

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 04/23/07**

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

Invocation and Pledge of Allegiance to the Flag.

Councilmen Present: Abrams, Adams, Christie, Hicks, Hurt, Shumaker.

Councilmen Absent: Porath.

Staff Present: City Manager Bueche, Clerk/Finance Officer Clark, Assistant City Manager Zettel, and Attorney Figura.

Others Present: Tommy Butler, Ken Osmond, Karl Opperthausen, Jim Florence, Ron Schultz, Jamie Adams, Sally Shaheen Joseph, Mark Nemer, and Cheryl Dennison.

Resolution No. 070423-01 (Carried)

Motion by Mayor Pro-Tem Christie,
Second by Councilmember Shumaker,

The Swartz Creek City Council excuses the absence of Councilmember Porath from tonight’s meeting due to work commitments.

YES: Abrams, Adams, Christie, Hicks, Hurt, Shumaker.
NO: None. Motion declared carried.

APPROVAL OF PREVIOUS COUNCIL MINUTES:

Resolution No. 070423-02 (Carried)

Motion by Mayor Pro-Tem Christie,
Second by Councilmember Hurt,

The Swartz Creek City Council hereby approves the Minutes of the Regular Council Meeting held April 9, 2007, and the Minutes of the Special Council Meeting held April 16, 2007, both to be circulated and placed on file.

YES: Abrams, Adams, Christie, Hicks, Hurt, Shumaker.
NO: None. Motion declared carried.

Mayor Abrams mentioned two communications distributed at the meeting regarding Mott’s Critical Situation Response Procedure and a Harvard Forum Invitation entitled “The Accidental Crisis in Local Property Taxation”.

APPROVAL OF AGENDA:**Resolution No. 070423-03****(Carried as amended)**

Motion by Mayor Pro-Tem Christie,
Second by Councilmember Hurt,

The Swartz Creek City Council approves the agenda as presented, with the addition of the additional communications, for the Regular Council Meeting of April 23, 2007, then to be circulated and placed on file.

Discussion took place.

YES: Abrams, Adams, Christie, Hicks, Hurt, Shumaker.

NO: None. Motion declared carried.

REPORTS AND COMMUNICATIONS:**City Manager's Report****Resolution No. 070423-04****(Carried)**

Motion by Councilmember Hicks,
Second by Mayor Pro-Tem Christie,

The Swartz Creek City Council approves the City Manager's Report of April 23, 2007, to be circulated and placed on file.

YES: Abrams, Adams, Christie, Hicks, Hurt, Shumaker.

NO: None. Motion declared carried.

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

MEETING OPENED TO THE PUBLIC:

Mayor Pro-Tem Christie introduced Cheryl Dennison, Associate Editor of The Swartz Creek Times and Tri-County Times in Fenton, who will be covering the Swartz Creek area.

Mayor Abrams introduced another guest, Sally Shaheen Joseph, who was present to make an announcement. Mrs. Joseph announced her candidacy for the position of Trustee on the Mott Board of Trustees, and distributed literature to familiarize Swartz Creek residents with her background. She commended Council on the attractiveness of the Civic Center Complex. Mrs. Joseph noted before law school she spent a lot of time in Swartz Creek, and mentioned her late husband Edward who was the City attorney for many years.

COUNCIL BUSINESS:**Downtown Development Authority (DDA) Reappointments – Raffaelli & Mardlin****Resolution No. 070423-05****(Carried)**

Motion by Councilmember Adams,
Second by Councilmember Hurt,

The Swartz Creek Council confirms the Mayor's recommendation for the reappointment of Sandy Raffaelli and Steve Mardlin to the Swartz Creek Downtown Development Authority, terms to run from April 1, 2007 through March 31, 2011.

Discussion ensued.

YES: Abrams, Adams, Christie, Hicks, Hurt, Shumaker.
NO: None. Motion declared carried.

Planning Commission Reappointments – Ridley & Grimes

Resolution No. 070423-06 **(Carried)**

Motion by Councilmember Hurt,
Second by Councilmember Adams,

The Swartz Creek Council confirms the Mayor's recommendation for the reappointment of Kathy Ridley and Bud Grimes to the Swartz Creek Planning Commission, terms to run from July 1, 2007 through June 30, 2010.

Discussion took place.

YES: Abrams, Adams, Christie, Hicks, Hurt, Shumaker.
NO: None. Motion declared carried.

