

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE COUNCIL MEETING  
DATE 08/27/07**

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, City Clerk Aguilar, Community Services Director Svrcek, Assistant Manager Zettel, Attorney Figura, and Engineer Fleury.

Others Present: Boots Abrams, Bob Treloar, Bob Plumb, Lee Gonzales, Tommy Butler, Terry O'Brien, Neil J. O'Brien, Carl Carlson, Ted Henry, Elizabeth Luard, Phyllis A. O'Brien, Betty Binder, John Dillard, Bud Grimes, Nancy Ocenasek, Patrick Henry, Jamie K. Adams, Chuck Timmons, Bill Cimbalik, Amelia Cimbalik, and Patricia Lockwood.

**APPROVAL OF PREVIOUS COUNCIL MINUTES:**

**Resolution No. 070827-01**

**(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 August 13, 2007, to be circulated and placed on file.

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

NO: None. Motion declared carried.

**APPROVAL OF AGENDA:**

**Resolution No. 070827-02**

**(Carried as amended)**

Motion by Councilmember Shumaker,  
Second by Councilmember Hurt,

The Swartz Creek City Council approves the agenda for the Regular Council Meeting of August 27, 2007, as amended by the addition of Item 7A, Mayoral Proclamation, then to be circulated and placed on file.

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

NO: None. Motion declared carried.

Mayor Abrams welcomed Road Commissioner John Daly, County Commissioner Patricia Lockwood, County Commissioner Ted Henry, and State Representative Lee Gonzales.

**REPORTS AND COMMUNICATIONS:**

**City Manager's Report**

**Resolution No. 070827-03**

**(Carried)**

Motion by Councilmember Hicks,  
Second by Councilmember Hurt,

The Swartz Creek City Council approves the City Manager's Report of August 27, 2007, to be circulated and placed on file.

Discussion took place.

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

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

**Resolution No. 070827-04**

**(Carried)**

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

The Swartz Creek City Council excuses the absence Councilmember Adams from the August 13, 2007 meeting and Councilmember Porath from tonight's meeting due to work commitments.

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

**MEETING OPENED TO THE PUBLIC:**

Mayor Abrams read a Proclamation honoring Bill Morgan for his many civic contributions, most particularly the Veterans Memorial Park. Mr. Morgan commented it had been a team effort and a personal labor of love working on the Veterans Memorial. He expressed his hope for continued development of the park.

Bob Treloar, 5176 Worchester Drive, commented the taxes have continued to go up for many years, but the services seem to be coming down. Mr. Treloar stated Worchester Drive from Winston to Durwood is in terrible shape. He noted it's repaired, it rains and three-quarters of the material washes out, the sweeper comes by and takes the other quarter. Mr. Treloar reminded those present four years ago he was told repaving was on the agenda. Mr. Treloar also advised he and his wife do a lot of walking, and the sidewalks are marked but never repaired.

City Manager Bueche informed Mr. Treloar the sidewalk project was marked off in the spring, and then owners were sent notification and given 45 days to advise whether they want to repair them or have the City do so. Mr. Bueche expected the City will get to all of them before the weather breaks.

City Manager Bueche advised Worchester continues to be at the top of the paver list, but due to reductions in state funding it is unlikely to be done this summer. He stated the two projects for next summer are Elms and Seymour Roads. He noted with the Seymour Road project it should be possible to get one or two interior streets taken care of, with Worchester and Chesterfield Drives being the top priorities.

Nancy Ocenasek, 4505 Raubinger Road, spoke in favor of keeping the Raubinger Road Bridge open and have the City pay for the repairs. Ms. Ocenasek stated residents had not received notification of a meeting to discuss this matter; and, contrary to what the City has suggested, she as a City resident uses the bridge every day. Ms. Ocenasek commented on other projects being considered or undertaken that she believes are not as necessary as repair of the Raubinger Road Bridge.

Phyllis O'Brien, 5315 Raubinger Road, a Gaines Township resident, presented an argument for a covered bridge on Raubinger that would be a fantastic attraction for the proposed bike path. Ms. O'Brien conceded repair is needed, but felt this bridge also has historic significance and is a vital part of the community.

Chuck Timmons, 5101 Raubinger Road, Gaines Township, noted he had been before Council previously and stated it didn't matter whether the bridge was open or closed. However, after reading newspaper articles, Mr. Timmons stated it appears City administrators don't want township residents to come into the City.

