

**City of Swartz Creek
AGENDA**

**Regular Council Meeting, Monday, December 3, 2018, 7:00 P.M.
Paul D. Bueche Municipal 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. Council Meeting of November 26, 2018 MOTION Pg. 21
5. **APPROVE AGENDA:**
5A. Proposed / Amended Agenda MOTION Pg. 1
6. **REPORTS & COMMUNICATIONS:**
6A. City Manager's Report MOTION Pg. 3
6B. FANG Invoice Pg. 43
6C. Board & Commission Minutes Pg. 44
6D. Metro Parking Agreement Forthcoming
6E. Energy Reduction Coalition Packet Attached
6F. Audit Attached
7. **MEETING OPENED TO THE PUBLIC:**
7A. General Public Comments
8. **COUNCIL BUSINESS:**
8A. Appointment RESO Pg. 13
8B. Audit Presentation RESO Pg. 14
8C. Energy Reduction Coalition DISCUSSION
8D. Purchase Policy Amendment RESO Pg. 14
8E. Marijuana Establishment Ordinance RESO Pg. 16
8F. Small Cell Regulation Ordinance RESO Pg. 18
8G. Flint Area Narcotics Group Dues RESO Pg. 20
9. **MEETING OPENED TO THE PUBLIC:**
10. **REMARKS BY COUNCILMEMBERS:**
11. **ADJOURNMENT:** MOTION

Next Month Calendar

Planning Commission:	Tuesday, December 4, 2018, Cancelled
Park Board:	Wednesday, December 5, 2018, 5:30 p.m., PDBMB
City Council:	Monday, December 10, 2018, 7:00 p.m., PDBMB
Downtown Development Authority:	Thursday, December 13, 2018, 6:00 p.m., PDBMB
Fire Board:	Monday, December 17, 2018, 6:00 p.m., Public Safety Bldg
Park Board:	Wednesday, January 2, 2019, 5:30 p.m., PDBMB
Planning Commission:	Tuesday, January 8, 2019, 7:00 p.m., PDBMB (One week later)
Downtown Development Authority:	Thursday, January 10, 2019, 6:00 p.m., PDBMB
City Council:	Monday, January 14, 2019, 7:00 p.m., PDBMB

City of Swartz Creek Mission Statement

The City shall provide a full range of public services in a professional and competent manner, assuring that the needs of our constituents are met in an effective and fiscally responsible manner, thus promoting a high standard of community life.

City of Swartz Creek Values

The City of Swartz Creek's Mission Statement is guided by a set of values which serve as a common operating basis for all City employees. These values provide a common understanding of responsibilities and expectations that enable the City to achieve its overall mission. The City's values are as follows:

Honesty, Integrity and Fairness

The City expects and values trust, openness, honesty and integrity in the words and actions of its employees. All employees, officials, and elected officials are expected to interact with each other openly and honestly and display ethical behavior while performing his/her job responsibilities. Administrators and department heads shall develop and cultivate a work environment in which employees feel valued and recognize that each individual is an integral component in accomplishing the mission of the City.

Fiscal Responsibility

Budget awareness is to be exercised on a continual basis. All employees are expected to be conscientious of and adhere to mandated budgets and spending plans.

Public Service

The goal of the City is to serve the public. This responsibility includes providing a wide range of services to the community in a timely and cost-effective manner.

Embrace Employee Diversity and Employee Contribution, Development and Safety

The City is an equal opportunity employer and encourages diversity in its work force, recognizing that each employee has unlimited potential to become a productive member of the City's team. Each employee will be treated with the level of respect that will allow that individual to achieve his/her full potential as a contributing member of the City staff. The City also strives to provide a safe and secure work environment that enables employees to function at his/her peak performance level. Professional growth opportunities, as well as teamwork, are promoted through the sharing of ideas and resources. Employees are recognized for his/her dedication and commitment to excellence.

Expect Excellence

The City values and expects excellence from all employees. Just "doing the job" is not enough; rather, it is expected that employees will consistently search for more effective ways of meeting the City's goals.

Respect the Dignity of Others

Employees shall be professional and show respect to each other and to the public.

Promote Protective Thinking and Innovative Suggestions

Employees shall take the responsibility to look for and advocate new ways of continuously improving the services offered by the City. It is expected that employees will perform to the best of his/her abilities and shall be responsible for his/her behavior and for fulfilling the professional commitments they make. Administrators and department heads shall encourage proactive thinking and embrace innovative suggestions from employees.

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

Regular Council Meeting of Monday, December 3, 2018 - 7:00 P.M.

TO: *Honorable Mayor, Mayor Pro-Tem & Council Members*
FROM: Adam Zettel, City Manager
DATE: November 28, 2018

ROUTINE BUSINESS – REVISITED ISSUES / PROJECTS

✓ **MICHIGAN TAX TRIBUNAL APPEALS** *(Update)*

Desert Sun Holdings (office at 6197 Miller) – Appraisal is done and there is a small claim hearing on Dec 11 which the assessor will attend. Evidence was due on Nov 20 and the city did not receive anything from the petitioner.

Shkrelli (golf course) – There is a show cause hearing on Nov 30 which Mike Gildner will do via phone. The petitioner needs to show why this case should go forward as they didn't submit an appraisal.

Huizinga (office at 6195 Miller) – The appraisal has been done and submitted. The next steps for this will be in January.

✓ **STREETS** *(See Individual Category)*

✓ **2017-2020 TRAFFIC IMPROVEMENT PROGRAM (TIP)** *(No Change of Status)*

Preliminary engineering and design for Fairchild Street is complete, and the grade inspection with the state is complete. We are on track to bid this coming winter for 2019 construction.

A call for projects for the 2020-2023 cycle is out for the TIP. Submission of projects is underway and will include: the west end of Miller Road, Seymour Road, and Morrish Road (Bristol to Miller). The applications were submitted on November 16th. If any projects are accepted, we will look to schedule them and budget accordingly.

✓ **STREET PROJECT UPDATES** *(Update)*

This is a standing section of the report on the status of streets as it relates to our dedicated levy, 20 year plan, ongoing projects, state funding, and committee work. Information from previous reports can be found in prior city council packets.

Installation of lighting on Worchester, Chesterfield, and Winston is complete. We plan to decorate these poles similar to the downtown poles with seasonal themes using existing décor or inexpensive wraps as they come available.

Helmsley is now in the hopper for 2019 (excluding water main, which is newer). Design engineering is underway and we will be meeting with the contractor at the end of this week to hold a preliminary construction meeting.

✓ **WATER – SEWER ISSUES PENDING** *(See Individual Category)*

✓ **SEWER REHABILITATION PROGRAM** *(No Change of Status)*

2018-2019 winter sewer projects have been approved. The scope includes lining improvements and video service at a cost of \$197,772. There are some small connections between collectors in the Winchester Village that need to be done. Liquiforce will also complete the large collector on Durwood and a downtown line, School Street.

This multi-year program is on schedule and budget. Based upon current rates and existing fund balance, staff may recommend expending more in the next year or two on the sewer rehabilitation plan in order to get some higher risk assets completed more quickly.

✓ **WATER MAIN REPLACEMENT** *(No Change of Status)*

We are moving forward with the USDA water main replacement project. OHM is beginning survey work and engineering. On September 13th, we met with the feds about other steps and conditions of funding. We are in a good position to benefit from the nearly \$5,000,000 grant/loan, with the understanding that we will be putting the project out to bid in 2019, with some components to be completed in 2020 and 2021.

In addition, the Genesee County Drain Commission - Water and Waste Services Division has officially given the city notice of their intent to update the 2003 Water Master Plan. During this process, they are going to analyze the Swartz Creek area to ascertain what current and future needs are. This information will then be used by their consultant to make determinations concerning additional water feeds into the area and the sizing of the water main, including Miller Road.

Their plan is to rely less on Miller Road and more on secondary feeds that could approach the city from the north, south, and west. This would be good for us in the long run and negates the concern that Miller Road would need to be increased in size and/or used as an intercommunity transmission line.

The city has been working with the county to abandon the Dye Road water main in the vicinity of the rail line. Note that we are holding this action pending the master plan review. This line is prone to breaks, which can be very costly and dangerous near the rail spur. The intention would be to connect our customers to the other side of the street, onto the county line. It appears the transition cost would be about \$25,000. We will work with the county on this matter and report back on our findings.

Lastly, the city should probably complete full demolition on the "Brown Road" site (the old well head) and sell this property. This is not a high priority, but it is now on our radar.

✓ **POLICE SERVICE** *(Business Item)*

Parking fees have been approved by resolution and will be implemented on January 1, 2019. To follow up with this arrangement, we have an agreement drafted to service to formalize the parking and code enforcement relationship between the city and Metro. This is attached.

We met with Mundy Township to consider potential amendments to the interlocal agreement. The conversation centered around the formalization of current practices of the Metro Board and staff, such as requiring board approval for changes to the organizational chart and the selection of professional services such as the attorney. Obviously, if there are any other matters that council members feel should be addressed as it relates to the interlocal agreement, now is the time.

✓ **HERITAGE VACANT LOTS** *(No Change of Status)*

The last of the lots acquired prior to the special assessment have been approved for sale. The city has two more lots that were acquired through the tax reversion process. If there is no objection, I will look to prepare instruments for the two units acquired in 2017 at new, negotiated pricing if requested by the buyer, JW Morgan, at some point in the future.

✓ **NEWSLETTER** *(Update)*

The December newsletter should be printing this coming week. Let me know if you have content.

✓ **HOLLAND SQUARE & STREETScape** *(Update)*

The planning commission will be considering a complete draft of the streetscape plans at their regular meeting on December 4th. If agreeable, we will look to have the city council approve release of the plans for bidding at the December 10th meeting. Note that the project can still be altered in scope as well as detail after bidding quantities and prices are known. For example, unit prices should not be impacted by the addition of planters or by changing the color of decorative features.

See prior reports for more details on the evolution of this process.

✓ **TRAILS** *(No Change of Status)*

The DNR grant has been given a final score of 360 out of 520 points. This is an improvement of 100 points over the initial submission. We have been told that this was a qualifying score in the previous year. We still have not heard if an award is forthcoming.

The DNR grant can fund up to \$300,000 of the project as well. We will be seeking an amount close to that to offset the 35% that the city must cover to match the Enhancement grant. Again, we are submitting supplemental materials now.

The MDOT Enhancement Grant is conditionally awarded, but I will refrain from an announcement until money is obligated! We hope this covers 65% of the investment. Work with Consumers Energy and CN Rail is positive for those project components that require their engagement. We are still working with the MTA and GM on some easements and permissions.