Appropriation – Senior Levy Distribution

Resolution No. 070423-07 **(Carried)**

Motion by Mayor Pro-Tem Christie,
Second by Councilmember Shumaker,

The Swartz Creek City Council appropriates an amount not to exceed \$2,623.22 to the Swartz Creek Area Senior Citizens, Inc., from Fund 275, funds collected as of April 16, 2007, from the City's levy for Senior Services, funds appropriated and to be expended under the terms and conditions as set forth in the agreement between the City of Swartz Creek and the Swartz Creek Area Senior Citizens, Inc.

YES: Abrams, Adams, Christie, Hicks, Hurt, Shumaker.
NO: None. Motion declared carried.

Street Use Permit – Swartz Creek Cross Country Team

Resolution No. 070423-08 **(Carried)**

Motion by Councilmember Shumaker,
Second by Mayor Pro-Tem Christie,

The Swartz Creek City Council approves the application for a street usage permit to conduct a 5 kilometer foot road race on Thursday, May 10, 2007, 6:30 PM – 7:30 PM, applicant: the Riverbend Striders/Swartz Creek Cross Country Team, Mr. Ron Wiens, race to be held in accordance with the application submitted, under the direction and control of the Chief of Police.

YES: Abrams, Adams, Christie, Hicks, Hurt, Shumaker.
NO: None. Motion declared carried.

Special Land Use Permit – Swartz Creek Mini-Storage

Karl Opperthausen, owner of Swartz Creek Mini-Storage, gave a presentation regarding his special use request to permit outdoor storage of vehicles at his business. Discussion ensued.

Resolution No. 070423-09

(Motion withdrawn)

Motion by Councilmember Hicks,
Second by Councilmember Hurt,

The City of Swartz Creek approves the Special Land Use request (outdoor storage of vehicles) by Swartz Creek Mini-Storage, 5256 Morrish Road, Swartz Creek, Michigan for parcel 58-02-200-029 subject to the following conditions:

1. Stored apparatus shall be limited to campers, boats, RV's, cars, trucks, and similar road-approved vehicles values at or above \$4,000.00 and with valid insurance.
2. Special land use shall expire 24 months after approval and be subject to administrative review for no more than eight one-year extensions.
3. Applicant agrees to pave the first 100 feet of the entrance of the secondary drive to a finished city standard within 12 months of approval.
4. Applicant agrees to locate and screen the dumpster per administrative approval.
5. Applicant agrees to add landscaping along 100 feet of the southern fence line subject to administrative approval.
6. Applicant agrees to abide by 50-foot side yard set back as outlined by the City of Swartz Creek's Zoning Code.
7. Applicant agrees to submit to administration a lighting plan for administrative approval.

After considerable discussion, the original motion (070423-09) was withdrawn.

After a brief recess for consultation between the applicant, City Attorney, and Mayor Pro-Tem Christie, a revised motion was presented.

Resolution No. 070423-10

(Carried)

Motion by Councilmember Hicks,
Second by Councilmember Hurt,

The City of Swartz Creek approves the Special Land Use request (outdoor storage of vehicles) by Swartz Creek Mini-Storage, 5256 Morrish Road, Swartz Creek, Michigan for parcel 58-02-200-029 subject to the following conditions:

1. Stored apparatus shall be limited to campers, boats, RV's, cars, trucks, and similar road-approved vehicles valued at or above \$4,000.00 and with valid insurance.
2. The special land use shall be subject to administrative review after it has been in existence for 24 months. Thereafter, it shall be subject to administrative review each year for the subsequent eight years. The purpose of the administrative review shall be to determine if the special land use is being operated in compliance with the conditions of the special land use permit and the City's zoning ordinance. If such review is satisfactory, the special land use may be continued but not beyond 10 years from the date of its approval, otherwise it shall be discontinued.
3. Applicant agrees to locate and screen the dumpster per administrative approval.
4. Applicant agrees to add a six foot high white vinyl screening fence along the entire eastern edge of the outdoor storage area subject to administrative approval.
5. Applicant agrees to abide by 50-foot side yard set back as outlined by the City of Swartz Creek's Zoning Code.
6. Applicant agrees to submit to administration a lighting plan for administrative approval.
7. Applicant agrees to pave the first 100 feet of the entrance of the secondary drive to a finished City standard at such time as the City, in its reasonable discretion, determines such paving is necessary.

Discussion ensued.

YES: Abrams, Adams, Christie, Hicks, Hurt, Shumaker.
NO: None. Motion declared carried.

Special Land Use Permit, City of Swartz Creek, Tax ID No. 58-29-551-006, Essential Services, Ambulance

Resolution No. 070423-11

(Carried)

Motion by Councilmember Adams,
Second by Councilmember Hurt,

The City of Swartz Creek approves the Special Land Use request (essential public service for an ambulance service) by the City of Swartz Creek, 8083 Civic Drive, Swartz Creek, Michigan and Khalil Nemer, 5232 Morrish Road, Swartz Creek, Michigan for Tax ID No. 58-29-551-006, subject to administrative approval.

