

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 02/26/07**

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, Assistant Manager Zettel, Engineer Wheatley, and Attorney Gildner.

Others Present: Lloyd Swan, Robyn Rosenthal, Sharon Fouts, Bud Grimes, Don Wyatt, Ron Schultz, Andrea Beaudoin, John Knickerbocker, Joseph Letavis, Beth Perkins, Al Jory, and Jim Florence.

Mayor Pro-Tem Christie advised he received a phone call from Councilmember Adams today indicating he was out of state and asked to be excused from tonight's meeting. Mayor Abrams noted Councilmember Hicks had advised the City Manager she would be unable to attend the February 12th meeting, so it would be appropriate to also excuse her absence from that meeting.

Resolution No. 070226-01

(Carried)

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

The Swartz Creek City Council excuses the absence of Councilmember Hicks from the February 12, 2007 meeting and Councilmember Adams from tonight's meeting.

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

APPROVAL OF PREVIOUS COUNCIL MINUTES:

Resolution No. 070226-02

(Carried)

Motion by Councilmember Porath,
Second by Councilmember Hurt,

The Swartz Creek City Council hereby approves the Minutes of the Regular Council Meeting held February 12, 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. 070226-03 (Carried)

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

The Swartz Creek City Council approves the agenda as presented for the Regular Council Meeting of February 26, 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. 070226-04 (Carried)

Motion by Councilmember Shumaker,
Second by Councilmember Hurt,

The Swartz Creek City Council approves the City Manager’s Report of February 26, 2007, to be circulated and placed on file.

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

Discussion took place regarding the Winchester Woods REI Proposal. All reports and communications were accepted and placed on file.

MEETING OPENED TO THE PUBLIC:

None.

COUNCIL BUSINESS:

Presentation – Dr. Jeff Pratt, Jim Bleau, and Sharon Fouts

Swartz Creek Community School District personnel gave a presentation highlighting work done in the last 18 months on the facilities study and what is planned for the future. Discussion followed.

2008-2011 T.I.P. Applications**Resolution No. 070226-05****(Carried)**

Motion by Councilmember Hicks,
Second by Councilmember Hurt,

Whereas, the City of Swartz Creek is a local government unit eligible to receive funding under the Transportation Improvement Program; and,

Whereas, the City of Swartz Creek, through working with its consultants, administrative staff and the Genesee County Metropolitan Planning Commission's Transportation Section, have identified the need to repair or improve the following eligible Major Streets:

Morrish Road from Sports Creek Raceway entrance to Bristol Road,
Bristol Road from the General Motors SPO Plant to Miller Road,
Elms Road from I-69 to the north City limits,
Miller Road from Elms Road to Tallmadge Court,
Oakview Street from Durwood Drive to Seymour Road,
Worcester Street from Winston Drive to Cappy Lane
Safety improvements to the intersection of Seymour and Miller Roads

Whereas, the Swartz Creek City Council has considered the making of such repairs and improvements in open session following the hearing of comments on the need for the improvements from the city's engineer and administrative staff;.

NOW THEREFORE BE IT RESOLVED, the City of Swartz Creek hereby approves and submits the following applications for street repair for 2008-2011 Genesee County Transportation Improvement Projects (T.I.P.) funding:

1. Morrish Road from Sports Creek Raceway entrance to Bristol Road,
2. Bristol Road from the General Motors SPO Plant to Miller Road,
3. Elms Road from I-69 to the north City limits,
4. Miller Road from Elms Road to Tallmadge Court,
5. Oakview Drive from Durwood Drive to Seymour Road,
6. Worcester Street from Winston Drive to Cappy Lane
7. Safety improvements to the intersection of Seymour and Miller Roads

Discussion took place.

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

NO: None. Motion declared carried.

Seymour Road T.I.P. Design – Eliminate Parking**Resolution No. 070226-06****(Carried)**

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

Whereas, the City of Swartz Creek applied for funding through the Genesee County Metropolitan Planning Commission's Traffic Improvement Program on January 10, 2006, Swartz Creek Resolution No: 050110-06, for the repair, mill and resurface of South Seymour Road between Miller and Hill Roads; and

Whereas, funding for such repair was approved and design engineering appropriated and approved by the City on January 8, 2007, Swartz Creek Resolution No: 070108-04; and

Whereas, Federal and State Funding is limited to motorized or non-motorized surfaces, such funding prohibited for use on parking surfaces; and

Whereas, the surface volume along Seymour Road between Miller and Hill is approximately one-third parking due to one outside northbound lane restricted for such use; and

Whereas, in consultation with the City staff and consulting engineers, it is deemed advisable to eliminate such parking along Seymour Road and design the roadway for a single twelve foot lane in each direction, with two six foot bicycle lanes on the outside in each direction, and further, such design would serve the purpose of extending the City's proposed non-motorized trail and bicycle lane system.

