

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 04/24/2023**

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

Invocation and Pledge of Allegiance.

Councilmembers Present: Cramer, Spillane, Gilbert, Hicks, Krueger, Knickerbocker, Henry.

Councilmembers Absent: None.

Staff Present: City Manager Adam Zettel, Administrative Assistant Jody Key, City Attorney Chris Stritmatter.

Others Present: Brenda Huyck, C. Brunette.

Others Virtually Attended: Lania Rocha.

APPROVAL OF MINUTES

Resolution No. 230424-01

(Carried)

Motion by Councilmember Spillane
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday April 10, 2023, to be circulated and placed on file.

YES: Spillane, Gilbert, Hicks, Krueger, Knickerbocker, Henry, Cramer.
NO: None. Motion Declared Carried.

CLOSED SESSION MINUTES – APRIL 10, 2023

Resolution No. 230424-02

(Carried)

Motion by Councilmember Henry
Second by Councilmember Cramer

I Move the Swartz Creek City Council approve the Minutes of the Closed Session Council Meeting held Monday, April 10, 2023.

YES: Gilbert, Hicks, Krueger, Knickerbocker, Henry, Cramer, Spillane.
NO: None. Motion Declared Carried.

APPROVAL OF AGENDA

Resolution No. 230424-03

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as printed for the Regular Council Meeting of April 24, 2023, to be circulated and placed on file.

YES: Hicks, Krueger, Knickerbocker, Henry, Cramer, Spillane, Gilbert.
NO: None. Motion Declared Carried.

CITY MANAGER’S REPORT

Resolution No. 230424-04

(Carried)

Motion by Mayor Pro Tem Hicks
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager’s Report of April 24, 2023, including reports and communications to be circulated and placed on file.

Discussion Ensued.

YES: Krueger, Knickerbocker, Henry, Cramer, Spillane, Gilbert, Hicks.
NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Charlie Brunette 6329 Augusta Street, when the construction for the trail was done on Bristol Road by Heritage several things were damaged and need repaired at the pond area. Mr. Brunette bought in pictures of the issues. Mr. Zettel will pass the pictures on to the engineer. Councilmember Spillane asked someone to inspect the ditch lines with silt fabric still in them from the project.

COUNCIL BUSINESS:

******MasterResolution******

MASTER RESOLUTION TO APPROVE VARIOUS PERMITS RELATED TO THE 2023 HOMETOWN DAYS EVENTS

Resolution No. 230424-05

(Carried)

Motion by Councilmember Gilbert
Second by Mayor Pro Tem Hicks

WHEREAS, Swartz Creek Hometown Days organization is a recognized charitable entity that operates in Swartz Creek; and

WHEREAS, Hometown Days is seeking permits and approvals to operate an annual festival on private and public grounds within the city, including a parade, carnival, petting zoo, fireworks display, 'beer tent', food/drink vendors, a car show, and numerous other activities; and

WHEREAS, the City Council finds the Hometown Days organization and the event to be beneficial to the public and in good standing; and

WHEREAS, the Section 13.01.G of Appendix A of the City Code of Ordinances provides for conditions of approval for a festival within the city, provided that the duration is less than 10 days, the operator is a charitable entity, and city council approval is required.

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek hereby approves Resolutions/Motions 230424-5A1 through 230424-5A10, allowing for the various permits related to the annual Swartz Creek Hometown Days festival, to be held beginning Tuesday, May 30, 2023 and concluding on Monday, June 5, 2023, inclusive of all stipulations and conditions as specified and listed within, including the provision of valid insurance that lists the City of Swartz Creek as an additionally insured party for all events.

Discussion Ensued.

YES: Knickerbocker, Henry, Cramer, Spillane, Gilbert, Hicks, Krueger.

NO: None. Motion Declared Carried.

**Resolution No. 230424-5A1 HOMETOWN DAYS, STREET CARNIVAL,
GENERAL STREET & PROPERTY USE PERMITS**

I Move the City of Swartz Creek approve and authorize the Swartz Creek Hometown Days Committees' application for street closing and City property use permits for the following locations:

1. Morrish between Miller and Ingalls-Wade, Carnival.
2. Holland between Miller and Ingalls, Public Safety Station.
3. City Lot located at the southwest corner of Miller and Morrish, Carnival.
4. Ingalls at Holland and Park Land located to the North and Northwest of the intersection of Morrish and Ingalls, Carnival.