Discussion took place.

YES: Abrams, Adams, Christie, Hicks, Hurt, Shumaker.

NO: None. Motion declared carried.

Raubinger Road Bridge – Terminate Critical Bridge Grant and Project

Discussion took place regarding the history of this matter and possible postponement of action for three weeks at the request of the Genesee County Road Commission. There was no support for the motion to postpone.

Resolution No. 070423-12

(Carried)

Motion by Councilmember Hurt,
Second by Councilmember Adams,

WHEREAS, The Raubinger Road bridge is located at the southern City Limits on Raubinger Road wherein the City corporate limits intersect with the Township of Gaines, an approximate $\frac{3}{4}$ of the structure lies within the City and the remaining $\frac{1}{4}$ in the Township; and

WHEREAS, the bridge has progressively deteriorated to a point where the City has had to repair the decking and impose weight restrictions in compliance with engineer recommendations in order to maintain safety; and

WHEREAS, successive engineering analysis inspections have indicated that the bridge will continue to deteriorate to a point wherein in either needs closure or replacement; and

WHEREAS, the City applied for funding under the FHA-MDOT Critical Bridge Funding Program, initially in May 2003, followed by a rejection and a second application, wherein an award for repair was made in November of 2005. The estimated total cost of replacement is \$600,000 with a local match portion of \$150,000; and

WHEREAS, the street is categorized as a local street and therefore ineligible for Act 51 Major Street Funding, any such match funding to come from the City's Local Street Fund; and

WHEREAS, the Local Street Fund does not have a stable revenue source and because of this, a number of local streets in the City are in desperate need of repair and the repair of the Raubinger Road Bridge would deplete the local street fund; and

WHEREAS the City's Administrative Staff and Consulting Engineers have determined that the cost benefit for the repair of the Raubinger Road Bridge is minimal, if at all, to the City or City residents and that any such repairs have a significant benefit to residents and land values within the Township; and

WHEREAS, the Genesee County Road Commission and the Genesee County Metropolitan Planning Commission's Transportation Division, to date, have no solution other than the City and/or the Township will have to secure the match portion, further advising that there are no other funding sources available; and

WHEREAS, a meeting was held in January 2007 wherein residents from both the City and the Township that live on Raubinger Road were personally invited and an advertisement published in the paper inviting all residents to attend, only residents that live in the Township attending, and that general consensus was about half mixed in favor of, or against the repair of the bridge; and

WHEREAS, the City has made many attempts over two years to negotiate, via letters, discussions, public town meetings, the Township's participation in the project, the Township expressing no desire to participate, position being that they desire the bridge replaced but will not contribute; and

WHEREAS, the City scheduled the termination of the grant and project to be heard at the Council Meeting of March 12th, the residents in the Township that had expressed interest in the past, invited; and

WHEREAS, at the request of the Director of the Genesee County Road Commission, no action was taken at the meeting of March 12th as at a meeting of the Road Commission, the City and the Township, the City tendered a final offer to the Township to consider a 50-50 Township-City match split; and

WHEREAS, to date, five weeks have passed with no action, indication of action or expression of willingness from the Township to participate or consider a match participation effort, and such delays spanning two years have caused a holding of City local street funds that could be utilized to repair streets within the City that have a high cost-benefit ratio to residents.

NOW, THEREFORE, BE IT RESOLVED that the City of Swartz Creek hereby withdraws its application for funding under the Critical Bridge Funding Program, and further, direct the City Manager and Consulting Engineers to prepare a plan to manage the bridge deterioration and subsequent Road Closure and bring such plan back to the Council for review and approval.

Considerable discussion took place. Mayor Abrams inquired of City Attorney Figura whether he could amend the resolution to take effect in three weeks, and was answered in the affirmative. Further discussion ensued.

Resolution No. 070423-13**(Failed)**

Motion by Mayor Pro-Tem Christie,
Second by Councilmember Shumaker,

The City of Swartz Creek amends Resolution No. 070423-11, in order to delay action for three weeks, last paragraph, first sentence, to read as follows: **“NOW, THEREFORE, BE IT RESOLVED** that *effective May 15, 2007*, the City of Swartz Creek hereby withdraws its application for funding...”

Discussion took place.

YES: Abrams, Christie, Shumaker.
NO: Adams, Hicks, Hurt. Motion failed.

ROLLCALL VOTE ON RESOLUTION NO. 070423-12 AS PRESENTED

YES: Abrams, Adams, Christie, Hicks, Hurt, Shumaker.
NO: None. Motion declared carried.

