF SWARTZ CREEK

SWARTZ AMBULANCE SERVICES INC.

BY: _____
RICHARD ABRAMS, Mayor

BY: _____
Its:

BY: _____
JUANITA AGUILAR, City Clerk

BY: _____
Its:

BE IT FURTHER RESOLVED, that the City authorize a final payment to Woodside Builders for the last two months of occupancy at the now vacated Swartz Ambulance base at 5304 Miller Road, payment not to exceed \$1,500.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

City of Swartz Creek
Regular Council Meeting Minutes
Of the Meeting Held
Monday October 11, 2010 7:00 P.M.

CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 10/11/2010

The meeting was called to order at 7:00 p.m. by Mayor Abrams in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance to the Flag.

Councilmembers Present: Abrams, Binder, Hicks, Hurt, Krueger, Porath, Shumaker.

Councilmembers Absent: None.

Staff Present: City Manager Paul Bueche, City Clerk Juanita Aguilar, DPS Director Tom Svrcek, City Attorney Mike Gildner.

Others Present: Boots Abrams, Sharon Shumaker, Tommy Butler, Steve Shumaker, Charles Brunette, Angela Zuck, Richard Deneen.

APPROVAL OF MINUTES

Resolution No. 101011-01

(Carried)

Motion by Mayor Pro-Tem Porath
Second by Councilmember Hurt

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting, held September 27, 2010, to be circulated and placed on file.

YES: Binder, Hicks, Hurt, Krueger, Porath, Shumaker, Abrams.
NO: None. Motion Declared Carried.

APPROVAL OF AGENDA

Resolution No. 101011-02

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the Agenda, as printed, for the Regular Council Meeting of October 11, 2010 to be circulated and placed on file.

YES: Hicks, Hurt, Krueger, Porath, Shumaker, Abrams, Binder.
NO: None. Motion Declared Carried.

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 101011-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the City Manager's Report of October 11, 2010, to be circulated and placed on file.

YES: Hurt, Krueger, Porath, Shumaker, Abrams, Binder, Hicks.
NO: None. Motion Declared Carried.

All other reports and communications were accepted and placed on file.

MEETING OPENED TO THE PUBLIC:

Steve Shumaker, 7446 Country Meadow Dr., questioned different ways to pay for the roads in Springbrook and Heritage. Mr. Shumaker wanted to remind the City that the first proposal on the November ballot will be a proposal for a constitutional convention for the state.

Tommy Butler, 40 Somerset, spoke about medical marijuana. Mr. Butler stated that Dryden is now in the zoning process to change how they will handle it in their city.

Evelyn Woodward, Springbrook East, asked about the roads in Springbrook. Ms. Woodward wanted to know why money that was paid to Mr. Nemer by the residents wasn't put in escrow if the City was going to take care of the streets. Discussion ensued with City Manager Bueche.

COUNCIL BUSINESS:

Appropriation, Phase II Sewer Manhole Rehabilitation

Resolution No. 101011-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

WHEREAS, on January 12, 2009, the City initiated Phase I of a sanitary sewer manhole rehabilitation program under the following resolution:

Bid Award & Appropriation, Phase I Sewer Rehabilitation Project Manhole Repair

Resolution No. 090112-04

(Carried)

Motion by Councilmember Hicks

Second by Councilmember Binder

WHEREAS, the City is charged with preserving the health, safety, and welfare of its residents and consummate to this, provides public utilities inclusive of a sanitary sewer system; and

WHEREAS, the city's sanitary sewer system is 50+ years of age and although still quite functional, is in need of maintenance and repair in order to extend and renew its longevity; and

WHEREAS, the City and its engineers, under increasing demand from the Federal Environmental Protection Agency, the Michigan Department of Environmental Quality and the Genesee County Division of Water & Waste Services, have developed a plan to abate infiltration and inflow by relining the sanitary sewers thus extending the life indefinitely; and

WHEREAS, in conjunction with the relining of the sanitary sewer lines, the re-habilitation of the man-holes is also warranted as the age and subsequent deterioration is the source of large quantities of inflow surface water; and

WHEREAS, the City's Engineer developed specifications for the repair of the structures and let the project to bid with three returns ranging from a high of \$33,265 to the low of \$16,729, with Young's Environmental of Flint Michigan being the low bidder; and

WHEREAS, the Staff and City Engineer has identified a section of sanitary sewer, containing 22 man-holes, within the Winchester Woods Subdivision that have a high cost – benefit ratio for repair, as the location is in drainage ditches within the road right of way.

NOW, THEREFORE, I Move the City of Swartz Creek approve Phase I of the City's Sanitary Sewer Man-Hole Rehabilitation Program and appropriate an amount not to exceed \$16,729, plus 15% contingency, from the Sewer Fund 590, to the low bid of Young's Environmental of Flint Michigan, for the rehabilitation of 22 sanitary sewer man-hole structures located along Valleyview, Birchcrest and in the backyards of houses between Seymour and Birchcrest, in accordance with the bid specifications attached hereto, and further direct the Mayor and City Clerk to execute all necessary documents and contracts.

Discussion Took Place.

YES: Krueger, Porath, Shumaker, Abrams, Binder, Hicks, Hurt.

NO: None. Motion Declared Carried.

And;

WHEREAS, the City Council determines the need to continue the program based on all the reasons set forth in the resolution adopted on January 12, 2009; and

WHEREAS, the City Staff and Engineer has evaluated the sanitary sewer system and determined that the highest cost to benefit ratio for repair of manholes lies within the 6000 Block of Bristol Road and the 6000 Block of Miller Road; and

WHEREAS, the contractor bid the project on multi-year price extensions and has provided a proposal to the City to complete such repairs on a price extended time and materials basis.

NOW, THEREFORE, I Move the City of Swartz Creek approve Phase II of the City's Sanitary Sewer Manhole Rehabilitation Program and appropriate an amount not to exceed \$26,450, plus 10% contingency, to Young's Environmental of Flint Michigan, for the rehabilitation of up to 21 sanitary sewer man-hole structures as follows:

Ditch Line Locations:

SE Corner of Miller & Elms

6203 Miller

In front of Restaurant

East of Restaurant

6144 Miller

6176 Miller

6206 Miller

Across from Cornerstone Church near 55 sign

6300 Miller

6509 Bristol

6483 Bristol

6457 Bristol

6419 Bristol

6383 Bristol

6363 Bristol

6299 Bristol

6269 Bristol

6257 Bristol

6231 Bristol

-6211 Bristol-----|----- Will look at
-6179 Bristol-----|----- but may not require work.

19 Locations of Chimney Liners

17 Locations of Re-Do Frames/Covers

6 of these will need chimney reconstruction

Total of Project: \$26,450.00

in accordance with the bid pricing and specifications awarded on January 12, 2009, and further, direct the Mayor and City Clerk to execute all necessary documents and contracts

Discussion Took Place.

YES: Krueger, Porath, Shumaker, Abrams, Binder, Hicks, Hurt.

NO: None. Motion Declared Carried.

Property Acquisition, 3350 S. Dye ID # 58-29-551-028 & 3386 S Dye ID # 58-29-551-026

Resolution No. 101011-05

(Carried)

Motion by Councilmember Binder

Second by Councilmember Hurt

I Move the City of Swartz Creek approve the acquisition of two parcels of property, 3350 S. Dye, Tax ID# 58-29-551-028 & 3386 S. Dye, Tax ID# 58-29-551-026, from owner Gail M. Ricketts, the cost not to exceed \$1 each, plus all necessary costs for the preparation and filing of documents related to the sale

and/or transfer, and further, direct the Mayor and City Clerk to execute any and all documents on behalf of the City.

Discussion Ensued.

YES: Porath, Abrams, Binder, Hicks, Hurt, Krueger.

NO: Shumaker. Motion Declared Carried.

Set Public Hearing, Miller-Elms PUDD-PDD Amendment

Resolution No. 101011-06

(Carried)

Motion by Councilmember Hurt

Second by Councilmember Binder

I Move the City of Swartz Creek set a public hearing for the regular Council Meeting of October 25, 2010, 7:00 PM, to hear public comments for proposed changes to the Miller – Elms Planned Unit Development District, specifically the southeast corner of Miller and Elms, and further, to make copies of such changes available to the public at the City Clerk's Office, for inspection.

Discussion Took Place.

YES: Shumaker, Abrams, Binder, Hicks, Hurt, Krueger, Porath.

NO: None. Motion Declared Carried.

Water Rates

(Discussion Topic)

City Manager Bueche gave a brief update on the current water rates and what other jurisdictions charge for water services.

MEETING OPENED TO THE PUBLIC

Charles Brunette, 6329 Augusta, spoke about when Heritage was first being built. Mr. Brunette stated that in 1998 the City Council voted to waive the performance bond for Mr. Nemer. Mr. Brunette stated that in 2007, Mr. Nemer used Heritage Association funds to pay the light bill for Heritage; payment being made to the City. Discussion ensued between Mr. Brunette and Mr. Bueche as to how to handle the issues at Heritage, such as the maintenance of the pond.

Tommy Butler commended the Council for buying the two parcels on Dye Road.

REMARKS BY COUNCILMEMBERS:

Councilmember Shumaker spoke about the increased use of the Park and Ride lot. Mr. Shumaker stated that the parking has been overflowing onto the grass. Mr. Shumaker questioned property owned by the City on Morrish Road near Grove Street. Mr. Shumaker asked who owned the dumpster that is on the property. DPS Director Tom Svrcek explained that the dumpster is for emptying the street sweeper. Mr. Shumaker asked if there were plans

to do anything with the building on the property. Mr. Bueche stated that there are plans to tear it down.

Councilmember Hicks asked about the empty houses on Miller Road that have long grass. Ms. Hicks asked how long it has to grow before the City will cut it. Mr. Bueche stated that if it has clearly not been cut for a length of time, then the City will cut it. Mr. Bueche stated that he will take a look at the addresses in question. Ms. Hicks asked if the City takes care of painting the crosswalks. Ms. Hicks stated that there used to be a crosswalk at Winston that is no longer there. Mr. Bueche stated that he will speak with DPS Director Tom Svrcek and see if they can take care of it.

Councilmember Hurt thanked the people who spoke in the public sessions. Mr. Hurt stated that he found their comments and the discussion engendered by those comments to be helpful and educational.

Mayor Pro-Tem Porath spoke about the water rates. Mr. Porath questioned how the City bills so differently from everyone else.

Mayor Abrams questioned zoning issues with the medical marijuana. Mr. Bueche stated that he would have the City attorney look at the issue.

Executive Session, GM-SPO MTT Appeal

Resolution No. 101011-07

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Binder

I Move the City of Swartz Creek, at the request of the City Manager and in accordance with the Open Meetings Act, enter into Executive Session for the purpose of discussing strategy with the City Attorney, via conference call, in connection with pending MTT Appeals.

YES: Abrams, Binder, Hicks, Hurt, Krueger, Porath, Shumaker.
NO: None. Motion Declared Carried.

Resolution No. 101011-08

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Binder

I Move that the City of Swartz Creek accept the recommendation of the City Manager and City Attorney and proceed with the plan discussed in closed session.

YES: Binder, Hicks, Hurt, Krueger, Porath, Shumaker, Abrams.
NO: None. Motion Declared Carried.

Adjournment

Resolution No. 101011-09

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Krueger

I Move the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 8:52 p.m.

YES: Unanimous Voice Vote.
NO: None. Motion Declared Carried.

Richard Abrams, Mayor

Juanita Aguilar, City Clerk

DATE: OCTOBER 18, 2010

TIME: 7:15 PM

PLEASE NOTE CHANGE IN MEETING START TIME.

LOCATION: STATION 1

SUBJECT: SWARTZ CREEK AREA AUTHORITY AGENDA



- I. CALL TO ORDER
 - A. PLEDGE OF ALLEGIANCE
 - B. ROLL CALL
 - C. ADDITIONS/CHANGES/DELETIONS AND AGENDA APPROVAL:
 - D. SPECIAL PRESENTATIONS/ANNOUNCEMENTS:

- II. APPROVAL OF MINUTES
 - A. SEPTEMBER 20, 2010 MEETING:

- III. CORRESPONDENCE:
 - A. SEPTEMBER INCIDENT SUMMARY REPORT:

- IV. PROFESSIONAL SERVICE REPORTS:
 - A. SEPTEMBER FINANCIAL REPORT:

- V. COMMITTEE REPORTS:
 - A. BY-LAWS COMMITTEE - Chairman Rick Clolinger, Richard Derby, Bill Cavanaugh and Brent Cole:

 - B. HEALTH AND SAFETY COMMITTEE: Chairman Greg Childers (Members Chief Cole, Assistant Chief Merriam, Captain Tabit, Lieut. Jones & FF VanArsdale)

 - C. PERSONNEL COMMITTEE: Chairman Ray Thornton, Richard Derby and David Hurt.
 - 1. Fire Chief's Annual Evaluation: Attached are general observations, summary and recommendations by the Personnel Committee

 - D. FIRE AGREEMENT COMPLIANCY COMMITTEE: Chairman Dave Hurt, Richard Derby, Ray Thornton and Attorney Bill Cavanaugh.
 - 1. Cost recovery recommendation for municipality consideration status:

- VI. OLD BUSINESS:
 - A. APPARATUS UPDATE from Battalion Chief Jack King-
 - 1. Apparatus status report attached

B. OPENING OF SEALED BIDS FOR 5 SETS OF TURN OUT GEAR: (certified mail was sent to Apollo Fire, Douglass Safety, Time Emergency and West Shore Fire).

C. 2010 AUDIT: Attached is a Proposal Specifications for the Acquisition of Professional Government Audit Services for Fireboard consideration.

D. 2011 PROPOSED BUDGET APPROVAL STATUS:

VII. NEW BUSINESS:

A. MEMBERS FOR PLACEMENT ON PROBATION:

1. Lori McKerracher, for SOG 209 violation executed under SOG 420. Justification memo from Captain Dave Plumb attached.

Chief Cole recommends Lori McKerracher be placed on 6 months probation with the Swartz Creek Area Fire Department.

B. MEMBERS ELIGIBLE TO COME OFF PROBATION: none

C. MEMBERS RESIGNING/TERMINATING:

1. Joshua Hall, hired August 16, 2010, submitted his resignation letter October 8, 2010. Letter attached.

Chief Cole recommends accepting Joshua Halls resignation letter effective October 8, 2010.

D. MEMBERS ELIGIBLE FOR REINSTATEMENT: none

E. 2011 AIR COMPRESSOR MAINTENANCE AND TESTING QUOTES: A request for quotes was sent to four vendors. Only two replied. All are required to follow NFPA 1989 and manufacturers guidelines and were due October 11, 2010.

Southeast Equipment (current vendor): \$930.00

Breathing Air Systems: \$1,030.10.

Chief Cole recommends accepting the quote of \$930.00 form Southeast Equipment for the fiscal year of 2011.

- F. ENGINE 21 LADDER RACK REPAIR: Attached is a quote from Halt Fire (the local authorized Pierce repair location) indicating an approximate amount to repair the ladder rack. Faxed quote attached.

Chief Cole requests permission to proceed with repairing the ladder rack on Engine 21 with Halt Fire for an estimated amount of \$1,782.00, as stipulated in the quote received October 12, 2010.

VIII. GENERAL INFORMATION:

- A. MUNICIPAL BILLINGS for September
- B. SEPTEMBER BILLS LIST
- C. Organization Chart effective October 8, 2010
- D. December 4, 2010 Christmas Parade Judges: All Fireboard members are invited to judge the 26th Annual parade. Those interested:
- E.
- F.
- G.
- F.

IX. OPEN TO THE PUBLIC:

- X. COMMENTS OF FIRE DEPARTMENT PERSONNEL (THROUGH THE CHIEF AND/OR HIS DESIGNATE:
- XI. CHAIN OF COMMAND APPEAL TO THE FIREBOARD:
- XII. COMMENTS FROM FIREBOARD MEMBERS:
- XIII. MEETING ADJOURNMENT:

REGULAR MEETING

SEPTEMBER 20, 2010

SWARTZ CREEK AREA FIRE DEPARTMENT

The regular meeting of the Swartz Creek Area Fire Board was held at Station #2, September 20, 2010. Chairman, Mike Messer, called the meeting to order at 7:16p.m.

I. CALL TO ORDER:

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Board Members Present:

- Chairman, Mike Messer
- Clayton Representative, Richard Derby
- Clayton Representative, Greg Childers
- City Representative: Boots Abrams
- City Representative, Dave Hurt
- City Representative, Rick Clolinger

Board Members Absent:

- City Representative, Ray Thornton

Staff Present:

- Fire Chief, Brent Cole
- Asst. Chief, Eric Merriam
- Acct./Clerical, Kim Borse
- Attorney, Bill Cavanaugh

Staff Absent:

- Asst. Chief, Eric Merriam

Others Present:

- Jack King, Batt. Chief
- Steve Tabit, Captain
- Leah Farnsworth, City of Swartz Creek

C. AGENDA: ADDITIONS/CHANGES/DELETIONS/APPROVAL:

• Resolution 092010-01

Motion by Dave Hurt

Second by Boots Abrams

The SCAFD Board does hereby approve the addition of VII.J. and the change to VII.I. and approve the agenda as amended.

YES: Abrams, Childers, Clolinger, Derby, Hurt, Messer

NO: None

Motion declared carried

D. SPECIAL PRESENTATION: NONE

II. APPROVAL OF MINUTES

A. AUGUST 16, 2010 BOARD MEETING

• Resolution 092010-02

Motion by Dave Hurt

Second by Rick Derby

The SCAFD Board does hereby approve the minutes of the August 16, 2010 board meeting, as presented.

YES: Abrams, Childers, Clolinger, Derby, Hurt, Messer

NO: None

Motion declared carried

III. CORRESPONDENCE:

A. AUGUST INCIDENT SUMMARY REPORT:

• Resolution 092010-03

Motion by Rick Derby

Second by Dave Hurt

The SCAFD Board does hereby accept the August 2010 Incident Summary, as presented

YES: Abrams, Childers, Clolinger, Derby, Hurt, Messer

NO: None

Motion declared carried

IV. PROFESSIONAL SERVICE REPORTS:

A. AUGUST FINANCIAL STATEMENT:

• Resolution 092010-04

Motion by Boots Abrams

Second by Dave Hurt

The SCAFD Board does hereby approve the August 2010 financial statement, as presented

YES: Abrams, Childers, Clolinger, Derby, Hurt, Messer

NO: None

Motion declared carried

V. COMMITTEE REPORTS:

- A. BY-LAWS COMMITTEE MEETING: NONE
 B. HEALTH & SAFETY COMMITTEE: NONE
 C. PERSONNEL COMMITTEE: meeting with Chief Wednesday, September 22, 2010.
 D. FIRE AGREEMENT COMPLIANCY COMMITTEE:
 1. Cost Recovery: No report

VI. OLD BUSINESS

- A. APPARATUS UPDATE:
 1. Monthly report from Batt. Chief King

VII. NEW BUSINESS

- A. NEW MEMBER(S) TO BE PLACED ON PROBATION: L. Farnsworth

- Resolution 092010-05
 Motion by Dave Hurt
 Second by Greg Childers

The SCAFD Board does hereby place Leah Farnsworth on one-year probation with the Swartz Creek Area Fire Department, pending the results of her physical.

- YES: Abrams, Childers, Clolinger, Derby, Hurt, Messer
 NO: None Motion declared carried

- B. MEMBER TO COME OFF PROBATION: NONE
 C. MEMBERS RESIGNING/TERMINATING: NONE
 D. MEMBERS ELIGIBLE FOR REINSTATEMENT: NONE
 E. 2011 PROPOSED BUDGET: City: no report, Township: imposed a levy
 F. ANNUAL PUMP TESTING:

- Resolution 092010-06
 Motion by Greg Childers
 Second by Boots Abrams

The SCAFD Board does hereby accept the quote from LTM Fire in the amount of \$1,460.00 for pump testing.

- YES: Abrams, Childers, Clolinger, Derby, Hurt, Messer
 NO: None Motion declared carried

- G. TURN OUT GEAR BID SPECIFICATION:

- Resolution 092010-07
 Motion by Dave Hurt
 Second by Rick Derby

The SCAFD Board does hereby approve the bid specifications for turn out gear and direct the chief to proceed.

- YES: Abrams, Childers, Clolinger, Derby, Hurt, Messer
 NO: None Motion declared carried

- H. HELMETS PURCHASE:

- Resolution 092010-08
 Motion by Boots Abrams
 Second by Dave Hurt

The SCAFD Board does hereby approve the purchase of 10 firefighter helmets from Douglass Safety in the amount of \$149.50 each plus shipping.

- YES: Abrams, Childers, Clolinger, Derby, Hurt, Messer
 NO: None Motion declared carried

- I. GRASS 17 CLUTCH:

- Resolution 092010-09
 Motion by Boots Abrams
 Second by Greg Childers

The SCAFD Board does hereby approve the Grass 17 clutch repair by Engineered Victories at a cost of \$884.08 plus additional expenses, as warranted.

- YES: Abrams, Childers, Clolinger, Derby, Hurt, Messer
 NO: None Motion declared carried

- J. 2010 AUDIT: Staff to bring back audit specifications to next regular board meeting.

VIII. GENERAL INFORMATION

- A. MUNICIPAL BILLINGS
 B. AUGUST BILLS LIST
 C. ORGANIZATIONAL CHART
 D. EMAIL FROM DAVE HURT REGARDING MEETING TIMES
 E. SOG 426

IX. OPEN TO THE PUBLIC: NONEX. COMMENTS OF FIRE DEPARTMENT PERSONNEL, THROUGH THE CHIEF: NONE

XI. CHAIN OF COMMAND APPEAL TO THE FIRE BOARD: NONE

XII. COMMENTS OF THE FIREBOARD:

Clolinger: None
Abrams: Welcome to Leah
 Condolences to the Spillane family
Derby: Welcome to Leah
 Memorial was very touching
 Wants to thank all those that respond to alarms
Childers: Welcome Leah
Hurt: Welcomed & thanked Leah for attending the meeting
Messer: Welcome to Leah
 Thank you to Board for meeting time adjustment

XIII. ADJOURNMENT OF MEETING:

Meeting adjourned at 7:50 p.m. The next regular meeting will be 10/18/10 at Station 1 at **7:15 pm**

MIKE MESSER
CHAIRMAN
SWARTZ CREEK AREA FIRE BOARD

KIM BORSE
ACCOUNTING/CLERICAL SPECIALIST
SWARTZ CREEK AREA FIRE DEPT.