Note that the city will still be heavily invested in this, even if both grants are awarded. Count on a general fund outlay of \$200,000 for all engineering, construction, and inspection services. Any overages (price changes and change orders) will be locally covered as well.

The project timeline has changed based upon the engineer's recommendation in order to meet the DNR award schedule. We lose the 2018 construction season and have a new timeline as follows:

1. Plans and estimate complete March 15, 2019.
2. Grade Inspection package submitted March 29, 2019.
3. ROW certification March 29, 2019.
4. Matching funds certified March 29, 2019.
5. Project listed in approved TIP April 20, 2018- this date was not modified from the original application and I have a call into Jacob for verification.
6. Advertisement start date September 16, 2019.
7. Construction letting date November 4, 2019.
8. Construction start date January 20, 2020.
9. Construction end date September 21, 2020.

✓ **REDEVELOPMENT READY COMMUNITIES** *(No Change of Status)*

The city council has approved the first changes to the zoning ordinance. This follows the zoning ordinance technical review that was done earlier this summer. More changes are expected.

The Economic Development Strategy Committee met on the 20th of November and further deliberated on the draft Economic Development Strategy. There is a strong sense that downtown design, function, and events are a priority that will require a strong partnership with the city, DDA, and Chamber of Commerce. The next meeting of the Economic Development Strategy Committee will be at 10:00 a.m. on December 18th, at the Paul D. Bueche Municipal Building.

The following RRC components are also at the forefront of our improvement and certification efforts:

- Development review flowchart and checklist **(In Progress)**
- Integrated community development webpage for city/DDA processes and programs **(Complete)**
- Economic Development Strategy for the city and its partners (chamber of commerce, schools, etc.) **(In Progress)**
- Public participation plan and tracking methods **(In Progress)**
- Consolidated capital improvement plan (compiled list of street, water, sewer, park and other investment for the next six years) **(Complete)**

✓ **DOG PARK** *(No Change of Status)*

The scouts are still active in fundraising and plan to complete this. They apparently were able to raise another \$1,000 or so at the Baptist Church on October 27th!

✓ **CONSUMERS CONSERVATION PILOT PROGRAM** *(No Change of Status)*

I am not sure how this program faired in the community. I don't believe there was ever a critical mass of engaged users, but I could be wrong. As a promotional tool, part of the program included a voter selected contribution to a community project.

The votes are in and a \$15,000 donation will be made to the trail system that is proposed! Consumers will look to present the check sometime in 2019!

- ✓ **DURAND AREA INDUSTRY - PROJECT TIM** *(No Change of Status)*
This project seems cold and quiet. However, it appears there are still valid purchase agreements in place for the development, and there are state and local bureaucrats continuing work on contingency plans for utility and traffic modelling. It is anyone's guess at this point. Please see prior packets for information on the project and its evolution.

- ✓ **TAX REVERTED PROPERTY USE** *(No Change of Status)*
5157 Morrish Road has been sold. The vacant land on Wade Street has not been purchased, but the buyer says they will acquire it under approved terms.

- ✓ **8002 MILLER** *(Update)*
A qualified low bid is in at less than \$130,000. Completing the work at this cost, with the understanding that the existing user is paying all utilities, should keep us within the projected sale price budget. However, it will be close and there is a chance for unexpected change orders. I will spend the next week liaising with the bidder and user to make sure we have a reasonable plan of action. I expect this to be on the agenda of the December 10, 2018 meeting.

Please see the council packet of October 22 for prior reports.

- ✓ **MILLER ROAD DRAIN** *(No Change of Status)*
The contractor is working on repairs as weather permits.
- ✓ **GROUNDWATER WITHDRAWAL ORDINANCE** *(No Change of Status)*
The groundwater withdrawal ordinance for the Holland Square project is in the final phase. As noted previously, the practical impact of this is small, since wells are no longer permitted in the city and there are no known 'grandfathered' wells in the impacted area.

The council held a public hearing at our meeting on April 23rd. ExxonMobil, the Michigan DEQ, and other representatives will now be reaching out to property owners to research if there are any well impacts. Once this is done, we should be able to proceed with the ordinance. Representatives of Exxon indicated a fall timeline for approval.

- ✓ **SCHOOL FACILITY PROPOSAL** *(No Change of Status)*
This section shall now be a standing section of the report, giving details on expectations for projects and their ongoing progress within the city and district. As of writing, we know the bond can be issued and work shall commence in 2019, 2020, and 2021. It will include all facilities, including athletic facilities at the high school. We expect cooperation and benefit in terms of establishing safer connections for walkers, better land grades (e.g. the football field), and more attractive gateways.

- ✓ **PAUL FORTINO PROPERTY PROPOSAL** *(No Change of Status)*

The DDA considered next steps at their meeting on September 13th. They approved the commission of a survey and architectural renderings. The survey is complete and architectural services are underway. Please see the DDA packet for details. In short, it appears the builder is interested in proceeding with fifteen 1,600 square foot, two story condos, with garages. There are opportunities and threats, of course, but exploration is proceeding methodically.

As noted in the last communication with the builder, there may be a potential 'ask' for sewer/water tap fee waivers in order to add value to other parts of the site. Though a common practice in economic development, the city has not done this in recent history. I would be interested to know what the council thinks.

✓ **MUNICIPAL CIVIL INFRACTIONS VIOLATIONS BUREAU** *(No Change of Status)*

Metro Police, the city attorney, and staff continue to look at the transfer of the municipal infraction bureau as well, for reasons similar to the parking violations bureau. Since the police are the ones that we want enforcing violations for code, blight, and nuisances they should be maintaining the citations, records, and ability to prosecute. Doing so will require an ordinance amendment and subsequent administrative changes. I will keep the city council informed.

✓ **RECREATIONAL MARIJUANA** *(Business Item)*

Recreational marijuana was approved in Michigan. It will take the state many months, if not years, to promulgate rules for recreational marijuana land uses. However, we are already getting inquiries from existing commercial land owners about the ability to convert their spaces for sales/distribution of marijuana.

At this point, the city does not participate in enabling any marijuana land uses as permitted by the state of Michigan. This is the result of many months of research, comment, deliberation, and input by the residents, planning commission, and city council.

While the current legislation for medical marijuana land uses requires an 'opt-in', it is unclear how the rules for recreational marijuana will shake out. As such, the attorney has drafted a police power ordinance prohibiting any such uses. This will effectively maintain the position that has been advocated by the city's planning commission and city council. Once the framework for regulation is in place and a proper analysis of impact can be done, the community can reconsider its position. For now, I recommend we amend the ordinance.

✓ **SPORTS CREEK RACEWAY & GAMING COMMISSION** *(Update)*

The state has tentatively approved live race days for the Sports Creek Raceway. This approval is conditioned upon purchase or lease of the facility by the end of November. As of writing, we have no word on the status of a lease or purchase. Based on dialogue with numerous potential purchasers, it appears to me that the owner is not a willing seller. In the meantime, reports of blight, deterioration, and vandalism have been received and forwarded to the inspector.

If there is no positive movement for purchase under the current known circumstances in 2018, the future of this property and its impact on the community appears very bleak

indeed. I expect we will need to have a frank discussion about the future of this site after the holidays.

✓ **CDBG** (*No Change of Status*)

The CDBG pre-application has been submitted. Desirable projects include Swartz Creek Area Senior Services and improvement of the senior center facility (rear slider/drainage or parking area). The potential to place funds in the HOME Program also exists. This is a three year cycle, and I am not sure when the distributions will occur. This section may or may not remain in the report depending upon timing and relevance.

✓ **MDOT WARRANTY PROGRAM** (*Update*)

A state legislative mandate will require some local policy updates and subsequent procedural follow-up on how we bid, guarantee, and report on road construction projects. This will be something we address prior to September of 2019. The notice and original report are included in the November 26, 2018 packet.

✓ **SMALL CELL LEGISLATION** (*Business Item*)

Small Cell legislation is moving in the state legislature contrary to the desires of municipal advocacy groups. This legislation regulates oversight and allowances for wireless communication facilities in right-of-ways.

Please see the packet from November 26, 2018 for report details and third party findings, which are extensive.

Moving forward, the attorney is providing an ordinance amendment that might result in a degree of local control after the passage of legislation. As previously discussed, this is not guaranteed, but there is a potential upside and no apparent downside to proceeding.

The ordinance amendments provide for regulator permitting procedures and right-of-way use parameters that would be in the Ordinance Appendix B, along with similar right-of-way use franchise agreements.

✓ **STREET LIGHT CONVERSION** (*Update*)

I am sending along explanatory materials from the non-profit Energy Reduction Coalition, a group that specializes in costing and implementing LED conversions for building and public street lighting. They will be presenting at our meeting about what they do and how they do it. No decision is expected.

The basic concept is that they purchase, install, and maintain all qualifying lighting in our facilities. In return, we pay them a monthly fee in an amount less than our all-inclusive savings (pre-conversion fixtures, labor, and energy minus post-conversion fixtures, labor, and energy). As indicated in their materials, their underwriting methods and plans can be complex. However, a simple example follows:

Pre conversion light cost per month (amortized fixture, labor, and energy) is \$10
Post-conversion light cost per month (amortized fixture, labor, and energy) is \$4

Under these conditions, the city would have 'savings' of \$6 a month for the life of the bulb (120 months). In the first month, we pay that \$6 to them. By the last month, we might pay only \$2 to them as the savings ration predictably increases, thereby capturing the additional savings.

In essence, they promote the idea that they can best identify and implement the most efficient plan for optimal lighting (output, type, lumens, watts, etc.). They then split the savings over the life of the program. We benefit by getting lighting that is better suited to our needs and saving money. While it is possible that we could implement such a plan at our own expense and save more money, I find their expertise in efficiency and ability to absorb the upfront and ongoing maintenance costs valuable.

We will hear what they have to say Monday and deliberate whether there is enough value.

✓ **SAFE ROUTES TO SCHOOL** (*No Change of Status*)

I have met with the Crim Active Communities Technical Assistance Program about improving pedestrian safety around the schools in the community. There are two primary issues. The first is the physical disconnect that exists around the middle school for neighborhoods to the east and west. This area lacks sidewalks and crossings. The second concern is the lack of driver safety around some of the elementary schools. Syring is a good example of a school that has many sidewalks, crossings, and crossing guards but there is an issue with driver awareness.