## **COUNCIL BUSINESS:**

### **John Daly, Director, Genesee County Road Commission – Presentation Regarding Raubinger Road Bridge**

City Manager Bueche introduced John Daly, Manager-Director of the Genesee County Road Commission. Mr. Daly stated his office believes bridges are an important aspect of the transportation network in Genesee County. He advised he has been on the peripheral of discussions over the past year regarding the City's concerns as to the Raubinger Road Bridge. Mr. Daly referred Council to his proposal noted in his letter of July 18, 2007. Mr. Daly advised after it became apparent the repairs were not going forward, he outlined the aforementioned proposal which offers cost sharing and transfer of jurisdiction from the City to the County Road Commission. He stated his concern that over ½ million dollars in state funding will be lost if the City does not take advantage of the grant now. Mr. Daley advised he was here this evening to solicit Council's acceptance in principal, then he would have his attorney draft an agreement.

Councilmember Shumaker began a discussion regarding the Raubinger Road Bridge being the only bridge in Genesee County where jurisdiction was given to a local unit of government. Mr. Daly noted that decision was made by those who are no longer at the

Road Commission or City of Swartz Creek; however, his suggested proposal would resolve this situation.

Councilmember Adams inquired whether Gaines Township would now be willing to contribute revenue to repair the bridge. Mr. Daly advised it was his impression that they would do so, although he has not officially spoken to the Township. Councilmember Adams noted the City is aware repair of the bridge is mutually beneficial, and had tried unsuccessfully on more than one occasion to elicit support from Gaines Township. Councilmember Adams stated, inasmuch as Council has a fiduciary responsibility to all residents of the City, and given the limited revenue available, it was decided not to repair the Raubinger Road Bridge.

Considerable discussion followed.

It was the consensus of Council that if the Road Commission can convince Gaines Township to agree to their proposal, Mr. Bueche would bring back a resolution and agreement to be considered. If Gaines Township does not agree, the matter would be ended and the bridge closed.

**Resolution No. 070827-05**

**(Carried)**

Motion by Councilmember Hurt,  
Second by Councilmember Adams,

The Swartz Creek City Council directs the City Manager to further investigate the Genesee County Road Commission's proposal as to the Raubinger Road Bridge repair, develop updated cost estimates; and, at such time as there is an agreement with Gaines Township to participate in the proposal, bring the matter back before Council for their consideration.

Discussion ensued.

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

**Elms Road Project – Jobs Today Pull Ahead Application**

**Resolution No. 070827-06**

**(Carried)**

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

The City of Swartz Creek directs the City Manager to initiate an application for the City's participation in the State of Michigan Department of Transportation's Jobs Today project pull ahead program, for the mill and re-surfacing of South Elms Road between the I-69 viaduct and the North City Corporate Limit, application to be filed in compliance with the September 1<sup>st</sup> deadline, and further, to prepare a recommendation and design proposal package from the City's Engineer, ROWE, Inc, to be brought back to the Council for final determination and appropriation.

Discussion took place.

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

**Heritage Park Deed Transfer**

**Resolution No. 070827-07**

**(Postponed by Reso. 070827-08)**

Motion by Councilmember Adams,  
Second by Councilmember Hurt,

**WHEREAS**, the City has pursued the concept for the creation of a park on Bristol Road adjacent to the Heritage Village Subdivision; and

**WHEREAS**, the City purchased a 10 acre parcel, tax I.D. # 58-30-400-003, in October 2005 from Woodside Builders, terms of the agreement stipulating that an additional 10 acres would be donated by the Nemer Family for the purpose of constructing a park on the 20 acres; and

**WHEREAS**, the City continues to search for grant funding for the construction of a park and as of writing has thus far been unsuccessful in securing grant funding; and

**WHEREAS** In compliance with the terms of the agreement, and additionally, to enhance the City's efforts to secure funding for the construction of a park, it is desirable to have the all 20 acres deeded in the name of the City

**NOW, THEREFORE, BE IT RESOLVED**, that the City accepts the remaining 10-acre donation, total property dimension of 580' x 1,440', in accordance with the survey and proposed deed attached hereto, and further, directs the Mayor and City Clerk to execute the transaction on behalf of the City.

Discussion followed.

**Resolution No. 070827-08**

**(Carried)**

Motion by Councilmember Hurt,  
Second by Councilmember Adams,

The City Council postpones action on Resolution No. 070827-07, Heritage Park Deed Transfer, until such time as Exhibit A of said deed is provided to City Administration.

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

**Police Mutual Aid Agreement**

**Resolution No. 070827-09**

**(Carried)**

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

The City of Swartz Creek enters into a Mutual Aid Agreement with participating agencies in Genesee County, a copy of the agreement attached hereto, and further, directs the Mayor and City Clerk to execute the agreement on behalf of the City.

Discussion ensued.

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

NO: None. Motion declared carried.

**Park Use and Fee Waiver Request – GMSPO and UAW Local 659**

**Resolution No. 070827-10**

**(Carried)**

Motion by Councilmember Shumaker,  
Second by Councilmember Hurt,

The City of Swartz Creek approves the request of General Motors Service Parts Operations and the United Auto Workers Local 659, and permits the sole use of Elms Road Park for Saturday, September 22, 2007, and further, directs the City Manager to permit, as needed, other designated parking areas, the placement of tents or similar items, purpose of the use being a celebration of 50 years continuous service at their Swartz Creek location.