SWARTZ CREEK AREA FIRE DEPT, SWARTZ CREEK MICHIGAN 48473

Incident Log for 09/01/2010 through 09/30/2010

Printed: 10/13/2010

| Inc. No. - Exp. Location Involved Name | Date | Disp. Time | Sta. Incident Type | Owner Name | No. Resp Prop. Loss | Disp. to Enrte. Min. | Resp. Min. Cont. Loss | Total Hr:Min:Sec |
|---|------------|---------------|---|----------------------|--|-------------------------|--------------------------|---------------------|
| 0000115-000 Adjacent to 3374 S Elms RD | 09/01/2010 | 15:50 | 1 140 Natural vegetation fire, other | | 23 \$ 0 | 0.00 \$ 0 | 11.00 | 2:41:00 |
| | | | | | Officer in Charge MERRIAM, ERIC M - ASSISTANT | | | |
| 0000116-000 3193 Pine Run DR MS Dianna Olesko | 09/02/2010 | 14:18 | 1 733 Smoke detector activation due to | MS Dianna Olesko | 10 \$ 0 | 0.00 \$ 0 | 8.00 | 0:29:00 |
| | | | | | MERRIAM, ERIC M - ASSISTANT | | | |
| 0000117-000 8194 Duffield RD | 09/03/2010 | 17:36 | 12 611 AMA Gaines, canceled en route | | 12 \$ 0 | 0.00 \$ 0 | 0.00 | 0:19:00 |
| 0000118-000 7430 Wade ST | 09/06/2010 | 09:08 | 1 221 Overpressure rupture of air or gas | | 10 \$ 0 | 0.00 \$ 0 | 10.00 | 0:46:00 |
| | | | | | TREIGER, MICHAEL P - LIEUTENANT | | | |
| 0000119-000 8038 Corunna RD | 09/07/2010 | 17:58 | 2 444 Power line down | | 15 \$ 0 | 0.00 \$ 0 | 13.00 | 1:12:00 |
| | | | | | MERRIAM, ERIC M - ASSISTANT | | | |
| 0000120-000 8228 Calkins RD MR Daniel Wisenbaugh | 09/08/2010 | 17:03 | 2 111 Building fire | MR Daniel Wisenbaugh | 22 \$ 0 | 0.00 \$ 0 | 10.00 | 0:37:00 |
| | | | | | MERRIAM, ERIC M - ASSISTANT | | | |
| 0000121-000 3218 S Morrish RD Shartar Brown | 09/09/2010 | 12:00 | 1 113 Cooking fire, confined to container | | 15 \$ 0 | 0.00 \$ 0 | 8.00 | 0:33:00 |
| | | | | | MERRIAM, ERIC M - ASSISTANT | | | |
| 0000122-000 4101 S Sheridan RD MS Trudy Thacc | 09/12/2010 | 09:57 | 1 113 Cooking fire, confined to container | MS Trudy Thacc | 21 \$ 0 | 0.00 \$ 0 | 15.00 | 0:48:00 |
| | | | | | MERRIAM, ERIC M - ASSISTANT | | | |
| 0000123-000 4903 Schafer DR Tanesha Torrence | 09/12/2010 | 15:11 | 1 111 Building fire; oven top fire | | 26 \$ 1,000 | 0.00 \$ 1,000 | 5.00 | 0:45:00 |
| | | | | | MERRIAM, ERIC M - ASSISTANT | | | |
| 0000124-000 Directions W Interstate 69; Rest Area | 09/13/2010 | 10:26 | 1 622 Grass Fire; unfounded | | 10 \$ 0 | 5.00 \$ 0 | 9.00 | 0:34:00 |
| | | | | | KING, JACK L - BATT CHIEF | | | |
| 0000125-000 Directions 1000 W Nichols; North of 1252 N. Nichols MR George Grecu | 09/15/2010 | 13:12 | 2 138 Combine fire | MR Roy Rhodes | 14 \$ 0 | 0.00 \$ 0 | 15.00 | 2:43:00 |
| | | | | | MERRIAM, ERIC M - ASSISTANT | | | |
| 0000126-000 7174 Johnson RD MR Charles Owens | 09/15/2010 | 18:26 | 12 611 AMA to Flushing, canceled | MR Charles Owens | 12 \$ 0 | 0.00 \$ 0 | 0.00 | 0:14:00 |

Incident Log for 09/01/2010 through 09/30/2010

| Inc. No. - Exp. Location | Date | Disp. Time | Sta. | Incident Type | No. Resp | Disp. to Enrte. Min. | Prop. Loss | Resp. Min. Cont. Loss | Total Hr:Min:Sec | |
|---|------------|--------------|--------|-----------------------------------|------------|-------------------------------|------------|-----------------------|------------------|---|
| Involved Name | | | | Owner Name | | Officer in Charge | | | | |
| 0000127-000 Directions E Interstate 69; Morrish and Seymour Jason S Underhill | 09/16/2010 | 09:29 | 1 130 | Garbage Truck fire | 14 | 6.00 | \$ 3,000 | 8.00 | 0:46:00 | |
| | | | | | | KING, JACK L - BATT CHIEF | | | | |
| 0000128-000 2540 Haviland ST MR Douglas E Heldreth | 09/17/2010 | 23:45 | 2 142 | Brush, or brush-and-grass mixture | 9 | 0.00 | \$ 0 | 21.00 | 1:00:00 | |
| | | | | MR Douglas E Heldreth | | KING, JACK L - BATT CHIEF | | | | |
| 0000129-000 4101 S Sheridan RD MS Cindy Snell | 09/20/2010 | 19:45 | 1 111 | Kitchen Fire | 20 | 0.00 | \$ 500 | 13.00 | 1:13:00 | |
| | | | | MS Cindy Snell | | KING, JACK L - BATT CHIEF | | | | |
| 0000130-000 1234 S Elms RD MR Stan Pruett | 09/21/2010 | 17:13 | 2 170 | Cultivated vegetation, crop fire, | 5 | 0.00 | \$ 0 | 6.00 | 0:20:00 | |
| | | | | MR Stan Pruett | | MERRIAM, ERIC M - ASSISTANT | | | | |
| 0000131-000 12221 Miller RD | 09/26/2010 | 15:21 | 12 111 | AMA to Gaines Twp | 28 | 6.00 | \$ 0 | 11.00 | 3:04:00 | |
| | | | | | | TABIT, STEPHEN D - CAPTAIN/EM | | | | |
| Incidents by Shift Including Exposures | | | | | | | | | | |
| | No. Resp. | Total Hr:Min | | Prop. Loss | Cont. Loss | 0 | 1 | 2 | 3 | 4 |
| Totals: | 266 | 18:04:00 | | \$ 4,500 | \$ 1,500 | 0 | 9 | 8 | 0 | 0 |

The total number of incidents, including exposure fires is 17.

The number of exposure fires is 0.

SWARTZ CREEK AREA FIRE DEPARTMENT
Income/Expense Report
For the Nine Months Ending September 30, 2010

| | Description | Current Mth | Y-T-D | Budget | Remain. Budget | % Budget |
|-----------------|--------------------------|------------------|-------------------|-------------------|-------------------|---------------|
| Revenues | | | | | | |
| 3582 | OPERATING CONTRIBU | 6,737.18 | 224,618.55 | 237,300.00 | 12,681.45 | (0.95) |
| 3583 | EQUIPMENT CONTRIBU | 0.00 | 15,300.00 | 30,600.00 | 15,300.00 | (0.50) |
| 3628 | MISC. INCOME (SUNDR | 5.00 | 30.00 | 0.00 | (30.00) | 0.00 |
| 3630 | GRANT INCOME | 3,295.50 | 3,295.50 | 0.00 | (3,295.50) | 0.00 |
| 3664 | INVESTMENT INCOME | 0.00 | 99.86 | 300.00 | 200.14 | (0.33) |
| 3673 | SALE OF FIXED ASSETS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| | Total Revenues | 10,037.68 | 243,343.91 | 268,200.00 | 24,856.09 | (0.91) |
| Expenses | | | | | | |
| 4703 | SOCIAL SECURITY | 914.77 | 7,197.80 | 12,100.00 | 4,902.20 | 0.59 |
| 4704 | STAFF SALARIES | 3,055.24 | 30,108.40 | 45,500.00 | 15,391.60 | 0.66 |
| 4705 | MAIN/TRAIN-SALARIES | 915.00 | 7,960.44 | 10,900.00 | 2,939.56 | 0.73 |
| 4706 | OFFICER SALARIES | 1,250.00 | 10,000.00 | 15,000.00 | 5,000.00 | 0.67 |
| 4707 | FIREFIGHTERS SALARY | 6,737.87 | 46,019.75 | 74,000.00 | 27,980.25 | 0.62 |
| 4708 | DEFERRED COMPENSA | 317.75 | 2,009.00 | 4,800.00 | 2,791.00 | 0.42 |
| 4709 | MEDICAL-FIREFIGHTER | 370.00 | 4,342.00 | 6,170.00 | 1,828.00 | 0.70 |
| 4727 | OFFICE SUPPLIES | 43.17 | 862.32 | 2,700.00 | 1,837.68 | 0.32 |
| 4728 | BUILDING SUPPLIES | 128.78 | 509.82 | 700.00 | 190.18 | 0.73 |
| 4740 | OPERATING SUPPLIES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 4741 | EQUIPMENT SUPPLIES | 472.56 | 3,531.11 | 8,650.00 | 5,118.89 | 0.41 |
| 4801 | CONTRACT SERVICES | 0.00 | 2,591.30 | 5,700.00 | 3,108.70 | 0.45 |
| 4820 | 80th Anniversary | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 4850 | COMMUNICATIONS | 245.02 | 2,210.27 | 3,350.00 | 1,139.73 | 0.66 |
| 4910 | INSURANCE | 0.00 | 24,203.00 | 26,000.00 | 1,797.00 | 0.93 |
| 4920 | UTILITIES | 683.01 | 8,514.70 | 17,000.00 | 8,485.30 | 0.50 |
| 4960 | EDUCATION & TRAININ | 0.00 | 656.77 | 5,030.00 | 4,373.23 | 0.13 |
| 4970 | OFFICE EQUIPMENT | 0.00 | 59.88 | 240.00 | 180.12 | 0.25 |
| 4976 | FIRE EQUIPMENT | 3,088.00 | 3,793.59 | 13,860.00 | 10,066.41 | 0.27 |
| 4978 | FIRE EQUIP.-MAINT/REP | 220.00 | 8,932.60 | 15,300.00 | 6,367.40 | 0.58 |
| 4979 | FIRE EQUIPMENT-UPGR | 0.00 | 450.00 | 0.00 | (450.00) | 0.00 |
| 4981 | APPARATUS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 4982 | Loose Equip. New Apparat | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 4983 | Misc. Upgrades | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 4984 | COMPUTER EQUIPMENT | 0.00 | 359.00 | 600.00 | 241.00 | 0.60 |
| 4988 | COMPUTER SOFTWARE/ | 229.95 | 608.95 | 600.00 | (8.95) | 1.01 |
| 4999 | RESERVE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| | Total Expenses | 18,671.12 | 164,920.70 | 268,200.00 | 103,279.30 | 0.61 |
| | Net Income/<Loss> | (8,633.44) | 78,423.21 | 0.00 | | |
| 3400 | FUND BALANCE-Beginni | 0.00 | 61,597.70 | 0.00 | | |
| | Fund Balance-End of Year | (8,633.44) | 140,020.91 | 0.00 | | |

General observations, summary and recommendations by the Personnel Committee.....

The department seems to be managed very effectively in terms of day to day operations and responding to immediate challenges. The focus of the Board and the Chief is immediately tackling the problems in front of us done with the resources at hand and getting the job done.

The Department and the Chief and the Board have not established clear cut long range goals. With the perceived emerging stability in the municipalities, the committee recommends that the Board become Pro-Active identifying long range goals for the department. The goals will identify issues that need to be incorporated into the "Operating Agreement" between the municipalities to insure that the goals and the operating contract are consistent with one another. The agreed upon goals and Operating Agreement then should be translated into issues considered when evaluating the Chief and the department.

To be effective in meeting these objectives the board will have to become more active with representatives of the municipalities, having discussions regarding expectations and needs. A more active role will be necessary if we are even considering the impact of actually creating a functioning Fire Authority for the community. Issues of training and coaching individuals in the command structure for to insure that there is a succession plan that is real for all command positions in the structure is necessary. It is unclear as to the status of the readiness of current firefighters and officers to fill the slots in the department should that become necessary.

The Chief needs to understand that the Boards position regarding his performance is that he is both a leader and a supervisor.... As a supervisor he is expected to delegate activity to others in the organization. It is necessary both from a training for succession stand point as well as a practical stand point. He isn't expected to do all the work himself. He is expected to assign tasks, review results for consistency with departmental regulations and guidelines, instruct/critique performance and report results to the board. Good managers orchestrate personnel, materials and supplies and finances to meet stated departmental objectives. Utilizing/and developing talent in others to accomplish a task is not a sign of weakness.

The issues of station readiness are reported to the municipalities, but the board is only apprised at budget time with a list of needs. A regular report with a semiannual "tour" of the station pointing out needs is appropriate if the Board is to be able to be coherent in advocating departmental needs to the municipalities. We have a monthly apparatus readiness report from Jack. Perhaps an equipment readiness report from the Quartermaster and a station readiness report from the Chief or one of his officers would also be helpful.

Meeting structure: the agenda should be created with the concurrence with the board chair before it is issued. It is recommended that the "checkbook" page be deleted from the distributed documents at the board meeting. We don't need it... The Board should be more involved with the more "delicate" personal and finance issues. The open meetings act authorizes us to go into Executive session to consider personnel issues major purchases and a few other items. We should avail ourselves of that option to allow the Board to fully explore issues in a timely way.

Recommendations for equipment/truck purchases tend to be recommendations to replace what e already have as it reaches the end of its useful life. Without a fir set of goals in place, this is appropriate. However, goals would provide the framework for long range planning that may impact the recommendations on what equipment to retire and what to continue to use even if it is not the best option based on its date of being put into service.

AS OF: October 12, 2010
TO: Swartz Creek Area Fire Authority
RECORDED BY: Fire Chief Brent Cole
SUBJECT: Current Apparatus Readiness Status

| Unit | Type | Assignment | Status |
|------|--------------|------------|--|
| 11 | 98 Pumper | Station 1 | In service. Oct. 11: Taken out of service at 0720 to replace leaking pipe between pump and tank fill valve. 2" diameter by 12" pipe replaced. |
| 12 | 91 Pumper | Station 1 | In service. |
| 16 | 91 Squad | Station 1 | In service. |
| 17 | 79 Grass Rig | Station 1 | In service. Sept. 22: Engineered Victories contacted for clutch repair. Appointment set for Monday, Sept. 27 at 0800-0830. Sept. 29: Clutch fixed. Unit returned to service. |
| 21 | 99 Pumper | Station 2 | In service. Sept. 22: Halt Fire inspected the ladder rack that was bend from it dropping to the down position after an oil leak. Preliminary inspection determined that it would be best to have the unit taken to Halt Fire for further evaluation. An approximate time for repair would be at least 1 week, depending on what is determined to be the safest operational result. |
| 23 | 92 Tanker | Station 2 | In service. |
| 26 | 93 Squad | Station 2 | In service. |
| 27 | 79 Grass Rig | Station 2 | In service. Sept. 22: LTM contacted to set up annual maintenance, inspection and pump testing for apparatus. Sept. 27: October 18 & 19 set for LTM to perform maintenance and pump testing. |

**PROPOSAL SPECIFICATIONS FOR THE ACQUISITION OF PROFESSIONAL
GOVERNMENT AUDIT SERVICES**

GENERAL STATEMENT, SCOPE OF SERVICES

THIS IS AN INVITATION TO SUBMIT PROPOSALS AND NOT A PURCHASE ORDER

It is the intent of the Swartz Creek Area Fire Department to hire, as a professional services contractor, an "audit firm" or "auditor" that includes:

Cost Item #1

1. Annual Fiscal Field and Site Audit of January 1 through December 31 cycle.
2. General reports of results, internal control and compliance, suggestions for improvements, and an appearance before the Swartz Creek Area Fire Board at a regularly scheduled meeting explaining conclusions and observations.
3. Completion of Audit by March 1.
4. Preparation of executable copies of reports including, but not limited to:
 - A. Certified Annual Financial Statements (11 copies)
 - B. Any and all reports routinely requested by the State of Michigan and/or the County of Genesee and/or the U.S. Federal Government, or any other governmental subdivision thereof.

Cost Item #2

5. Year long availability for administrative consultation, review and site work, if needed.

TERM OF PROPOSAL

Three year award, commencing with fiscal year ending December 31, 2010, December 31, 2011, & December 31, 2012.

APPLICANTS RESPONSIBILITY, QUALIFICATIONS

Each quote shall include:

1. Firm history statement, qualifications of auditors that may be assigned to the Swartz Creek Area Fire Department
2. Compliance with generally accepted auditing standards of A.I.C.P.A.
3. Thorough knowledge and compliance with Industry Audit Guide, Audits of State and Local Governmental Units (A.I.C.P.A.), Governmental Accounting, Auditing and Financial Reporting (G.A.A.F.R.), Uniform Reporting Format for Financial Statements for Counties and Local Units of Government in Michigan, Michigan Government Accounting and Auditing Guide (Michigan Department of Treasury), Governmental Accounting Standards Board (GASB), and any other standard or promulgated rules or procedure that the Swartz Creek Area Fire Department, State of Michigan and the U.S. Federal Government may require.

10

4. Reference listing of past and current public and governmental or component units to which the applicant is or has performed audit services.

FORM OF QUOTE PROPOSALS

All proposals must be clearly marked "AUDIT SERVICES QUOTE PROPOSAL". The recipient firm shall furnish the Swartz Creek Area Fire Department with the Company's address, telephone number and contact person. In the event said information is changed, the recipient firm shall immediately advise the Swartz Creek Area Fire Department.

All the information within this form, including the quote cost of services consistent with the aforementioned cost items 1 & 2, should be marked on the pages attached with this document. Additional supportive, explanation, firm historical, qualification and similar documentation are welcome and encouraged.

INTERPRETATION OF QUOTE PROPOSALS

Any person or firm who is submitting a proposal may request clarification as to the true meaning of any part of these specifications or other contract documents by submitting a written request for such interpretation to the Swartz Creek Area Fire Department. Interpretation of the request for quote proposal will be made only by addendum. A copy of each addendum may be mailed or delivered to each person obtaining a set of the contract documents from the Swartz Creek Area Fire Department. Additional historical audit information can be obtained from the Fire Department upon request.

SUBMISSION OF QUOTE PROPOSALS

Proposals shall be legibly prepared in ink. All proposals must be submitted to the Swartz Creek Area Fire Department prior to Friday, November 12, 2010 @ 1:00 p.m. to:

**Swartz Creek Area Fire Department
8100 B Civic Drive
Swartz Creek, Michigan 48473**

Submission of a proposal will be construed as a conclusive presumption that the applicant is thoroughly familiar with the proposal and specifications, and that the applicant understands and agrees to abide by each and all of the stipulations and requirements contained therein.

The proposal must be delivered in person or sent by mail to the Swartz Creek Area Fire Department, 8100 B Civic Drive, Swartz Creek, Michigan 48473.

Proposals will not be accepted after the time designated for the opening of the proposals. The applicant shall assume full responsibility for delivery of proposals prior to the appointed hour for opening same, and shall assume the risk of late delivery or non-delivery regardless of the manner the applicant employs for the transmission thereof. The Swartz Creek Area Fire Department shall accept proposals only during

normal business hours, said hours being 8:00 A.M. to 1:00 P.M., Mondays through Fridays, legal holidays excepted.

SWARTZ CREEK AREA FIRE DEPARTMENT, RIGHT TO REJECT QUOTE PROPOSAL

The Swartz Creek Area Fire Department reserves the right to reject any or all proposals, or any part of the same, to waive any irregularities or informalities, and to make the award in part or entirety as may appear to the Swartz Creek Area Fire Department to be in the best interest of the of the Department.

DISQUALIFICATION OF APPLICANT

Although not intended to be an exhaustive list of causes for disqualification, any one or more of the following causes, among others, may be considered sufficient for the disqualification of an applicant and the rejection of the applicant's proposal:

- A. Evidence of collusion among applicants.
- B. Lack of competency.
- C. Inadequate performance, qualifications, experience, or adherence to specifications.

SUCCESSFUL AWARD, EXECUTION OF AWARD, INVOICING

All quotes submitted will be reviewed by the Fire Board inclusive of compliancy or non-compliancy with specifications as set forth within. Quote proposals submitted to the Fire Board for selection will include administrative recommendations. The Fire Board is the final authority in determining the selection.

The Swartz Creek Area Fire Department will consider the proposals as early as practicable after tabulation, and initiate the award soon thereafter.

The Swartz Creek Area Fire Department will notify the successful Awardee. The Swartz Creek Area Fire Department remits all approved invoices on a "net due 30 day basis".

POINT OF CONTACT

All correspondence, discussion, questions, etc. between the bidder and the Swartz Creek Area Fire Department shall be directed to the Fire Chief or Accounting/Clerical Specialist.

SWARTZ CREEK AREA FIRE DEPARTMENT

VENDOR / QUOTE PROPOSAL

General Cost Log, Identification Form

(All vendors should complete this sheet and attach with their proposal)

Cost Item #1

1. Annual Fiscal Field and Site Audit of January 1 through December 31 cycle.
2. General reports of results, internal control and compliance, suggestions for improvements, and an appearance before the Swartz Creek Area Fire Board at a regularly scheduled meeting explaining conclusions and observations.
3. Preparation of executable copies of reports including, but not limited to:
 - A. Certified Annual Financial Statements (11 copies)
 - B. Any and all reports routinely requested by the State of Michigan and/or the County of Genesee and/or the U.S. Federal Government, or any other governmental subdivision thereof.

Fiscal Year Ending December 31:

2010 2011 2012

Total: \$ _____ \$ _____ \$ _____

All Other Expenses (Travel, mailing, etc.) \$ _____ \$ _____ \$ _____

Cost Item #2

1. Year long availability for administrative consultation, review and site work, if needed.

Fiscal Year Ending December 31:

2010 2011 2012

Total: \$ _____ \$ _____ \$ _____

All Other Expenses (Travel, mailing, etc.) \$ _____ \$ _____ \$ _____

BIDDER IDENTIFICATION

IDENTIFICATION

Name of firm:

Point of contact:

Address:

Phone: ()

FAX: ()

E-mail:

(SIGNATURE, TITLE AND DATE)

(PRINTED NAME & TITLE)

From the Desk of Captain David J. Plumb
Swartz Creek Area Fire Department

To: Chief Brent Cole
RE: Lori McKerracher
Date: October 8, 2010

This memo serves as recommendation to place FF Lori McKerracher on probation under SOG 420 – Discipline for failing to comply with SOG 209 - Duties for apparatus checks and hall cleaning (Station Assignments).

FF McKerracher has been received (3) three disciplinary actions for failing to comply with #3 of SOG 209, within the last six months.

SOG 209.

3. Apparatus checks and hall cleaning duties shall be performed on a weekly basis. It shall be the assigned duty person to determine the day said duties will be performed. ***In order that a sufficient number of checks will be performed in the month, the first check will be done within the first 5 days of each month.*** However, duties shall not be done any further than ten (10) days or closer than five (5) days between events.

FF McKerracher received the following disciplinary actions every month she has been scheduled an assignment since April:

In April 2010 was assigned E21 was issued **Verbal Reprimand/Warning**
In July 2010 was assigned Apparatus Cleaning was issued **Written Warning**
In September 2010 was assigned S26/G27 was issued a **Written Reprimand**

In accordance with SOG 420 I recommend FF McKerracher be returned to probationary status.