This Active Communities group specializes in seeking grant funds for Safe Routes to Schools infrastructure and programming, through coalition building and public awareness. I am including their proposal and background information for consideration. I am not including a resolution at this time. The proposal amount is substantial and not in our current budget. I am going to liaise with school staff to gauge their ability and willingness to participate with their staff and financial resources.

✓ **OTHER COMMUNICATIONS & HAPPENINGS** (*See Individual Category*)

✓ **MONTHLY REPORTS** (*Update*)

I am including draft minutes from prior planning commission and park board meetings for your reading enjoyment.

✓ **BOARDS & COMMISSIONS** (*See Individual Category*)

✓ **PLANNING COMMISSION** (*Update*)

The Apple Creek site plan that was approved by planning commission has been affirmed by the city council. The proposal is active and moving into the engineering phase. The next meeting is scheduled for December 4th and will cover Holland Square/streetscape review.

✓ **DOWNTOWN DEVELOPMENT AUTHORITY** (*No Change of Status*)

The DDA met on September 13th. The board approved two façade grants, engineering services for the streetscape, and architectural services for the townhome project. They also co-hosted the Fall Family Fun Day on October 26th. Good things are happening!

Their November 8th meeting was indefinitely postponed because action items noted above were not yet prepared to proceed. The next regular meeting is scheduled for December 13th.

✓ **ZONING BOARD OF APPEALS** *(No Change of Status)*

There are no pending or expected variances, appeals, or interpretations at this time.

✓ **PARKS AND RECREATION COMMISSION** *(No Change of Status)*

The Park Board met on November 7th at city hall. The board discussed how storage requests are to be handled in Elms Park. This is due to the existing facilities for youth football, as well as incoming requests from other sports to have shed space in the park. The board is considering requiring uniform storage structures and other options which are likely to be discussed with potential users at their meeting December. Minutes are forthcoming.

The next meeting will be on December 5th. Moving forward, the Christmas decorating contest judging will begin on December 9.

✓ **BOARD OF REVIEW** *(No Change of Status)*

The Board of Review will meet on Tuesday, December 11 to correct qualified errors, Principal Residence Exemptions, taxable value uncapping, disabled veterans exemptions and poverty exemptions.

NEW BUSINESS / PROJECTED ISSUES & PROJECTS

✓ **AUDIT** *(Business Item)*

Copies of the Fiscal Year 2018 audit were distributed at the last meeting. Findings for the city's processes and fiscal performance are outstanding. This means that the city is maintaining solid practices related to our processes, accuracy, checks/balances, and security. In addition, the general fund is exceeding expectations as it relates to accumulating fund balance and maintaining positive cash flows (note that we technically ran a general fund deficit, but this was due to the accrual of the pension payment for all police related outstanding liability).

The auditors will be in to provide their formal presentation on December 3rd. Bring questions and a high level of scrutiny.

✓ **APPOINTMENTS** *(Business Item)*

There was one outstanding appointment remaining after the November 26th meeting, and that is for the vacancy on Planning Commission that resulted from Mr. Farmer's election to the city council. The mayor is recommending resident Angie Root.

✓ **PURCHASING POLICY ORDINANCE AMENDMENT** *(Business Item)*

Based upon feedback at the last meeting, there is an ordinance amendment proposed that will alter the purchasing ordinance to objectively promote local goods and services in the quoting and bidding of such goods and services. I am including the policy as drafted in the prior council packet. Note that there was some questions raised about the chamber membership preference. Please see the prior report for details regarding intent and source.

✓ **FANG DUES (*Business Item*)**

Included in the packet is an invoice and request to authorize the payment of our 2018-2019 membership dues to FANG.

The city has been a member of the FLINT AREA NARCOTICS GROUP (FANG) for the past 19 years, with an officer assigned to this unit for 8 years under municipal control and most recently under Metro control. This unit is a drug enforcement, undercover unit that provides narcotic investigations for all of its member agencies. The unit receives federal grant monies and is supported by its members' dues.

The dues are calculated using the following calculations: The State Equalized Value (SEV) of our municipality is divided by the total SEV of all the municipalities, resulting in the SEV factor and percentage. Base dues are determined by multiplying our SEV factor by the total population, which calculates our dues at \$7850.60.

Our membership to the FANG unit is paramount as they provide this investigation and enforcement service in this city as well as the rest of this county, which knows no borders or jurisdictions.

Because participation in this group is at the municipal level, with membership decided by the city, representation on their board by city appointees, and noted coverage in the city limits, it stands to reason that this remains a municipal expense. This may be splitting hairs since any dues paid by the Metro would ultimately be a proportionate pass-through to municipalities, but staff and the Metro board find that this is still the most appropriate method until FANG recognizes membership representation by Metro directly instead of the sponsoring municipalities. I recommend we maintain membership and pay the dues directly.

Council Questions, Inquiries, Requests, Comments, and Notes

Events: Don't forget about the tree lighting this Friday and the parade on Saturday!

**City of Swartz Creek
RESOLUTIONS
Regular Council Meeting, Monday, December 3, 2018, 7:00 P.M.**

Resolution No. 181203-4A MINUTES – November 26, 2018

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday, November 26, 2018, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 181203-5A 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 December 3, 2018, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 181203-6A CITY MANAGER’S REPORT

Motion by Councilmember: _____

I Move the Swartz Creek City Council accept the City Manager’s Report of December 3, 2018, including reports and communications, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 181203-8A COMMISSION APPOINTMENT

Motion by Councilmember: _____

WHEREAS, the laws of the State of Michigan, the Charter and Ordinances of the City of Swartz Creek, interlocal agreements in which the City of Swartz Creek is a member, and previous resolutions of the city council require and set terms of offices for various appointments to city boards and commissions, as well as appointments to non-city boards and commissions seeking representation by city officials; and

WHEREAS, there exists a vacancy on the planning commission; and

WHEREAS, said appointment is a Mayoral appointment, subject to affirmation of the city council.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council concur with the Mayor and City Council appointment as follows:

#181203-8A1 **MAYOR APPOINTMENT:** Angie Root
Planning Commission, Citizen

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 181203-8B RESOLUTION TO ACCEPT THE 2017-2018 FISCAL YEAR AUDIT BY INDEPENDENT AUDITOR PLANTE-MORAN

Motion by Councilmember: _____

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

WHEREAS, independent auditors, retained by the city per a qualified bidding selection process, have completed said audit for the most recent fiscal year, 2018; and

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

WHEREAS, the audit, as presented to the city council on December 3, 2018, has been found to meet generally accepted accounting standards and required reporting provisions of state and local law.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek approve the 2017-2018 Fiscal Audit Report prepared by Plante-Moran, a copy of which is attached hereto, and further, direct such to be published, distributed, circulated and placed on file in a manner prescribed by law.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 181203-8D A RESOLUTION TO APPROVE ORDINANCE 436 TO AMEND THE PURCHASING POLICY

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek maintains ordinances that provide guidance, predictability, transparency, and equal treatment for similarly situated parties as it relates to finance and purchasing, and

WHEREAS, the City finds public value in developing and promoting local businesses in the community and is willing to put additional, limited resources into said businesses in its routine purchases, and

WHEREAS, the City finds that preference for purchases are desirable to varying degrees for businesses based upon their geography as city based or area based businesses, as well as participation in the local chamber of commerce.

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

**CITY OF SWARTZ CREEK
ORDINANCE NO. 436**

An ordinance to amend Article II and II of Section 15 to establish fees for permitting of sidewalk works and activities in the right of ways, as well as Article III of Chapter 18 of the Code of Ordinances to establish fines, fees, and the penalties for violations thereof.

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Amendment of Article VI of Chapter 2 of the Code of Ordinances of the City of Swartz Creek by amending Section 2-402.

The City Council hereby amends Article VI of Chapter 2 of the Code of Ordinances of the City of Swartz Creek by amending Section 2-402, to include the following addition:

Sec. 2-402. General Purchasing Policy.

(c) The term "transaction amount," as used in this division, shall mean the lowest quote or bidder having qualifications to perform the work which are satisfactory to the council. The lowest quote or bidder shall be determined based on an adjusted bid or quote tabulation which shall be prepared in the following manner:

- (1) To the bid or quote of any bidder which is neither a Swartz Creek-based business nor an Area-based business shall be added an amount equal to five (5) percent of the bid or two thousand five hundred dollars (\$2,500.00), whichever is less.
- (2) To the bid or quote of any bidder which is an Area-based business shall be added an amount equal to three (3) percent of the bid or quote or two thousand five hundred dollars (\$2,500.00), whichever is less; provided, however, that if no bid or quote is received from a Swartz Creek-based business, no additional amount shall be added to the bid or quote of an Area-based business.
- (3) "Swartz Creek-based business" shall be interpreted to mean a business registered with the county clerk or a corporation registered with the state having a business address within the city limits which pays real and/or personal property taxes levied by the city.
- (4) The term "Area-based business" shall be interpreted to mean a business other than a Swartz Creek-based business registered with the county clerk or a corporation registered with the state having a business address within the Swartz Creek School District which pays real and/or personal property taxes levied by the Swartz Creek Community Schools.

- (5) If twenty-five (25) percent or more of a contract for construction or other services is to be subcontracted by an Swartz Creek-based business bidder to a non-city-based business or businesses, or by an Area-based business bidder to a non-Area-based business or businesses, the adjusted bid or quote shall be calculated by applying the provisions of subsections (1) and (2) within this section separately to each portion of the contract based on the status of the contractor or subcontractor performing that portion of the contract as an Swartz Creek-based or Area-based business.
- (6) Preference shall be given to registered members of the Swartz Creek Area Chamber of commerce for all products and services that do not require bids or quotes. Preference for such membership shall also be given in the event of bids or quotes within 1% or \$1,000, whichever is less.

Section 2. Effective Date.

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

At a regular meeting of the City Council of Swartz Creek held on the 3rd day of December, 2018, Councilmember _____ moved for adoption of the foregoing ordinance and Councilmember _____ supported the motion.

Voting for:
 Voting against:

The Mayor declared the ordinance adopted.

 David Krueger, Mayor

 Connie Eskew, City Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance No. 436 which was enacted by the City Council of the City of Swartz Creek at a regular meeting held on December 3, 2018.

 Connie Eskew, City Clerk

Second by Councilmember: _____

Voting For: _____
 Voting Against: _____

Resolution No. 181203-8E A RESOLUTION TO REGULATE RECREATIONAL MARIJUANA ESTABLISHMENTS

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek maintains police powers to regulate and control the nature of certain establishments within the community, and

WHEREAS, the people of the State of Michigan, by referendum vote, have decriminalized recreational marijuana, subject to local controls, and

WHEREAS, the City previously found no benefit to medical marijuana land uses within the city limits.

