

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE July 22, 2024**

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

Invocation and Pledge of Allegiance.

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

Councilmembers Absent: Krueger (excused)

Staff Present: City Manager Adam Zettel, DPS Director Rob Bincsik, Clerk Renee Kraft.

Others Present: Sandra and Ken Brill, Boots Abrams, Marcia Pavkovich, Ellen Palkovich, Marriane McLanahan, Scott Thomas, Steve Warden

Others Virtually Attended: Lania Rocha

Motion to excuse Mayor Krueger by Cramer. Second by Knickerbocker.  
Unanimous Voice Vote.

**APPROVAL OF MINUTES**

**Resolution No. 240722-01 (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 July 8, 2024 to be circulated and placed on file.

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

**APPROVAL OF AGENDA**

**Resolution No. 240722-02 (Carried)**

Motion by Councilmember Henry  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the Agenda as printed for the Regular Council Meeting of July 22, 2024 to be circulated and placed on file.

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

### **CITY MANAGER'S REPORT**

**Resolution No. 240722-03**

**(Carried)**

Motion by Councilmember Cramer  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council accept the City Manager's Report of July 22, 2024, including reports and communications to be circulated and placed on file.

Discussion Ensued.

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

### **MEETING OPENED TO THE PUBLIC:**

Marcia Palkovich: When her street was repaired, the company pulled out the mailboxes and left large holes. She spoke with the company to no avail.

Sandi Brill: Friends of Abrams Park invites us to a dedication for the new sandbox on August 19 at 6:30pm. Questioned the Whitney Court parking lot time frame? Mr. Zettel's response is that he assumes it will be the last thing the contractor will do this fall.

### **COUNCIL BUSINESS:**

Motion to amend resolution 240722-05 to exclude the backstop from this bid quote by Spillane. Second by Cramer.

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

### **RESOLUTION TO APPROVE FENCE INSTALLATION AND REPAIR BIDS**

**Resolution No. 240722-05**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Henry

**WHEREAS**, the city maintains a system of parks, including grounds and active recreational facilities; and

**WHEREAS**, fencing repairs and the addition of fencing partitions have been identified as essential maintenance and upgrades within the park system; and

**WHEREAS**, the city solicited sealed bids related to the completion of said work; and

**WHEREAS**, the low bid was submitted in the amount of \$28,150 by Michigan Fence Co, a company found to be in good standing by the city.

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek hereby approves the bid from Michigan Fence Co as included in the July 22, 2024 packet, including a 10% contingency for unforeseen or additional related repairs, with the exception of the baseball backstop.

**BE IT FURTHER RESOLVED** the City of Swartz Creek directs the City Manager to execute a standard contractor agreement with the bidder and further directs the Treasurer to appropriate funds from the general fund as appropriate.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

## **RESOLUTION TO AMEND ZONING APPENDIX A SECTION 19: LIGHTING STANDARDS**

**Resolution No. 240722-05**

**(Carried)**

Motion by Councilmember Knickerbocker  
Second by Councilmember Cramer

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

**WHEREAS**, the planning commission, with the assistance of staff, and input by the public, reviewed specific changes to the zoning ordinance at their regular meeting on July 9, 2024, and;

**WHEREAS**, the planning commission, at a public hearing at their meeting on July 9, 2024 and in reviewing the criteria in Zoning Ordinance Section 24.02, found the proposed zoning ordinance amendments to be in the best interest of the public and recommended approval to the city council, and;

**WHEREAS**, the city council concurs with the findings of the planning commission and finds the amendment to be in the best interest of the city.

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

**CITY OF SWARTZ CREEK  
ORDINANCE NO. 467**

An ordinance to amend the Code of Ordinances: Zoning Appendix A to add Amend Section 19: Lighting Standards

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Addition of Articles to Appendix A of the Code of Ordinances.

The City hereby Removes Section 19 to the Code of Ordinances of Appendix A and replaces it with Section 19 as follows:

**ARTICLE 19. LIGHTING STANDARDS**

**Section 19.00. Purpose.**

The purpose of this article is to protect the health, safety and welfare of the public by recognizing that buildings and sites need to be illuminated for safety, security and visibility for pedestrians and motorists. To do so, this article provides standards for various forms of lighting that will: minimize light pollution; maintain safe nighttime driver performance on public roadways; preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to "sky glow"; prevent glare from light fixtures onto adjacent properties; conserve electrical energy; and curtail the degradation of the nighttime visual environment.