SOG 420.

More than two (2) consecutive violations OR an accumulation of more than three (3) violations in a 24 month period may be grounds for a continuation of probationary status OR placement on probation for six (6) months. Only those violations for a 24 month period will be used for status determination. If during the six (6) month period following, another infraction should occur, a request to the Fireboard for dismissal may be an option used to resolve the situation.

On September 15th, FF McKerracher was given and signed her written reprimand, by AC Merriam. FF McKerracher was told the Chief Cole would be in contact with her for further disciplinary action.

Joshua Hall
8507 Beecher Rd.
Flushing, MI 48433



10/8/2010

Brent Cole
SCAFD Chief
SCAFD Fire Department
8100-B Civic Dr.
Swartz Creek, MI 48473

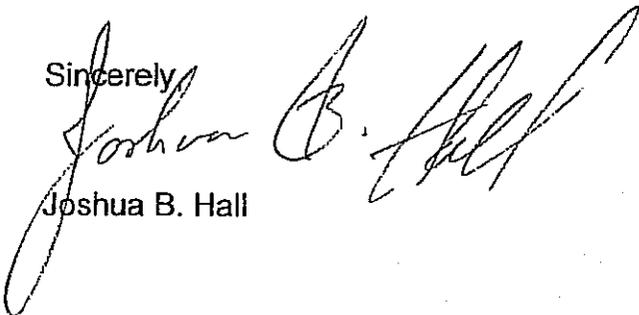
Brent Cole

This is a formal notice of my resignation from the Swartz Creek Area Fire Department on 10/8/10. I feel that I it would be not only be a waste of my time as well as the departments resources to continue at this time.

In the Recent weeks my work Schedule as become more demanding as well as the necessary time I need for my college studies at ITT Tech.

It is with regret that I ask you to accept this as my resignation from SCAFD.

Sincerely,



Joshua B. Hall



Quotation

Quote Date: 10/12/2010

Quote #: 050739

FOB: Origin

PO #:

Ship Via: UPS Ground

Terms: Net 30

Quoted By: RAho

BILL TO:

Swartz Creek Fire Department
8100 B Civic Drive
Swartz Creek, Michigan 48473

Attention:

Phone #: 810-635-9751 Fax #: 810-635-7461

Job #: ED349

SHIP TO:

Swartz Creek Fire Department
8100 B Civic Drive
Swartz Creek, Michigan 48473

| Line Item # | Product ID | Product Description | Quantity | Unit Cost | Extended Cost |
|-------------|------------|--|----------|-----------|---------------|
| 001 | LABOR-SHOP | SHOP-LABOR EST. labor to repair ladder rack arm (est. based on photo subject to change pending actual inspection) | 24 | \$68.00 | \$1,632.00 |
| 002 | SHOP | MISC. SHOP SUPPLIES | 1 | \$150.00 | \$150.00 |
| Sub Total: | | | | | \$1,782.00 |

TERMS: NET 30; QUOTE VALID FOR 30 DAYS

50168 W. Pontiac Trail, Unit B, Wixom, Michigan 48393 Phone: (248) 669-0800 Fax: (248) 669-8120

Page 1 of 1

SWARTZ CREEK AREA FIRE DEPARTMENT
 8100 B CIVIC DRIVE
 SWARTZ CREEK, MI 48473

Voice: 810/635-2300
 Fax: 810/635-7461

INVOICE

Invoice Number: 101311
 Invoice Date: Oct 13, 2010
 Page: 1

Duplicate

| |
|---|
| Bill to: |
| CLAYTON TOWNSHIP 2011 MORRISH ROAD SWARTZ CREEK, MI 48473 |

| |
|---|
| Ship to: |
| CLAYTON TOWNSHIP 2011 MORRISH ROAD SWARTZ CREEK, MI 48473 |

| | | | |
|----------------------|-------------------------|-----------------------|------------------|
| Customer ID: | Customer PO: | Payment Terms: | |
| CLAY01 | | Due at end of Month | |
| Sales Rep ID: | Shipping Method: | Ship Date: | Due Date: |
| | Courier | | 10/31/10 |

| Quantity | Item | Description | Unit Price | Amount |
|-------------------------------|--------|----------------------|------------|----------|
| 335.75 | FIRE02 | FIRE SERVICE 09/2010 | 12.95 | 4,349.25 |
| Subtotal | | | | 4,349.25 |
| Sales Tax | | | | |
| Total Invoice Amount | | | | 4,349.25 |
| Payment/Credit Applied | | | | |
| TOTAL | | | | 4,349.25 |

Check/Credit Memo No:

4349.25

SWARTZ CREEK AREA FIRE DEPARTMENT
 8100 B CIVIC DRIVE
 SWARTZ CREEK, MI 48473

Voice: 810/635-2300
 Fax: 810/635-7461

INVOICE

Invoice Number: 101310
 Invoice Date: Oct 13, 2010
 Page: 1

Duplicate

| |
|--|
| Bill to: |
| CITY OF SWARTZ CREEK 8083 CIVIC DRIVE SWARTZ CREEK, MI 48473 |

| |
|--|
| Ship to: |
| CITY OF SWARTZ CREEK 8083 CIVIC DRIVE SWARTZ CREEK, MI 48473 |

| | | | |
|----------------------|-------------------------|-----------------------|------------------|
| Customer ID: | Customer PO: | Payment Terms: | |
| CITY01 | | Due at end of Month | |
| Sales Rep ID: | Shipping Method: | Ship Date: | Due Date: |
| | Courier | | 10/31/10 |

| Quantity | Item | Description | Unit Price | Amount |
|-------------------------------|--------|----------------------|------------|----------|
| 163.00 | FIRE02 | FIRE SERVICE 09/2010 | 12.75 | 2,078.94 |
| Subtotal | | | | 2,078.94 |
| Sales Tax | | | | |
| Total Invoice Amount | | | | 2,078.94 |
| Payment/Credit Applied | | | | |
| TOTAL | | | | 2,078.94 |

Check/Credit Memo No:

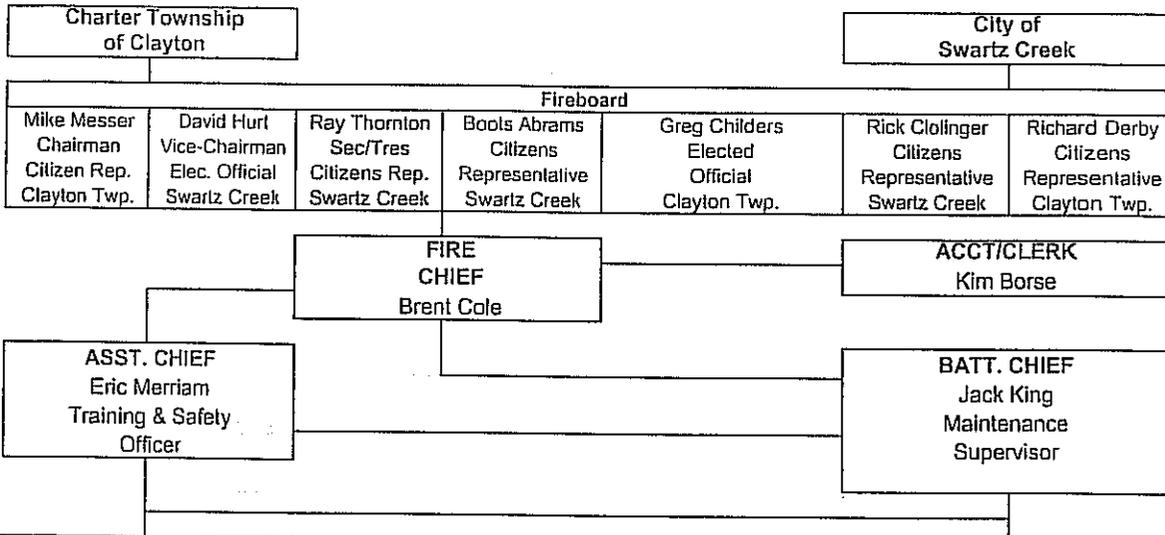
2078.94

**SWARTZ CREEK AREA FIRE DEPARTMENT
BILLS PAID LIST**

| | | | | | 30-Sep-10 |
|-----------|--------|-----------------------------------|--------------|-------|--------------------------------------|
| DATE: | CHECKS | PAYEE: | AMT | ACCT | TRANSACTION DESCRIPTION |
| 9/2/2010 | 15534 | CLAYTON TWP | \$40.51 | 4920 | SEWER-STA 2 |
| 9/2/2010 | 15535 | SCAFA | \$396.00 | 22024 | ASSOC DUES |
| 9/2/2010 | 15536 | FRIEND OF THE COURT | \$50.61 | 22026 | FRIEND OF THE COURT |
| 9/2/2010 | 15537 | ICMA | \$567.06 | 22023 | DF COMP EE PORTION |
| | | (INTERNTL CITY/COUNTY MGT ASSOC.) | \$317.75 | 4708 | DF COMP ER PORTION |
| 9/2/2010 | 15538 | PETTY CASH | \$5.62 | 4741 | EQUIP SUPPLIES |
| | | | \$30.19 | 4727 | SHIPPING |
| 9/2/2010 | 15539 | CHASE | \$2,478.66 | 22021 | 08/10 SOC SEC |
| 9/2/2010 | 15540 | STATE OF MICHIGAN | \$381.81 | 22022 | 08/10 STATE TAX |
| 9/13/2010 | 15541 | COMCAST | \$188.85 | 4850 | PHONE/INTERNET STA 1 |
| 9/13/2010 | 15542 | CONSUMERS ENERGY | \$196.82 | 4920 | UTILITIES STA 2 |
| 9/13/2010 | 15543 | GIL ROYS | \$8.78 | 4728 | BUILDING SUPPLIES |
| 9/13/2010 | 15544 | MCLAREN | \$370.00 | 4709 | PHYSICALS |
| 9/13/2010 | 15545 | SUBURBAN AUTO | \$52.16 | 4741 | EQUIP SUPPLIES |
| 9/13/2010 | 15546 | VALLEY PETROLEUM | \$318.13 | 4741 | FUEL |
| 9/13/2010 | 15547 | VISA | \$229.95 | 4988 | TAX SERVICE SOFTWARE |
| | | | \$12.98 | 4727 | FAX TONER |
| 9/20/2010 | 15549 | CITY OF SW. CREEK | \$445.68 | 4920 | UTILITIES STA 1 |
| 9/20/2010 | 15550 | ICMA | \$69.42 | 22023 | DF COMP EE PORTION |
| 9/20/2010 | 15551 | VALLEY PETROLEUM | \$96.65 | 4741 | FUEL |
| 9/27/2010 | 15552 | CHARTER COMMUNICATIONS | \$56.17 | 4850 | PHONE STA 2. additional \$13 FCC chg |
| 9/27/2010 | 15553 | CYNERGY PRODUCTS | \$220.00 | 4978 | HEAD SET REPAIR |
| 9/27/2010 | 15554 | LOWES | \$120.00 | 4728 | BUILDING SUPPLIES |
| 9/27/2010 | 15555 | MOTOROLA | \$3,257.00 | 4976 | BY INSURANCE |
| | | | \$81.00 | 4976 | REMOTE SPEAKER |
| | | | (\$2,478.66) | 22021 | 08/10 SOC SEC PAYABLE |
| | | | (\$381.81) | 22022 | 08/10 STATE TAX PAYABLE |
| | | | \$2,450.13 | 22021 | 09/10 SOC SEC PAYABLE |
| | | | \$385.81 | 22022 | 09/10 STATE TAX PAYABLE |
| | | | \$7,989.19 | 1002 | 9/2 PAYROLL |
| | | | \$964.66 | 1002 | 9/20 PAYROLL |
| | | | (\$250.00) | 4976 | 800 RADIO DEDUCTABLE |
| | | TOTAL | \$18,671.12 | | |

VOID CHECKS: 15548

Swartz Creek Area Fire Department Organization Chart



| STATION 1 | | | | STATION 2 | | | |
|---|---------------|---------------|-----------|--|---------------|---------------|-----------|
| Capt. Steve Tabil - Quarter Master | | | | Capt. Dave Plumb - Asst. Qtrmstr, Coordinator, Run % Monitor | | | |
| Lt. Mike Treiger - Fire Prevention & Station 1 Assignments | | | | Lt. Dave Jones - Vehicle Inspections & Station 2 Assignments | | | |
| Lt. Brent Cole - Medical & Rehab Supplies <i>(Medical Leave 11/04/10)</i> | | | | Lt. Rich Tesner - Uniforms | | | |
| | Leave Expires | Dir.Res.Start | Off Prob. | | Leave Expires | Dir.Res.Start | Off Prob. |
| FF Rod Armstrong | | | | SGT James Barr II | | | |
| FF Greg Baker | | | | FF Jarrad Brooks | | | |
| FF James Bowers | | | | FF Anthony Davis | | 01/18/05 | |
| FF Rick Castano | | | | FF Lori McKerracher | | 05/31/01 | |
| <i>FF Leah Farnsworth</i> | | | 09/20/11 | FF Tim McKnight | | | |
| FF Tiffany Forbes | | | | <i>FF Dan Merriam</i> | | | 06/21/11 |
| <i>FF Chad Thornton</i> | | | 08/16/11 | FF Karen Merriam | | | |
| FF Daniel Hill | | | | FF Mark Merriam | | | |
| FF Jeffery Jarrad | | | | FF Ann Samida | | | |
| FF Jeffrey Kelley | | | | FF Bill Samida | | | |
| FF Todd Kimbrue | | | | FF Steve Webster | | | |
| <i>FF Dale Link</i> | | | 09/21/10 | FF Joe Yambrick | | 7/20/09 | |
| FF Scott Martin | | | | | | | |
| FF Walter Melen | | | | | | | |
| FF Brian Scott | | | | | | | |
| SGT Kevin VanArsdale | | 04/15/04 | | | | | |
| FS Bob Plumb | | | | | | | |
| RO Valerie Dow | | | | | | | |
| On personal leave/Medical= | | 0 | | On personal leave/Medical= | | 0 | |
| Suspended= | | 0 | | Suspended= | | 0 | |
| Non-Probationary Total = | | 13 | | Non- Probationary = | | 11 | |
| Probationary Total = | | 3 | | Probationary = | | 1 | |
| Firefighter Subtotal = | | 16 | | Firefighter Subtotal = | | 12 | |
| Radio Operators = | | 1 | | Radio Operators = | | 0 | |
| Support = | | 1 | | Support = | | 0 | |
| Station Personnel Total = | | 18 | | Station Personnel Total = | | 12 | |

(1) probation to be extended due to medical leave

| | |
|---------------------|----|
| Total Officers = | 8 |
| Total Firefighters= | 29 |
| Support | 1 |
| Radio Operators = | 1 |
| Total active = | 39 |

Name in italics = probationary status

Font = Suspension

Font = Leave of absence or sick leave

Updated: 10/8/2010

| | |
|----------------------------------|----|
| Officers (Excluding Sergeants) = | 8 |
| Active non-probationary = | 24 |
| Active probationary = | 4 |
| Active Radio Operators = | 1 |
| Support | 1 |
| Suspended= | 0 |
| Medical or extended leave = | 1 |
| Total dept. force = | 39 |

Incident Log for 09/01/2010 through 09/30/2010

| Inc. No. - Exp. Location | Date | Disp. Time | Sta. Incident Type | Owner Name | No. Resp Prop. Loss | Disp. to Enrte. Min. | Resp. Min. Cont. Loss | Officer in Charge | Total Hr:Min:Sec |
|---|------------|--------------|---|-----------------------|---------------------|----------------------|-----------------------|-------------------------------|------------------|
| 0000127-000 Directions E Interstate 69; Morrish and Seymour Jason S Underhill | 09/16/2010 | 09:28 | 1 132 Garbage Truck fire | | 14 \$ 3,000 | 6.00 | 8.00 \$ 0 | KING, JACK L - BATT CHIEF | 0:46:00 |
| 0000128-000 2540 Haviland ST MR Douglas E Heldreth | 09/17/2010 | 23:45 | 2 142 Brush, or brush-and-grass mixture | MR Douglas E Heldreth | 9 \$ 0 | 0.00 | 21.00 \$ 0 | KING, JACK L - BATT CHIEF | 1:00:00 |
| 0000129-000 4101 S Sheridan RD MS Cindy Snell | 09/20/2010 | 19:45 | 1 111 Kitchen Fire | MS Cindy Snell | 20 \$ 500 | 0.00 | 13.00 \$ 500 | KING, JACK L - BATT CHIEF | 1:13:00 |
| 0000130-000 1234 S Elms RD MR Stan Pruett | 09/21/2010 | 17:13 | 2 170 Cultivated vegetation, crop fire, | MR Stan Pruett | 5 \$ 0 | 0.00 | 6.00 \$ 0 | MERRIAM, ERIC M - ASSISTANT | 0:20:00 |
| 0000131-000 12221 Miller RD | 09/26/2010 | 15:21 | 12 111 AMA to Gaines Twp | | 28 \$ 0 | 6.00 | 11.00 \$ 0 | TABIT, STEPHEN D - CAPTAIN/EM | 3:04:00 |
| Incidents by Shift including Exposures | | | | | | | | | |
| | No. Resp. | Total Hr:Min | Prop. Loss | Cont. Loss | 0 | 1 | 2 | 3 | 4 |
| Totals: | 266 | 18:04:00 | \$ 4,500 | \$ 1,500 | 0 | 9 | 8 | 0 | 0 |

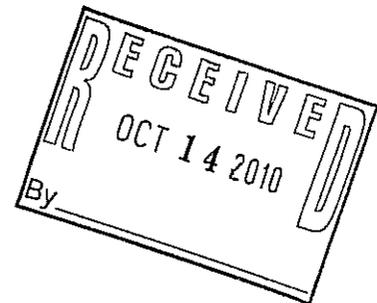
The total number of incidents, including exposure fires is 17.

The number of exposure fires is 0.

The average dispatch to enroute time is 1.00 minutes.

The average response (disp. to arrival) time is 9.59 minutes.

The average mileage is 0.5 miles.



SWARTZ CREEK AREA FIRE DEPT, SWARTZ CREEK MICHIGAN 48473

Incident Log for 09/01/2010 through 09/30/2010

Printed: 10/13/2010

| Inc. No. - Exp. Location | Date | Disp. Time | Sta. | Incident Type | No. Resp Prop. Loss | Disp. to Enrte. Min. | Resp. Min. Cont. Loss | Total Hr:Min:Sec |
|---|------------|---------------|------|---|------------------------|---------------------------------|--------------------------|---------------------|
| Involved Name | | | | Owner Name | | Officer in Charge | | |
| 0000115-000 Adjacent to 3374 S Elms RD | 09/01/2010 | 15:50 | 1 | 140 Natural vegetation fire, other | 23 \$ 0 | 0.00 | 11.00 | 2:41:00 |
| | | | | | | MERRIAM, ERIC M - ASSISTANT | | |
| 0000116-000 3193 Pine Run DR MS Dianna Olesko | 09/02/2010 | 14:18 | 1 | 733 Smoke detector activation due to | 10 \$ 0 | 0.00 | 8.00 | 0:29:00 |
| | | | | MS Dianna Olesko | | MERRIAM, ERIC M - ASSISTANT | | |
| 0000117-000 8194 Duffield RD | 09/03/2010 | 17:36 | 12 | 611 AMA Gaines, canceled en route | 12 \$ 0 | 0.00 | 0.00 | 0:19:00 |
| | | | | | | | | |
| 0000118-000 7430 Wade ST | 09/06/2010 | 09:08 | 1 | 221 Overpressure rupture of air or gas | 10 \$ 0 | 0.00 | 10.00 | 0:46:00 |
| | | | | | | TREIGER, MICHAEL P - LIEUTENANT | | |
| 0000119-000 8038 Corunna RD | 09/07/2010 | 17:58 | 2 | 444 Power line down | 15 \$ 0 | 0.00 | 13.00 | 1:12:00 |
| | | | | | | MERRIAM, ERIC M - ASSISTANT | | |
| 0000120-000 8228 Calkins RD MR Daniel Wisenbaugh | 09/08/2010 | 17:03 | 2 | 111 Building fire | 22 \$ 0 | 0.00 | 10.00 | 0:37:00 |
| | | | | MR Daniel Wisenbaugh | | MERRIAM, ERIC M - ASSISTANT | | |
| 0000121-000 3218 S Morrish RD Shartar Brown | 09/09/2010 | 12:00 | 1 | 113 Cooking fire, confined to container | 15 \$ 0 | 0.00 | 8.00 | 0:33:00 |
| | | | | | | MERRIAM, ERIC M - ASSISTANT | | |
| 0000122-000 4101 S Sheridan RD MS Trudy Tkacz | 09/12/2010 | 08:57 | 1 | 113 Cooking fire, confined to container | 21 \$ 0 | 0.00 | 15.00 | 0:48:00 |
| | | | | MS Trudy Tkacz | | MERRIAM, ERIC M - ASSISTANT | | |
| 0000123-000 4903 Schafer DR Tanesha Torrence | 09/12/2010 | 15:11 | 1 | 111 Building fire; oven top fire | 26 \$ 1,000 | 0.00 | 5.00 | 0:45:00 |
| | | | | | | MERRIAM, ERIC M - ASSISTANT | | |
| 0000124-000 Directions W Interstate 69; Rest Area | 09/13/2010 | 10:26 | 1 | 622 Grass Fire; unfounded | 10 \$ 0 | 5.00 | 9.00 | 0:34:00 |
| | | | | | | KING, JACK L - BATT CHIEF | | |
| 0000125-000 Directions 1000 N Nichols; North of 1252 N. Nichols MR George Grecu | 09/15/2010 | 13:12 | 2 | 138 Combine fire | 14 \$ 0 | 0.00 | 15.00 | 2:43:00 |
| | | | | MR Roy Rhodes | | MERRIAM, ERIC M - ASSISTANT | | |
| 0000126-000 7174 Johnson RD MR Charles Owens | 09/15/2010 | 18:26 | 12 | 611 AMA to Flushing, canceled | 12 \$ 0 | 0.00 | 0.00 | 0:14:00 |
| | | | | MR Charles Owens | | | | |