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

**CITY OF SWARTZ CREEK
ORDINANCE NO. 437**

An ordinance to amend Chapter 2 of the Code of Ordinances by adding thereto a new Article VIII, entitled "Marijuana Establishments."

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Amendment of Chapter 2 of the Code of Ordinances.

The City hereby amends Chapter 2 of the Code of Ordinances of the City of Swartz Creek by adding thereto a new Article VIII, entitled "Marijuana Establishments," to read as follows:

ARTICLE VIII. MARIJUANA ESTABLISHMENTS.

Sec. 2-601. Prohibition of Marijuana Establishments.

No marijuana establishments, as defined by the Michigan Regulation and Taxation of Marijuana Act (PA – of 2018), are permitted within the boundaries of the City.

Section 2. Effective Date.

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

At a regular meeting of the City Council of Swartz Creek held on the ____ day of _____, 2018, _____ moved for adoption of the foregoing ordinance and _____ supported the motion.

Voting for:

Voting against:

The Mayor declared the ordinance adopted.

David Krueger
Mayor

Connie Eskew
Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance No. 437 which was enacted by the Swartz Creek City Council at a regular meeting held on the _____ day of _____, 2018.

Connie Eskew
Clerk

Resolution No. 181203-8F

A RESOLUTION TO REQUIRE FRANCHISE AGREEMENTS FOR THE INSTALLATION AND OPERATION OF SMALL CELL WIRELESS FACILITIES WITHIN CITY RIGHT OF WAYS

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek maintains police powers over its right of ways, and

WHEREAS, changing technologies necessitate the installation and operation of ‘small cell’ technologies throughout communities, including right of ways, and

WHEREAS, the city desires to enable such installation and operation while maintaining a reasonable degree of control over shared right of ways.

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

**CITY OF SWARTZ CREEK
ORDINANCE NO. 438**

An ordinance to amend Appendix B of the Code of Ordinances by adding thereto a new article, Article VI, regulating Distributed Antenna Systems and Small Cell Networks.

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Amendment of Appendix B of the Code of Ordinances by the Addition of Article VI.

The City Council hereby amends Appendix B of the Code of Ordinances of the City of Swartz Creek by adding Article VI thereto, that article to read as follows:

ARTICLE VI. DISTRIBUTED ANTENNA SYSTEMS AND SMALL CELL NETWORKS

Section 1. Franchise Required.

No person, entity or legal body shall install or operate any telecommunication facilities or related equipment for the provision of commercial mobile radio service carriers pursuant to a distributed antenna system or small cell network without a franchise agreement

substantially in the form approved by Resolution No. ___, or subsequent replacement resolution, which rates established therein are hereby incorporated herein by reference.

Section 2. Interpretation of this Article and Franchise Agreement.

It is the intent of the City Council in adopting this provision that all provisions in this Article and in the franchise agreement required by this article be construed to protect the peace, health, safety and welfare of the residents of Swartz Creek as well as the aesthetics of the City of Swartz Creek. Only reasonably inconspicuous telecommunication facilities and related equipment are to be permitted in the city right-of-way pursuant to the terms of any franchise agreement. The franchisee shall at all times take the required measures to use the most inconspicuous equipment reasonably feasible at the time of installation. Franchisee shall also remove and/or replace existing equipment in the future when less conspicuous equipment becomes reasonably feasible or when and if the number of antennas for the system is no longer reasonably necessary and reduction of the number of antennas becomes reasonably feasible.

Any franchise agreement entered into pursuant to this Article shall remain in effect only to the extent the rates and regulations and other material provisions established in the franchise agreement and this Article remain in full force and effect. To the extent state or federal law makes unlawful and/or unenforceable any material provision of the franchise agreement required by this Article or any provision of this Article, the unlawful provisions are not severable and the franchise agreement shall terminate and be of no force and effect. To the extent authorized by law, under such circumstance, franchisee shall remove all such facilities placed in the city right-of-way pursuant to the franchise agreement unless the parties agree on a new franchise agreement that is compliant with the then-existing law.

Section 3. Franchise Nonexclusive and Revocable.

In accordance with the City Charter, any franchise authorized by this article shall be nonexclusive and shall be revocable at the will of the Council.

Section 2. Effective date.

This Ordinance shall take effect upon publication.

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

The Mayor declared the ordinance adopted.

David Krueger
Mayor

Connie Eskew

Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance No. 438 which was enacted by the Swartz Creek City Council at a regular meeting held on the _____ day of _____, 2019.

Connie Eskew
City Clerk

Resolution No. 181203-8G

RESOLUTION TO APPROVE DUES TO THE FLINT AREA NARCOTICS GROUP

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek provides police services via the Metro Police Authority of Genesee County by means of an interlocal agreement with Mundy Township, and

WHEREAS, the City of Swartz Creek has maintained membership in the Flint Area Narcotics Group as a means to provide additional support for investigations within the community, and

WHEREAS, the Metro Police also cooperates with FANG, but memberships remain a municipal feature, with municipal level appointees and participation, and

WHEREAS, the Metro Police Board and city staff believe that the membership participation, representative and costs remain under the purview of the local municipality.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council approve the payment of \$7,850.60 to the Flint Area Narcotics Group (FANG) for annual dues and expenses, said payment to be apportioned by the City Treasurer.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 11/26/2018**

The meeting was called to order at 7:02 p.m. by Mayor Krueger in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance.

Councilmembers Present: Cramer, Farmer, Gilbert, Hicks, Krueger, Pinkston, Porath.

Councilmembers Absent: None.

Staff Present: City Manager Adam Zettel, Clerk Connie Eskew, Director Public Services Tom Svrcek, City Attorney Mike Gildner.

Others Present: Lania Rocha, Bob Plumb, Steve Shumaker, Alan Moses, Steve Long, John Wilson, Boots Abrams, Penny Messer, Tammy Parenteau, Susie Kietzman, Sandi Brill, Elaine Tucker, Angie Root, Faye Porath.

APPROVAL OF MINUTES

Resolution No. 181126-01

(Carried)

Motion by Councilmember Porath
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday November 12, 2018 to be circulated and placed on file.

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

APPROVAL OF CLOSED SESSION MINUTES

Resolution No. 181126-02

(Carried)

Motion by Councilmember Porath
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Closed Session Minutes of the Regular Council Meeting held Monday November 12, 2018 to be placed on file.

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

APPROVAL OF AGENDA

Resolution No. 181126-03

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as, presented and printed for the Regular Council Meeting of November 26, 2018, to be circulated and placed on file.

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

CITY MANAGER'S REPORT

Resolution No. 181126-04

(Carried)

Motion by Councilmember Farmer
Second by Councilmember Cramer

I Move the Swartz Creek City Council accept the City Manager's Report of November 26, 2018, including reports and communications to be circulated and placed on file.

Discussion Ensued.

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

MEETING OPENED TO THE PUBLIC:

Steve Shumaker, 7446 Country Meadow Drive, mentioned some resident comments he received during his campaigning such as assessment value versus purchase value on a property just purchased, police patrolling, potential candidate comments on city office,

train horn being to long, and the tap in fees being waived on the condo project on Fortino Drive.

Sandi Brill, 5352 Greenleaf Drive, clock in lobby at city hall will be presented to Roger Sharp and his family on Saturday, December 8, 2018 at 1 p.m. by the GFWC Swartz Creek Women's Club. and invited council to attend. The clock was purchased by the GFWC Swartz Creek Women's Club and community donations. Also this Friday November 30, 2018 at 6 p.m. is the Second Annual Christmas Tree Lighting Ceremony. Saturday December 1, 2018 will be the Christmas Parade.

Penny Messer, Pennies From Heaven Photography, we are a licensed and insured drone pilot if you ever need their services.

COUNCIL BUSINESS:

COMMISSION APPOINTMENTS

Resolution No. 181126-05 **(Carried)**

Motion by Councilmember Hicks
Second by Councilmember Cramer

WHEREAS, the laws of the State of Michigan, the Charter and Ordinances of the City of Swartz Creek, interlocal agreements in which the City of Swartz Creek is a member, and previous resolutions of the city council require and set terms of offices for various appointments to city boards and commissions, as well as appointments to non-city boards and commissions seeking representation by city officials; and

WHEREAS, there exist vacancies in a number of said positions; and

WHEREAS, said appointments are Mayoral appointments, subject to affirmation of the city council.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council concur with the Mayor and City Council appointments as follows:

- | | | |
|--------------------|--|---------------------------|
| #181126-8A1 | <u>MAYOR RE-APPOINTMENT:</u>
Fire Board, Citizen
Two year term, expiring November 23, 2020 | John Knickerbocker |
| #181126-8A2 | <u>MAYOR RE-APPOINTMENT:</u>
Fire Board, Council Member
Two year term, expiring November 23, 2020 | Curt Porath |
| #181126-8A3 | <u>MAYOR APPOINTMENT:</u> | Rae Lynn Hicks |

Fire Board, Council Member
Two year term, expiring November 23, 2020

- #181126-8A4** **MAYOR RE-APPOINTMENT:** **Dennis Cramer**
Flint Area Narcotics Group, City Council Delegate
Two year term, expiring November 23, 2020
- #181126-8A5** **MAYOR RE-APPOINTMENT:** **John Gilbert**
Flint Area Narcotics Group, Alternate
Two year term, expiring November 23, 2020
- #181126-8A6** **MAYOR RE-APPOINTMENT:** **John Gilbert**
GAIN Auto Theft, City Council Delegate
Two year term, expiring November 23, 2020
- #181126-8A7** **MAYOR APPOINTMENT:** **Dennis Cramer**
GAIN Auto Theft, Alternate
Two year term, expiring November 23, 2020
- #181126-8A8** **MAYOR APPOINTMENT:** **Boots Abrams**
Local Officers Compensation Commission, Citizen
Five year term, expiring November 27, 2023
- #181126-8A9** **MAYOR RE-APPOINTMENT:** **James Barclay**
Park and Recreation Advisory Board, Citizen
Three year term, expiring December 31, 2021
- #181126-8A10** **MAYOR RE-APPOINTMENT:** **Jentery Farmer**
Park and Recreation Advisory Board, Citizen
Three year term, expiring December 31, 2021
- #181126-8A11** **MAYOR RE-APPOINTMENT:** **Rae Lynn Hicks**
Park and Recreation Advisory Board, Citizen
Three year term, expiring December 31, 2021
- #181126-8A12** **MAYOR RE-APPOINTMENT:** **Samantha Fountain**
Park and Recreation Advisory Board, Citizen
Two year term, expiring December 31, 2020
- #181126-8A13** **MAYOR RE-APPOINTMENT:** **Trudy Plumb**
Park and Recreation Advisory Board, Citizen
Two year term, expiring December 31, 2020
- #181126-8A14** **MAYOR RE-APPOINTMENT:** **Connie Eskew**
Park and Recreation Advisory Board, Citizen
Two year term, expiring December 31, 2020
- #181126-8A15** **MAYOR RE-APPOINTMENT:** **Joe Perreault**
Park and Recreation Advisory Board, Citizen
One year term, expiring December 31, 2019
- #181126-8A16** **MAYOR RE-APPOINTMENT:** **Larry Cummings**
Park and Recreation Advisory Board, Citizen
One year term, expiring December 31, 2019
- #181126-8A17** **MAYOR RE-APPOINTMENT:** **Rick Henry**