**Section 19.01. Applicability.**

The standards in this article shall apply to any light source that is visible from any property line, or beyond, for the site from which the light is emanating. The building official/zoning administrator may review any building or site to determine compliance with the requirements under this article. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signage, a special land use approval, subdivision approval or site plan approval from the city, the applicant shall submit sufficient information to enable the building official/zoning administrator and/or planning commission to determine whether the proposed lighting complies with this article.

**Section 19.02. Lighting definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. *Canopy structure* means any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.

B. *Flood or spot light* means any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.

C. *Glare* means a direct light emitted by a light fixture, lamp, luminous tube lighting or other light source.

D. *Lamp* means the component of the luminaire that produces the actual light including luminous tube lighting.

E. *Light fixture* means the assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

F. *Light pollution* means an artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.

G. *Light trespass* means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

H. *Luminaire* means the complete lighting system including the lamp and light fixture.

I. *Luminous tube lighting* means gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.

J. *Outdoor light fixtures* means outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement.

K. *Shielded fixture* means outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, e.g., "shoebox-type" fixtures. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this article.

L. *Light Fixture, fixed* means either a pole- or building-mounted fixture that is permanently directed downward, shielded, and cannot be adjusted at an angle.

M. *Accessory String Lighting* means clear "Edison Style" string lighting in commercial or residential districts used for roof-top, porch, patio or deck for ambiance enhancement lighting that meet all other lighting and locational requirements of the ordinance.

### **Section 19.03. Submittal requirements.**

The following information must be included for all site plan submissions and where site plan approval is not required, some or all of the items may be required by the zoning administrator prior to lighting installation:

A. Location of all freestanding, building-mounted and canopy light fixtures on the site plan and building elevations.

B. Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles).

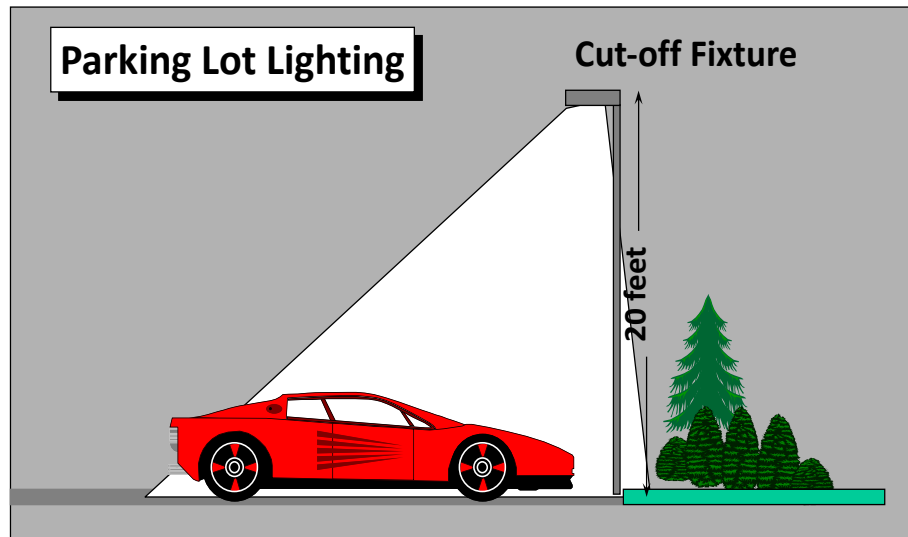
- C. Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding.
- D. Purpose of the fixture proposed.
- E. Any other information deemed necessary by the zoning administrator to determine compliance with provisions of this article.

**Section 19.04. Lighting standards.**

Unless exempted under section 19.05, Exemptions, all lighting must comply with the following standards:

A. *Freestanding pole lighting:*

1. Exterior lighting shall be cut-off, fully shielded, and directed downward to prevent off-site glare. The intensity of light within a site shall not exceed ten footcandles within any site or one footcandle at any property line, except where it abuts a residential district or use whereby a maximum of 0.5 footcandles is permitted. The only exception is with gas station canopy and automobile dealership lighting, where a maximum of 20 footcandles is permitted within the site but the above standards shall apply to intensity at the property line. In addition, lighting of parking lots should provide illumination adequate for security, typically at an overall intensity ratio of 10 to 1 throughout the site.