| FIREFIGHTERS | CITY RUNS | CITY RUNS | | | TOTAL | AMA | AMA | AMA | ASSIST | TOTAL | make up | TRNG | TOTAL | WAGE | |
|--------------|-----------|-----------|--------|--------|-------|-------|--------|--------|--------|--------|---------|-------|--------|----------|----------|
| | | #118 | #123 | #127 | | #117 | #126 | #131 | | | | | HOURS | TOTAL | |
| | | 6-Sep | 12-Sep | 16-Sep | | 3-Sep | 15-Sep | 26-Sep | | | | | 3-Sep | 15-Sep | 26-Sep |
| ARMSTRONG | RODNEY | | | 1.00 | 1.00 | | | 3.00 | 1.50 | | | 2.00 | 1.00 | 3.50 | \$42.10 |
| BAKER | GREG | 1.00 | 1.00 | 1.00 | 3.00 | 1.00 | | 3.00 | 2.00 | | | 3.50 | 1.75 | 6.75 | \$79.31 |
| BARR | JAMES | | | | 0.00 | | | 2.75 | 1.38 | | | 3.50 | 1.75 | 3.13 | \$40.47 |
| DOWERS | JAMES | 1.00 | 1.00 | 1.00 | 3.00 | 1.00 | 1.00 | 3.00 | 2.50 | | | 2.00 | 1.00 | 6.50 | \$76.38 |
| BROOKS | JARRAD | | | | 0.00 | | | | 0.00 | | | | 0.00 | 0.00 | \$0.00 |
| CASTANO | RICK | | | | 0.00 | | | 3.00 | 1.50 | | | 3.50 | 1.75 | 3.25 | \$38.19 |
| COLE | BRENDT | | 1.00 | | 1.00 | | | 1.25 | 3.00 | | | | 0.00 | 3.13 | \$44.80 |
| COLE | BRENT | | 1.00 | | 1.00 | 1.00 | | | 0.50 | | | 1.50 | 0.75 | 2.25 | \$35.19 |
| DAVIS | ANTHONY | | 1.00 | | 1.00 | | | 1.00 | 0.50 | | | 3.50 | 1.75 | 3.25 | \$40.14 |
| DOW | VAL | 1.00 | 1.00 | | 2.00 | 1.00 | 1.00 | 3.00 | 2.50 | | | | 0.00 | 4.50 | \$48.51 |
| FARNSWORTH | LEAH | | | | 0.00 | 1.00 | | 2.50 | 1.75 | | | | 0.00 | 1.75 | \$16.61 |
| FORBES | TIFFANY | | | | 0.00 | | | | 0.00 | | | 1.50 | 0.75 | 0.75 | \$9.26 |
| HALL | JOSH | | | | 0.00 | 1.00 | | | 0.50 | | | 2.00 | 1.00 | 1.00 | \$17.79 |
| HILL | DAN | | | | 0.00 | | | 3.00 | 1.50 | | | 3.50 | 1.75 | 3.25 | \$38.19 |
| JARRAD | JEFFERY | 1.00 | 1.00 | | 2.00 | | | 3.00 | 1.50 | | | 3.50 | 1.75 | 5.25 | \$64.84 |
| JONES | DAVE | | 1.00 | | 1.00 | | | 2.75 | 1.38 | | | 3.50 | 1.75 | 4.13 | \$56.10 |
| KELLEY | JEFFERY | 1.00 | 1.00 | 1.00 | 3.00 | | | 3.00 | 1.50 | | | 3.50 | 1.75 | 6.25 | \$77.19 |
| KIMBRUE | TODD | | | | 0.00 | | | | 0.00 | | | 1.50 | 0.75 | 0.75 | \$9.49 |
| KING | JACK | | | 1.00 | 1.00 | | | 1.00 | 3.00 | | | 3.50 | 1.75 | 4.75 | \$77.14 |
| LINK | DALE | | 1.00 | 1.00 | 2.00 | | | | 0.00 | | | 3.50 | 1.75 | 3.75 | \$37.95 |
| MARTIN | SCOTT | | 1.00 | 1.00 | 2.00 | | | 1.00 | 3.00 | | | 3.50 | 1.75 | 5.75 | \$71.01 |
| MCKERRACHER | LORI | | | 1.00 | 1.00 | | | 2.75 | 1.38 | | | 3.50 | 1.75 | 4.13 | \$50.94 |
| MCKNIGHT | TIM | | 1.00 | | 1.00 | | | 1.00 | 2.75 | | | 3.50 | 1.75 | 4.63 | \$54.34 |
| MELEN | WALT | | 1.00 | | 1.00 | | | | 0.00 | | | 1.50 | 0.75 | 1.75 | \$21.61 |
| MERRIAM | DAN | | | 1.00 | 1.00 | | | 1.00 | 0.50 | | | 3.50 | 1.75 | 3.25 | \$30.84 |
| MERRIAM | ERIC | | 2.00 | | 2.00 | 1.00 | 1.00 | 2.75 | 2.38 | | | 7.00 | 3.00 | 8.25 | \$129.03 |
| MERRIAM | KAREN | | 1.00 | | 1.00 | 1.00 | | 2.75 | 1.88 | | | 3.50 | 1.75 | 4.63 | \$66.79 |
| MERRIAM | MARK | | 1.00 | 1.00 | 2.00 | | | 1.00 | 2.75 | | | 3.50 | 1.75 | 5.63 | \$66.09 |
| PLUMB | DAVE | 1.00 | 1.00 | | 2.00 | 2.00 | | 3.25 | 2.63 | | | 3.50 | 1.75 | 6.38 | \$95.88 |
| PLUMB | ROBERT | 1.00 | 1.00 | 1.00 | 3.00 | 1.00 | 0.75 | 0.00 | 0.88 | | | | 0.00 | 3.88 | \$43.94 |
| SAMIDA | ANN | | 1.00 | | 1.00 | | | 2.25 | 1.13 | | | 3.25 | 1.63 | 3.75 | \$46.31 |
| SAMIDA | BILL | | 1.00 | | 1.00 | | | 2.75 | 1.38 | | | 3.25 | 1.63 | 4.00 | \$47.00 |
| SCOTT | BRIAN | 1.00 | 1.00 | | 2.00 | 1.00 | | 3.00 | 2.00 | | | 3.50 | 1.75 | 5.75 | \$80.85 |
| TABIT | STEVE | | 1.00 | 2.00 | 3.00 | | | | 2.00 | | | 3.50 | 1.75 | 6.75 | \$101.52 |
| TESNER | RICH | | | | 0.00 | | | | 0.00 | | | 3.50 | 1.75 | 1.75 | \$24.61 |
| THORNTON | JOE | | 1.00 | 1.00 | 2.00 | | | 3.00 | 1.50 | | | 2.00 | 1.00 | 4.88 | \$46.26 |
| TREIGER | MIKE | 2.00 | 1.00 | | 3.00 | | | 3.00 | 1.50 | | | 2.00 | 1.00 | 5.50 | \$78.98 |
| VANARSDALE | KEVIN | 1.00 | 1.00 | 1.00 | 3.00 | | | 2.50 | 1.25 | | | 1.50 | 0.75 | 5.00 | \$71.80 |
| WEBSTER | STEVE | | 1.00 | | 1.00 | 1.00 | | 1.00 | 2.38 | | | 3.50 | 1.75 | 5.13 | \$60.22 |
| YAMBRICK | JOE | | | | 0.00 | 1.00 | 1.00 | 3.00 | 2.50 | | | 2.00 | 1.00 | 3.50 | \$41.13 |
| | | 11.00 | 27.00 | 15.00 | 53.00 | 14.00 | 13.00 | 84.25 | 55.63 | 106.50 | 2.25 | 54.38 | 163.00 | 2,078.94 | |

CITY OF SWARTZ CREEK

Council Minutes
Removed

DOWNTOWN DEVELOPMENT AUTHORITY



MEETING OF OCTOBER 14, 2010

**6 PM IN THE SWARTZ CREEK CITY COUNCIL
CHAMBERS**

SWARTZ CREEK DDA

AGENDA

**Downtown Development Authority, Thursday October 14, 2010, 6:00 P.M.
City Hall 8083 Civic Drive, Swartz Creek Michigan 48473**

1. CALL TO ORDER:

2. PLEDGE OF ALLEGIANCE:

3. ROLL CALL:

4. APPROVE AGENDA:

4A. Proposed or Amended Agenda, October 14, 2010

5. MOTION TO APPROVE MINUTES:

5A. Board Meeting, September 9, 2010

6. REPORTS & COMMUNICATIONS:

6A. Resolutions

6B. September 9, 2010 Minutes

6C. DDA September Meeting Letter

6D. September 13th & September 27th City Council Minutes

Page No:

[02](#)

[03-04](#)

[05](#)

[06-24](#)

7. MEETING OPENED TO THE PUBLIC:

7A. General Public Comments

8. BUSINESS:

8A. Future Activities/Farmers Market

[Discussion](#)

9. MEETING OPENED TO THE PUBLIC:

9A. General Public Comments

10. REMARKS BY MEMBERS:

11. ADJOURNMENT:

CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
DOWNTOWN DEVELOPMENT AUTHORITY
RESOLUTIONS
THURSDAY, OCTOBER 14, 2010
6:00 P.M.

Resolution No. 101410-__

(Carried/Denied)

Motion by Boardmember _____, support by Boardmember _____,
the Swartz Creek DDA approves the agenda for the October 14, 2010 DDA
meeting.

YES: _____.

NO: _____. Motion declared carried/denied.

Resolution No. 101410-__

(Carried/Denied)

Motion by Boardmember _____, support by Boardmember _____,
the Swartz Creek DDA approves the minutes for the September 9, 2010 DDA
meeting.

YES: _____.

NO: _____. Motion declared carried/denied.

Resolution No. 101410-__

(Carried/Denied)

Motion by Boardmember _____, support by Boardmember _____,
the Swartz Creek DDA adjourns the October 14, 2010 DDA meeting.

YES: _____.

NO: _____. Motion declared carried/denied.

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE DOWNTOWN DEVELOPMENT AUTHORITY
DATE 9/09/2010**

The Regular Meeting was called to order at 6:06 by Boardmember Nemer in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Board Members Present: Bueche, Hull, Mardlin, Nemer, Raffaelli, Spence.

Board Members Absent: Abrams, Eckerdt, Gardner.

Staff Present: Adam Zettel.

Others Present: None.

APPROVAL OF AGENDA:

Resolution No. 100909-01 **(Carried)**

Motion by Boardmember Mardlin
Second by Boardmember Hull

The Swartz Creek City Downtown Development Authority approves the agenda of the September 9, 2010 DDA Meeting with the addition of item 8B Farmers Market to the business session.

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

APPROVAL OF MINUTES:

Resolution No. 100909-02 **(Carried)**

Motion by Boardmember Spence
Second by Boardmember Mardlin

The Swartz Creek City Downtown Development Authority approves the minutes for the June 10, 2010 DDA Meeting to be circulated and placed on file.

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

MEETING OPEN TO THE PUBLIC:

No Public Comment.

BUSINESS:

Tax Appeals/Budget/Future Activities

Mr. Adam Zettel discussed budgeting regarding the Sports Creek Raceway tax appeals. There was a discussion regarding acquiring other revenue sources. It was decided that they will walk in the homecoming parade and pass out flyers to support local businesses.

Farmers Market

Boardmember Spence asked about promoting the farmers market. She also spoke about the Assenmacher 100 and there was a discussion about its impact on the downtown area.

MEETING OPEN TO PUBLIC:

No public comment.

REMARKS BY BOARD MEMBERS:

Boardmember Raffaelli appreciates Boardmember Spence's input on the September 18th Kiwanis project.

Boardmember Hull is happy with the results from tonight. He will be looking forward to doing a little advertising and giving some money away.

Boardmember Nemer is real happy with everything, too. He thanked Boardmember Spence for her input and Boardmember Mardlin for his help in coordinating the businesses downtown for the homecoming parade and thinks it will be real nice. He also said thank you to everyone for their work.

ADJOURNMENT:

Resolution No. 100909-03

(Carried)

The Swartz Creek Downtown Development Authority unanimously declared the meeting adjourned at 7:25 p.m.

Mark Nemer
Chairman

Paul D. Bueche
Secretary



SWARTZ CREEK DDA
SWARTZ CREEK CITY OFFICES
8083 CIVIC DR.
SWARTZ CREEK, MI 48473

PHONE: 810-635-4464
FAX: 810-635-2887

Date: October 8, 2010

To: DDA Board Members
From: Adam Zettel
RE: October 14, 2010 DDA Board Meeting

Hello everyone,

There will be a DDA meeting Thursday, October 14, 2010 to what future activities the DDA is interested in doing, as well as the Farmers' Market. My understanding is that the Home Coming Parade plan didn't pan out as we would have liked. I don't see this as any reason not to pursue such activities.

I suspect that if the Board has a bit more time and a better idea concerning exactly what it wants to do, it can make some of these things go. What is probably needed is a committee of sorts that can meet with these groups (like the Fire Department concerning their Christmas Parade). Given more time and being able to work with others should be able to jumpstart something. We will discuss what, if anything, the DDA can do for such events coming up this winter or spring.

We will also need to consider the Farmers' Market at some point. Richard Mattson is not going to be able to work the market next year which leaves us without a Market Master. Since the revenues are down, I am not sure the DDA could afford one anyway. What we will have to consider is one of two options. The first is to cut the market loose and let it do its own thing as a group of vendors applying to do outdoor sales, if they choose to. The second is to attempt to get volunteers to share the duties of setting up and holding events each week during the summer. Think about this and we will talk more about it at the meeting.

If you have anything else you want to discuss, don't hesitate to call myself or Mark. Any and all ideas are a go right now! Please see the attached minutes from the City Council meetings in September. I shall see you all this Thursday. Again, if you have other items you would like to see discussed, give me a call and I can put them on the agenda.

Sincerely,

A handwritten signature in blue ink that reads "Adam Zettel".

Adam Zettel, AICP
Assistant City Manager
(810)-287-2147
azettel@cityofswartzcreek.org

Council Minutes Have
Been Removed

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF PLANNING COMMISSION MEETING
October 05, 2010**

Meeting called to order at 7:01 p.m. by Chairperson Stephens.

Pledge of Allegiance.

ROLL CALL:

Commissioners present: Abrams, Bueche, Conner, Florence, Florine, Grimes, Hurt, Ridley, Stephens.

Commissioners absent: None.

Staff present: Adam Zettel, Zoning Administrator.

Others present: Travis Underhill, Al Fahnsler, Todd Kamps, Dan DeJonge, Al Jory.

APPROVAL OF AGENDA:

Resolution No. 101005-01

(Carried)

Motion by Commissioner Hurt support by Commissioner Grimes, the Swartz Creek Planning Commission approves the agenda for the October 5, 2010 Panning Commission meeting as amended.

Item B, Elevation Concept for Discussion, was added in the business section.

Unanimous voice vote.

Motion declared carried.

APPROVAL OF MINUTES:

Resolution No. 101005-02

(Carried)

Motion by Commissioner Hurt, support by Florence the Swartz Creek Planning Commission approves the Minutes for the September 14, 2010 Planning Commission meeting.

There was a short discussion.

Unanimous voice vote.

Motion declared carried.

MEETING OPENED TO THE PUBLIC (NON-PUBLIC HEARING ITEMS):

None.

NEW BUSINESS:

SE Miller & Elms PUD Conceptual Review (Family Farm & Home)

Travis Underhill with Latitude Engineering began the presentation for Family Farm & Home. He discussed the traffic around the PUD and the non-motorized vehicle path. Mr. Adam Zettel also spoke on behalf of the City. There were no comments for the Public Hearing. The Planning Commission had a lengthy discussion.

Resolution No. 101005-03

(Carried)

Motion by Commissioner Connor, support by Commissioner Grimes, the Swartz Creek Planning Commission hereby recommends approval of the Planned Unit Development Proposal for the South East Corner of Miller and Elms Roads (Family Farm & Home) to the Swartz Creek City Council with the following conditions:

1. Inclusion of an eight to ten foot wide walking path along the entire frontage of Elms and Miller Roads.
2. Satisfy the following comments submitted by the City's Traffic Consultant, Utility Department, and Public Safety Officials.
3. A development agreement to be submitted with signatures by all owners of the property along with a re-submittal of the application signed by all the owners of the property.

YES: Florence, Florine, Grimes, Hurt, Ridley, Stephens, Abrams, Bueche, Conner.

NO: None.

Motion Declared Carried.

Elevation Concept for Discussion

Travis Underhill from Latitude Engineering spoke about Family Farm & Home draft of the building grounds. He was looking for feedback and there was a discussion regarding the opinions of the Commissioners.

MEETING OPENED TO THE PUBLIC:

None.

REMARKS BY PLANNING COMMISSION MEMBERS:

Commissioner Abrams commented that he was surprised about the concept that was discussed tonight.

ADJOURNMENT:

Resolution No. 101005-04

(Carried)

Motion by Commissioner Conner, support by Commissioner Florine, the Swartz Creek Planning Commission adjourns the October 5, 2010 Planning Commission meeting.

Unanimous voice vote.

Motion declared carried.

Meeting adjourned at 8:41 p.m.

Paul Bueche,
Secretary

CITY OF SWARTZ CREEK

PLANNING COMMISSION



MEETING OF OCTOBER 5, 2010

7PM IN THE SWARTZ CREEK
CITY COUNCIL CHAMBERS

CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
PLANNING COMMISSION
RESOLUTIONS
TUESDAY, OCTOBER 5, 2010
7:00 P.M.

RESOLUTION NO. 101005-__

(CARRIED/DENIED)

MOTION BY COMMISSIONER _____, SUPPORT BY COMMISSIONER _____, THE SWARTZ CREEK PLANNING COMMISSION APPROVES THE AGENDA FOR THE OCTOBER 5, 2010 PLANNING COMMISSION MEETING.

YES: _____.

NO: _____. MOTION DECLARED CARRIED/DENIED.

RESOLUTION NO. 101005-__

(CARRIED/DENIED)

MOTION BY COMMISSIONER _____, SUPPORT BY COMMISSIONER _____, THE SWARTZ CREEK PLANNING COMMISSION APPROVES THE MINUTES FOR THE SEPTEMBER 14, 2010 PLANNING COMMISSION MEETING.

YES: _____.

NO: _____. MOTION DECLARED CARRIED/DENIED.

RESOLUTION NO. 101005-__

(CARRIED/DENIED)

MOTION BY COMMISSIONER _____, SUPPORT BY COMMISSIONER _____, THE SWARTZ CREEK PLANNING COMMISSION HEREBY RECOMMENDS APPROVAL OF THE PLANNED UNIT DEVELOPMENT PROPOSAL FOR THE SOUTH EAST CORNER OF MILLER AND ELMS ROADS (FAMILY FARM & HOME) TO THE SWARTZ CREEK CITY COUNCIL WITH THE FOLLOWING CONDITIONS:

1. INCLUSION OF AN EIGHT TO TEN FOOT WIDE WALKING PATH ALONG THE ENTIRE FRONTAGE OF ELMS AND MILLER ROADS.
2. SATISFY THE FOLLOWING COMMENTS SUBMITTED BY THE CITY'S TRAFFIC CONSULTANT, UTILITY DEPARTMENT, AND PUBLIC SAFETY OFFICIALS:
3. _____
4. _____

YES: _____.

NO: _____. MOTION DECLARED CARRIED/DENIED.

RESOLUTION NO. 101005-__

(CARRIED/DENIED)

MOTION BY COMMISSIONER _____, SUPPORT BY COMMISSIONER _____, THE SWARTZ CREEK PLANNING COMMISSION ADJOURNS THE OCTOBER 5, 2010 PLANNING COMMISSION MEETING.

YES: _____.

NO: _____. MOTION DECLARED CARRIED/DENIED.

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF PLANNING COMMISSION MEETING
September 14, 2010**

Meeting called to order at 7:01 p.m. by Chairperson Stephens.

Pledge of Allegiance.

ROLL CALL:

Commissioners present: Abrams, Bueche, Florence, Florine, Grimes, Hurt, Ridley, Stephens.

Commissioners absent: Conner.

Staff present: Adam Zettel, Zoning Administrator.

Others present: None.

APPROVAL OF AGENDA:

Resolution No. 100914-01

(Carried)

Motion by Commissioner Hurt support by Commissioner Abrams, the Swartz Creek Planning Commission approves the agenda for the September 14, 2010 Panning Commission meeting as printed.

Unanimous voice vote.

Motion declared carried.

APPROVAL OF MINUTES:

Resolution No. 100914-02

(Carried)

Motion by Commissioner Ridley, support by Florence the Swartz Creek Planning Commission approves the Minutes for the June 1, 2010 Planning Commission meeting.

Unanimous voice vote.

Motion declared carried.

MEETING OPENED TO THE PUBLIC (NON-PUBLIC HEARING ITEMS):

None.

NEW BUSINESS:

Dye Road Property Proposal

There was a discussion.

Resolution No. 100914-03

(Carried)

Motion by Commissioner Florine, support by Commissioner Stephens, the Swartz Creek Planning Commission hereby recommends approval of the Dye Road Property Acquisition Proposal to the Swartz Creek City Council investing in the future potential.

YES: Florence, Florine, Grimes, Hurt, Ridley, Stephens, Abrams, Bueche.

NO: None.

Motion Declared Carried.

Items of Activity

McDonald's is proposing to put in a circle drive in front of the building to better manage the volume of cars during the rush hour. The playscape would be removed and a second drive through would be installed.

There is a proposal for a Family Farm and Home retail establishment on the southeast corner of Elms and Miller. Planned unit development concept preliminary review is scheduled for the October meeting.

MEETING OPENED TO THE PUBLIC:

None.

REMARKS BY PLANNING COMMISSION MEMBERS:

Commissioner Abrams commented that the road looks neat.

Commissioner Florine was walking near Kroger and was nearly hit by a blue pickup truck earlier today.

Commissioner Bueche said Khalil Nemer has been in the office asking questions.

ADJOURNMENT:

Resolution No. 100914-04

(Carried)

Motion by Commissioner Hurt, support by Commissioner Florine, the Swartz Creek Planning Commission adjourns the September 14, 2010 Planning Commission meeting.

Unanimous voice vote.

Motion declared carried.

Meeting adjourned at 7:55 p.m.

Paul Bueche,
Secretary



Adam Zettel, AICP

Zoning Administrator

azettel@cityofswartzcreek.org

Date: September 29, 2010

To: Planning Commissioners
From: Adam Zettel, AICP
RE: October 5, 2010 Planning Commission Meeting

Hello everyone,

We WILL be meeting next month on Tuesday, October 5, 2010 to review and hold a public hearing on the Planned Unit Development (PUD) proposal for the South East corner of Miller and Elms Roads.

Please see the included materials for this proposal, including the review letters. This project should work, but there will definitely be some items that will need to be addressed in the final site plan. For now, the applicant needs to get preliminary approval by the City Council. Once they get this, they will apply for final PUD approval and Final Site Plan approval concurrently. They hope to have approval in November. I suspect it will be early December based upon the schedule, but if there are no site plan issues they could conceivably meet their goal.

Also, I am still working with McDonalds concerning their proposed site work. They are proposing to reconfigure their building and site to eliminate the Playscape on the front of the building in order to insert a loop drive in front of the restaurant. They are also including an expanded drive-through that will allow for two ordering and pick-up stations. Lastly, they are in need of additional dumpster enclosures. The net effect will be a reduction in the building size, a reduction in the number of parking spaces (from 73 to 65), and an improvement of the drive-through stacking and service times.

Based upon the submitted materials so far, I am inclined to approve this application as an administrative review. This site has big stacking issues with the drive-through during the lunch rush, and McDonald's corporate has used this approach to correct this problem in many other areas. The improvements should actually reduce stacking and allow for users to circle the site without re-entering the public street. This will be much safer, despite the reduction in parking availability. I will keep you updated. If you have

October 5, 2010
Planning Commission

questions concerning this project or would like to see the notes and drawings, contact Paul at the City Office.