Park and Recreation Advisory Board, Citizen
One year term, expiring December 31, 2019

- #181126-8A18 MAYOR APPOINTMENT:** _____
Planning Commission, Citizen
Remainder of Three year term, expiring June 30, 2021
- #181126-8A19 MAYOR RE-APPOINTMENT:** **Thomas Svrcek**
Genesee County Water and Waste Services TAC, Delegate
Two year term, expiring November 23, 2020
- #181126-8A20 MAYOR RE-APPOINTMENT:** **Adam Zettel**
Genesee County Water and Waste Services TAC, Alternate
Two year term, expiring November 23, 2020
- #181126-8A21 MAYOR RE-APPOINTMENT:** **Curtis Porath**
Zoning Board of Appeals, City Council Delegate
Two year term, expiring November 23, 2020
- #181126-8A22 MAYOR RE-APPOINTMENT:** **Douglas Stephens**
Construction Board of Appeals, Citizen
Two year term, expiring November 23, 2020
- #181126-8A23 MAYOR APPOINTMENT:** **Brad Lyndsay**
Construction Board of Appeals, Citizen
Two year term, expiring November 23, 2020
- #181126-8A24 MAYOR RE-APPOINTMENT:** **Joe Perreault**
Construction Board of Appeals, Citizen
Two year term, expiring November 23, 2020
- #181126-8A25 MAYOR RE-APPOINTMENT:** **Adam Zettel**
911 Consortium, Delegate
Two year term, expiring November 23, 2020
- #181126-8A26 MAYOR RE-APPOINTMENT:** **Thomas Svrcek**
Street Administrator, Delegate
Two year term, expiring November 23, 2020
- #181126-8A27 MAYOR RE-APPOINTMENT:** **Adam Zettel**
Street Administrator, Alternate
Two year term, expiring November 23, 2020
- #181126-8A28 MAYOR RE-APPOINTMENT:** **John Gilbert**
Genesee County Metropolitan Alliance, City Council Delegate
Two year term, expiring November 23, 2020
- #181126-8A29 MAYOR APPOINTMENT:** **Dennis Cramer**
Genesee County Metropolitan Alliance, Alternate
Two year term, expiring November 23, 2020
- #181126-8A30 MAYOR APPOINTMENT:** **Robert Plumb**
Genesee County Metropolitan Alliance, Citizen
Two year term, expiring November 23, 2020
- #181126-8A31 MAYOR RE-APPOINTMENT:** **David Krueger**

Genesee County Small Cities, City Council Delegate
Two year term, expiring November 23, 2020

#181126-8A32 **MAYOR APPOINTMENT:** **Dennis Cramer**
Genesee County Small Cities, Alternate
Two year term, expiring November 23, 2020

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

A RESOLUTION TO APPROVE ORDINANCE 435 TO AMEND THE PARKING VIOLATIONS FINE AND FEE SCHEDULE

Resolution No. 181126-06 **(Carried)**

Motion by Councilmember Gilbert
Second by Councilmember Hicks

WHEREAS, the City of Swartz Creek maintains ordinances to regulate and enforce parking provisions in public and private spaces, and

WHEREAS, the Metro Police Department is responsible for overseeing the Parking Violations Bureau and enforcement of all parking related ordinances, and

WHEREAS, the City and Metro PD desire more effective penalties and disincentives for offenders that violate the city's parking ordinances, with such fees and fines to be set by the City Council, and

WHEREAS, the City of Swartz Creek permits activities within public right-of-ways, including sidewalk works, that require approval and inspection for which the City Council sets fees for service.

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

CITY OF SWARTZ CREEK ORDINANCE NO. 435

An ordinance to amend Article II and II of Section 15 to establish fees for permitting of sidewalk works and activities in the right of ways, as well as Article III of Chapter 18 of the Code of Ordinances to establish fines, fees, and the penalties for violations thereof.

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Amendment of Article II of Chapter 15 of the Code of Ordinances of the City of Swartz Creek by amending Section 15-42.

The City Council hereby amends Article II of Chapter 15 of the Code of Ordinances of the City of Swartz Creek by amending Section 15-42, to read as follows:

Sec. 15-42. Permit for sidewalks.

(a) No sidewalk, crosswalk or driveway shall be laid or repaired by any person other than the city in any street, alley or other public place within the city without a permit from the city manager. The fee for each such permit shall be set by resolution of the city council and shall be for the purpose of defraying the expense of issuance and necessary inspections of the work.

Section 2. Amendment of Article III of Chapter 15 of the Code of Ordinances of the City of Swartz Creek by amending Section 15-104.

The City Council hereby amends Article III of Chapter 15 of the Code of Ordinances of the City of Swartz Creek by amending Section 15-104, to read as follows:

Sec. 15-104. Granting of permit.

(a) The city manager, upon the filing of the application and bond and the payment of a permit fee as set by resolution by the city council may in his discretion issue a permit. This permit shall state the name and address of the applicant, the location, nature, purpose and extent of the excavation or opening, the kind or kinds of pavement or surface to be disturbed and the dates of the granting and expiration of the permit. All permits shall be consecutively numbered and shall be in triplicate, one copy to be given to the applicant, one copy to be delivered to the city engineer and one copy to remain on file in the office of the city manager. Such permit shall at all times be in the possession of a competent person actually engaged in the work and shall be shown upon demand to a police officer, other duly authorized officer or employee of the city.

Section 3. Amendment of Article III of Chapter 18 of the Code of Ordinances of the City of Swartz Creek by amending Section 18-71.

The City Council hereby amends Article III of Chapter 18 of the Code of Ordinances of the City of Swartz Creek by amending Section 18-71, to read as follows:

Sec. 18-71. Schedules of fines.

Parking violations shall be punishable by fines and fees set by resolution of the City Council.

Section 4. Effective Date.

This Ordinance shall take effect on January 1, 2019 (a minimum of twenty (20) days following publication).

At a regular meeting of the City Council of Swartz Creek held on the 26th day of November, 2018, Councilmember Gilbert moved for adoption of the foregoing ordinance and Councilmember Hicks supported the motion.

Voting for: Porath, Cramer, Farmer, Gilbert, Hicks, Krueger, Pinkston

Voting against: None.

The Mayor declared the ordinance adopted.

David Krueger, Mayor

Connie Eskew, City Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance No. 435 which was enacted by the City Council of the City of Swartz Creek at a regular meeting held on November 26, 2018.

Connie Eskew, City Clerk

Discussion Ensued.

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

RESOLUTION TO AMEND AND RESTATE CITY-WIDE RATES, FEES, AND CHARGES

Resolution No. 181126-07

(Carried)

Motion by Mayor Pro Tem Pinkston
Second by Councilmember Porath

WHEREAS, the City sets rates and collects fees, fees for permits, charges for services, cost recovery's and cost recovery for consulting services (rates, fees, & charges), and;

WHEREAS, such rates, fees, & charges are a necessary and essential part of the funding for the services that the City provides, and:

WHEREAS, the City's Code of Ordinances defines and provides for certain rates, fees, & charges, and;

WHEREAS, other such rates, fees, & charges are provided for by resolution of the City Council, statutory provision, past practice, policy and other such actions, and

WHEREAS, the City has amended the City's Code of Ordinances to provide for various rates, fees, & charges to be set by resolution of the City Council, and;

WHEREAS, the City has need to implement additional rates, fees, & charges to be set by resolution of the City Council, and;

WHEREAS, the City desires to have all such rates, fees, & charges organized into a single resolution that can be visited periodically and adjusted accordingly.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek hereby sets its rates, fees, & charges in accordance with the following schedule, effective immediately or as soon as practical thereafter, table as follows:

CITY OF SWARTZ CREEK RATES, FEES PERMITS & CHARGES FOR SERVICES

1. Chapter 1: Municipal Ordinance Violations Bureau (Parking Fines)

The following parking violations shall be punishable by the fines indicated:

<u>Offense</u>	<u>Fine</u>
(a) Parking too far from curb	\$ 40.00
(b) Angle parking violations	\$ 40.00
(c) Obstructing traffic	\$ 40.00

Prohibited parking (signs un-necessary)

(d) On sidewalk	\$ 40.00
(e) In front of drive	\$ 40.00
(f) Within intersection	\$ 40.00
(g) Within 15 feet of hydrant	\$ 40.00
(h) On crosswalk	\$ 40.00
(i) Within 20 feet of crosswalk or 15 feet of corner lot lines	\$ 40.00
(j) Within 30 feet of street side traffic sign or signal	\$ 40.00
(k) Within 50 feet of railroad crossing	\$ 40.00
(l) Within 20 feet of fire station entrance	\$ 40.00
(m) Within 75 feet of fire station entrance on opposite side of street (signs required)	\$ 40.00
(n) Beside street excavation when traffic obstructed	\$ 40.00
(o) Double parking	\$ 40.00
(p) On bridge of viaduct or within tunnel	\$ 40.00
(q) Within 200 feet of accident where police in attendance	\$ 40.00
(r) In front of theater	\$ 40.00
(s) Blocking emergency exit	\$ 40.00
(t) Blocking fire escape or fire lane	\$ 50.00
(u) In a handicapped space	\$ 100.00
(v) In prohibited zone (signs required)	\$ 40.00
(w) In alley (signs required)	\$ 40.00

Parking for prohibited purpose

(x) Displaying vehicle for sale	\$ 40.00
(y) Working or repairing vehicle	\$ 40.00
(z) Displaying advertising	\$ 40.00
(aa) Selling merchandise	\$ 40.00
(bb) Storage over 48 hours	\$ 40.00
(cc) Wrong side boulevard roadway	\$ 40.00
(dd) Loading zone violation	\$ 40.00
(ee) Bus, parking other than bus stop	\$ 40.00

(ff) Taxicab, parking other than cab stand	\$ 40.00
(gg) Bus, taxicab stand violations	\$ 40.00
(hh) Failure to set brakes	\$ 40.00
(ii) Parked on grade wheels not turned to curb	\$ 40.00
(jj) Parked on lawn extension within right of way	\$ 40.00
(kk) Parked on front lawn	\$ 40.00

All \$40.00 violations not paid within 20 days will be assessed a \$20.00 late fee.