CIB Planning

- 2. Metal halide or LED fixtures shall be used in an effort to maintain a unified lighting standard throughout the city and minimize "sky glow."
- 3. The planning commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures are necessary to preserve the intended character of the site.
- 4. Lighting fixtures shall not exceed a height of 20 feet measured from the ground level to the centerline of the light source, except that fixtures as high as 30 feet shall be permitted in Industrial Districts. These light fixture height standards shall not apply to public lighting in a road right-of-way.
  - a) The planning commission may modify these height standards in Commercial and Industrial Districts, based on consideration of the following: the

position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of the proposed use; and, the character of surrounding land use.

b) In no case shall the lighting exceed the maximum building height in the district in which it is located.

5. Except where used for security purposes, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within Commercial, Industrial and Office Zoning Districts shall be turned off between 11:00 p.m. and sunrise, except when used for commercial and industrial uses, such as in sales, assembly and repair areas, where such use continues after 11:00 p.m. but only for so long as such use continues.

**B. *Building-mounted lighting:***

1. Building-mounted lighting shall be cut-off, fully shielded, and directed downward to prevent off-site glare. The intensity of light shall not exceed ten footcandles within any site or one footcandle at any property line, except where it abuts a residential district or use whereby a maximum of 0.5 footcandles is permitted at the property line.

2. Metal halide or LED fixtures shall be used in an effort to maintain a unified lighting standard throughout the city and prevent "sky glow."

3. Luminous tube, exposed bulb fluorescent, and LED lighting is prohibited as an architectural detail on all buildings, e.g., along the roof line and eaves, around windows, inside windows, etc. The planning commission may approve internally illuminated architectural bands when it can be shown that the treatment will enhance the appearance of the building or is necessary for security purposes.

4. The planning commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site.

**C. *Window lighting:***

1. Any light fixtures visible through a window must be shielded to prevent glare at the property line.

2. Luminous tube and exposed bulb fluorescent lighting (visible from the property line) is prohibited unless it is part of a sign that meets the requirements of the city's sign ordinance.

**D. *Other lighting:***

1. The internal illumination of canopies is prohibited.

2. Indirect or non-primary illumination of signs, canopies and buildings is permitted provided a maximum 100-watt incandescent bulb, or LED lumen equivalent bulb of no more than 14 watts, is utilized and there is no glare.

3. The use of laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.

4. Lighting shall not be of a flashing, moving or intermittent type.

**Section 19.05. Exemptions.**

The following are exempt from the lighting requirements of this article, except that the building official/zoning administrator may take steps to eliminate

the impact of the below exempted items when deemed necessary to protect the health, safety and welfare of the public:

- A. Sports fields.
- B. Swimming pools.
- C. Holiday decorations.
- D. Window displays without glare.
- E. Shielded pedestrian walkway lighting, including bollard fixtures.
- F. Street lights.
- G. Decorative street lights with internal shields to prevent glare onto adjacent residential properties.
- H. Decorative Exterior String Lights including clear “Edison Style” string lighting in commercial or residential districts used for roof-top, porch, patio, deck specifically as ambiance enhancement lighting that meet all other lighting requirements of the ordinance.

**Section 19.06. Lamp or fixture substitution.**

Should any light fixture regulated under this article, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the zoning administrator for his approval, together with adequate information to assure compliance with this ordinance, which must be received prior to substitution.

**Section 19.07. Residential lighting.**

Permits are not required for lighting on single-family detached housing, but fixtures cannot create off-site glare on either the roadway or adjacent properties. For security lighting, residents are encouraged to utilize fixtures with motion detectors that only go on when caused by movement in the yard. The Building Official can require existing residential light fixtures to be re-directed or removed altogether if creating off-site glare on adjacent properties.

Section 2. Effective date.

This Ordinance shall take effect thirty (30) days following publication.

Discussion Ensued.