Now, Be It Resolved that the City of Swartz Creek eliminate all parking along Seymour Road between Miller and Hill, effective upon the initiation of the repair, mill and resurface, and further, hereby direct the City Manager and the City's Consulting Engineer to cause the design of Seymour between Miller and Hill to be one northbound lane, one southbound lane and six foot approximate bicycle lanes on the outside northbound and outside southbound lanes.

Discussion ensued.

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

NO: None. Motion declared carried.

Senior Center Levy and Building Plan

Resolution No. 070226-07

(Carried)

Motion by Councilmember Porath,
Second Councilmember Hurt,

WHEREAS, the Swartz Creek Area Senior Citizens Center has been in operation since 1980, incorporated since 1982 as a public not for profit IRS 501(c)(3) entity, serving a regional area defined as the Swartz Creek School District boundaries consisting of significant portions of four Townships; Gaines, Clayton, Mundy and Flint, and the Village's of Gaines, Lennon and City's of Swartz Creek and a small portion of Flint; and

WHEREAS, operational and activities funding through the 1980's and 1990's was primarily based on private donation revenues with City funded housing and associated expenses; and

WHEREAS, a signatory effort containing 697 validated voter signatures, asking for a ballot request of 0.5 mills for services, programs and operational costs, for a period of ten years, for the voters of the City of Swartz Creek, was presented to the City Council on August 14, 2000. The City Council voted to place the request before the voters at the General Election of November 7, 2000, the electorate of the City approving the request with the first collection in July, 2001; and

WHEREAS, a contract between the City and the Swartz Creek Area Senior Citizens was executed detailing terms and conditions for the collection, distribution and expense of publicly collected tax levies; and

WHEREAS, the Swartz Creek Area Senior Citizens have determined the need and desire to expand or reconstruct their facilities due to continued and anticipated membership growth, and further, have drawn conceptual plans for additions to the existing building as well as reconstruction of a new building, however, the organization lacks funding to implement any such plan due to limitation on use of the funds collected on the City's 0.5 mill levy as well as a sunset of 2011 for long term funding; and

WHEREAS, the Swartz Creek Area Senior Citizens Board has been diligent in their expenses and have saved an equivalent of approximately three years operating funds to use towards the purchase of outfitting a building, if a revenue source can be found to fund either a capital improvement project for the existing building or the construction of a new facility; and

WHEREAS, a cooperative effort from the 15 Senior Centers across the County resulted in the Genesee County Board of Commissioners initiating a ballot question on the August 8, 2006 Primary Election authorizing a county-wide levy of 0.7 mills, Voters approved the request and it is anticipated that each Senior Center will receive \$150,000 to \$200,000 annually for operational expenses. Further, it is anticipated that funds from the County collection, amounting to an estimated \$7.8 million, will be prohibited for use on capital improvements.

WHEREAS, on October 23, 2006, the City of Swartz Creek was presented with a signatory effort endorsed by 685 valid elector's requesting that the City Council rescind the 0.5 mill Swartz Creek Levy, citing the County's 0.7 mill levy replaces the City's levy and that taxpayers within the City should not bear the burden of paying 1.2 mills for services that the rest of the County pays 0.7 mills for; and

WHEREAS, the City Staff has crafted a plan that would address all concerns and is desirous of an initial commitment by the City Council to seek solutions.

NOW, THEREFORE, BE IT RESOLVED that the City of Swartz Creek

1. Will not seek to Levy the 0.5 Mills for the summer collection of 2007, citing the operational replacement by the County's 0.7 mill levy and the unencumbered unreserved, 2-3 year fund balance of the Swartz Creek Senior Citizens.
2. Directs the City Attorney to prepare ballot language for placement on the August 2007 election, such language looking to ask the voters if in light of the 0.7 mill County Levy, do they wish to continue to Levy 0.5 mills from a City collection, and if so, its purpose would be to construct a new center, and further, bring the proposed ballot question back to the City Council for review and determination.
3. Directs the City Manager to continue efforts with the School District to acquire property to construct a stand alone Senior Center in the event that the City's ballot question passes. The City Council understands that the School District has entered into a three year purchase agreement for the Gateway Property. If the school millage defeats over three years and the Sr. millage passes, the City will look to acquire land and construct elsewhere. If the City ballot question defeats, then the City will discontinue further efforts to make any capital improvements for the Swartz Creek Area Senior Citizens.
4. Will continue to fund Senior Center building operational and maintenance costs, so long as it is economically feasible and no essential City services are, or are anticipated to be reduced due to budgetary constraints.

Considerable discussion ensued.

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

NO: None. Motion declared carried.

Park Fee Waiver Request – Flint Rock and Gem Club

Resolution No. 070226-08

(Carried)

Motion by Councilmember Shumaker,
Second by Councilmember Hurt,

The City of Swartz Creek waives fees associated with the use of Elms Road Park Pavilion #2 for the Flint Rock and Gem Club, a Michigan not-for-profit entity, Tax ID #38-2173019, for Saturday, August 25, 2007, from 9:00 a.m. to 5:00 p.m., for the purpose of holding their second annual rock-swap.

Discussion took place.

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

NO: None. Motion declared carried.