2. Chapter 2: Liability for Expense of an Emergency Operation (Hazardous Materials Cleanup Cost Recovery)

Cost shall be actual expenses inclusive of all Police & Fire Department wages, equipment and motor-pool and / or any sub-contracted actual expenses associated with hazardous materials clean-up.

3. Chapter 2: Liability for Expense of an Emergency Response (Alcohol Related Arrests, Accidents)

A. A cost of \$150 shall be assessed to each defendant convicted of O.U.I.L. – O.U.I.D or O.W.I. The cost recovery shall be collected as a part of the fines and costs set by the 67th District Court.

B. Actual costs shall be assessed to each defendant convicted of O.U.I.L. – O.U.I.D or O.W.I. in which a motor vehicle accident occurred. The cost recovery shall be collected as a part of the fines and costs set by the 67th District Court. In the event the court declines collection, they shall be billed direct to the defendant.

C. For the purpose of determining costs for extensive investigation and cleanup recovery for emergency response for alcohol related arrests and accidents, the following table shall be used:

Police Personnel	\$40	Per Hour
Police Clerical	\$30	Per Hour
Police Car	\$15	Per Hour
Fire Personnel	\$20	Per Hour
Fire Pumper	\$250	Per Hour
Fire Support Vehicles	\$100	Per Hour

4. Chapter 5: Cemetery Lots - Purchase

The cost for purchase of cemetery lots will be \$100.00 per lot.

5. Chapter 5: Cemetery, Charges for Grave Openings, etc.

Grave openings shall be actual costs, either as sub-contracted or performed by City Employees, plus a 15% administrative fee.

6. Chapter 11: Park Reservation Fees

Elms Park

Pavilion #1	\$ 70.00
Pavilion #2	\$ 120.00
Pavilion #3	\$ 70.00
Pavilion #4	\$ 120.00

Winshall Park

Pavilion #1	\$ 70.00
Pavilion #2	\$ 70.00
Pavilion #3	\$ 70.00

Deposit \$100.00

7. **Chapter 12: Peddlers and Solicitors License and Background Check**

\$50.00

8. **Chapter 15: Permit, Sidewalk Installation**

\$25.00

9. **Chapter 15: Permit for Excavation, Right of Way or Other City Property**

\$100.00

10. **Chapter 19: Water System Use, Rates and Charges**

(A) Charges for water supply services to premises within the city connected with the water supply system shall be as follows:

Rates for Quarterly Billings

Readiness to serve charge

5/8", 3/4", 1"	\$51.22
1.5"	\$220.77
2"	\$353.23
3"	\$662.31
4"	\$1,103.85
6"	\$2,207.70

Commodity charge (per 100 cubic feet of water): \$7.07

Additional meters, connected for the exclusive purpose of registering water consumed and NOT returned to the sewer system shall be charged the commodity charge only (example: lawn sprinkler system).

(B) Any water customer may have water services temporarily shut off for any time period during which the premises, for which the water service is provided, will be unoccupied. The request for such shut off shall be made in writing on forms to be provided by the city. The written request shall specify the reason for the shut off and the date on which the water service shall be shut off.

(C) There shall be a Twenty Dollar (\$20.00) charge for shutting off the water service pursuant to such request and a Twenty Dollar (\$20.00) charge for turning the water service back on, if the shut off or turn on is performed during normal business hours. If this shut off or turn on is performed outside of normal business hours, the charge shall be One-Hundred Dollars (\$100.00). Such charges shall also apply if water is shut off or turned back on pursuant to account delinquency. The City Manager may waive shut off and turn on fees for reasonable cause.

(D) Water customers shall continue to be billed for a readiness to service charge while connected to the system.

(E) Bulk water sales shall be in accordance with the following fee schedule:

Bulk Water Purchases

1 cubic ft. = 7.4805

Gallons

Gallons	Cubic ft.	Cost
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3,740	499.96658	\$104.00
5,000	668.40452	\$116.00
10,000	1336.809	\$160.00
15,000	2005.2136	\$204.00
20,000	2673.6181	\$247.00

11. Chapter 19: Water & Sewer Tap Fees

(A) There shall be paid, with respect to all premises connecting to the water and sanitary sewer system of the city, a tap-in fee pursuant to the following schedules:

- (1) Single-family residence--\$1,500 each for water & sanitary sewer
- (2) Multiple-family residence--\$1,500 per unit each for water and sanitary sewer

(B) All other uses connecting to the water and/or sanitary sewer system of the city shall be required to pay tap-in fees at the rate of one-thousand, five hundred dollars (\$1,500) per unit factor, pursuant to the unit factor table provided for by the Genesee County Division of Water and Waste. In no case shall tap-in fees be less than one-thousand, five hundred dollars (\$1,500).

(C) Furthermore, for any structure used generally for more than one (1) purpose, connection fees shall be determined by applying the appropriate unit factors as set by the Genesee County Division of Water and Waste, to the various uses on any level, grade or sub-grade plane of the structure, provided that it is intended that the fees so derived shall be cumulative. Tap fees shall also apply for any additional units that may be calculated and applied by the County WWS pursuant to change in use or otherwise.

12. Chapter 19: Sanitary Sewer Rates

Rates for Quarterly Billings

Readiness to serve charge (per metered account):	\$52.50
Readiness to serve charge (non-metered accounts):	\$124.61
Commodity charge (per 100 cubic feet of water consumed):	\$2.14

A readiness to serve charge equal to the number of calculated sewer units shall be charged to all customers connected to the city's sewer system to offset fixed costs of system operation. In addition, a commodity charge shall be applied to the sewer bill in an amount equal to the above rate multiplied by the number of ccf that the accompanying water account registers. If the sewer connection is not accompanied by a water meter to register water usage, the charge shall be considered non-metered and no commodity charge shall be applied.

For the purposes of determining sanitary sewer rates, per unit sewage disposal calculations resulting in a fraction of a whole number shall be rounded up to the next highest whole number.

13. Chapter 20: Weed Cutting Fees

\$300 per cut

14. Building & Trade Inspection Fees

A. Building Permit Fees:

\$75.00 for first \$1,000 value \$5.00 per \$1,000 thereafter and \$50.00 for a one-time Inspection fee.

The first \$75.00 of the application fee is non-refundable. The total cost of Improvement is based on the Bureau of Construction Codes Square Foot Construction Cost Table with the following exceptions:

Single Family Home	1 story.....	\$105.00 per sq. foot
	1.5 story.....	\$91.00 per sq. foot
	2.0 story.....	\$85.00 per sq. foot
Detached garage.....		\$25.00 per sq. foot
Pole Barn.....		\$16.50 per sq. foot
Open deck or porch.....		\$14.00 per sq. foot
Covered deck or porch.....		\$28.00 per sq. foot

Pre-manufactured unit fees are based upon 50% of the normal on-site construction fee.

Residential Roofing..... \$100.00 fee per project

Siding permits are based upon the project cost.

Commercial roofing is to be based upon the project cost.

Up to \$1,000 (includes one (1) inspection only).....	\$75.00
\$1,000.00 to \$10,000.00.....	\$75.00 plus \$10.00 per \$1,000.00 over \$1,000.00
\$10,000.00 to \$100,000.00.....	\$165.00 plus \$3.00 per \$1,000.00 over \$10,000.00
\$100,001.00 to \$500,000.00.....	\$435.00 plus \$2.00 per \$1,000.00 over \$100,000.00
\$500,000 plus.....	\$1,235.00 plus \$3.00 per \$1,000.00 over \$500,000.00

All work not involving a sq. foot computation:

Plan review and administration base fee (plus \$50.00 for each inspection)	\$75
Additional inspections	\$75
Certificate of Occupancy	\$50
Work Commencing Before Permit Issuance	\$75

B. Electrical Inspection Fees

Application Fee (non-refundable)	\$65
Work Commencing Before Permit Issuance	\$75

New Residential Electrical System

Up to 1,500.00 sq. foot	\$80.00
1,501 to 3,500 sq. foot	\$130.00
Over 3,500 sq. foot	\$180.00

Service

Through 200 Amp.	\$10
Over 200 Amp. thru 600 Amp.	\$15
Over 600 Amp. thru 800 Amp.	\$20
Over 800 Amp. thru 1200 Amp.	\$50
Over 1200 Amp. (GFI only)	\$75
Circuits	\$5
Lighting Fixtures-per 25	\$5
Dishwasher	\$5
Furnace-Unit Heater	\$5

Electrical-Heating Units (baseboard)	\$4
Power Outlets (ranges, dryers, etc.)	\$7

Signs

Unit	\$6
Letter	\$10
Neon-each 25 feet	\$20

Feeders-Bus Ducts, etc.-per 50'	\$6
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Mobile Home Park Site	\$5
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Recreational Vehicle Park Site	\$5
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K.V.A. & H.P.