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

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

**Resolution No. 240722-06**

**(Carried)**

Motion by Councilmember Spillane  
Second by Councilmember Knickerbocker



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

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

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

**WHEREAS**, the property at 8006 Miller Road (including 8010, 8012, and 8014 Miller Road) houses two restaurant businesses that are immediately south of and adjacent to the city's public alley; and

**WHEREAS**, this alley is the only accessible space in which to safely accommodate outdoor service for S&K as well as Jamie's Place; and

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

**WHEREAS**, public utilities, including water and storm water, exist in the subsurface of the alley.

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek hereby authorizes and extends closure and private use, including routine maintenance (waste removal, snow removal, landscaping/weeding maintenance, and general safety) of the city alley north of and adjacent to 8006, 8010, 8012, and 8014 Miller Road for the purpose of food service, including alcohol sales, inclusive of all stipulations and conditions as specified and listed within the original permit and the extension, dated July 10, 2024, including the provision of valid insurance that lists the City of Swartz Creek as an additionally insured party for all activities.

**BE IT FURTHER RESOLVED** that the closure and use of said alley shall commence immediately and be valid for one year.

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

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

**BE IT FURTHER RESOLVED** that, as a condition of the permit, the applicant will be responsible for the costs to remove any and all improvements placed upon the alley upon expiration of use permissions, and the applicant shall post a bond or cash escrow with the city in an amount sufficient to financially support such activities.

Discussion Ensued.

YES: Henry, Cramer, Hicks, Knickerbocker.  
NO: Spillane, Gilbert. Motion Declared Carried.

## **ABRAMS PARK FLAG POLE DONATION ACCEPTANCE**

**Resolution No. 240722-07**

**(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Cramer

**WHEREAS**, the City of Swartz Creek owns operates and maintains a system of parks; and

**WHEREAS**, the Friends of Abrams Park has offered to donate a replacement flag pole and reflection area to Abrams Park; and

**WHEREAS**, the Park Board, after deliberation, found the donation of the materials and installation to be in the best interests of the park and approved the donation at their meeting on July 16, 2024.

**NOW, THEREFORE, BE IT RESOLVED**, the City of Swartz Creek City Council hereby accepts the Abrams Park flag pole and reflection area donation for Abrams Park, as noted and pictured in the packet, conditioned upon the following:

1. The project shall be overseen by the Director of Public Works and not commence until the ability to ensure project completion is evidenced.
2. The city will own and maintain the structure in a reasonable manner, with eventual replacement or removal dependent on the best interests of the city at a future date.

Discussion Ensued.

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

## **MEETING OPENED TO THE PUBLIC:**

Ken Brill: Lots of progress on the roads. Questioned when asphalt will be laid

Boots Abrams: Appreciates what council is doing for Abrams Park.  
Marriane McLanahan: Questioned what is happening with the varsity baseball field. Not happy with neighbors garbage can at curb for over three years.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Knickerbocker: Tomorrow is the Chamber’s luncheon at the American Legion at noon.

Councilmember Gilbert: Goodnight to everyone.

Councilmember Spillane: Tomorrow is the Bob Segar tribute band. The Regulators will be rescheduled for the 13<sup>th</sup>. The lighting in the cemetery is repaired but the tree is blocking the light; could DPW take care of that? There is a Snap-on truck being used as storage. A volunteer is still working in the cemetery.

Councilmember Henry: Thanked Mr. Binscik for updates from the subcontractors, but would like to see more DPW happenings.

Councilmember Cramer: Cemetery cleanup was a good day. Holland square concept is great. Regarding Fortino’s building-he wishes the Fortino family will do something with the property. Gilbert responded that the Fortino family is trying to straiten out personal things first.

Mayor Pro Tem Hicks: Questioned the Book Nook and where is that at. Mr. Zettel responded that the owner is in need of putting in a new electrical service and is waiting for word from DTE.

**ADJOURNMENT**

**Resolution No. 240722-08** **(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Cramer

**I Move** the Swartz Creek City Council adjourn the regular meeting at 8:10 p.m.

Unanimous Voice Vote.

\_\_\_\_\_  
Rae Lynn Hicks, Mayor Pro Tem

*Renee Kraft*  
\_\_\_\_\_  
Renee Kraft, CMC, MiPMC II, City Clerk