

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE COUNCIL MEETING  
DATE 04/09/07**

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, Christie, Hicks, Hurt, Porath, Shumaker.

Councilmen Absent: Adams.

Staff Present: City Manager Bueche, Clerk/Finance Officer Clark, Community Services Director Svrcek, Assistant Manager Zettel, Engineer Lou Fleury, and Attorney Figura.

Others Present: Boots Abrams, Dennis Reno, Jackie Reno, Donna J. Mihailoff, Joseph G. Mihailoff, Roberta Edwards, Christina Peabody, Michael Bowen, Lisa Bowen, Joan Nowak, Demi Pyles, Tom Pyles, Tim Anderson, Wally Harsila, Laura Leyanna, Rod Gardner, Tommy Butler, Douglas Sherman, Shirline Sherman, Andrea Beaudoin, Ron Schultz, Carol Bunnell, Jim Florence, Linda Smyth, Andre B. Schafer, Nicole M. Jones, Chris Green, Dan Simmonds, and Debbie Johnson.

**Resolution No. 070409-01 (Carried)**

Motion by Councilmember Hurt,  
Second by Councilmember Shumaker,

The Swartz Creek City Council excuses the absence of Councilmember Porath from the March 26, 2007 meeting, due to his being out of town.

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

**APPROVAL OF PREVIOUS COUNCIL MINUTES:**

**Resolution No. 070409-02 (Carried)**

Motion by Councilmember Porath,  
Second by Councilmember Shumaker,

The Swartz Creek City Council hereby approves the Minutes of the Regular Council Meeting held March 26, 2007, to be circulated and placed on file.

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

**APPROVAL OF AGENDA:**

**Resolution No. 070409-03**

**(Carried)**

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

The Swartz Creek City Council approves the agenda as presented for the Regular Council Meeting of April 9, 2007, to be circulated and placed on file.

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

**REPORTS AND COMMUNICATIONS:**

**City Manager's Report**

**Resolution No. 070409-04**

**(Carried)**

Motion by Councilmember Shumaker,  
Second by Councilmember Hurt,

The Swartz Creek City Council approves the City Manager's Report of April 9, 2007, along with additional communications presented to Council this evening, then to be circulated and placed on file.

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

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

**MEETING OPENED TO THE PUBLIC:**

Several residents spoke against eliminating the parking along Seymour Road, and letters of protest from residents unable to attend were also presented. City Manager Bueche advised the possible exclusion of parking along Seymour was entertained, because the Michigan Department of Transportation will not fund repair of parking surfaces. City Manager Bueche also advised the project is currently in jeopardy. He noted the County's road project funds have been reduced, and it is probable that a larger, more cost-prohibitive funding ratio is forthcoming. He also noted there are other streets in the city that are more deteriorated with higher traffic volumes, which he would be in favor of repairing before Seymour Road. City Manager Bueche advised he would keep Dennis Reno, as spokesman for the residents, informed of every development, and blanket mailings will be forthcoming for any significant changes.

Considerable discussion ensued regarding problems on Seymour Road and the future of the roadway. The City Manager and Council emphasized plans discussed this evening are strictly conceptual. It was also emphasized that notification of all persons, including outlying townships, is the policy of the City, and public involvement is appreciated and encouraged. Council commented the tenuous nature of City plans can be in large part attributed to a volatile financial situation at the State level.

## **COUNCIL BUSINESS:**

### **Swartz Creek Schools – May 8<sup>th</sup> Bond Proposal - Presentation**

Those present were asked to remain for the School District presentation.

Dr. Jeff Pratt, Jim Bleau, and Sharon Fouts of the Swartz Creek Community School District were in attendance to offer information regarding the May 8<sup>th</sup> bond proposal. Dr. Pratt explained they work for the State and School District, and consider themselves apolitical. Ms. Fouts presented the School District's mission statement, noting every component of the bond proposal was designed to address and fulfill that statement. She advised the School District wants to focus on student needs, in order that upon graduation they are able to contribute to society. It was noted districts are being encouraged to collaborate with other organizations. Mr. Bleau stated over 30 input meetings were held and nearly 500 surveys were completed in order to identify what the School Board should bring forward in the bond proposal. Discussion took place on what the meetings and surveys identified as areas of interest and concern. The four options and their consequences were discussed. A District web page was identified where frequently asked questions have been answered, as well as a formula to determine how much your taxes would go up based on their unique circumstances.

A question and answer period took place. Those present were encouraged to contact the School District by phone or the web site if they had any further questions or wished to learn more about the upcoming bond.

The Mayor called for a recess at 8:29 p.m. The meeting reconvened at 8:38 p.m.

### **Farmers Market Concept**

Assistant Manager Zettel gave a brief presentation regarding the concept of a farmers market. He noted in meetings with Farmers Market personnel from Flint, they expressed a good deal of interest in running a similar operation on Sundays, from 9:00 a.m. to 3:00 p.m. Mr. Zettel advised the Civic Center parking lot was mentioned as a good place to have the market. If the City is interested, Mr. Zettel stated we would shoot for May or early June to start the operation. Mr. Zettel advised he could approach the Downtown Development Authority (DDA) to seek their discretionary dollars for start-up and operational activities. Mr. Zettel noted from his investigations and interest expressed in a farmers market, he felt there is a strong potential for success.

After some discussion, it was the consensus of Council that the concept of a farmers market in Swartz Creek should be pursued. Staff advised they would be back before Council in two weeks with additional information and a proposed resolution.