Units up to 20	\$4
Units 21 to 50 K.V.A. or H.P.	\$6
Units 51 K.V.A. or H.P. & over	\$10

Fire Alarm Systems (excl. smoke detectors)

Up to 10 devices	\$50
11 to 20 devices	\$100
Over 20 devices	\$5 each

Low voltage - Per opening (devices)	\$5 each
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Energy Retrofit-Temp. Control	\$45
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Conduit only or grounding only	\$45
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Inspections

Special/Safety Insp. (includes cert. fee)	\$65
Additional Inspection	\$65
Final Inspection	\$65
Certification Fee	\$25

C. Mechanical Inspection Fees

Application Fee (non-refundable)	\$65
Work Commencing Before Permit Issuance	\$75

Residential Heating System

(Includes duct & pipe)	
Up to 1,500 sq. feet	\$80
1,501 to 3,500 sq. feet	\$130
Over 3,500 sq. feet	\$180
Gas/Oil Burning Equipment Under 400,000 In	\$30
Gas/Oil Burning Equipment Under 400,000 In	\$40
Boiler	\$30
Water Heater	\$5
Damper/Flue	\$5
Solid Fuel Equip. (includes chimney)	\$30
Gas Burning Fireplace	\$30
Chimney, factory built (installed separately)	\$25
Solar; set of 3 panels-fluid transfer	
(includes piping)	\$20
Gas piping; each opening-new installation	

(residential)	\$5
Air Conditioning (includes split systems)	
1.5hp to 15 hp	\$30
Over 15 hp	\$50
Heat Pumps (complete residential)	\$30
Dryer, Bath & Kitchen Exhaust	\$5

Tanks

Aboveground	\$20
Aboveground Connection	\$20
Underground	\$20
Underground Connection	\$20
Humidifiers/Air Cleaners	\$5

Piping

Piping-minimum fee \$25	\$.05/ft
Process piping	\$.05/ft
Duct-minimum fee \$25	\$.10/ft
Heat Pumps; Commercial (pipe not included)	\$20

Air Handlers/Heat Wheels

Conversion Burners (oil)	\$30
Commercial Hoods/Exhausters	\$15
Heat Recovery Units	\$10
V.A.V. Boxes	\$10
Unit Ventilators	\$10
Unit Heaters (terminal units)	\$15

Fire Suppression/Protection/Other

(includes piping) –minimum fee \$20	\$.75/head
Limited Area Suppression (per head)	\$2
Fire Suppression Hood (per head)	\$4
Evaporator Coils	\$30
Refrigeration (split system)	\$30
Chiller	\$30
Cooling Towers	\$30
Compressor/Condenser	\$30
Manufactured Chimney	\$25
Exhaust Fans	\$20
Multi Zone Self Contained Units	\$25
Through Wall Units	\$25
Ranges (gas)	\$20

Inspections

Special/Safety Insp. (includes cert. fee)	\$65
Additional Inspection	\$65
Final Inspection	\$65
Certification Fee	\$25

D. Plumbing Inspection Fees

Application Fee (non-refundable)	\$65
Work Commencing Before Permit Issuance	\$75

New Residential Plumbing System

Up to 1,500 sf	\$80
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1,501 to 3,500 sf	\$130
Over 3,500 sf	\$180
Mobile Home Park Site	\$5 each
Fixtures, floor drains, special drains,	\$4 each
Water connected appliances	\$4 each
Stacks (soil, waste, vent and conductor)	\$2 each
Sewage ejectors, sumps	\$5 each
Sub-soil drains	\$5 each
<u>Water Service</u>	
Less than 2"	\$5
2" to 6"	\$25
Over 6"	\$50
Connection (bldg. drain-bldg. sewers)	\$5
<u>Sewers (sanitary, storm or combined)</u>	
Less than 6"	\$5
6" and Over	\$25
Manholes, Catch Basins	\$5 each
<u>Water Distributing Pipe (system)</u>	
¾" Water Distribution Pipe	\$5
1" Water Distribution Pipe	\$10
1 ¼" Water Distribution Pipe	\$15
1 ½" Water Distribution Pipe	\$20
2" Water Distribution Pipe	\$25
Over 2" Water Distribution Pipe	\$30
Reduced pressure zone back-flow preventer	\$5 each
Domestic water treatment and filtering equipment only	\$5
Medical Gas System	\$45
<u>Inspections</u>	
Special/Safety Insp. (includes cert. fee)	\$65
Additional Inspection	\$65
Final Inspection	\$65
Certification Fee	\$25

15. Appendix B: Franchises

\$250 application fee plus actual expenses related to preparation by City Attorney.

16. Miscellaneous Fees

A. *Copies:*

Black & White: 10¢ for page.

Color or Mixed Color and Black & White: 25¢ per page

B. *Freedom of Information Act Requests:*

See the City of Swartz Creek Freedom of Information Act Procedures & Guidelines: adopted June 22, 2015 for details. Standard requests shall be charged 10¢ for 8.5 x 11 page (25¢ for color or mixed color) plus all actual costs for outside re-production (i.e. photo re-prints, blueprint copies, digital media storage, etc.). Extensive search requests shall have an additional per hour fee equal to wages only of the lowest paid clerical position employed with the City (\$8.15/hour with a 1.1 fringe multiplier, totaling \$8.97/hour).

- C. *Weddings:*
\$50 per ceremony
 - D. *Fax Services:*
50¢ per page for the first 10 pages, then \$0.25 per page thereafter
 - E. *Notary Services:*
\$10.00 per item
 - F. *Insufficient Funds:*
\$25 each for any check returned unpaid for account insufficient, closed or stopped
 - G. *Penalties on Outstanding Invoices/Miscellaneous Receivables:*
\$10 penalty for unpaid miscellaneous receivables, including but not limited to: utility bills, mowing invoices, sidewalk repair, project reimbursements, charges for services, and retiree coverage contributions. This penalty shall be applied once to “past due” invoices.
 - H. *Interest on Outstanding Invoices/Miscellaneous Receivables:*
1.5% interest per month on outstanding invoices that are 30 days “past due”.
- *Payments made toward outstanding balances shall be applied in the following order:
interest, penalties, principle.

17. Chapter 13 & 16: Development Plans, Administrative Fees, Subdivision Site Plan & Review Fees

- A. Site Plan Review:

Property Re-Zoning	\$250
Single & Multiple-Family (non-plat)	\$300 plus \$5.00 per lot
Cluster Housing Development	\$300 plus \$5.00 per unit
Mobile Home Park	\$400 plus \$5.00 per unit
Commercial Development	\$450 plus \$50.00 per acre/fraction
Industrial Development	\$400 plus \$50.00 per acre/fraction
Office Development	\$350 plus \$50.00 per acre/fraction
Institutional	\$300 plus \$50.00 per acre/fraction
Public/semi-public uses	\$300 plus \$50.00 per acre/fraction
Special Approval or Conditional Use	\$250 plus \$5.00 per acre/fraction
PUD/Mixed Use Review	\$500 plus \$50.00 per acre/fraction
Consulting Fees (All Reviews)	Actual consultant costs
Revisions	½ of original review fee
- B. Building and Zoning:

Swimming Pool Permit	\$25
Misc. Zoning Permit	\$25
Sidewalk Permit	\$25
Sign Permit	See Building Permits
Structure Movement Permit	\$95
Demolition Permit (Including ROW Permit)	\$150
Right of Way Permit	\$100
Home Occupation Permit	\$95
Variance Review	\$250 per variance
Zoning Board of Appeals: Petitioned Interpretation Review	\$150
Zoning Board of Appeals: Appeal Review	\$250
Lot Split/Combination: City Ordinance Section 16.2	\$150 plus \$5.00 per lot
Public or Private Road Plan Reviews	\$400 per mile/fraction

Consulting Fees		Actual consultant costs
Zoning Code		\$10 CD, \$25 Paper
	Copy	
Engineering Standards Manual		\$10 CD, \$25 Paper
	Copy	
Medical Marijuana Dispensary/Facility Review		\$500
C. Subdivision Review		
Preliminary Subdivision Review-Tentative		\$300 plus \$5.35 per lot
Preliminary Subdivision Review- Final		\$160 plus \$2.70 per lot
Final Plat Review		\$160 plus \$1.00 per lot

18. Chapter 1: Municipal Civil Infraction Fines

Civic Infraction Citation Fines:

First Offense	\$100
Second Offense	\$200
Third Offense	\$300

Civic Infraction Notice Fines:

First Offense	\$75
Second Offense	\$150
Third Offense	\$250

19. Rental Inspection Program Fees

Registration	\$75 for the first unit, plus \$20 for each additional unit on a shared premises, with common ownership and management, or within recognized apartment complexes
Follow up inspections	The initial and one follow-up inspection will be performed without additional fees. Subsequent inspections shall be charged at the rate of \$25/unit
Registration Updates/Amendments Coverage	No charge The initial fee covers the registration and first inspection and is valid until the resulting certificate of compliance expires
Pro-ration	There shall be no pro-ration of fees

ADOPTION & REVISION HISTORY:

Resolution No. 050711-07	Dated July 11, 2005
Resolution No. 100208-06	Dated February 8, 2010
Resolution No. 101206-04	Dated December 6, 2010 (Water-Sewer-RTS)
Resolution No. 111114-05	Dated November 14, 2011 (Park Fees)
Resolution No. 110613-07	Dated June 13, 2011 (Water Fees)
Resolution No. 120611-05	Dated June 11, 2012 (Water Fees)
Resolution No. 120709-05	Dated July 9, 2012 (Bulk Water Fees)
Resolution No. 130610-09	Dated June 10, 2013 (Water Fees)
Resolution No. 130826-06	Dated August 26, 2013 (K.W.A. Water Fees)
Resolution No. 140922-07	Dated September 22, 2014 (Utility and MMD Fees)
Resolution No. 150824-05	Dated August 24, 2015 (FOIA, Rentals, Utility Fees)
Resolution No. 151214-05	Dated December 14, 2015 (Parking)
Resolution No. 160523-05	Dated May 23, 2016 (Water and Sewer)

Resolution No. 160808-04	Dated August 8, 2016 (Solicitation)
Resolution No. 171023-07 Removal)	Dated October 23, 2017 (Building; Police)
Resolution No. 180312-06	Dated March 12, 2018 (Building Penalty)
Resolution No. 181126-__	Dated November 26, 2018 (Parking)

Discussion Ensued.

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

Purchase Policy Amendment

Discussion

Adam Zettel, City Manager, describes the draft of addition Sec. 2-402 General Purchasing policy to be inserted into existing policy/ordinance. After meeting with Swartz Creek Community Schools Superintendent, he is proposing to start a local initiative to objectively promote local goods and services in the quoting and bidding of such goods and services. This is a draft modeled after a local community he believes has been successful. Transaction amount will be modified by location of the business we are seeking service from.

Councilmember Cramer promote a resolution be presented to council for a vote.

Steve Shumaker, 7446 Country Meadow Drive, he thought this was already policy and agrees with policy.

Steve Long, 5356 Worchester Drive, thinks this is a wonderful idea.

Sandi Brill, 5352 Greenleaf Drive, thinks it is a fantastic idea to put this as policy. Anything that you do to keep the community tight and involved is going to keep Swartz Creek stronger.

Susie Kietzman, owner of Feather & Fin, doesn't like the wording that you would have to be a chamber member to qualify for a one percent.

Tammy Parenteau, 4366 Morrish Road, also commented on the qualifying one percent for being a chamber member.

Councilmember Porath questioned the amount of money we spend locally.

Mr. Zettel responded that there are a lot of trades in the city and a lot of community businesses that will benefit.

BREAK 8:16 P.M. TO 8:24 P.M.