FYI, as you can see I am still representing the City as the Zoning Administrator. This arrangement by contract allows me to perform the normal functions for that office, including site plan review and Planning Commission liaison duties. I am even able to hold limited office hours on some mornings (7am-830am). If you need to get a hold of me, send an email or contact Paul. Email is effective, but I only check it a couple times a week for the time being. That's it! I will see you at the meeting.

Sincerely,

A handwritten signature in blue ink that reads "Adam Zettel". The signature is stylized and cursive.

Adam H. Zettel, AICP
Zoning Administrator
City of Swartz Creek
azettel@cityofswartzcreek.org

APPLICATION FOR SITE PLAN REVIEW

City of Swartz Creek
8083 Civic Drive
Swartz Creek, MI 48473
810-635-4464

Date: ___/___/___

File No: _____

Fee Received: _____ Receipt No: _____

NOTICE TO APPLICANT:

Regular meetings of the Swartz Creek Planning commission are held on the first Tuesday of each month at 7:00 PM, at the City Hall, 8083 Civic Dr. Application for site plan review shall be filed at least twenty (20) days before the scheduled meeting date.

Applicant should be familiar with all aspects of the City's Zoning Appendix A pertinent to the site plan application, including but not limited to: the appropriate level of site plan review, the site plan process, review standards, performance guarantees, use restrictions, landscaping, parking, design standards, fees, and enforcement.

TO THE PLANNING COMMISSION:

I, (We), the undersigned, do hereby respectfully make application and petition the Planning Commission to recommend approval of the attached site plan as hereinafter requested, and in support of this application, the following facts are shown.

Furthermore, I (We) have attached proof of ownership, information regarding the number of peak employees anticipated to accompany the site plan uses, and the names, addresses, and telephone/fax numbers of any and all engineers, attorneys, architects, and other professionals associated with this project.

The property is located and described, as follows:

Assessment Roll Description No. 58-31-551-001,

Address: 4301 MILLER ROAD, SWARTZ CREEK, MI 48473

Other description: SE CORNER OF ELMS + MILLER

It has a frontage of: ≈ 500 feet and a depth of: ≈ 400 feet. Total acreage is: ≈ 7.5 AC
(PARCEL IS ODD SHAPED)

PRESENT ZONING: VACANT

If the property is in acreage, and is not therefore a part of a recorded plat: The subject property is located and described as follows: (indicate total acreage also).

Assessment Roll Description No. 58-31 - 551 - 001,

SEE LEGAL DESCRIPTION ON PLANS.

SITE PLAN APPLICANT INFORMATION:

Name: LATITUDE ENG., INC. - TRAVIS UNDERHILL

Address: 7772 CLYDE PARK, SW, BYRON CENTER, MI 49315

Phone Number: 616 583 1601

SUBJECT PROPERTY IS OWNED BY:

Name: FAMILY FARM + HOME - PROPOSED OWNER

Address: 1753 MADISON STREET, MUSKEGON, MI, 49442

Phone Number: 231 722 8335

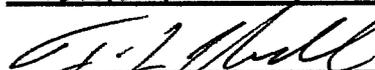
It is proposed that the property will be put to the following use:

RETAIL, COMMERCIAL, MIXED USE

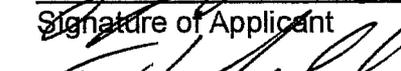
It is proposed that the following building(s) will be constructed (note gross sq. ft of each):

RETAIL - 25,000 SFT; 3840; 7000; 7000 SFT

RESTAURANT - 2508 SFT


Signature of Applicant

Phone Number: 616 583 1601


Signature of Owner ON BEHALF OF
OWNER

Phone Number: 231 722 8335



September 3, 2010

Mr. Adam Zettel, AICP
City of Swartz Creek
Assistant City Manager & Zoning Administrator
8083 Civic Drive
Swartz Creek, MI 48473

**RE: Preliminary PUD Application
Elms-Miller Business Planned Development**

Dear Mr. Zettel,

We are pleased to write this letter as an introduction and narrative for the above mentioned project. We feel that the Elms-Miller Business Planned Development will be a great improvement to the City of Swartz Creek, and look forward to further discussion with you and the Planning Commission regarding this project.

This letter is included with each of the 12 packets of information we have submitted per the ordinance. These packets all include the following documentation:

- A Copy of this Letter and Narrative
- Copy of the Application
- Preliminary PUD Drawings (Including all requirements set forth in Section 11.06)
 - Existing Conditions
 - Preliminary PUD Plan

A document indication proof of ownership intent has been submitted to the planning office and is on record at that location.

For ease of reading and to maintain logical order for review, the following information is offered in the same order as set forth in Section 11.07.

- A. Based on our review of Section 11.01 – Eligibility Criteria, we believe that this application the qualification requirements as set forth. It is also noted that the City of Swartz Creek has required that this area be developed as a PUD.
- B. While it is difficult to guarantee what the end uses of these buildings and property will be, it is fair to say that this area is noted as commercial future land use. The proposed uses include those commercial type uses consistent with the GBD zoning district. Given that this property is almost entirely undeveloped and somewhat neglected, it is safe to say

- that any improvements as such would prove beneficial to the local and surrounding community.
- C. We believe that we have maintained the goals and objectives set forth by the city either in their current land use or future land use considerations.
 - D. Significant natural and historical features are not prevalent on this property. There are some previously designed and constructed stormwater facilities that are proposed to remain and in fact be utilized.
 - E. Public water and sanitary sewer services are available at this location. The Preliminary PUD Plan indicates a possible master layout for these utilities, which will be coordinated with the city engineering staff prior to permitting and construction.
 - F. The project does not propose and possible through traffic scenarios as it is land locked by existing features. The interior of the project has been laid out to provide a maximum level of pedestrian and vehicular traffic safety.
 - G. At this time, we are not aware of any major deviations from current zoning regulations.
 - H. Not Applicable – Pertains to Industrial Development.
 - I. Not Applicable – Pertains to Industrial Development.
 - J. No public streets are proposed within the PUD.
 - K. Landscape and greenbelt setbacks and buffers have been provided and are depicted on the plans. The required 10' and 20' distances have been adhered to.
 - L. Landscaping is proposed within the greenbelts and also throughout the site. The development owners and tenants will work together to maintain these features.
 - M. No residential uses are directly adjacent or are proposed within this development.
 - N. Dimensions for all structural features proposed in this development are provided on the drawing.
 - O. No buildings are proposed to have building heights greater than 35'.
 - P. Each building has been provided adequate access for pedestrian, vehicular, and essential service provider traffic.
 - Q. Each building has been provided adequate access for pedestrian, vehicular, and essential service provider traffic.
 - R. No public or private streets are proposed within this development. City construction details will be adhered to for construction of site improvements.
 - S. No residential uses are proposed.
 - T. All newly installed dry utilities will be installed underground.
 - U. No residential uses are proposed. Existing natural features will remain along the creek.
 - V. Open spaces have been dimensioned.
 - W. This site does not really include any desirable natural features. However, the areas along the creek on the south side will not be disturbed.
 - X. The city will need to convey any requirements for additional rights of way upon their review.



We would also like to take a moment to address a couple questions we anticipate city staff and the Planning Commission might have.

1. **Project Schedule.** The developer wishes to begin construction yet this fall on Building A of this development. The entrance driveway and necessary utilities would also be constructed at this time to adequately service this building. Pending a favorable outcome for the Preliminary PUD Submittal, the developer intends to submit a Final Site Plan for Building A for the soonest possible Planning Commission meeting.
2. **Construction Approvals and Permitting.** We anticipate working with the appropriate city and county staff to obtain the proper design, approvals and permitting to construct this site.
3. **Architectural Value.** The developer has already begun working with city staff regarding the architectural design of Building A.
4. **Landscaping.** Landscaping is proposed along all the greenbelt areas as well as within the parking islands.

We hope that this packet provides you with the documentation necessary for this process. We look forward to discussion of this project with you in the interim as well as at the upcoming Planning Commission regular meeting.

Thank you for your time and consideration. Please feel free to contact us with any questions or concerns.

Sincerely,

Latitude Engineering, Inc.

A handwritten signature in black ink, appearing to read "T. Underhill PE", is written over the printed name.

Travis J. Underhill, PE

Director of Engineering



Adam Zettel

Zoning Administrator

azettel@cityofswartzcreek.org

Date: September 29, 2010

Attention: Swartz Creek Planning Commission

Subject: SE Miller & Elms PUD Concept Review (Family Farm & Home)
Property located at 4301 & 4315 Elms Rd., including two vacant parcels of land (Parcel numbers: 58-31-551-001, 58-31-551-002, 58-31-551-003, & 58-31-300-001); See attached map and site plans dated 09/03/2010- Latitude Engineering Inc.

Dear Chairman and Commissioners:

City staff has reviewed the above Planned Unit Development (PUD) concept review request submitted by Latitude Engineering Inc., on behalf of Family Farm & Home to develop a retail and commercial park. The property is zoned GBD (General Business District) with a PUD overlay, which permits such uses as-of-right. Note that this proposal does not technically include the most southerly parcel (shown on plans) due to ownership rights.

APPLICATION SUBMISSION

The application for conceptual PUD review was submitted by Latitude Engineering Inc. on September 3, 2010 and is complete.

The proposed project is a 6.2 acre project that includes a 25,000 square foot retail building on the east side that will be the focus of the final site plan review request for Family Farm & Home. The plan also includes conceptual layouts for a 3,840 sq. ft. commercial space, a 2,508 sq. ft. restaurant with drive through, and two 7,000 sq. ft. commercial buildings (one of which is not technically incorporated in this application). The plan conceptually illustrates parking, traffic ingress and egress, internal traffic circulation, landscaping, drainage, and building area and spacing.

STANDARDS FOR APPROVAL

Finding: In compliance subject to one recommendation

October 5, 2010
Planning Commission

Please refer to the narrative submitted by the applicant concerning this project. The applicant has addressed each review item that is required by Zoning Section 11.07. Staff generally concurs with the applicant's assessment of each point. The only recommended change is that the plans should contain a provision for an eight to ten foot wide path along the entire frontage of Elms and Miller Roads that will be included in the non-motorized trail network that is planned for this area. This path should also provide access directly to the uses within the PUD.

Also, reviews from the City's traffic engineer, drainage & utility engineer, and fire chief have been completed. These have been forwarded to the applicant and are also included in this packet. We will discuss these at the meeting with the applicant to determine what items may still be outstanding and how they should be addressed.

SUMMARY AND RECOMMENDATION

This project, as applied for, generally meets the desired use and layout for this site as planned for by the City. The Master Plan and Future Land Use map outline exactly this type of development for this site. Furthermore, zoning and infrastructure to accommodate this are already in place. The most critical item needing to be addressed by the applicant for this development is the ingress and egress to the major streets from the site. The applicant appears to have resolved this issue by limiting the access to a single future drive on the most southerly end on this site, minimizing the impact on the intersection traffic. The traffic engineer will likely have more to say on this issue.

Staff recommends approval of the PUD concept plan, conditioned upon the following:

1. Inclusion of an eight to ten foot wide walking path along the entire frontage of Elms and Miller Roads, connecting to the uses within the PUD.
2. Satisfy comments by the City's traffic consultant, utility department, and public safety officials.

Sincerely,



Adam H. Zettel, AICP
Zoning Administrator
City of Swartz Creek
azettel@cityofswartzcreek.org

Adam Zettel

From: Fire Chief Brent Cole [brentcole@scafd.com]

Sent: Friday, September 24, 2010 1:31 PM

To: Paul Bueche

Cc: Adam Zettel

Subject: Elms & Miller PUD

Dear Paul & Adam,

I have reviewed the documents I received regarding the PUD at Elms & Miller. The following are my recommendations:

1. The set back for building A is not enough to access the east side of the building, especially with the added outdoor storage that is proposed to the north. The access width should be equal the height of the building plus 5 feet to accommodate a collapse zone.
2. The building should be sprinkled with Fire Department Connection (FDC) clearly marked (visible) on the outside of the building. No landscaping should block the visibility of the FDC.
3. All hydrants should be twin 4.5" design. (I believe this the standard that has been adopted by the City.)
4. The water main should loop from Elms to Miller for maximum flow rate and continuous flow during potential breakage and/or maintenance. This will also prevent stagnant water issues associated with dead end water mains.
5. Hydrant maintenance should remain the responsibility of Swartz Creek.
6. The landscaping located at the hydrant islands should NOT have any landscaping. Protective steel tubes with concrete should be installed to prevent hydrant damage. Installation of protective tubes shall not interfere with 5" supply hose connection straight away from the hydrant connection.
7. All hydrants should be kept clear of snow.
8. The height of the building should be limited to 30', at the eaves, to insure ground ladder usage. Some of the Swartz Creek Area Fire Department (SCAFD) ground ladders are a maximum of 35'. Eaves that are over 30', will NOT allow the usage of a 35' ground ladder safely by fire personnel.
9. A Knox Box should be installed to allow for SCAFD access to the building without the need for forcible entry. The location should be near the front entrance. This can be coordinated with the owners and the SCAFD.
10. Right To Know information shall be provided by the occupant/owner before an occupancy permit is issue by Swartz Creek.

If you have any questions regarding my recommendations, please do not hesitate to contact.

Sincerely,
Chief Brent Cole
Swartz Creek Area Fire Department



ROWE PROFESSIONAL SERVICES COMPANY

Large Firm Resources. Personal Attention.™

September 27, 2010

Mr. Adam Zettel
City of Swartz Creek
8083 Civic Drive
Swartz Creek, MI 48473

RE: Preliminary PUD – Elms and Miller Roads
Preliminary Site Plan Review
Plans dated 7/26/10

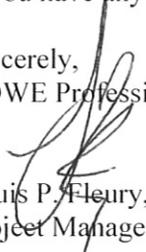
Dear Mr. Zettel:

At the request of the city, ROWE Professional Services Company has completed a preliminary site plan review for the above referenced project. The subject area consists of approximately 7.5 acres and is zoned General Business District (GBD) The project is situated at the southeast quadrant of the Miller and Elms Road intersection. We offer the following comments at this time:

- 1) Based on the overall storm water plan shown, it appears runoff will be collected in three separate detention areas prior to discharge into the Swartz Creek. Drainage calculations are not required at this time; however, it is our recommendation to prepare these at this time to verify the areas shown as detention will be adequate to temporarily store runoff for the overall site.
- 2) It is our understanding the developer wishes to begin construction for phase 1 yet this fall. The following permits / approvals will be necessary prior to construction:
 - a) A City of Swartz Creek permit for use of Swartz Creek public right of way for the proposed activities within the Elms and Miller Road right of way.
 - b) A City of Swartz Creek storm water discharge permit.
 - c) A City of Swartz Creek water/sewer tap permit.
 - d) City of Swartz Creek engineering approval of Phase I construction drawings.
 - e) A Part 91, Soil Erosion and Sedimentation Control (SESC) permit must be obtained from the Genesee County Drain Commissioner's Office – Water and Waste Services (GCDC-WWS).
 - f) Approval of the proposed water and sewer services from GCDC-WWS, as well as MDNRE construction permits.
 - g) Approval of the proposed storm water detention system from Genesee County Drain Commissioner's Office – Surface Water Management (SWM)

If you have any questions or require additional information, please contact our corporate office.

Sincerely,
ROWE Professional Services Company


Louis P. Fleury, P.E.
Project Manager

R:\sdsk\Proj\05C0186\Doc\Reviews\FAMILY FARM AND HOME\Site Plan Review 01.doc

Paul Bueche

From: Pete LaMourie [lamourie@progressiveae.com]
Sent: Monday, September 27, 2010 5:31 PM
To: Paul Bueche
Subject: Elms-Miller Preliminary PUD Plan
Attachments: elms miller site sketch.pdf

Paul;

Per our discussion, I have reviewed the preliminary PUD plan for the proposed project on the southeast quadrant of the Miller/Elms intersection. Based upon that review, my initial comments regarding site access and circulation are as follows.

1. The location of the single proposed driveway (onto Elms) appears to be acceptable as it is spaced fairly well from the Miller/Elms intersection (approximately 320 feet). The driveway has a three-lane cross section – a must for this type and size of commercial development. However, the three lane section should be extended further into the site (at least to the first internal driveway) to help maintain good peak-hour operations.
2. As noted in the past, we would be supportive of a right-in/right-out driveway from Miller Road (function as a limited movement driveway would be helped by median on Miller), but I suspect the applicant has checked into that with MDOT/others and have been told no.
3. Internal circulation appears generally acceptable except for the internal access to the apparent proposed fast-food building on the northeast corner of the site (Building C). These types of uses would typically generate much higher traffic than the other potential uses, and the current layout would require the fast food site traffic to drive through the Building D parking area. I would strongly recommend that either the fast food building be relocated to the Building D or E sites, or a change in the proposed circulation/parking layout be made. One potential option for the latter is shown on the attached rough sketch (although it chews up some green space).
4. The parking layout southeast of Building B seems odd as those 30+ spaces are not configured/located to serve either A or B very well.
5. The type and density of the proposed uses will generate enough peak-hour traffic to easily warrant a small impact study. That may seem a little heavy-handed, but such a study (with the typical simulation) would provide good input as to potential peak-hour queuing (eg left-turns on Elms between Miller and the proposed driveway) and other issues. Something to consider anyway. If you do pursue one, typically the applicant would have a consultant complete (after they discuss study parameters with me), and I would review on the City's behalf.

Let me know if you have any questions, or need these review comments in a more formal memo format.

Thanks,

Pete

Peter C. LaMourie, P.E. PTOE

Transportation Engineering Practice Leader

progressive | ae

1811 Four Mile Road
 Grand Rapids, MI 49525

APPLICATION FOR SITE PLAN REVIEW

City of Swartz Creek
8083 Civic Drive
Swartz Creek, MI 48473
810-635-4464

Date: ___/___/___

File No: _____

Fee Received: _____ Receipt No: _____

NOTICE TO APPLICANT:

Regular meetings of the Swartz Creek Planning commission are held on the first Tuesday of each month at 7:00 PM, at the City Hall, 8083 Civic Dr. Application for site plan review shall be filed at least twenty (20) days before the scheduled meeting date.

Applicant should be familiar with all aspects of the City's Zoning Appendix A pertinent to the site plan application, including but not limited to: the appropriate level of site plan review, the site plan process, review standards, performance guarantees, use restrictions, landscaping, parking, design standards, fees, and enforcement.

TO THE PLANNING COMMISSION:

I, (We), the undersigned, do hereby respectfully make application and petition the Planning Commission to recommend approval of the attached site plan as hereinafter requested, and in support of this application, the following facts are shown.

Furthermore, I (We) have attached proof of ownership, information regarding the number of peak employees anticipated to accompany the site plan uses, and the names, addresses, and telephone/fax numbers of any and all engineers, attorneys, architects, and other professionals associated with this project.

The property is located and described, as follows:

Assessment Roll Description No. 58- 31-551-001,

Address: 4301 MILLER ROAD, SWARTZ CREEK, MI 48473

Other description: SE CORNER OF ELMS + MILLER

It has a frontage of: ≈ 500 feet and a depth of: ≈ 400 feet. Total acreage is: ≈ 7.5 AC
(PARCEL IS ODD SHAPED)

PRESENT ZONING: VACANT

If the property is in acreage, and is not therefore a part of a recorded plat: The subject property is located and described as follows: (indicate total acreage also).

Assessment Roll Description No. 58-31 - 551 - 001,

SEE LEGAL DESCRIPTION ON PLANS.

SITE PLAN APPLICANT INFORMATION:

Name: LATITUDE ENG., INC. - TRAVIS UNDERHILL

Address: 7772 CLYDE PARK, SW, BYRON CENTER, MI 49315

Phone Number: 616 583 1601

SUBJECT PROPERTY IS OWNED BY:

Name: FAMILY FARM + HOME - PROPOSED OWNER

Address: 1753 MADISON STREET, MUSKEGON, MI, 49442

Phone Number: 231 722 8335

It is proposed that the property will be put to the following use:

RETAIL, COMMERCIAL, MIXED USE

It is proposed that the following building(s) will be constructed (note gross sq. ft of each):

RETAIL - 25,000 SFT; 3840; 7000; 7000 SFT

RESTAURANT - 2508 SFT

[Signature]
Signature of Applicant

Phone Number: 616 583 1601

[Signature]
Signature of Owner ON BEHALF OF
OWNER

Phone Number: 231 722 8335



September 3, 2010

Mr. Adam Zettel, AICP
City of Swartz Creek
Assistant City Manager & Zoning Administrator
8083 Civic Drive
Swartz Creek, MI 48473

**RE: Preliminary PUD Application
Elms-Miller Business Planned Development**

Dear Mr. Zettel,

We are pleased to write this letter as an introduction and narrative for the above mentioned project. We feel that the Elms-Miller Business Planned Development will be a great improvement to the City of Swartz Creek, and look forward to further discussion with you and the Planning Commission regarding this project.

This letter is included with each of the 12 packets of information we have submitted per the ordinance. These packets all include the following documentation:

- A Copy of this Letter and Narrative
- Copy of the Application
- Preliminary PUD Drawings (Including all requirements set forth in Section 11.06)
 - Existing Conditions
 - Preliminary PUD Plan

A document indication proof of ownership intent has been submitted to the planning office and is on record at that location.

For ease of reading and to maintain logical order for review, the following information is offered in the same order as set forth in Section 11.07.

- A. Based on our review of Section 11.01 – Eligibility Criteria, we believe that this application the qualification requirements as set forth. It is also noted that the City of Swartz Creek has required that this area be developed as a PUD.
- B. While it is difficult to guarantee what the end uses of these buildings and property will be, it is fair to say that this area is noted as commercial future land use. The proposed uses include those commercial type uses consistent with the GBD zoning district. Given that this property is almost entirely undeveloped and somewhat neglected, it is safe to say

- that any improvements as such would prove beneficial to the local and surrounding community.
- C. We believe that we have maintained the goals and objectives set forth by the city either in their current land use or future land use considerations.
 - D. Significant natural and historical features are not prevalent on this property. There are some previously designed and constructed stormwater facilities that are proposed to remain and in fact be utilized.
 - E. Public water and sanitary sewer services are available at this location. The Preliminary PUD Plan indicates a possible master layout for these utilities, which will be coordinated with the city engineering staff prior to permitting and construction.
 - F. The project does not propose and possible through traffic scenarios as it is land locked by existing features. The interior of the project has been laid out to provide a maximum level of pedestrian and vehicular traffic safety.
 - G. At this time, we are not aware of any major deviations from current zoning regulations.
 - H. Not Applicable – Pertains to Industrial Development.
 - I. Not Applicable – Pertains to Industrial Development.
 - J. No public streets are proposed within the PUD.
 - K. Landscape and greenbelt setbacks and buffers have been provided and are depicted on the plans. The required 10' and 20' distances have been adhered to.
 - L. Landscaping is proposed within the greenbelts and also throughout the site. The development owners and tenants will work together to maintain these features.
 - M. No residential uses are directly adjacent or are proposed within this development.
 - N. Dimensions for all structural features proposed in this development are provided on the drawing.
 - O. No buildings are proposed to have building heights greater than 35'.
 - P. Each building has been provided adequate access for pedestrian, vehicular, and essential service provider traffic.
 - Q. Each building has been provided adequate access for pedestrian, vehicular, and essential service provider traffic.
 - R. No public or private streets are proposed within this development. City construction details will be adhered to for construction of site improvements.
 - S. No residential uses are proposed.
 - T. All newly installed dry utilities will be installed underground.
 - U. No residential uses are proposed. Existing natural features will remain along the creek.
 - V. Open spaces have been dimensioned.
 - W. This site does not really include any desirable natural features. However, the areas along the creek on the south side will not be disturbed.
 - X. The city will need to convey any requirements for additional rights of way upon their review.