Appropriation and Participation – Genesee Recycling Coalition

Resolution No. 070226-09

(Carried)

Motion by Councilmember Shumaker,
Second by Councilmember Hurt,

The City of Swartz Creek appropriates an amount not to exceed \$750 to the Genesee County Area Recycling Coalition, a county-wide effort that collects household hazardous waste items, funds to be apportioned at the discretion of the Finance Director, 226 Fund.

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

Lease Addendum and Re-Assignment – Swartz Ambulance Location

Resolution No. 070226-10

(Carried)

Motion by Councilmember Hicks,
Second by Councilmember Hurt,

The City of Swartz Creek approves an addendum to the Lease Agreement between the City of Swartz Creek and M & N Humanities, dated December 29, 2005, allowing for:

- 1. Change in premise from 5304 Miller Road to 5438 Miller Road.
- 2. Change in Lessor, from M & N Humanities to Khalil Nemer

a copy of which is attached hereto. All other terms of the agreement shall remain as stated in the Lease.

Discussion ensued.

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

Appropriation – Miller/Elms Roundabout Concept, Property Acquisition

Resolution No. 070226-11

(amended by 070226-12)

Motion by Councilmember Hurt,
Second by Councilmember Porath,

The City of Swartz Creek appropriates an amount not to exceed \$3,000 to Cook Prey & Hanson of Flint, for the purpose of appraising a portion of a parcel of property located adjacent to the right of way and southeast of the corner of Miller & Elms, property in the conceptual planning process for use as a roundabout intersection at Miller & Elms, funds to be posted in 202 Fund Balance.

Discussion took place.

Resolution No. 070226-12

(Carried)

Motion by Councilmember Hurt,
Second by Councilmember Shumaker,

The City of Swartz Creek hereby amends the above Resolution No. 070226-11 by the addition of *and/or Rowe, Inc.* after "...Cook Prey & Hanson of Flint..."

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

NO: None. Motion declared carried.

Resolution No. 070226-11

(Carried as amended by 070226-12)

Motion by Councilmember Hurt,
Second by Councilmember Porath,

The City of Swartz Creek appropriates an amount not to exceed \$3,000 to Cook Prey & Hanson of Flint and/or Rowe, Inc., for the purpose of appraising a portion of a parcel of property located adjacent to the right of way and southeast of the corner of Miller & Elms, property in the conceptual planning process for use as a roundabout intersection at Miller & Elms, funds to be posted in 202 Fund Balance.

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

NO: None. Motion declared carried.

MEETING OPENED TO THE PUBLIC:

Lloyd Swan, 9340 Miller Road in Clayton Township, thanked Swartz Creek for sending them a copy of the City's new sign ordinance, and hoped his Planning Commission could benefit from it while endeavoring to develop their own ordinance. Mr. Swan also spoke regarding meetings he attended at the County regarding their senior levy, and believed areas who have already been supplying senior services, such as Swartz Creek, should not be penalized.

Jim Florence, 4296 Springbrook Drive, advised the Swartz Creek Senior Board last April met with Council and subsequently with the townships regarding services and building needs. He noted at these meetings the Senior Board explained the necessity for the local units to acquire funds from the County for state equalized values of their properties in order to support the Swartz Creek Senior Center. Mr. Florence noted the Center cannot continue to service the community and surrounding area with the money they are currently going to receive from the County without continuance of the local levy.

REMARKS BY COUNCILMEMBERS:

Councilmember Hicks inquired and Mr. Florence confirmed the Senior Board would like to continue both the .7 County and .5 City millages, and the circumstances surrounding the petitions and proposed ballot issue.

Councilmember Porath spoke regarding possible payment of sewer and water bills on line, and City Manager Bueche advised he will research the matter and report back. Councilmember Porath further stated all parties should go before the County Board to assert the communities' right to get their fair share of the County senior levy.

Mayor Pro-Tem Christie stated the City has been patient long enough, and should go forth with making the owners clean up the old Marathon station property. City Manager Bueche advised it was his preference the site be razed, but he suspected they might just be able to get them to remove the old pumps.

Mayor Abrams noted he and Assistant Manager Zettel attended the cable franchise meeting, and he regretfully advised local municipalities have lost any enforcement or policing ability due to action by the state legislature. Mayor Abrams stated a street sign is needed at Norbury and Durwood. He also advised today he attended the funeral of Jerry Smithwick's mother, and hoped Council would send a card of condolence. It was noted Jerry's Tree Service has done a lot of work for the City, as well as making donations. Regarding the senior millages, Mayor Abrams stated his belief that it is unfair that Swartz Creek property owners pay 1.2 mills while the rest of the municipalities get the same service for .7 mills.

ADJOURNMENT:

Resolution No. 070226-13

(Carried)

Motion by Councilperson Hicks,
Second by Councilmember Porath,

the meeting be adjourned.

Unanimous voice vote.

The meeting adjourned at 9:02 p.m.

Richard B. Abrams, Mayor

Mary Jo Clark, Clerk