Traffic Control Order #158, North Alley Parking Restrictions**Resolution No. 070423-14****(Carried)**

Motion by Mayor Pro-Tem Christie,
Second by Councilmember Hurt,

The City of Swartz Creek adopts Traffic Control Order #158, as recommended by the Chief of Police, causing the placement of four-hour limitations, Monday through Friday, 8:00 AM to 6:00 PM, on parking in the north City Parking Lot, located north and west of the intersection of Miller and Morrish, and further, to provide for a Municipal Parking Bureau Fine of \$10 for violations thereof.

Discussion ensued.

YES: Abrams, Adams, Christie, Hicks, Hurt, Shumaker.
NO: None. Motion declared carried.

Appropriation and Bid Award, Purchase Police Vehicle**Resolution No. 070423-15****(Carried)**

Motion by Councilmember Shumaker,
Second by Councilmember Hurt,

WHEREAS, the City of Swartz Creek Purchasing Ordinance encourages the use of cooperative extended purchasing programs, and;

WHEREAS, the City of Swartz Creek desires to purchase a 2007 Dodge Charger police package vehicle and by virtue of the size of the City, we cannot purchase such vehicles in a sufficient quantity to allow for a maximum discounted price, and;

WHEREAS, the County of Macomb has an extended cooperative purchasing program that is open for use by any governmental agency and has let for bid for the specified vehicle under their purchasing number 23-05, said bid awarded to Sterling Heights Dodge Inc, 40111 Van Dyke Avenue, Sterling Heights Michigan, base price of \$19,370, and;

WHEREAS, with options and delivery, the total cost of the vehicle is \$20,082.

NOW, THEREFORE, BE IT RESOLVED, that the City of Swartz Creek recognize Macomb County's Extended Purchasing Program and accept the bid award of Sterling Heights Dodge Inc, 40111 Van Dyke Avenue, Sterling Heights Michigan and appropriates an amount not to exceed \$20,082 for the purchase of a 2007 Dodge Charger Police Package Vehicle, funds to be appropriated from 661 Motor Pool.

Discussion took place.

YES: Abrams, Adams, Christie, Hick, Hurt, Shumaker.

NO: None. Motion declared carried.

2007-2008 Budget

City Manager Bueche advised Council there will be additions to the 2007-2008 Budget Proposal. Mr. Bueche stated in three weeks he will provide another draft for review. The City Manager noted Assessor Heather MacDermaid feels the City would benefit from a reassessment of commercial properties. He directed Council to the proposal for this work from Landmark Appraisal for \$12,500. City Manager Bueche was going to speak with Mr. MacDermaid to see if the cost could be split between two budget years.

MEETING OPENED TO THE PUBLIC:

Tommy Butler, 40 Somerset, commended Council on the conduct of this evening's meeting.

REMARKS BY COUNCILMEMBERS:

Councilmember Shumaker stated he was pleased the DDA was encouraging improvements in the downtown area. He also noted the current garbage contractor is doing a good job, although the City may need to better inform the community regarding recycling. City Manager Bueche advised Republic Waste has indicated they may want to make some changes to the contract. Councilmember Shumaker spoke regarding the clear vision area, specifically going south on Morrish at Bristol, noting the ground has been elevated during sanitary sewer construction. He also noted a large pine tree obstructing vision on Bristol eastbound to Elms between the sidewalk and road shoulder.

Councilmember Hicks also noted at Morrish and Bristol the construction vehicles were parked close to the corner making it even more difficult to see traffic coming to the north. City Manager Bueche stated he would inform the County of this situation.

Councilmember Adams congratulated Mayor Pro-Tem Christie on his selection as Fire Board Chairperson.

Councilmember Hurt commended Mayor Pro-Tem Christie's on his viewpoint of the school millage election in *The Swartz Creek Times*. He also expressed interest in the local property taxation forum. Councilmember Hurt felt the dialogue regarding the Raubinger Road Bridge was a good example of democracy in action.

Mayor Pro-Tem Christie also felt the exchange of ideas this evening regarding the Raubinger Road Bridge was a good thing, and he only wished Gaines Township had the opportunity to hear the proposal. Mayor Pro-Tem Christie stated he was excited about his opportunity to chair the Fire Board.

ADJOURNMENT:

Resolution No. 070122-06

(Carried)

Motion by Mayor Pro-Tem Christie,
Second by Councilmember Shumaker,

the meeting be adjourned.

Unanimous voice vote.

The meeting adjourned at 9:16 p.m.

Richard B. Abrams, Mayor

Mary Jo Clark, Clerk