5. City owned property, 4438 South Morrish Road.
6. City owned property, 4505 Fortino.
7. City owned property, Fortino (Branoff)
8. City owned property, 5012 Holland Drive (Holland Square)
9. Fire Hall out lot properties.
10. Use of DPW Yard and Generator (access subject to department).

Street and City property use, unless otherwise indicated, begins Tuesday, May 30, 2023 at 9:00 a.m. until Monday June 5, 2023 at 9:00 A.M., for the purpose of, and authorization to conduct a carnival, vendor/display areas, car show and or other similar events under the following stipulations:

1. Insurance certificate naming the City as insured in the amount not less than \$1,000,000.00 (One-Million Dollars)
2. Written permission from deed holders of any private properties to be used and appropriate insurance certificates naming such parties as additional insured: City of Swartz Creek 8083 Civic Drive; Atkinson Construction 12568 Lansing Hwy, Durand; William Kincaid & Kincaid Properties 5086 South Morrish; St. Mary's Catholic Church 4413 Morrish Road; Pentecostal Church of God / Dan Rhanor / Family Worship Center 4484 Morrish & 4494 Morrish Road; Mark O'Brien 5099 South Morrish; Kallas Heating and Cooling 8077 Miller; Swartz Creek Schools 8354 Cappy (High School Middle School); Ashley Hotchkiss 8280 Crapo; Swartz Creek Area Fire Department; Rite – Aid 9090 Miller Road.
3. Sufficient number of portable bathrooms placed and located, and liter control program in accordance and under the approval of Director of Community Services.
4. Approval by the Chief of Police. Traffic control and pedestrian safety plan in accordance with and under the approval of office of Chief of Police.

**Resolution No. 230424-5A2 HOMETOWN DAYS, STREET USAGE PERMIT,
MOTOR AND PEDESTRIAN PARADE**

I Move the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committees' application for street closing / usage permit for Saturday, June 3, 2023 from 9:00 a.m. until 12:30 p.m. for purposes of conducting a parade, streets to be used include the high school performing arts center entrance, Miller Rd, Hayes Street, and Ingalls Street under the following stipulations:

1. Insurance certificate naming the City as an additional insured party in the amount not less than \$1,000,000.00 (One Million Dollars).
2. No candy or other objects be thrown or handed from, to or at any vehicle, trailer, float, or similar, and further, that the Hometown Days

Committee establish and maintain a list of all participants and/or entries in the parade that identifies a contact person, such contact to be informed by the Hometown Days Committee of the stipulation and motor vehicle code enforcement actions for violations thereof.

3. General approval, and under the direction and control of the Office of the Chief of Police.

Resolution No. 230424-5A3 HOMETOWN DAYS PERMIT, AERIAL FIREWORKS DISPLAY

I Move the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committee's application for one fireworks aerial display to be held on Friday, June 2, 2023, at or shortly after dusk, with a cancellation date of Saturday, June 3, 2023, at or shortly after dusk, to be launched from properties directly west of the Swartz Creek Middle School Building, said properties owned by the Swartz Creek School District and Mr. Ashley, under the following stipulations and conditions:

1. Insurance certificate naming the City as insured in an amount to be determined adequate by the City Manager.
2. Written permission from the aforementioned parcel owners along with acceptable insurance certificates naming said parcel owners as additional insured parties, in an amount to be determined adequate by the City Manager.
3. Traffic Control Plan and administration by the Offices of Chief of Police and Director of Community Services.
4. Detailed Plan submitted to and approved by the Fire Chief.
5. All decisions concerning the event and cancellation thereof, if needed, under the direction and control of the Fire Chief.

Resolution No. 230424-5A4 HOMETOWN DAYS PERMIT, OPERATE ENTERTAINMENT TENT

I Move the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committee application to operate an entertainment tent with the sale of beer and wine for consumption on the premises, along with live entertainment, to be held on Parcel No. 58-02-200-014, owned by William Kincaid and located 5086 Morrish Road, south of Wade Street, beginning Thursday, June 1, 2023 12:00 PM through Sunday, June 4, 2023, 9:30 PM, under the following stipulations:

1. Michigan Liquor Control Commission Approved Application with appropriate insurance in accordance with the rules of the L.C.C. and naming the City and all other property owners as additional insured parties, in an amount not less than \$1,000,000 (One Million Dollars).