Small Cell Legislation

Discussion

Adam Zettel, City Manager, 5G much more powerful and much shorter range. Cell towers are going to be much smaller and lower. Pending legislation applying to small cell is unsettled, complex, unpredictable and largely in control of the state legislative body and regulatory oversight bureaucracies. This causes concern because of the notable issues we have with existing right-of-way users that provide services and maintain infrastructure in the right-of-way. We are encouraged to consider creating new ordinances that might be grandfathered in. It will allow us to create franchise agreements that have reasonable restrictions.

Mike Gildner, city attorney, the proposed legislation, the fear is it is going to take away local control. The idea is if you are to pass an ordinance now, before the statute takes effect, it will be grandfathered in and you'll retain control that you'll lose if the legislation passes. This is no certainty but this is the best thing to do to have the argument later on.

Metro PD Interlocal Agreement

Discussion

Adam Zettel, City Manager, the agreement is between Mundy Township Board and the City of Swartz Creek City Council. It has been understood that after experience of a couple of years we would revisit it. There are two examples of items that could be changed in the agreement now. First is the formalization of the exact terms and conditions of parking violations bureau. The other one is to look at the different powers the municipalities retain in the interlocal agreement, the metro board and the staff of metro police. There is desire to get communications going between City Council and Mundy Township board to just look at the interlocal agreement and create a list of things to do. There is nothing pressing that needs to be done right away but there is an understanding there is some things we can improve. Please if any thoughts let him or Mr. Porath know.

Councilmember Porath responded if anyone has any ideas on changes now is the time to let them know.

Chief Bade wanted to remind when it comes contemplate any changes to agreement don't forget the interlocal defines the structure of the police authority but they are guided by an entire binder full of policies that both council and the board approved that guides their day to day operations.

RESOLUTION TO APPROVE STREET USAGE PERMIT, ANNUAL FIRE DEPARTMENT CHRISTMAS PARADE

Resolution No. 181126-08

(Carried)

Motion by Councilmember Cramer

Second by Councilmember Hicks

WHEREAS, the City of Swartz Creek issues street closure permits for the purposes of holding public events from time-to-time; and,

WHEREAS, the Swartz Creek Area Firefighters Association has submitted application for such a street closure for the purposes of hosting an annual Christmas parade in downtown Swartz Creek; and,

WHEREAS, the Chief of Police finds the application satisfactory and the City Council finds the time, place, and manner of the parade to be conducive to the health, safety, and welfare of the community.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Swartz Creek accept the Chief of Police's recommendation and approve the Swartz Creek Area Fire Fighters Association's Street Usage Application to hold an annual Christmas Parade on Saturday, December 1, 2018 from 6:00 PM to 7:00 PM, route, stipulations and conditions as set forth in the application packet, a copy of which is attached hereto, under the direction and control of the office of the Chief of Police.

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

NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Bob Plumb, Swartz Creek Area Fire Fighters Association., thanked the council for the support and help and thanked Tom Svrcek for all his help.

Sandi Brill, GFWC Swartz Creek Women's Club, let everyone know about the Holly Berry Baby Photo contest and where to vote.

REMARKS BY COUNCILMEMBERS:

Councilmember Cramer commented on the gentleman videotaping the council meeting and had him introduce himself. He is very grateful for the council's unity.

Councilmember Farmer is super excited for this week's events.

Councilmember Hicks reminded everyone of all the upcoming events, holiday decorating judging for the businesses and the holiday decorating judging for the residents.

Councilmember Gilbert with the new small cell legislation he is curious about his two utility poles that he still has on his property. He hopes they take one of his poles down.

Mayor Pro Tem Pinkston commented on the downsides of legalizing marijuana and what it will have on our K9s.

Mayor Krueger remarked on an article he read related officers using Narcan to save their own lives.

ADJOURNMENT

Resolution No. 181126-09

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Cramer

I Move the Swartz Creek City Council adjourn the regular meeting at 9:05 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Eskew, City Clerk

**CITY OF SWARTZ CREEK SWARTZ
CREEK, MICHIGAN
MINUTES OF PLANNING COMMISSION MEETING
NOVEMBER 6, 2018**

Meeting called to order at 7:03 p.m. by Commissioner Stephens.

Pledge of Allegiance.

ROLL CALL:

Commissioners present: Culinski, Farmer, Novak, Krueger, Pinkston, Ridley, Stephens.

Commissioners absent: Binder, Grimes.

Staff present: Adam Zettel, City Manager.

Others present: James Barclay, Jim Florence, Joe Perreault.

APPROVAL OF AGENDA:

Resolution No. 181106-01

(Carried)

Motion by Commissioner Krueger support by Commissioner Novak, the Swartz Creek Planning Commission approves the agenda for the November 6, 2018 Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

APPROVAL OF MINUTES:

Resolution No. 181106-02

(Carried)

Motion by Commissioner Ridley support by Commissioner Novak the Swartz Creek Planning Commission approves the amended minutes for the October 2, 2018 Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

MEETING OPENED TO THE PUBLIC:

None.

BUSINESS:

Apple Creek Station Phase II Site Plan

Adam Zettel, City Manager, presentation of site plan. We received an application to construct 8 buildings of 6 units as a phase II expansion of the existing Apple Creek Station Apartments. This is on paper is what we call a more routine site plan. It doesn't require rezoning or special land use or have variances of any sort. The proposal is a valid use as-of-right for R-1 zoning.

Dan Park, Park Plus Architects, represent Piper Realty owner of Apple Creek Station Apartments, reviewed the site plan and structures, parking and loading. Rudy Quaderer, Griggs Quaderer Inc, a consulting engineer, reviewed the landscaping and screening.

Joe Perreault, 6737 Nemer Ct., commented on the location of the berm and made suggestions.

Jim Florence, 4296 Springbrook Dr., feels Apple Creek Station Apartments should absorb some of the cost for the maintenance of drainage.

Joe Perreault, 6737 Nemer Ct., representing Springbrook Colony, they would like to work with Piper Realty on a joint effort to tie up loose ends, such as drainage and landscaping, before you break ground.

Lots of conversation from unidentified residents about drainage, previous flooding and landscaping.

Resolution No. 181106-03

(Carried)

Motion by Planning Commission Member Krueger
Second by Planning Commission Member Farmer

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

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

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

WHEREAS, the planning commission, in reviewing the application materials and review criteria in Zoning Ordinance Sections 8, 20, & 26-29, among other sections, finds the proposed site plan meets the intent and objective requirements of the zoning ordinance, and;

WHEREAS, the engineering reviews are not yet available as it relates to utilities, storm water, and related features.

NOW, BE IT RESOLVED that the Swartz Creek Planning Commission hereby recommends approval of the site plan, dated 10/31/2018 to the city council, subject to the following, as well as any recommendations of the city engineers:

1. Amended architectural elevations indicating added face brick.
2. Relocate trash receptacle.
3. Provision to allow substitution of shrubs to trees at a four to one ratio.

Yes: Novak, Krueger, Pinkston, Ridley, Stephens, Culinski, Farmer.

No: None. Motion Carried.

Zoning Amendment Update

Adam Zettel, City Manager, has nothing more to add than what was in the report. Amendments were approved by council that were proposed in the Central Business District. We will be bringing in some additional ones per the zoning audit that was completed, but probably not until next year.

Meeting Open to Public:

Joe Perreault, 6737 Nemer Ct., he commented on the berm.

Mr. Zettel commented he will contact them and see what they can do in terms of increasing the size of their screen by adding a berm.

Jim Florence, 4296 Springbrook, thinks it is very important they work together and communicate and have a good working relationship with them.

Remarks By Planning Commission:

Commissioner Farmer commented about the fantastic turnout at the polls today.

Commissioner Ridley is wishing Commissioner Farmer luck at the polls.

Commissioner Krueger thanked everyone for coming tonight.

Commissioner Stephens said the KFC looks good except for the fence.

Commissioner Culinski does not like the fence at KFC.

Adjourn

Resolution No. 181106-04

(Carried)

Motion by Planning Commission Member Ridley
Second by Planning Commission Member Farmer

I Move the Swartz Creek Planning Commission adjourns the November 6, 2018 Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

Meeting adjourned at 8:27 p.m.

Jentery Farmer, Secretary

CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
PARK AND RECREATION ADVISORY BOARD
MINUTES OF REGULAR MEETING
November 7, 2018

Meeting called to order at 5:35 p.m. by Chairperson Hicks at the Paul D. Bueche Municipal Building.

Members Present: James Barclay, Larry Cummings, Rick Henry, Rae Lynn Hicks, Joe Perrault, Samantha Fountain, Trudy Plumb.

Members Absent: Ryan Bueche, Connie Eskew.

Staff Present: Adam Zettel.

Others Present: Lania Rocha, Bob Plumb & Sandi Brill.

APPROVAL OF AGENDA: Motion by Henry, to approve agenda as amended of November 7, 2018, supported by Barclay. Motion carried.

APPROVAL OF MINUTES: Motion by Henry, to approve minutes of October 3, 2018, supported by Barclay. Motion carried.

MEETING OPEN TO THE PUBLIC: Sandi Brill spoke about the Flip that Switch event and other Christmas updates. Bob Plumb said he had an ambulance lined up for the 2019 Slip and Slide.

COMMUNICATIONS TO THE BOARD:

- A. October 3, 2018 Minutes
- B. Staff Letter
- C. Storage Request

REPORTS:

- A. DPW REPORT: Tom said that the parks are winterized (good thing because it is snowing as I type this). Grills were being refurbished. The swing frame is installed at Abrams Park.

BUSINESS:

- A. Storage Request: Discussion ensued regarding the potential for another shed at Elms Park, this one to accommodate Swartz Creek lacrosse. The board considered options for additional sheds, potential standards of installation and maintenance, the possibility of one large structure/pavilion, and potential for city-owned space that is leased. Adam will invite stakeholders to the December meeting.
- B. County Park Update: Adam attended the park plan public hearing and advocated for future investment in west Genesee County by the county. He encouraged this advocacy to continue.
- C. Abrams Tennis Courts: Sandi thought a splash pad might work well here.
- D. Green Team: The Women's Club and a donor are looking to do tree plantings and replacement, as well as other green projects. Mrs. Hicks will consider locations.
- E. Asphalt Path: Joe, Larry, and Tom will consider the siting of the aggregate path in Elms.
- F. Christmas Contest: Adam will email the names of judges and the dates to the park board.

MEETING OPEN TO THE PUBLIC: None.

BOARD MEMBER COMMENTS: None.

ADJOURNMENT: Meeting adjourned at 6:40 p.m.

NEXT MEETING: December 5, 2018, 5:30 p.m. at City Hall.

Connie Eskew, Secretary