We would also like to take a moment to address a couple questions we anticipate city staff and the Planning Commission might have.

1. **Project Schedule.** The developer wishes to begin construction yet this fall on Building A of this development. The entrance driveway and necessary utilities would also be constructed at this time to adequately service this building. Pending a favorable outcome for the Preliminary PUD Submittal, the developer intends to submit a Final Site Plan for Building A for the soonest possible Planning Commission meeting.
2. **Construction Approvals and Permitting.** We anticipate working with the appropriate city and county staff to obtain the proper design, approvals and permitting to construct this site.
3. **Architectural Value.** The developer has already begun working with city staff regarding the architectural design of Building A.
4. **Landscaping.** Landscaping is proposed along all the greenbelt areas as well as within the parking islands.

We hope that this packet provides you with the documentation necessary for this process. We look forward to discussion of this project with you in the interim as well as at the upcoming Planning Commission regular meeting.

Thank you for your time and consideration. Please feel free to contact us with any questions or concerns.

Sincerely,

Latitude Engineering, Inc.

A handwritten signature in black ink, appearing to read "T. Underhill PE", is written over the printed name.

Travis J. Underhill, PE

Director of Engineering



Adam Zettel

Zoning Administrator

azettel@cityofswartzcreek.org

Date: September 29, 2010

Attention: Swartz Creek Planning Commission

Subject: SE Miller & Elms PUD Concept Review (Family Farm & Home)
Property located at 4301 & 4315 Elms Rd., including two vacant parcels of land (Parcel numbers: 58-31-551-001, 58-31-551-002, 58-31-551-003, & 58-31-300-001); See attached map and site plans dated 09/03/2010- Latitude Engineering Inc.

Dear Chairman and Commissioners:

City staff has reviewed the above Planned Unit Development (PUD) concept review request submitted by Latitude Engineering Inc., on behalf of Family Farm & Home to develop a retail and commercial park. The property is zoned GBD (General Business District) with a PUD overlay, which permits such uses as-of-right. Note that this proposal does not technically include the most southerly parcel (shown on plans) due to ownership rights.

APPLICATION SUBMISSION

The application for conceptual PUD review was submitted by Latitude Engineering Inc. on September 3, 2010 and is complete.

The proposed project is a 6.2 acre project that includes a 25,000 square foot retail building on the east side that will be the focus of the final site plan review request for Family Farm & Home. The plan also includes conceptual layouts for a 3,840 sq. ft. commercial space, a 2,508 sq. ft. restaurant with drive through, and two 7,000 sq. ft. commercial buildings (one of which is not technically incorporated in this application). The plan conceptually illustrates parking, traffic ingress and egress, internal traffic circulation, landscaping, drainage, and building area and spacing.

STANDARDS FOR APPROVAL

Finding: In compliance subject to one recommendation

October 5, 2010
Planning Commission

Please refer to the narrative submitted by the applicant concerning this project. The applicant has addressed each review item that is required by Zoning Section 11.07. Staff generally concurs with the applicant's assessment of each point. The only recommended change is that the plans should contain a provision for an eight to ten foot wide path along the entire frontage of Elms and Miller Roads that will be included in the non-motorized trail network that is planned for this area. This path should also provide access directly to the uses within the PUD.

Also, reviews from the City's traffic engineer, drainage & utility engineer, and fire chief have been completed. These have been forwarded to the applicant and are also included in this packet. We will discuss these at the meeting with the applicant to determine what items may still be outstanding and how they should be addressed.

SUMMARY AND RECOMMENDATION

This project, as applied for, generally meets the desired use and layout for this site as planned for by the City. The Master Plan and Future Land Use map outline exactly this type of development for this site. Furthermore, zoning and infrastructure to accommodate this are already in place. The most critical item needing to be addressed by the applicant for this development is the ingress and egress to the major streets from the site. The applicant appears to have resolved this issue by limiting the access to a single future drive on the most southerly end on this site, minimizing the impact on the intersection traffic. The traffic engineer will likely have more to say on this issue.

Staff recommends approval of the PUD concept plan, conditioned upon the following:

1. Inclusion of an eight to ten foot wide walking path along the entire frontage of Elms and Miller Roads, connecting to the uses within the PUD.
2. Satisfy comments by the City's traffic consultant, utility department, and public safety officials.

Sincerely,



Adam H. Zettel, AICP
Zoning Administrator
City of Swartz Creek
azettel@cityofswartzcreek.org

Adam Zettel

From: Fire Chief Brent Cole [brentcole@scafd.com]

Sent: Friday, September 24, 2010 1:31 PM

To: Paul Bueche

Cc: Adam Zettel

Subject: Elms & Miller PUD

Dear Paul & Adam,

I have reviewed the documents I received regarding the PUD at Elms & Miller. The following are my recommendations:

1. The set back for building A is not enough to access the east side of the building, especially with the added outdoor storage that is proposed to the north. The access width should be equal the height of the building plus 5 feet to accommodate a collapse zone.
2. The building should be sprinkled with Fire Department Connection (FDC) clearly marked (visible) on the outside of the building. No landscaping should block the visibility of the FDC.
3. All hydrants should be twin 4.5" design. (I believe this the standard that has been adopted by the City.)
4. The water main should loop from Elms to Miller for maximum flow rate and continuous flow during potential breakage and/or maintenance. This will also prevent stagnant water issues associated with dead end water mains.
5. Hydrant maintenance should remain the responsibility of Swartz Creek.
6. The landscaping located at the hydrant islands should NOT have any landscaping. Protective steel tubes with concrete should be installed to prevent hydrant damage. Installation of protective tubes shall not interfere with 5" supply hose connection straight away from the hydrant connection.
7. All hydrants should be kept clear of snow.
8. The height of the building should be limited to 30', at the eaves, to insure ground ladder usage. Some of the Swartz Creek Area Fire Department (SCAFD) ground ladders are a maximum of 35'. Eaves that are over 30', will NOT allow the usage of a 35' ground ladder safely by fire personnel.
9. A Knox Box should be installed to allow for SCAFD access to the building without the need for forcible entry. The location should be near the front entrance. This can be coordinated with the owners and the SCAFD.
10. Right To Know information shall be provided by the occupant/owner before an occupancy permit is issue by Swartz Creek.

If you have any questions regarding my recommendations, please do not hesitate to contact.

Sincerely,
Chief Brent Cole
Swartz Creek Area Fire Department



ROWE PROFESSIONAL SERVICES COMPANY

Large Firm Resources. Personal Attention.™

September 27, 2010

Mr. Adam Zettel
City of Swartz Creek
8083 Civic Drive
Swartz Creek, MI 48473

RE: Preliminary PUD – Elms and Miller Roads
Preliminary Site Plan Review
Plans dated 7/26/10

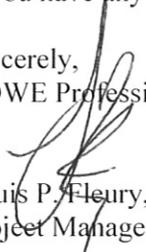
Dear Mr. Zettel:

At the request of the city, ROWE Professional Services Company has completed a preliminary site plan review for the above referenced project. The subject area consists of approximately 7.5 acres and is zoned General Business District (GBD) The project is situated at the southeast quadrant of the Miller and Elms Road intersection. We offer the following comments at this time:

- 1) Based on the overall storm water plan shown, it appears runoff will be collected in three separate detention areas prior to discharge into the Swartz Creek. Drainage calculations are not required at this time; however, it is our recommendation to prepare these at this time to verify the areas shown as detention will be adequate to temporarily store runoff for the overall site.
- 2) It is our understanding the developer wishes to begin construction for phase 1 yet this fall. The following permits / approvals will be necessary prior to construction:
 - a) A City of Swartz Creek permit for use of Swartz Creek public right of way for the proposed activities within the Elms and Miller Road right of way.
 - b) A City of Swartz Creek storm water discharge permit.
 - c) A City of Swartz Creek water/sewer tap permit.
 - d) City of Swartz Creek engineering approval of Phase I construction drawings.
 - e) A Part 91, Soil Erosion and Sedimentation Control (SESC) permit must be obtained from the Genesee County Drain Commissioner's Office – Water and Waste Services (GCDC-WWS).
 - f) Approval of the proposed water and sewer services from GCDC-WWS, as well as MDNRE construction permits.
 - g) Approval of the proposed storm water detention system from Genesee County Drain Commissioner's Office – Surface Water Management (SWM)

If you have any questions or require additional information, please contact our corporate office.

Sincerely,
ROWE Professional Services Company


Louis P. Fleury, P.E.
Project Manager

R:\sdsk\Proj\05C0186\Doc\Reviews\FAMILY FARM AND HOME\Site Plan Review 01.doc

Paul Bueche

From: Pete LaMourie [lamourie@progressiveae.com]
Sent: Monday, September 27, 2010 5:31 PM
To: Paul Bueche
Subject: Elms-Miller Preliminary PUD Plan
Attachments: elms miller site sketch.pdf

Paul;

Per our discussion, I have reviewed the preliminary PUD plan for the proposed project on the southeast quadrant of the Miller/Elms intersection. Based upon that review, my initial comments regarding site access and circulation are as follows.

1. The location of the single proposed driveway (onto Elms) appears to be acceptable as it is spaced fairly well from the Miller/Elms intersection (approximately 320 feet). The driveway has a three-lane cross section – a must for this type and size of commercial development. However, the three lane section should be extended further into the site (at least to the first internal driveway) to help maintain good peak-hour operations.
2. As noted in the past, we would be supportive of a right-in/right-out driveway from Miller Road (function as a limited movement driveway would be helped by median on Miller), but I suspect the applicant has checked into that with MDOT/others and have been told no.
3. Internal circulation appears generally acceptable except for the internal access to the apparent proposed fast-food building on the northeast corner of the site (Building C). These types of uses would typically generate much higher traffic than the other potential uses, and the current layout would require the fast food site traffic to drive through the Building D parking area. I would strongly recommend that either the fast food building be relocated to the Building D or E sites, or a change in the proposed circulation/parking layout be made. One potential option for the latter is shown on the attached rough sketch (although it chews up some green space).
4. The parking layout southeast of Building B seems odd as those 30+ spaces are not configured/located to serve either A or B very well.
5. The type and density of the proposed uses will generate enough peak-hour traffic to easily warrant a small impact study. That may seem a little heavy-handed, but such a study (with the typical simulation) would provide good input as to potential peak-hour queuing (eg left-turns on Elms between Miller and the proposed driveway) and other issues. Something to consider anyway. If you do pursue one, typically the applicant would have a consultant complete (after they discuss study parameters with me), and I would review on the City's behalf.

Let me know if you have any questions, or need these review comments in a more formal memo format.

Thanks,

Pete

Peter C. LaMourie, P.E. PTOE

Transportation Engineering Practice Leader

progressive | ae

1811 Four Mile Road
 Grand Rapids, MI 49525



ROWE PROFESSIONAL SERVICES COMPANY

Large Firm Resources. Personal Attention. sm

September 27, 2010

Mr. Adam Zettel
City of Swartz Creek
8083 Civic Drive
Swartz Creek, MI 48473

RE: Preliminary PUD – Elms and Miller Roads
Preliminary Site Plan Review
Plans dated 7/26/10

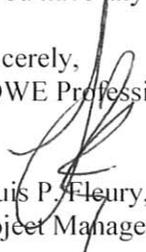
Dear Mr. Zettel:

At the request of the city, ROWE Professional Services Company has completed a preliminary site plan review for the above referenced project. The subject area consists of approximately 7.5 acres and is zoned General Business District (GBD) The project is situated at the southeast quadrant of the Miller and Elms Road intersection. We offer the following comments at this time:

- 1) Based on the overall storm water plan shown, it appears runoff will be collected in three separate detention areas prior to discharge into the Swartz Creek. Drainage calculations are not required at this time; however, it is our recommendation to prepare these at this time to verify the areas shown as detention will be adequate to temporarily store runoff for the overall site.
- 2) It is our understanding the developer wishes to begin construction for phase 1 yet this fall. The following permits / approvals will be necessary prior to construction:
 - a) A City of Swartz Creek permit for use of Swartz Creek public right of way for the proposed activities within the Elms and Miller Road right of way.
 - b) A City of Swartz Creek storm water discharge permit.
 - c) A City of Swartz Creek water/sewer tap permit.
 - d) City of Swartz Creek engineering approval of Phase I construction drawings.
 - e) A Part 91, Soil Erosion and Sedimentation Control (SESC) permit must be obtained from the Genesee County Drain Commissioner's Office – Water and Waste Services (GCDC-WWS).
 - f) Approval of the proposed water and sewer services from GCDC-WWS, as well as MDNRE construction permits.
 - g) Approval of the proposed storm water detention system from Genesee County Drain Commissioner's Office – Surface Water Management (SWM)

If you have any questions or require additional information, please contact our corporate office.

Sincerely,
ROWE Professional Services Company


Louis P. Fleury, P.E.
Project Manager

R:\sdsk\Proj\05C0186\Doc\Reviews\FAMILY FARM AND HOME\Site Plan Review 01.doc

Paul Bueche

From: Pete LaMourie [lamourie@progressiveae.com]
Sent: Monday, September 27, 2010 5:31 PM
To: Paul Bueche
Subject: Elms-Miller Preliminary PUD Plan
Attachments: elms miller site sketch.pdf

Paul;

Per our discussion, I have reviewed the preliminary PUD plan for the proposed project on the southeast quadrant of the Miller/Elms intersection. Based upon that review, my initial comments regarding site access and circulation are as follows.

1. The location of the single proposed driveway (onto Elms) appears to be acceptable as it is spaced fairly well from the Miller/Elms intersection (approximately 320 feet). The driveway has a three-lane cross section – a must for this type and size of commercial development. However, the three lane section should be extended further into the site (at least to the first internal driveway) to help maintain good peak-hour operations.
2. As noted in the past, we would be supportive of a right-in/right-out driveway from Miller Road (function as a limited movement driveway would be helped by median on Miller), but I suspect the applicant has checked into that with MDOT/others and have been told no.
3. Internal circulation appears generally acceptable except for the internal access to the apparent proposed fast-food building on the northeast corner of the site (Building C). These types of uses would typically generate much higher traffic than the other potential uses, and the current layout would require the fast food site traffic to drive through the Building D parking area. I would strongly recommend that either the fast food building be relocated to the Building D or E sites, or a change in the proposed circulation/parking layout be made. One potential option for the latter is shown on the attached rough sketch (although it chews up some green space).
4. The parking layout southeast of Building B seems odd as those 30+ spaces are not configured/located to serve either A or B very well.
5. The type and density of the proposed uses will generate enough peak-hour traffic to easily warrant a small impact study. That may seem a little heavy-handed, but such a study (with the typical simulation) would provide good input as to potential peak-hour queuing (eg left-turns on Elms between Miller and the proposed driveway) and other issues. Something to consider anyway. If you do pursue one, typically the applicant would have a consultant complete (after they discuss study parameters with me), and I would review on the City's behalf.

Let me know if you have any questions, or need these review comments in a more formal memo format.

Thanks,

Pete

Peter C. LaMourie, P.E. PTOE
Transportation Engineering Practice Leader

progressive|ae
1811 Four Mile Road

Grand Rapids, MI 49525
616-361-2664

800 Ellis Road Suite 144
Muskegon MI 49441
231-799-4960

lamourie@progressiveae.com

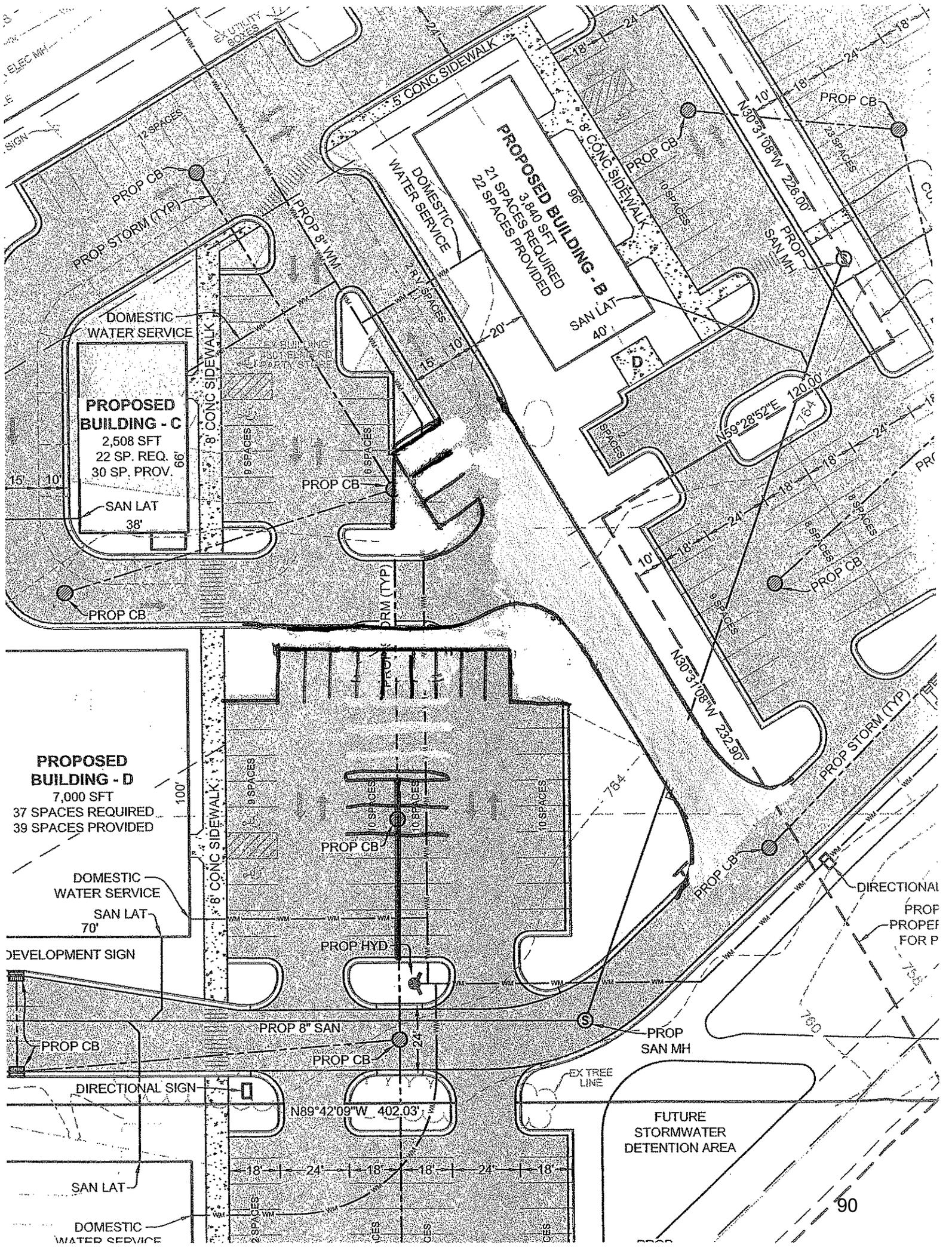
<http://www.progressiveae.com>



 Please consider the environment before printing this e-mail.

Confidentiality and Proprietary Rights Notice: This e-mail message and any attachments are considered the intellectual property of Progressive AE and are intended solely for the confidential viewing and use of the intended recipient and may be protected against use or disclosure under Federal and State laws.

If you have received this message in error or are otherwise not an intended recipient, please immediately notify the sender and promptly delete this message and any attachments from your computer system.



PROPOSED BUILDING - B
3,840 SFT
21 SPACES REQUIRED
22 SPACES PROVIDED

PROPOSED BUILDING - C
2,508 SFT
22 SP. REQ.
30 SP. PROV.

PROPOSED BUILDING - D
7,000 SFT
37 SPACES REQUIRED
39 SPACES PROVIDED

Paul Bueche

From: Pete LaMourie [lamourie@progressiveae.com]
Sent: Tuesday, September 28, 2010 8:31 AM
To: Paul Bueche
Subject: another alternative
Attachments: elms miller site sketch 2.pdf

Paul;

Attached is a rough sketch of another potential alternative to the internal circulation concern re the fast food. It provides some protection for the Building D parking/pedestrians – at least for the spaces that will likely be used the most.

By the way, one other issue/concern I didn't note on yesterday's email is about the internal corner radii. Any route where delivery trucks (minimum WB-50) are expected to use internal to the site should have at least 30-foot radii on the corner radii, not 10-15 feet as shown. So, at some point within the process, the applicant will need to submit a drawing showing internal delivery truck routes and turning templates showing that the truck path won't exceed pavement edges/curbs.