2. Portable bathrooms appropriately located and litter control program in accordance and under the approval of Director of Community Services.
3. Traffic control and pedestrian safety plan in accordance with and under the approval of Office of Chief of Police.
4. Adherence to all L.C.C. stipulations and regulations, state and local laws.
5. No music after 11:00 p.m. Thursday, June 1, 2023 and after 1:30 a.m. on Friday, June 2, 2023 (Saturday Morning), and Saturday, June 3, 2023 (Sunday Morning), and Sunday, June 4, 2023, 9:30 PM.
6. Adequate security as approved by the Chief of Police.
7. Adherence to and under the direction and control of the Office of the Chief of Police.

Resolution No. 230424-5A5 HOMETOWN DAYS PERMIT, CEREMONIAL DISCHARGE OF A FIREARM

I Move the Swartz Creek City Council, pursuant to section 10-212(3) of the Code of Ordinances, approve and authorize the Swartz Creek Hometown Days Committee to discharge weapons as a part of a military concert and ceremonial military honor guard, to be held at the Swartz Creek High School's outdoor football stadium, on Friday, June 2, 2023, at approximately 9:00 p.m., in conjunction with a concert and aerial fireworks display, with a backup rain date of Saturday, June 3, 2023 at approximately 10:00 p.m. under the following stipulations and conditions:

1. Insurance certificate naming the City as an additional insured party in an amount not less than \$1,000,000.00 (One Million Dollars).
2. The party(ies) discharging the weapon(s) must be a practicing military honor guard trained and capable in the handling of firearms.

Resolution No. 230424-5A6 HOMETOWN DAYS PERMIT, CEREMONIAL DISCHARGE OF A FIREARM

I Move the Swartz Creek City Council, pursuant to section 10-212(3) of the Code of Ordinances, approve and authorize the Swartz Creek Hometown Days Committee to discharge weapons in conjunction with a Parade and as a ceremonial military honor guard, to be held along Miller Road on Saturday, June 3, 2023, at approximately 10:00 A.M., under the following stipulations and conditions:

1. Insurance certificate naming the City as an additional insured party in an amount not less than \$1,000,000.00 (One Million Dollars).
2. The party(ies) discharging the weapon(s) must be a practicing military honor guard trained and capable in the handling of firearms.

Resolution No. 230424-5A7 WAIVER OF INSPECTION FEE, HOMETOWN DAYS COMMITTEE

I Move the City of Swartz Creek waive the permit fees for the temporary structure (trailer) and electrical permit inspection fees for the Swartz Creek Hometown Days Committee.

Resolution No. 230424-5A8 TRAFFIC CONTROL APPROPRIATION

I Move the City of Swartz Creek provide traffic control devices to ensure the safety of the public during the duration of the Swartz Creek Hometown Days event and hereby direct the Director of Public Works to order or supply barricades sufficient to do so at a cost not to exceed \$1,750, appropriated to the community promotions department of the general fund.

Resolution No. 230424-5A9 RESOLUTION TO APPROVE THE POSSESSION OF ANIMALS OTHERWISE PROHIBITED BY ORDINANCE

WHEREAS, the festival activities include various animal events and attractions that include animals that are prohibited without approval as outlined in Ordinance Section 3-1.; and

WHEREAS, the Hometown Days Chairperson requested the city council to affirm approval of certain animal events and activities as outlined in a letter dated March 30, 2023; and

WHEREAS, the City Council finds these activities to be in line with prior events and approvals as part of the routine functions of the festival.

NOW, THEREFORE, BE IT RESOLVED the Swartz Creek City Council hereby authorizes the Mulow exotic reptile show, Blueberry Hill Ponies, Comedy Farm Magic Show, Whispering Pines Mobile Farm/Petting Zoo, the Agricultural tent, and related features and animals to operate and be present within the city and for such operation to hereby be incorporated into the festival permit for Hometown Days.