**Resolution No. 070409-05**

**(Carried as amended by 070409-06)**

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

The Swartz Creek City Council authorizes the Downtown Development Authority (DDA) to operate a Swartz Creek Farmers Market, to be located in the parking lot of City Hall, pending all approvals acquired from appropriate authorities and obtained by the City, and said approvals being temporary pending receipt of complete plans.

Discussion took place.

**Resolution No. 070409-06**

**(Carried)**

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

The Swartz Creek City Council amends Resolution No. 070409-05 by making it temporary pending receipt of complete plans.

Discussion ensued.

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

**ROLL CALL VOTE ON RESOLUTION 070409-05 (AS AMENDED BY 070409-06)**

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

**2007-2008 Fiscal Year Budget – Set Public Hearing**

**Resolution No. 070409-07**

**(Carried)**

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

The City of Swartz Creek sets a Public Hearing, to be held on Monday, May 14, 2007 at 7:00 PM, at the regularly scheduled City Council Meeting, to hear public comments and needs regarding the Proposed 2007-2008 Fiscal Year Budget, and further, to make a copy of the proposed budget available at City Hall for public inspection during normal business hours, in accordance with provisions as set forth in the City Charter.

Discussion took place.

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

**2007-2008 Fiscal Budget – Set Special Meeting**

Council deliberated on an appropriate date and time for the special meeting.

**Resolution No. 070409-08****(Carried)**

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

The Swartz Creek City Council sets a Special Council Meeting, to be held on Monday, April 16, 2007, at 5:00 PM, to discuss the proposed 2007-2008 Fiscal Year Budget.

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

NO: None. Motion declared carried.

**Certification – Delinquent Water and Sewer****Resolution No. 070409-09****(Carried)**

Motion by Councilmember Porath,  
Second by Councilmember Hurt,

The Swartz Creek City Council directs the Treasurer to prepare an audit of all outstanding debts owed to the City for delinquent water and sewer, and further, to cause such debts to be assessed against the property owner of record, in accordance with City Ordinance, said debts to be placed against the summer 2007 tax collection roll.

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

NO: None. Motion declared carried.

**Miller-Elms Roundabout Intersection Concept****Resolution No. 070409-10****(Carried)**

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

**WHEREAS**, the City of Swartz Creek has explored the concept of a roundabout intersection for Miller and Elms Roads; and

**WHEREAS**, the availability of gas and weight tax funding sources from either federal or state levels has decreased significantly in recent years and the likelihood of any increased funding for such a project in the foreseeable future is slim; and

**WHEREAS**, the City has determined, through its staff and consulting engineers, that the right of way acquisition, construction design and engineering costs would primarily be borne by the City, such costs being prohibitive in nature.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Swartz Creek terminate all further effort towards the concept of a roundabout intersection at Miller and Elms Roads.

Discussion took place.

YES: Abrams, Christie, Hicks, Hurt, Porath, Shumaker.  
NO: None.

**Court of Appeals Case – Tax Dispute**

**Resolution No. 070409-11**

**(Carried)**

Motion by Councilmember Shumaker,  
Second by Councilmember Hurt,

The City of Swartz Creek directs the City Attorney and City Manager to negotiate a settlement regarding Parcel #58-29-300-010, for the tax year of 2004, such settlement to be in an amount equal to the tax refund the taxpayer should have received for the 2004 tax year plus \$250 in costs.

City Attorney Figura gave a brief history of this tax dispute matter. Discussion ensued.

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

**MEETING OPENED TO THE PUBLIC:**

Dennis Reno, 5345 Seymour, asked for and was given an update regarding the Raubinger Road Bridge.

Tommy Butler, 40 Somerset, spoke in favor of the proposed Farmers Market. He also mentioned the interest he and Mr. Nemer have in getting a Cracker Barrel restaurant in Swartz Creek.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Porath inquired regarding State Revenue Sharing being mandatory, and Attorney Figura advised the State has always found a way to get around it. He also asked about the gas tanks at the old Marathon station, and was advised they were removed this afternoon by the owner.

Councilmember Shumaker asked if the slip lining of sewer mains had been done in the Winchester Subdivision. Community Services Director Svrcek advised it is almost complete. Councilmember Shumaker asked if Clayton Township’s recent liquor sting was coordinated with Swartz Creek. City Manager Bueche stated his understanding was they called one of the on-duty vehicles and were conducting the sting three hours later. Mr.

Bueche advised the Police Chief is investigating, and he will get back with Councilmember Shumaker regarding whether proper procedure was followed. Councilmember Shumaker also inquired regarding the past due personal property taxes, and Mr. Bueche advised these are uncollectibles that were addressed in the audit report.

Councilmember Hicks asked if recyclable material must be in the orange or blue containers, because she has lots more than one or two containers would accommodate. City Manager Bueche stated he believed the contract calls for material to be in the containers, but they probably pick it up if it is recognized as recyclables. Mr. Bueche advised Councilmember Hicks he would e-mail her a copy of the contract.

Councilmember Hurt asked if Gaines Township had made a decision regarding sharing the cost of the repair of the Raubinger Road Bridge. City Manager Bueche advised he had not yet heard back from the township; however, a letter was received last week from MDOT granting the one-year extension. Councilmember Hurt suggested that local street repair might be a better use of City monies, rather than repairing the bridge, inasmuch as the roads would be beneficial to City residents. City Manager Bueche stated he would check with Gaines Township and report back.

Mayor Abrams advised people from the Auto Theft Prevention Agency in Lansing were at the GAIN meeting. He noted the State took a \$4 million fund balance from them, even though state statute says it can only be used for theft prevention and cannot be construed as state money.

**ADJOURNMENT:**

Mayor Abrams declared the meeting adjourned at 10:40 p.m.

Richard B. Abrams, Mayor

Mary Jo Clark, Clerk