

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

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, Shumaker.

Councilmen Absent: Adams, Porath.

Staff Present: City Manager Bueche, City Clerk Aguilar, Attorney Gildner, and Engineer Fleury.

Others Present: Boots Abrams, Tommy Butler, John Gilbert, Terry O'Brien, Jim Florence, Ron Schultz, and Robin Widgery.

Resolution No. 070709-01 **(Carried)**

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

The Swartz Creek City Council excuses the absence of Councilmember Adams due to continued recovery from a recent accident.

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

Resolution No. 070709-02 **(Carried)**

Motion by Councilmember Hurt,
Second by Councilmember Shumaker,

The Swartz Creek City Council excuses the absence of Councilmember Porath due to a work conflict.

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

APPROVAL OF PREVIOUS COUNCIL MINUTES:

Resolution No. 070709-03 **(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 June 25, 2007, with the correction under REMARKS BY COUNCILMEMBERS, first paragraph, second sentence, of changing "nash" to "mesh", then to be circulated and placed on file.

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

NO: None. Motion declared carried.

APPROVAL OF AGENDA:

Resolution No. 070709-04

(Carried)

Motion by Councilmember Shumaker,
Second by Councilmember Hurt,

The Swartz Creek City Council approves the agenda for the Regular Council Meeting of July 9, 2007, with the addition of item 8E, Consumers Energy Resolution and Authorization for Change, then to be circulated and placed on file.

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

NO: None. Motion declared carried.

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 070709-05

(Carried)

Motion by Councilmember Hicks,
Second by Councilmember Shumaker,

The Swartz Creek City Council approves the City Manager's Report of July 9, 2007, to be circulated and placed on file.

Discussion took place.

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

NO: None. Motion declared carried.

After considerable discussion all other reports and communications were accepted and placed on file.

MEETING OPENED TO THE PUBLIC:

Mayor Abrams introduced Mr. Robin Widgery. Dr. Widgery gave a presentation on the recently completed fourth in a series study of Flint Area Quality of Life. He noted this is a comparison of all of Genesee County which began in 1978.

COUNCIL BUSINESS:

Retiree Health Care

Resolution No. 070709-06

(Carried)

Motion by Councilmember Hurt,
Second by Councilmember Shumaker,

WHEREAS, the City of Swartz Creek has eleven retired employees that may be eligible to collect some form of contractual benefits as a result of various contracts; and

WHEREAS, the City’s retired employees have gone out under several different contracts that provide for a variety of defined provider benefits that are obsolete or have changed making them impractical to implement, administrate or are unavailable; and

WHEREAS, the City has appointed a benefits broker that has reviewed each retiree’s circumstances and determined provider packages that will provide a reasonable post retirement health care package; and

WHEREAS, the City desires to provide such assistance to retirees provided it can be done so economically with predicted costs and does not compromise services the City provides to its residents.

NOW, THEREFORE, BE IT RESOLVED, that the City Council directs the City Manager and the City Attorney to prepare individual agreements with those retirees that may be candidates to collect post retirement medical benefits under expired labor agreements, agreements to substantially correspond to the specific contracts to which the retiree retired under, and bring the agreements back to the City Council for final approval.

Discussion ensued.

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

NO: None. Motion declared carried.

Adopt Regulatory Fence Ordinance

Resolution No. 070709-07

(Carried)

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

The City of Swartz Creek adopts an ordinance to amend Chapter 4 of the Code of Ordinances of the City of Swartz Creek to add thereto a new Article regulating fences and hedges, as follows:

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Amendment of Chapter 4.

Chapter 4 of the Code of Ordinances of the City of Swartz Creek is hereby amended to add thereto a new Article to read as follows:

Article III. Fences and Hedges.

Sec. 4-23. Fences and Hedges.

- (A) A fence is defined as any partition, structure or gate that is erected as a dividing marker, barrier or enclosure.
- (B) A hedge is defined any bush, shrub or any living green fence of any nature that serves as a dividing marker, barrier or enclosure.
- (C) Regulations.
 - 1. A fence or hedge shall not exceed six (6) feet in height on the rear or side lot line of any parcel;
 - 2. No fence or hedge shall extend towards the street beyond one (1) foot from the established right-of-way or lot line, nor shall any fence or hedge or portion thereof be erected in any area on or parallel to any side or rear lot line or right-of-way except that it shall be located a minimum of one (1) foot behind the inside edge of the established lot line or right-of-way.
 - 3. Front yard fences or hedges must be decorative and not exceed three (3) feet in height;
 - 4. No fence or hedge shall extend across property lines;
 - 5. The finished side of any fence shall face away from the property on which the fence is located;
 - 6. No portion of any fence shall be constructed with or contain barbed wire, electric current or charge of electricity, glass, spikes or other sharp protruding objects;
 - 7. Fences must be maintained so as not to endanger life or property. Any fence which, through lack of maintenance or type of construction which will obstruct vision so to create a hazard to vehicular traffic or pedestrians upon the public streets and/or sidewalks shall be deemed a nuisance.
 - 8. Fences shall not be constructed, in whole or in part, with any of the following materials:
 - (a) tires
 - (b) used metal

- (c) pallets
- (d) junk or other debris
- (e) scrap building materials
- (f) other materials which may be deemed unsafe to person or property by the Zoning Administrator or Building Official.