Resolution No. 230424-5A10 RESOLUTION TO APPROVE A TEMPORARY SPECIAL EVENT CURFEW BY ORDINANCE

WHEREAS, Ordinance Section 10-310 provides provisions for a temporary curfew to be enforced for special events as deemed necessary by the City Council; and

WHEREAS, the Hometown Days Committee is enforcing a curfew on the grounds of the festival and requests that public grounds adjacent to the festival also enforce such an ordinance; and

WHEREAS, the City Council finds that a curfew that mirrors the special event curfew will protect the health, safety, and welfare of the public as outlined in Ordinance Section 10-310.

NOW, THEREFORE, BE IT RESOLVED the Swartz Creek City Council hereby authorizes the enforcement of a temporary Special Event Curfew to commence at 7:00 p.m on Thursday, June 1, 2023 through 6:00 a.m. on Sunday, June 4, 2023.

BE IT FURTHER RESOLVED that the area designated for the Special Event Curfew shall match that of the outer boundaries of the Swartz Creek Downtown Development Authority, as indicated in the 2022 Downtown Development Plan.

BE IT FURTHER RESOLVED that the City Clerk shall post notice of this curfew, including a map at the city offices and in a newspaper of general circulation.

RESOLUTION TO APPROVE COMMISSION APPOINTMENT

Resolution No. 230424-06

(Carried)

Motion by Councilmember Knickerbocker
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 officers 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 a vacancy in such a position; 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:

#230424-8B1 **MAYOR APPOINTMENT:** Angela Ritter
Park Board
Remainder of Three year term, expiring December 31, 2024

Discussion Ensued.

YES: Henry, Cramer, Spillane, Gilbert, Hicks, Krueger, Knickerbocker .
NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Charlie Brunette 6329 August Street is happy to see the American Legion Post is well represented with three members on the board.

Brenda Huyck Hometown Days, wanted to say thank you to the council.

RESOLUTION TO ENTER CLOSED SESSION TO CONSIDER PROPERTY TRANSACTION (ROLL CALL VOTE)

Resolution No. 230424-07

(Carried)

Motion by Councilmember Spillane
Second by Councilmember Cramer

WHEREAS, the City of Swartz Creek has potential business concerning the transaction or lease of real property, and;

WHEREAS, the MCL 15.268(d) permits a governing body to enter a closed session to consider the purchase or lease of real property up to the time an option to purchase or lease that property is obtained.

NOW THEREFORE, BE IT RESOLVED the City of Swartz Creek City Council exit the regular session of the city council and enter into a closed session for the purpose of discussion related to the consideration of the purchase or lease of real property.

YES: Spillane, Gilbert, Hicks, Krueger, Knickerbocker, Henry.
NO: None. Motion Declared Carried.

Reconvened Open Session at 8:06 p.m.

RESOLUTION TO AUTHORIZE ATTORNEY TO SIGN DOCUMENT ON BEHALF OF THE CITY

Resolution No. 230424-08

(Carried)

Motion by Councilmember Henry
Second by Councilmember Cramer

I Move the Swartz Creek City Council authorize the attorney to sign documents on behalf of the city as an entry to be determined.

YES: Spillane, Gilbert, Hicks, Krueger, Knickerbocker, Henry, Cramer.
NO: None. Motion Declared Carried.

REMARKS BY COUNCILMEMBERS:

Councilmember Knickerbocker commented that 2 years ago today Jentery Farmer passed, and he honored him with a sweatshirt he was wearing.

Councilmember Gilbert wants everyone to think spring.

Mayor Pro Tem Hicks commented about the pedestrian sign at Miller/Fortino that is always messed up. Mr. Zettel responded that it will be fixed.

Councilmember Cramer is looking forward to Hometown Days. Mr. Cramer questioned if the city hall parking lot will be redone this year. Mr. Zettel responded that is the plan.

Councilmember Henry attended the Chief’s dinner fundraiser, and it was a nice event.

Mayor Krueger tomorrow is the Chamber of Commerce luncheon at Ford’s Party Rental on Dye Road.

ADJOURNMENT

Resolution No. 230424-09

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Henry

I Move the Swartz Creek City Council adjourn the regular meeting of April 24, 2023 at 8:15 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Olger, City Clerk