Pete

Peter C. LaMourie, P.E. PTOE

Transportation Engineering Practice Leader

progressive|ae

1811 Four Mile Road
Grand Rapids, MI 49525
616-361-2664

800 Ellis Road Suite 144
Muskegon MI 49441
231-799-4960

lamourie@progressiveae.com

<http://www.progressiveae.com>

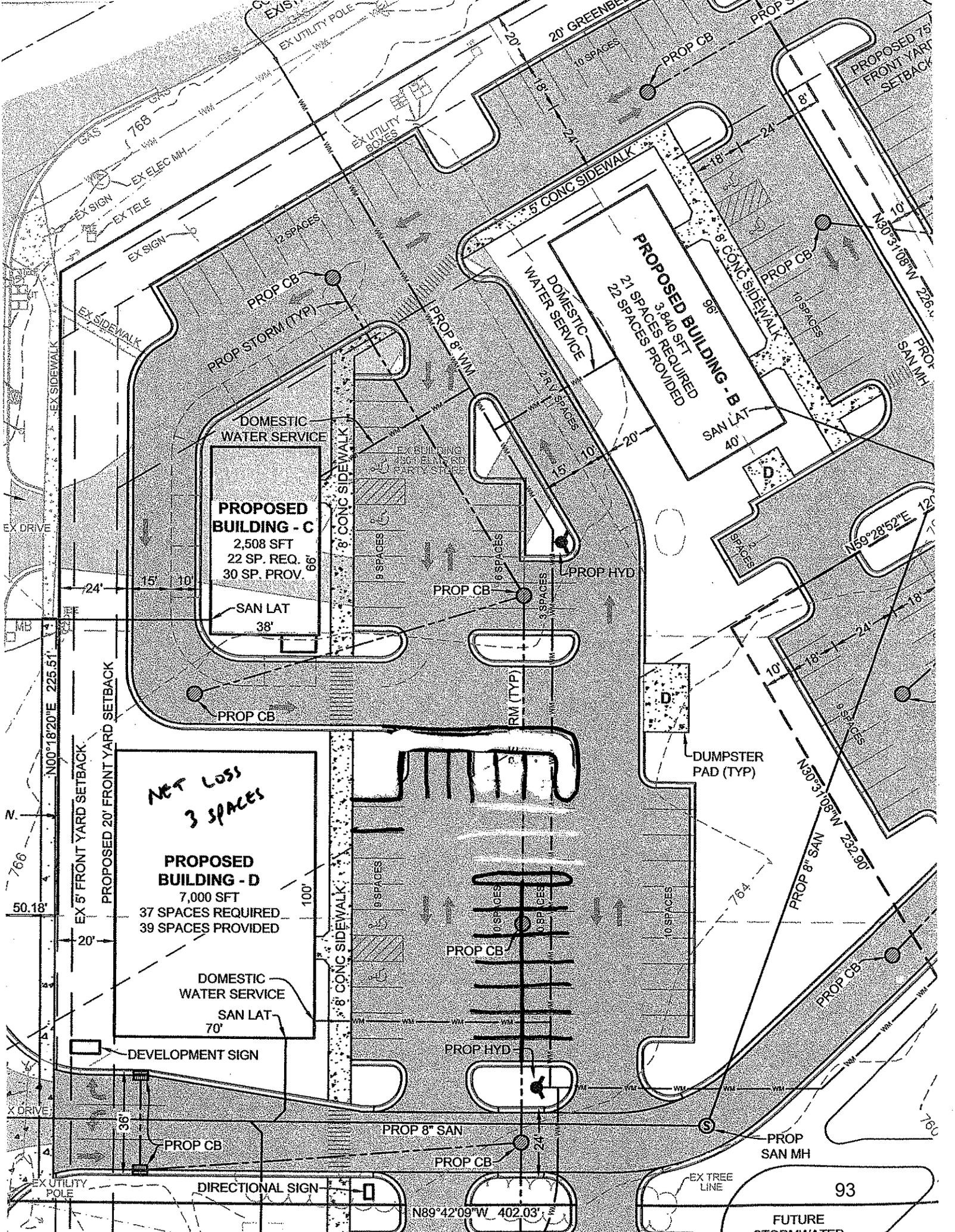


 Please consider the environment before printing this e-mail.

Confidentiality and Proprietary Rights Notice: This e-mail message and any attachments are considered the intellectual property of Progressive AE and are intended solely for the confidential viewing and use of the intended recipient and may be protected against use or disclosure under Federal and State laws.

If you have received this message in error or are otherwise not an intended

recipient, please immediately notify the sender and promptly delete this message and any attachments from your computer system.

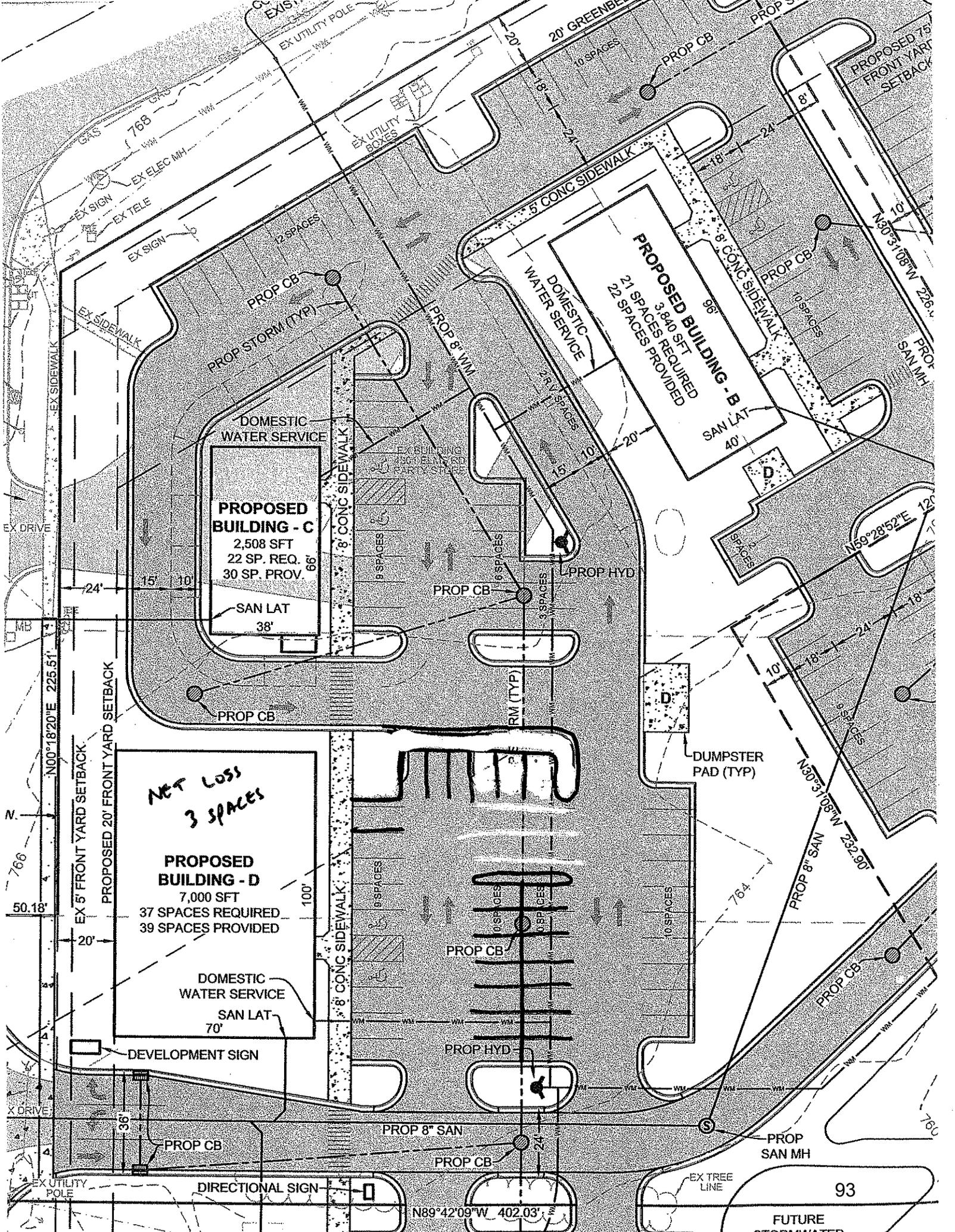


PROPOSED BUILDING - A
 3,840 SFT
 21 SPACES REQUIRED
 22 SPACES PROVIDED

PROPOSED BUILDING - B
 2,508 SFT
 22 SP. REQ.
 30 SP. PROV.

PROPOSED BUILDING - C
 7,000 SFT
 37 SPACES REQUIRED
 39 SPACES PROVIDED

*NET LOSS
 3 SPACES*



City of Swartz Creek
Building Department

Memorandum

Date: September 29, 2010

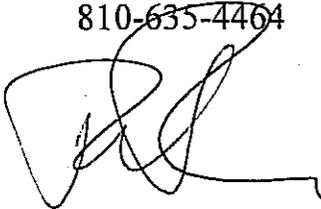
To: Adam Zettel

From: Robert Kehoe Building Official

Subject: Family Farm & Home

I reviewed the site plan for the proposed PUD located at the south-east corner of Miller Rd. and Elms Rd. and found it to be satisfactory.

Robert Kehoe
Building Official
City of Swartz Creek
810-635-4464

A handwritten signature in black ink, appearing to be 'RK', written over the printed name and title of Robert Kehoe.

Paul Bueche

From: Fire Chief Brent Cole [brentcole@scafd.com]

Sent: Friday, September 24, 2010 1:31 PM

To: Paul Bueche

Cc: Adam Zettel

Subject: Elms & Miller PUD

Dear Paul & Adam,

I have reviewed the documents I received regarding the PUD at Elms & Miller. The following are my recommendations:

1. The set back for building A is not enough to access the east side of the building, especially with the added outdoor storage that is proposed to the north. The access width should be equal the height of the building plus 5 feet to accommodate a collapse zone.
2. The building should be sprinkled with Fire Department Connection (FDC) clearly marked (visible) on the outside of the building. No landscaping should block the visibility of the FDC.
3. All hydrants should be twin 4.5" design. (I believe this the standard that has been adopted by the City.)
4. The water main should loop from Elms to Miller for maximum flow rate and continuous flow during potential breakage and/or maintenance. This will also prevent stagnant water issues associated with dead end water mains.
5. Hydrant maintenance should remain the responsibility of Swartz Creek.
6. The landscaping located at the hydrant islands should NOT have any landscaping. Protective steel tubes with concrete should be installed to prevent hydrant damage. Installation of protective tubes shall not interfere with 5" supply hose connection straight away from the hydrant connection.
7. All hydrants should be kept clear of snow.
8. The height of the building should be limited to 30', at the eaves, to insure ground ladder usage. Some of the Swartz Creek Area Fire Department (SCAFD) ground ladders are a maximum of 35'. Eaves that are over 30', will NOT allow the usage of a 35' ground ladder safely by fire personnel.
9. A Knox Box should be installed to allow for SCAFD access to the building without the need for forcible entry. The location should be near the front entrance. This can be coordinated with the owners and the SCAFD.
10. Right To Know information shall be provided by the occupant/owner before an occupancy permit is issue by Swartz Creek.

If you have any questions regarding my recommendations, please do not hesitate to contact.

Sincerely,
Chief Brent Cole
Swartz Creek Area Fire Department

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

An Ordinance To Amend The Zoning Ordinance of the City of Swartz Creek To Regulate Medical Marijuana Dispensaries and Growing Facilities.

THE CITY OF SWARTZ CREEK ORDAINS:

The City Council of the City of Swartz Creek hereby amends the City Zoning Ordinance as follows:

Section 1. Amendment of Article *** of the City of Swartz Creek Zoning Ordinance.**

The City Council hereby amends Article ***** of the City Zoning Ordinance by adding thereto the following new definitions:

- 112. Medical Marijuana Dispensary. A medical marijuana dispensary shall mean a facility, jointly owned or operated by two or more “primary caregivers,” where marijuana is stored, dispensed or offered for sale to “qualifying patients” under the Michigan Medical Marijuana Act of 2008 and where marijuana may also be grown, cultivated, processed and/or packaged. A “primary caregiver,” “qualifying patient” and “marijuana” shall have the meanings ascribed to them in the Michigan Medical Marijuana Act of 2008.

- 113. Medical Marijuana Growing Facility. A medical marijuana growing facility shall mean a facility, jointly owned or operated by two or more “primary caregivers,” where marijuana is grown, cultivated, processed and/or packaged for “qualifying patients” but is not offered for sale to “qualifying patients” under the Michigan Medical Marijuana Act of 2008. A “primary caregiver,” “qualifying patient” and “marijuana” shall have the meanings ascribed to them in the Michigan Medical Marijuana Act of 2008.

Section 2. Amendment of Section *** of Article ***** of the City Zoning Ordinance.**

The City Council hereby amends Section ***** of Article ***** of the City Zoning Ordinance by adding thereto a “medical marijuana dispensary” as a use permitted as a Special Land Use in the I-1 Light Industrial zoning district, as follows:

- x. Medical marijuana dispensary §*****

Section 3. Amendment of Section *** of Article ***** of the City Zoning Ordinance.**

The City Council hereby amends Section ***** of Article ***** of the City Zoning Ordinance by adding thereto a “medical marijuana growing facility” as a use permitted as a Special Land Use in the _____ zoning districts as follows:

- xi. Medical marijuana growing facility §*****

Section 4. Amendment of Article *** of the City Zoning Ordinance.**

The City Council hereby amends Article ***** of the City Zoning Ordinance by adding thereto a new section ***** establishing standards for a “Medical Marijuana Dispensary” and “Medical Marijuana Growing Facility” to read as follows:

Section ***. Medical Marijuana Dispensary, Medical Marijuana Growing Facility.**

A. Dispensary Locational Limitations. A medical marijuana dispensary that stores and sells or dispenses medical marijuana shall not be permitted:

1. Within five hundred (500) feet of any other medical marijuana dispensary;
2. Within five hundred (500) feet of a residential district or use;
3. Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
4. Within one thousand (1000) feet of any church, house of worship or other religious facility or institution;
5. Within one thousand (1000) feet of any public or municipal park.

B. Growing Facility Locational Limitations. A medical marijuana growing facility that does not sell or dispense medical marijuana to qualifying patients shall not be permitted:

1. Within five hundred (500) feet of any other medical marijuana dispensary or growing facility;
2. Within five hundred (500) feet of a residential use;
3. Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;

4. Within one thousand (1000) feet of any church, house of worship or other religious facility or institution;
5. Within one thousand (1000) feet of any public or municipal park.

C. Operational Limitations.

1. A medical marijuana dispensary or growing facility shall only operate between 8:00 A.M. and 8:00 P.M., Monday through Saturday and 12:00 noon and 6:00 P.M. Sunday.
2. A medical marijuana dispensary or growing facility shall comply at all times with each and every provision of the Michigan Medical Marijuana Act of 2008 (MCL 333.26421, et seq.), and with all provisions of federal law, as enforced.
3. Marijuana or cannabis shall only be grown, manufactured or harvested inside a fully enclosed structure or building that is kept secured with locks to prevent unintended or uninvited access.
4. Persons under the age of eighteen (18) years of age are not permitted to be on the premises of any medical marijuana dispensary and/or growing facility unless they possess a valid Medical Marijuana Registry Card issued by the State of Michigan or another state.
5. All employees of a medical marijuana dispensary and/or growing facility shall have a valid primary caregiver card or a valid qualifying patient card issued by the State of Michigan.
6. The cultivation, manufacturing, growing, packaging, storing or distribution of marijuana shall not occur in connection with or at a location at which any other commodity, product or service is also available.
7. A facility that is limited to selling or dispensing medical marijuana shall provide detailed information regarding the growing facility from which it receives its stock of medical marijuana and illustrate the lawful connection between the source product grower and the dispensary's primary caregivers.
8. The owner of a medical marijuana dispensary and/or growing facility who violates these sections shall be liable for all costs associated with the investigation, prosecution and enforcement of that violation.

D. Site Plan Requirements. A site plan shall be submitted, conforming to all requirements of Section ***** of the City Zoning Ordinance and which shall include the following:

1. Security system details which shall include, at the minimum, audible and silent alarms and video surveillance cameras.
2. Details regarding the building electrical system, power demands of specialized lighting and other necessary equipment, and method proposed to prevent excessive heat build-up and risk of fire within the building.
3. Ventilation equipment details, including fresh air intake and filtration of exhaust air to prevent offensive odors from leaving the site.
4. Proposed methods for controlling insects within the building and preventing insects from becoming a nuisance or health hazard off the site.
5. Anticipated quantity of water to be used by any proposed hydroponics growing system(s), anticipated quantity of wastewater to be generated, and method for treating and properly discharging wastewater so as not to become a hazard or nuisance to nearby properties.
6. A description of the operation of the dispensary or growing facility in sufficient detail to permit the City to determine if the operation, as described, would be lawful and fully compliant with the Michigan Medical Marijuana Act of 2008.

E. Periodic Inspections and Fees.

1. An application and review fee, established from time to time by resolution of the City Council, shall accompany each application for approval of a medical marijuana dispensary and/or growing facility.
2. Approved medical marijuana dispensaries and/or growing facilities shall submit annual permit renewal and monthly facility inspection fees in amounts set by the City Council by resolution.
3. All approved medical marijuana dispensaries and/or growing facilities shall permit authorized City zoning and building inspection and/or law enforcement personnel to make unannounced, periodic inspections not less than once each calendar month for purposes of verifying compliance with all requirements of the Michigan Medical

Marijuana Act of 2008 (MCL 333.26421, et seq.), this Ordinance and Section, and any reasonable conditions placed upon the special land use permit by the City Council.

Section 5. Effective Date.

This Ordinance shall take effect 30 days after publication.

At a regular meeting of the Swartz Creek City Council held on ***** , 2010, Councilmember _____ moved for adoption of the emergency ordinance and Councilmember _____ supported the motion.

Voting for:

Voting against:

The Mayor declared the ordinance adopted.

Richard Abrams
Mayor

Mary Jo Clark
City Clerk

[Swartz Creek, Michigan, Code of Ordinances](#) >> [PART I - CHARTER](#) >> [CHAPTER 6. - CITY LEGISLATION](#) >>

[CHAPTER 6. - CITY LEGISLATION](#)

[4]

- [Section 6.1. - Legislative power.](#)
- [Section 6.2. - Introduction, consideration and style of ordinances.](#)
- [Section 6.3. - Publication of ordinances.](#)
- [Section 6.4. - Penalties.](#)
- [Section 6.5. - Time limit for prosecution of ordinance violations.](#)
- [Section 6.6. - Proceedings for prosecution of ordinance violations.](#)
- [Section 6.7. - Initiative and referendum.](#)
- [Section 6.8. - Initiative or referendary petitions.](#)
- [Section 6.9. - Council procedure.](#)
- [Section 6.10. - Submission to electors.](#)
- [Section 6.11. - Status of ordinance adopted.](#)
- [Section 6.12. - Ordinance suspended.](#)

[Section 6.1. - Legislative power.](#)

The legislative power of the city is vested exclusively in the Council, except as otherwise provided by law.

State law reference— Mandatory that Charter provide for body vested with legislative power, MCL 117.3(a).

[Section 6.2. - Introduction, consideration and style of ordinances.](#)

- (a) Each proposed ordinance shall be introduced in written form. The style of all ordinances passed by the Council shall be, "The City of Swartz Creek Ordains:"
- (b) Each ordinance, after adoption, shall be identified by a number.
- (c) An ordinance or a part of an ordinance may be repealed or amended only by an ordinance passed in the manner provided in this section. An ordinance may be repealed by reference to its number only.
- (d) If a section of an ordinance is amended, it shall be reenacted and published at length: Provided, that this requirement shall not apply to the schedules of stop streets, one-way streets, and of parking limitations contained in any traffic ordinance or the vehicular traffic regulating portion of the city's ordinance code.
- (e) Each ordinance shall be recorded by the Clerk forthwith in the Ordinance Book, and the enactment of such ordinance and the effective date thereof shall be certified by him therein.
- (f) The ordinances of the city shall be set forth in code form as soon as practicable after the city government is established.

[Section 6.3. - Publication of ordinances.](#)

- (a) Before an ordinance may become operative, it shall be published in at least one newspaper which is of general circulation in the city. The effective date of an ordinance shall be stated therein, but shall not be less than twenty days from the date of its adoption, unless it is declared by the affirmative vote of not less than five members of the Council to be an emergency ordinance.
- (b) All codes and other ordinance subject matter, which are or may be permitted by law to be adopted by reference, shall be adopted and published in the manner permitted and required by law.

State law reference— Mandatory that Charter provide for the publication of all ordinances before they become operative, MCL 117.3(k); codification authority, MCL 117.5b; authority to adopt technical codes by reference, MCL 117.3(k).

[Section 6.4. - Penalties.](#)

The Council shall provide in each ordinance for the punishment of violations thereof, but, unless permitted by law, no such punishment, including the costs charged, shall exceed a fine of five hundred dollars or imprisonment for not more than ninety days, or both, in the discretion of the court. Imprisonment for violations of ordinances may be in the city or the county jail or in any workhouse in the State which is authorized by law to receive prisoners from the city.

State law reference— Limitations on penalties, MCL 117.4i(10).

Section 6.5. - Time limit for prosecution of ordinance violations.

No prosecution for the violation of an ordinance shall be commenced more than two years after the commission of the offense.

Section 6.6. - Proceedings for prosecution of ordinance violations.

Except as may be inconsistent with or otherwise provided in Chapter 11 of this charter, all proceedings relative to the arrest, custody, and trial of persons accused of the violation of this charter and of ordinances shall be governed by and conform as nearly as may be, to the provisions of law relating to proceedings in criminal cases cognizable by justices of the peace.

State law reference— Criminal procedure for ordinance violations, MCL 764.9a et seq.

Section 6.7. - Initiative and referendum.

An ordinance may be initiated by the electors of the city and a referendum on an ordinance may be had by them by the submission of a petition therefor as provided in this chapter.

State law reference— Permissible that Charter provide for initiative and referendum, MCL 117.4i(6).

Section 6.8. - Initiative or referendary petitions.

An initiatory or a referendary petition shall be signed by not less than fifteen per cent of the registered electors of the city. No referendum shall be permitted respecting any ordinance required to be passed by the Council by law. Such petition may be the aggregate of two or more petition papers. Each signer of a petition shall sign his name, and shall place thereon, after his name, the date and his place of residence by street and number. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was signed in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within fifteen days, canvass the signatures thereon to determine the sufficiency thereof. Any signature obtained more than ninety days before the filing of such petition with the Clerk shall not be counted. If found to contain an insufficient number of signatures of registered electors of the city, or to be improper as to form or compliance with the requirements of this section, the Clerk shall notify forthwith the person filing such petition, and ten days from such notification shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the Clerk shall present the petition to the Council at its next regular meeting.

Section 6.9. - Council procedure.

Upon receiving an initiatory or referendary petition from the Clerk, the Council shall, either:

- (1) If it be an initiatory petition, adopt the ordinance as submitted in the petition within thirty days after the receipt thereof, or determine to submit the proposal to the electors; or
- (2) If it be a referendary petition, repeal the ordinance to which the petition refers within thirty days after the receipt thereof or determine to submit the proposal to the electors.

Section 6.10. - Submission to electors.

Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any purpose, or, in the discretion of the Council, at a special election. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by law.

Section 6.11. - Status of ordinance adopted.

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the Council for a period of two years after the date of the election at which it was adopted. Should two or

more ordinances, adopted at the same election, have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

Section 6.12. - Ordinance suspended.

The certification by the Clerk of the sufficiency of a referendary petition within forty days after the passage of the ordinance to which such petition refers shall automatically suspend the operation of the ordinance in question, pending repeal by the Council or the final determination of the electors thereon.

FOOTNOTE(S):

⁽⁴⁾ **State Law reference**— Mandatory that Charter provide for ordinances, MCL 117.3(k); general authority relative to adoption of ordinances, Mich. Const. 1963, Art. VII, § 22. [\(Back\)](#)



GENESEE COUNTY DRAIN COMMISSIONER'S OFFICE

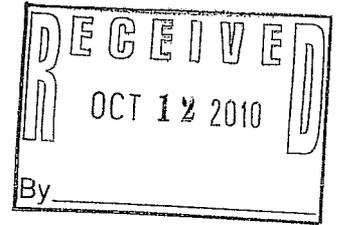
-DIVISION OF-
WATER & WASTE SERVICES

JEFFREY WRIGHT
COMMISSIONER

G-4610 BEECHER ROAD • FLINT, MICHIGAN 48532-2617

PHONE (810) 732-7870 • FAX (810) 732-9773

October 6, 2010



Juanita Aguilar, Clerk
City of Swartz Creek
8083 Civic Drive
Swartz Creek, MI 48473

RE: Obligations for Bond Payment During 2011

Dear Ms. Aguilar:

In keeping with the Genesee County Board of Commissioners' Resolution No. 72-155, which requires that we report to the Board on the manner in which each of the communities will secure the necessary funds to pay the principal and interest due on the bonds in the Year 2011, we are transmitting herewith two (2) copies of a resolution for consideration by the governing body. This resolution indicates the total payment which will be due on the bond issues for which your municipality is obligated to make payment.