9. No hedge shall be constructed with noxious weeds or grasses, as defined by PA 359 of 1941, being MCL 247.62.

(D) The Zoning Administrator or Building Official may require removal, reconstruction, or repair of any fence or wall which, in their judgment is dilapidated, unsafe, or a threat to the health, safety and welfare of the residents of the City of Swartz Creek.

Section 2. Penalty.

Any person who violates this ordinance shall be responsible for a municipal civil infraction.

Section 3. Effective date.

This Ordinance shall take effect on August 24, 2007

Discussion took place.

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

NO: None. Motion declared carried.

Appropriation – MTT Appeal, Parcel No. 58-32-100-004

Resolution No. 070709-08

(Carried)

Motion by Councilmember Shumaker,
Second by Councilmember Hurt,

The City of Swartz Creek joins with the Township of Flint for a Michigan Tax Tribunal appeal hearing, Parcel No. 58-32-100-004, Genesee Valley Meadows Golf Course, said parcel lying partially in the City and partially in the Township, and further, appropriates an amount not to exceed \$4,000, the City's one-half share of an in-depth analysis and appraisal, to be used as evidence in defense of the City's assessment.

Discussion ensued.

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

NO: None. Motion declared carried.

Third District Council Seat

Discussion took place as to Councilmember Porath's situation regarding his Third District Council seat. It was the consensus of those present that it would be handled individually at each meeting until such time as repercussions or feedback from his constituents takes place. Councilmember Hurt suggested, if it wouldn't be too much of a burden, that Councilmember Porath contact the Mayor or City Manager before each meeting to advise whether he'll be able to attend. City Manager Bueche noted he talks to Councilmember Porath frequently regarding situations in his District and for him to keep up to date, so he didn't see this as a problem.

Consumers Energy Resolution and Authorization for Change

Resolution No. 070709-09

(Carried)

Motion by Councilmember Hurt,
Second by Councilmember Shumaker,

The Swartz Creek City Council approves the addendum to the Street Lighting Contract between the City and Consumers Energy, dated January 1, 1973, allowing for the removal of one (1) overhead street light from the intersection of Fairchild and Miller Roads, to facilitate installation of the safety traffic signal at this intersection, and further, directs the Mayor and City Clerk to execute the addendum on behalf of the City.

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

NO: None. Motion declared carried.

MEETING OPENED TO THE PUBLIC:

None.

REMARKS BY COUNCILMEMBERS:

Councilmember Hurt stated he is not interested in hearing from County Road Commission Director Daly regarding a reconsideration of a shared cost plan for repair of the Raubinger Road Bridge.

Councilmember Hicks was in agreement with Councilmember Hurt regarding the bridge. She inquired regarding the Farmers Market last Sunday, and was told it went well. City Manager Bueche stated Adam Zettel has done all the work on this project.

Councilmember Shumaker expressed concern regarding the possible advent of permanent or temporary garages consisting of aluminum frames and plastic/canvas overlay, and hoped they would not be allowed under the City's Zoning Ordinance. City Manager Bueche did not think they are permitted, but would look into the matter. Regarding the old Marathon station, Councilmember Shumaker questioned whether the City could seek redress regarding the ground not being capped off after the existing tanks were installed. City Manager Bueche noted the City's attorney would be examining the City's authority as to abandoned buildings.

Mayor Pro-Tem Christie advised vehicles are still parking on the grass at Elms Road Park, especially by the tennis courts, and thought they should be asked to move. He stated conformity regarding digital signs should be imposed. City Manager Bueche advised City staff is aware of the problems, and will be taking steps to encourage accord. Mayor Pro-Tem Christie expressed some skepticism whether one person speaks for the majority, and that the majority wants to relinquish a \$500,000 resurfacing grant in order to keep parking as it presently exists.

Mayor Abrams noted former City employee Laurie Wickes' father had passed away. He advised some residents had brought it to his attention that the Pledge of Allegiance in the Historical Society Museum leaves out "...one nation under God...", noting this would be looked into. Mayor Abrams inquired whether the signal lights at Miller and Fairchild are in alignment. City Manager Bueche explained accommodation has been made for the larger vehicles (buses) that will be turning, and it will be evident they are lined up when the signals are operational. Regarding the signals, City Manager Bueche explained why City staff has a problem with the proposed location of the control box. In conclusion, Mayor Abrams wished Mayor Pro-Tem Christie happy birthday.

EXECUTIVE SESSION:

Resolution No. 070709-10

(Carried)

Motion by Councilmember Hurt,
Second by Councilmember Hicks,

The Swartz Creek City Council, at the request of the City Manager, enters into executive session for the purpose of considering the purchase or lease of City property.

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

NO: None. Motion declared carried.

The Mayor declared Council in Executive Session at 9:08 p.m. Executive Session ended at 9:20 p.m.

ADJOURNMENT:

There being no objections, Mayor Abrams adjourned the meeting at 9:22 p.m.

Richard B. Abrams, Mayor

Juanita Aguilar, City Clerk