Discussion took place.

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

NO: None. Motion declared carried.

**Traffic Control Order #160, Prohibit Parking on Elms Road**

**Resolution No. 070827-11**

**(Carried)**

Motion by Councilmember Hicks,  
Second by Councilmember Hurt,

The City of Swartz Creek, upon the recommendation of the Chief of Police, adopts Traffic Control Order #160, an order that provides for the prohibition of all parking along both sides of South Elms Road between the I-69 viaduct and the north City Limit, a copy of which is attached hereto and on file with the Office of City Clerk, and further, directs the installation of regulatory signs in accordance with the order and the State of Michigan's Uniform Traffic Control Device Standards.

Discussion took place.

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

**Tri-County Water Tower Lease Agreement**

**Resolution No. 070827-12**

**(Carried)**

Motion by Councilmember Adams,  
Second by Councilmember Hurt,

The City of Swartz Creek enters into a lease agreement with Tri-County Wireless for the placement of a wireless transceiver on the Swartz Creek Water Tower, located on Parcel I.D. #58-02-100-005, south of Miller Road and west of Winston Drive, a copy of the agreement attached hereto, and further, directs the Mayor and City Clerk to execute the agreement on behalf of the City.

Discussion ensued.

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

**MEETING OPENED TO THE PUBLIC:**

Patricia Lockwood, Genesee County Commissioner, thanked Council for the informative discussion regarding the Raubinger Road Bridge this evening. She also updated those present regarding the county-wide senior millage and other county developments that impact local communities.

John Gilbert, 7459 Miller Road, advised today his trash and yard waste were picked up by the same truck. City Manager Bueche stated he will contact Republic Waste tomorrow regarding this matter.

Boots Abrams, 5352 Greenleaf Drive, thanked Council for the City's cooperation regarding the Bike-A-Thon, Bike Rodeo, and Assenmacher 100.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Shumaker thanked Tom Svrcek for bringing in the new street sweeper. He advised at a Kiwanis meeting last week two speakers from University of Michigan-Flint passed out literature regarding their scholars, and was proud to see Assistant Manager Adam Zettel listed under Political Science. Councilmember Shumaker noted his remarks were directed to Manager-Director Daly of the Road Commission and not the City Manager. He mentioned the successful Veterans Memorial fundraiser Sunday at Sandy Raffaelli's business, Feather 'n Fin.

Councilmember Hicks reflected on the history of the Raubinger Road Bridge, and commented on the difficult decisions that have been necessary regarding this matter. She also spoke regarding the striping on Miller Road, Seymour to Seymour, and the cost of closing the bridge.

Councilmember Adams thanked the City Manager and Assistant City Manager for defending Council's decisions regarding repair of the Raubinger Road Bridge. He expressed his belief that the City has been a good neighbor regarding this matter. Councilmember Adams asked if options had been explored regarding another mode of egress from Elms Park. City Manager Bueche advised ROWE had calculated the total cost at roughly \$50,000; however, the Park Board is not in favor of another egress. Councilmember Adams suggested maybe this could be "piggy-backed" with the Elms Road project and reduce the cost. Mr. Bueche advised he would bring this back to the Park Board for discussion, and Councilmember Adams expressed his interest in attending.

Councilmember Hurt was pleased with the discussions tonight regarding the Raubinger Road Bridge. He stated this is not about citizens, but money and intergovernmental cooperation. Councilmember Hurt inquired and was told the County would bear 100% of the cost of striping Miller Road, including traffic lights. Councilmember Hurt asked how much revenue is in the local streets fund, and Mr. Bueche stated he will e-mail him that information tomorrow. He expressed concern regarding the City's e-mail provider controlling spam, and City Manager Bueche said he will check into it.

Mayor Pro-Tem Christie noted the recent passings of Carl Hammond's wife and former Councilmember Pat Collins and DDA Chairperson Al Asta. He expressed pleasure at having completed the 10-mile Crim in 2 hours, 13 minutes and 28 seconds – besting his goal of 2 hours and 15 minutes.

Mayor Abrams had heard that Councilmember Adams' uncle and former employee Bob Adams was not doing well, and he hoped that he was at least comfortable. In regard to the e-mails, he still couldn't access his mailbox. Mayor Abrams advised he will not be at the September 10<sup>th</sup> meeting. He commented that Officer Szmansky and Lieutenant DeShano worked hard to put together the Bike Rodeo, and he understood it was the most successful they have ever had.

**ADJOURNMENT:**

There being no objection, Mayor Abrams declared the meeting adjourned at 9:24 p.m.

Richard B. Abrams, Mayor

Juanita Aguilar, City Clerk