After completing the portion of the resolution indicating where the necessary funds will be secured to meet the total payment, please present it for consideration at the next meeting of the governing body. When the resolution is approved, please return one (1) completed copy by January 1, 2011, to us, and retain one (1) copy for your records.

If you need any additional information from us while considering this resolution, please advise us. Your cooperation in this matter will be greatly appreciated.

Sincerely,

Michelle Cole, Division Finance Officer
Division of Water and Waste Services

MC:kt

Enclosures

CC: JFO/File
Accounting



RESOLUTION

At a _____ meeting of the City of Swartz Creek held in the City Hall in the said City of Swartz Creek on the _____ day of _____, _____ at _____ o'clock ____m. local time.

Present: _____

Absent: _____

The City Clerk presented the amount of money to be paid by the City of Swartz Creek to meet the principal and interest requirements on all bond obligations for water and sewer facilities during the calendar year. The Council then considered the various means by which they were planning to secure the funds necessary to meet this obligation. The following resolution was offered by _____ and seconded by _____.

WHEREAS, the City of Swartz Creek has a need to pay to the County of Genesee the sum of \$57,276.85 to meet the bond and principal requirements on all bond obligations for water and sewer facilities in; and

WHEREAS, there are several means by which the funds can be secured to meet this payment; and

WHEREAS, all various means of securing these funds have been reviewed and considered.

NOW THEREFORE, BE IT RESOLVED BY THE City of Swartz Creek, that the monies to meet the principal and interest requirements and all bond obligations for water and sewer facilities will be secured from the following funds.

| | |
|---------------------------------------|----------|
| Funds Already Available | \$ _____ |
| Tap-In Fees to be Collected | \$ _____ |
| Funds from Monthly Rates for Services | \$ _____ |
| General Fund | \$ _____ |
| Ad-Valorem Levy | \$ _____ |
| Other | \$ _____ |

Grand Total:

Paul Bueche

From: Paul Bueche
Sent: Wednesday, October 13, 2010 11:31 PM
To: paulbueche@comcast.net
Subject: FW: FHWA New proposed rule
Attachments: MDOTConflictofInterestPolicyforLA's.pdf; MDOTConflictofInterestACECReply.pdf

From: Michigan Local Government Management Association
[mailto:MANAGEMENTFORUM@LISTSERV.MML.ORG] **On Behalf Of** Michael Mitchell
Sent: Wednesday, October 13, 2010 3:16 PM
To: MANAGEMENTFORUM@LISTSERV.MML.ORG
Subject: Re: FHWA New proposed rule

My fellow Managers,

I have copied below the communication I received as a member of the MML Transportation Committee along with the attachments:

Michael Mitchell-Hillsdale

Hello everyone. Last week, I received an email from MDOT informing the League that MDOT has been requested by FHWA to implement new Conflict of Interest controls for local road agencies that utilize consulting engineers for any phase of a federal aid eligible road project. A number of concerns have been raised since MDOT sent this notice out, that municipalities may be subject to significant time delays and increased costs as a result of implementing this new policy. This would especially be true for a community that has decided to contract their City Engineer work out to a private consultant. Potentially being required to hire as many as three different consultants/engineers to develop a project.

If you have a chance to look at the attached FHWA proposal and consulting engineer's association response, could you let me know if you agree that this change will increase your community's costs? The League has been asked to join an effort to have FHWA rescind this proposal and I am trying to gauge if it is a true cost concern for communities. Any help you can provide would be appreciated. Thanks!

Chris

Chris Hackbarth
Legislative Associate, State & Federal Affairs
Ph: 517-908-0303 Fax: 517-372-7476
208 N. Capitol Ave, Lansing, MI 48933
www.mml.org



U.S. Department
of Transportation
**Federal Highway
Administration**

Michigan Division

September 9, 2010

315 W. Allegan Street, Room 201
Lansing, MI 48933
517-377-1844 (office)
517-377-1804 (fax)
Michigan.FHWA@dot.gov

In Reply Refer To:
HAD-MI

Mr. Mark Van Port Fleet (B220)
Highway Development Bureau Director
Michigan Department of Transportation
Lansing, Michigan

MDOT's Conflict of Interest Policies for Local Agencies and their use of Consultants

Dear Mr. Van Port Fleet:

FHWA is requesting that MDOT implement new conflict of interest policies for local public agencies and their use of consultants on multiple phases of a federal-aid project.

During a recent visit by the American Recovery and Reinvestment Act National Review Team of local public agencies, they found instances where a local agency had hired the same consultant for design and construction engineering services on the same project. MDOT has further brought to FHWA's attention that there are cases where a consultant was hired by the local agency to act as the City Engineer, who subsequently either designed and/or provided construction engineering services on the same project.

FHWA's conflict of interest requirements (as specified in 23 CFR 1.33) states ". . . No engineer, attorney, appraiser, inspector or other person performing services for the a State or a governmental instrumentality in connection with a project shall have, directly or indirectly, a financial or personal interest, other than his employment or retention by a State or other governmental instrumentality, in any contract or subcontract in connection with such project. ." In addition, the Common Grant Rule (as specified in 49 CFR 18.36(b) (3)) required that grantees and sub-grantees (other than States) "maintain a written code of standards of conduct governing the performance of employees engaged in the award and administration of contracts." The provision further states, "No employee, officer or agent of the grantee or sub-grantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when: The employee, officer or agency, or an organization which employs or is about to employ the employee, officer or agent, has a financial or other interest in the firm selected for award."



[Recipient Name]
September 9, 2010
Page 2

Based on the above regulations and there is federal-aid in any phase of a project, FHWA is requesting the following:

1. Implement a policy to prohibit a local agency from hiring a consulting firm to act as the City Engineer and then providing subsequent phases such as design and/or construction engineering services. Since the consultant acting as the City Engineer has the potential of influencing or otherwise affecting the procurement, management and administration of engineering services for the City and may have a financial or other interest in the firm selected, it is deemed to be a conflict of interest.
2. Implement a policy and the necessary controls to address the situation where a local agency has hired the same consulting firm to provide the design and then construction engineering services. This policy needs to address that there is adequate oversight to ensure that the potential for conflict of interest does not exist.

Please submit the proposed policies and controls for FHWA concurrence and approval. FHWA would be happy to participate on a team to assist in the development of these policies and controls.

If you have any questions, please feel free to contact Ruth Hepfer 517/702-1847.

Sincerely,


David M. Calabrese
Engineering & Operations Manager

emn

cc: Ruth Hepfer, FHWA
Brad Wieferich, MDOT (B220)
Rudy Cadena, MDOT (B220)

File Directory: J/GroupWiseFiles

File Name: DC LAP Conflict of Interest Letter_09092010

ACEC

AMERICAN COUNCIL OF ENGINEERING COMPANIES
of Michigan

October 1, 2010

Mr. Bradley Wieferich
Engineer of Design
Michigan Department of Transportation
P.O. Box 30050
Lansing, MI 48909

Re: Conflict of Interest Policies for Local Agencies

Mr. Wieferich:

Thank you for the opportunity to provide input on the requested change to the conflict of interest policies for local agencies as requested by the FHWA.

ACEC of Michigan is concerned that the request to implement these policies is not based on any problems associated with current practice, but seeks to correct a “perceived” issue that does not exist. Implementing a change, which is likely to increase time and costs to complete projects without cause, is not a good practice. Many of our member firms work for communities to provide engineering services, both design and construction oversight. These engineering companies are professionals with licensed engineers who have accepted an oath to protect the public health, safety and welfare and to exhibit the highest standards of honesty, integrity and ethical behavior.

For years, local government agencies have hired a consulting engineer to be their representative, advise them on engineering issues and to carry out the design and construction of necessary projects. If a project is out of the expertise of the engineer, the owner will seek the services of an outside professional to complete the project. These owners do not believe there is a conflict of interest with the engineering company completing the design and construction engineering and in fact believe this widely-used practice promotes efficiency and cost savings for the owner and taxpayers. The firm who completed the design best understands what went into the design and its intent, and can react quickly and efficiently during construction. Decisions by the engineer overseeing construction are reviewed by the owner and a MDOT representative when administered through MDOT.

ACEC believes that current practice is in compliance with the CFR rules cited in the FHWA letter dated September 9, 2010. ACEC worked in partnership with MDOT and FHWA in recent years to revise and improve the conflict of interest policies to ensure that any instance of a conflict of interest would be immediately identified and brought to the attention of MDOT. To my knowledge, MDOT has had no issues with the current policy.

Mr. Bradley C. Wieferich

October 1, 2010

Page 2

MDOT currently provides oversight of construction document preparation (design) and construction engineering on local agency projects. The MDOT Resident Engineer attends the preconstruction meeting and progress meetings and must sign off on change orders. Between the owner, the MDOT Local Agency Programs Engineer and the Resident Engineer, ACEC believes that MDOT has adequate oversight of both design and construction.

The Council acknowledges the role of the Federal government to establish rules to properly administer public funds. ACEC shares the goal of eliminating fraud and abuse. However, changing a policy, without cause, that will cost local public agencies additional time and dollars and possibly reduce the quality of the overall project, is not a proper course of action.

ACEC requests to be part of a team that may be formed to review any proposed changes to the current conflict of interest policies. Thank you once again for the opportunity to provide industry input.

Sincerely,



Ronald W. Brenke, P.E.

Executive Director

Cc: C. Hackbarth, Michigan Municipal League
J. Niemela, County Road Association of Michigan
D. Calabrese, Federal Highway Administration
R. Cadena, MDOT Local Agency Programs Engineer



michigan municipal league

Liability & Property Pool

► 1675 Green Road
PO Box 1487
Ann Arbor, MI 48106-1487

TEL 734.662.3246 800.653.2483
FAX 734.741.1774
WEB www.mml.org

| | | | |
|----|--|---------|--|
| to | Members of the MML Liability and Property Pool | from | Michael J. Forster, Pool Administrator |
| cc | | date | September 13, 2010 |
| | | subject | 2010 Pool Director Election |

Dear Pool Member:

Enclosed is your ballot for this year's Board of Directors election. Six (6) incumbent Directors have agreed to seek re-election. You also may write in one or more candidates if you wish.

A brief biographical sketch of each candidate is provided for your review.

I hope you will affirm the work of the Nominating Committee by returning your completed ballot in the enclosed return envelope, no later than November 10. You may also submit your ballot online by going to www.mml.org. Click on *Insurance*, then *Liability and Property Pool*; the official ballot is located in the left navigation bar under *Online Forms*.

The MML Liability & Property Pool is owned and controlled by its members. Your comments and suggestions on how we can serve you better are very much appreciated. Thank you again for your membership in the Pool, and for participating in the election of your governing board.

Sincerely,

Michael J. Forster
Pool Administrator

mforster@mml.org

THE CANDIDATES

Three-year terms beginning January 1, 2011



Chair: Richard Mack, Councilmember, City of Manistee

Richard has been a municipal official since 1997. He served as mayor of Manistee from 2000 – 2005, has currently serves as Mayor Pro tem. He is a supervisor with Morton Salt, a board member of the Michigan Association of Mayors, serves on the MML Finance and Taxation Committee and has completed level II of the Elected Officials Academy. Richard is the chair of the Liability Pool, and is seeking re-election to his second term as director.



Vice-Chair: Penny Hill, Manager, Village of Kalkaska

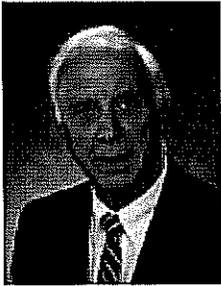
Penny has been a municipal government official since 1984, serving at various times as Clerk, Treasurer, and Manager. She has been a manager at three different municipalities since 1999, and currently serves as Kalkaska's Village Manager. Penny is a member of the Michigan Municipal League Board of Directors, serves as Vice Chairperson for MML Region 6, and is an active member of the MML Legislative Governance Committee and Finance Committee. Penny is also a member of the Michigan Local Government Manager's Association. She is a member of the Board of Directors for the Grand Traverse Regional Foundation, the Kalkaska Planning Commission, and the Kalkaska Downtown Development Authority. Penny is vice-chair of the Pool and is seeking re-election to her second term as director.



John Archocosky, Manager, City of Iron River

John has over thirty-five years experience as a municipal official, serving the last five as the manager in Iron River. He has been a Michigan Economic Development Corporation Partner since 2006 and a member of Iron County EDC for the past 15 years. John is a board member of the Iron County Family Independence Agency and its associated Foundations and serves as Chairman. He is also a member of numerous civic organizations. John is seeking election to his first term as director.

THE CANDIDATES
Three-year terms beginning January 1, 2011



Lester Hoogland, Mayor, City of Zeeland

Mayor Hoogland has twenty-five years of experience as a municipal official. Les has been Zeeland's mayor since 1990 and served as a council member prior to that. He serves on the Salvation Army Advisory Board, Zeeland Community Foundation Board, Zeeland Community Development Corporation, Ottawa County Economic Development Board, Zeeland Hospital Finance Authority Board, Local Development Finance Authority and is a member of the Zeeland Chamber of Commerce, the Zeeland Historical Society and the American Legion. Les is seeking re-election to his second term as director.



Richard Root, Mayor, City of Kentwood

Mayor Root has eighteen years experience as a municipal official. Richard has been Kentwood's mayor since 2003. He has served on the MML's Legislative Committee, the Grand Valley Metro Council and on the Kentwood Planning and City Commissions. Richard is seeking re-election to his third term as director.



Michelle Van Wert, Mayor, City of Williamston

Michelle has six years municipal government experience, all with the City of Williamston. She was elected to the council in 2005, and has served as mayor since 2007. Michelle is a member of the MML Economic Development and Land Use Committee, the Michigan Association of Mayors, the Michigan Association of Planning and a number of local civic organizations. Michelle is seeking election to her first term as director.

Michigan Municipal League
Liability & Property Pool

OFFICIAL BALLOT - 2010

Vote for six Directors by marking the line to the left of the name for three year terms beginning January 1, 2011.

___ Chair: Richard Mack, Incumbent
Councilmember, City of Manistee

___ Vice-Chair: Penny Hill, Incumbent
Manager, Village of Kalkaska

___ John Archocosky, Incumbent
Manager, City of Iron River

___ Lester Hoogland, Incumbent
Mayor, City of Zeeland

___ Michelle Van Wert, Incumbent
Mayor, City of Williamston

___ Richard Root, Incumbent
Mayor, City of Kentwood

Write-in Candidate

I hereby certify that:

(Municipality/Agency)

by action of its governing body, has authorized its vote to be cast for the above persons to serve as Director of the Michigan Municipal League Liability and Property Pool.

Official Signature

Date:

**Ballot deadline:
November 10, 2010**

BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO 1251 ANN ARBOR MI

POSTAGE WILL BE PAID BY ADDRESSEE

**MICHIGAN MUNICIPAL LEAGUE
1675 GREEN ROAD
P O BOX 1487
ANN ARBOR MI 48106-9963**

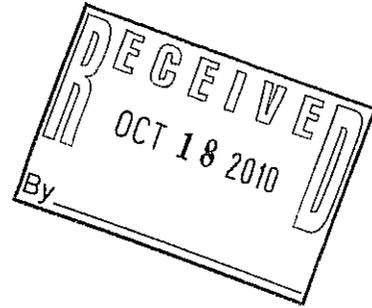


NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES





October 14, 2010



Paul Bueche, City Manager
City of Swartz Creek
8083 Civic Dr.
Swartz Creek, MI 48473

Dear Mr. Bueche:

As part of Comcast's commitment to keep you informed about important developments that affect our customers in your community, I am writing to notify you of changes to the channel lineup effective December 14, 2010. Customers will be notified of these changes via bill message.

We are pleased to announce the following international channels will be added to our premium service offerings: TV Japan (ch. 674), RAI International (ch. 679) and ART (ch. 684).

Additionally, due to changes in business costs, the following one-time charges will be adjusted effective January 1, 2011: Customer Service Call will increase from \$50.00 to \$60.00 & Other Install (no home visit required) will increase from \$2.99 to \$3.99.

Please direct any customer calls about Comcast products, services and prices to 1-888-COMCAST. Our Customer Account Executives are available 24 hours a day, 7 days a week. As always, feel free to contact me directly at 586-883-7075 with any questions you may have.

Sincerely,

Gerald W. Smith
Government Affairs Manager
Comcast, Michigan Region
36250 Van Dyke Ave.
Sterling Heights, MI 48312

Paul Bueche

From: Michigan Municipal League [smann@mml.org]
Sent: Friday, September 17, 2010 7:16 AM
To: Paul Bueche
Subject: Let's Save Michigan Seeks Public Space Projects

Let's Save **Michigan**

letssavemichigan.com

For Immediate Release:
Date Friday, September 17, 2010

Contact:
Matt Bach
734.669.6317
mbach@mml.org

**Project**

The Let's Save Michigan campaign is looking for help from Michigan municipal managers, DDA officials and community leaders to find 3 to 5 under-utilized spaces in communities across the state to serve as canvasses for citizens to create micro public spaces to effect revitalization through artistic expression and community empowerment.

Our Mission

As part of its overall mission to promote the importance of place and community to Michigan's future, the Let's Save Michigan campaign is working on innovative ways to engage everyday citizens and get them involved in creating more desirable communities.

**Example**

On September 17 in over a half dozen communities across the state volunteers are going to be participating in [PARK\(ing\) Day](#) events where a metered parking spot on their main street is converted to a 'park' for one to two hours.

What we are looking for

Building off our PARK(ing) Day events we are looking to transform underutilized or vacant spaces in our communities into low cost, quasi-permanent resident developed micro public spaces.

We are looking for a total of 3-5 vacant or underutilized small plots of land or walls in communities of various sizes from across the state. We will then offer up these spaces as canvasses for people to create a micro public space effecting revitalization through artistic expression and community empowerment.

Before:



After:



Goal of the projects

The projects will have the goal of bringing some life and vitality to underutilized spaces at the moment, but they will not be designed in a permanent manner. While the project's outcome could be permanent, they should be conceptualized as more stop gaps that are of quality but not something that would prevent the space from being developed at some later date.

How does it work?

Through the Let's Save Michigan campaign and its 30,000 followers, we'll reach out to art, design and other educational programs across the state and the general public to come up with innovative and manageable proposals for your micro-public spaces.

If your community has one of the 3-5 most suitable spaces, the Let's Save Michigan campaign will work with you to solicit and choose acceptable finalists for the project. We will then allow the public to vote on their favorite from among the finalists. Once the best design has been voted on by the public, we will then use an innovative financing tool called [Kickstarter](#) to promote the final projects and to secure funding from the general public.

What will it cost?

The total price tag of the event should be minimal and certainly not exceeding \$2,000. The developers of the projects are responsible for raising the necessary funds and the Let's Save Michigan campaign will help them with promotion and soliciting contributions from the general public via [Kickstarter](#).

Timeline:

September 2010: Work with communities to find suitable spaces

October-December 2010: Solicit project proposals from academic programs and the general public

January 2011: Let's Save Michigan and communities choose finalists and have the public vote for a winner for each space

February-March 2011: Solicit funds for projects through Kickstarter

April 2011: The projects are commenced and spaces transformed

Questions or Comments:

Contact:

Sean Mann

Program Coordinator, *Let's Save Michigan*

Ph: 734-669-6311; Cell: 313-663-1736

1675 Green Road, Ann Arbor, MI 48105

www.lets.savemichigan.com

www.mml.org

Email management

The Michigan Municipal League respects your right to privacy.

[Click here](#) to unsubscribe.

[Click here](#) to manage your Michigan Municipal League email subscription preferences.

If you no longer wish to receive any type of email notice from the Michigan Municipal League, [please click here](#).

Michigan Municipal League, 1675 Green Road, Ann Arbor, MI 48105





JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
PUBLIC SERVICE COMMISSION

ANDREW S. LEVIN
ACTING DIRECTOR

Monica Martinez Orjiakor N. Isiogu Greg R. White
COMMISSIONER CHAIRMAN COMMISSIONER

October 8, 2010

*Proc - F-1/1
EASS of ?
[Signature]*

The Honorable Richard Abrams
Mayor
City of Swartz Creek
8083 Civic Drive
Swartz Creek, MI 48473

Dear Mayor Abrams:

The Michigan Public Service Commission (MPSC), the state agency with regulatory responsibilities for energy, telecommunications, and some video/cable, invites you to attend a Consumer Information and Assistance Forum being held in your area. In order to maximize the benefits of these events for Michigan citizens, we are also requesting your assistance with publicity.

This meeting will take place Thursday, October 28, 2010, at 6:00 p.m. at the University of Michigan - Flint and will give citizens the opportunity to discuss utility-related questions and concerns with MPSC staff. Attendees will also be able to work with local utility providers as well as assistance organizations to investigate service issues and explore energy assistance programs. We would greatly appreciate the announcement of this MPSC event through the communication channels used by your organization and have enclosed a flier to simplify your efforts. If you require additional fliers, please feel free to make copies, or contact the MPSC.

A statewide listing of forums is available at www.michigan.gov/mpsc. Thank you in advance for your help. If you have any questions, please contact Joel Roseberry at 517-373-1540.

Sincerely,

Greg R. White, Commissioner
Michigan Public Service Commission

Enc.

DELEG is an equal opportunity employer/program.
Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

Connect to a Consumer Forum

With the Michigan Public Service Commission

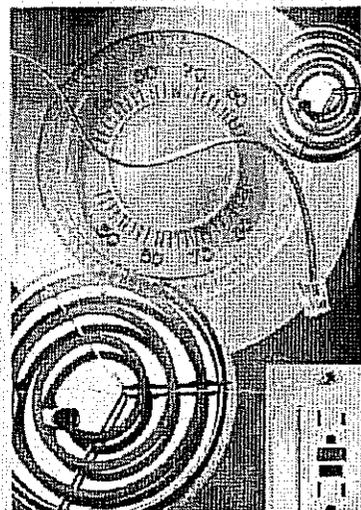
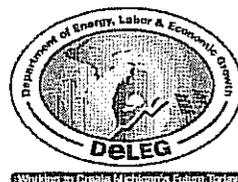
Come to a meeting hosted by the state agency with regulatory responsibilities for energy, telecommunications, and some video/cable. This event will allow you to:

- Meet with an MPSC Commissioner
- Learn about electric and natural gas rates
- Discuss telephone service updates
- Voice utility-related questions and concerns

Local utility service providers and assistance organizations will be present to speak with attendees.

To make the most of this opportunity, please bring your utility bills, shut off notices, tax information and proof of any other assistance you receive.

We hope to see you there!



Flint Forum

Thursday, October 28, 2010

6:00 PM

U of M – Flint

Northbank Center Ballroom

432 N. Saginaw Street

Flint, MI 48502

Questions? Contact:

MPSC – Utility Forums

P.O. Box 30221

Lansing, MI 48909

(800) 292-9555

www.michigan.gov/mpsc