

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 06/25/07**

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 Figura.

Others Present: Boots Abrams, Bud Grimes, Steve Shumaker, Betty Binder, Tommy Butler, Bob Plumb, John Gilbert, Robyn Rosenthal, Jim Florence, Ron Schultz, Jill Christie, Terry O'Brien, Kenn Keyes, Evelyn Keyes, Lou Fleury.

APPROVAL OF PREVIOUS COUNCIL MINUTES:

Resolution No. 070625-01

(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 June 11, 2007, to be circulated and placed on file.

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

NO: None. Motion declared carried.

APPROVAL OF AGENDA:

Resolution No. 070625-02

(Carried)

Motion by Councilmember Shumaker,
Second by Councilmember Hurt,

The Swartz Creek City Council approves the agenda as presented and printed, for the Regular Council Meeting of June 25, 2007, 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. 070625-03

(Carried)

Motion by Councilmember Hicks,
Second by Councilmember Hurt,

The Swartz Creek City Council approves the City Manager's Report of June 25, 2007, to be circulated and placed on file.

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

NO: None. Motion declared carried.

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

MEETING OPENED TO THE PUBLIC:

John Gilbert questioned the Elms Road School parking issue when there are ball games taking place. He spoke of how on more than one occasion he has seen either a child run into the road or a car door be opened as traffic drives by. City Manager Bueche informed Mr. Gilbert that he would contact the county since they have jurisdiction over that area of road and inform them of the problem. Mr. Gilbert also spoke on another issue at the entrance into Springbrook East and how there is no crosswalk. Mr. Bueche responded that he would look into it.

COUNCIL BUSINESS:

Appoint City Clerk

Resolution No. 070625-4

(Carried)

Motion by Councilmember Hurt,
Second by Councilmember Christie,

The Swartz Creek City Council accept the recommendation of the City Manager and appoint Juanita Aguilar as City Clerk, effective immediately.

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

NO: None. Motion declared carried.

Discussion took place.

At this point, Mayor Abrams asked Council if a break in the meeting could be allowed to introduce Eagle Scout Rodney Crowe. With Council's approval, Mr. Rick Henry introduced Rodney Crowe and outlined Mr. Crowe's achievements in relation to the Veteran's Memorial project. Mr. Crowe at this time has volunteered numerous hours of

work on an extensive landscaping project as well as collected several contributions in the form of both donations as well as memorial brick purchases to aide in the construction of the Memorial Park.

Appoint City Finance Director

Resolution No. 070625-5

(Carried)

Motion by Councilmember Christie,
Second by Councilmember Hurt,

The Swartz Creek City Council accept the recommendation of the City Manager and appoint Mary Jo Clark as City Finance Director, effective immediately.

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

Appoint City Treasurer

Resolution No. 070625-6

(Carried)

Motion by Councilmember Shumaker,
Second by Councilmember Hurt,

The Swartz Creek City Council accept the recommendation of the City Manager and appoint DeAnna Korth as City Treasurer, effective immediately.

Discussion ensued.

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

Addendum, 2003-2009 Supervisor's Contract

Resolution No. 070625-7

(Carried)

Motion by Councilmember Hicks,
Second by Councilmember Hurt,

The City of Swartz Creek approve an addendum to the 2003-2009 Labor Agreement with the Swartz Creek Supervisor's Association, a copy of

which is attached hereto, and further, direct 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.

Appropriation & Renewal, Property & Liability Insurance

Resolution No. 070625-8

(Carried)

Motion by Councilmember Hurt,
Second by Councilmember Christie,

The City of Swartz Creek approve the renewal of the Liability & Property Pool Insurance Policy, number MML001107817, with the Michigan Municipal League, Meadowbrook Insurance Company, liability maximum of \$10,000,000; and, further, appropriate a total amount of \$74,933 for payment of premiums for July 1, 2007 through June 30, 2008, funds to be appropriated from 101, 590, 591, and 661, in accordance with the cost distribution schedule as apportioned by fund by the Michigan Municipal League and Meadowbrook Insurance Company.

Discussion took place.

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

Bid Award, Sidewalk, & Approach Drive

Resolution No. 070625-9

(Carried)

Motion by Councilmember Christie,
Second by Councilmember Hurt,

The City of Swartz Creek accept the low bid of \$5.15 per square foot for 6" depth, and \$4.20 per square foot for 4" depth, and award the contract for city sidewalk repair to Badgley Construction of Swartz Creek, and further, authorize the City Manager to enter into a contractor's agreement for the work.

Discussion ensued.

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

Adopt Regulatory Fence Ordinance

Resolution No. 070625-10

(Motion withdrawn)

Motion by Councilmember Shumaker,
Second by Council Member Christie,

The City of Swartz Creek adopt 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 two (2) feet from the established lot line, nor shall any fence or hedge or portion thereof be erected in any area on or parallel to the lot line except that it shall be located a minimum of two (2) feet behind the inside edge of the established sidewalk line;
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 10, 2007

Voting for:
Voting against:
Absent:

The Mayor declared the ordinance adopted.

Richard Abrams
Mayor

Juanita Aguilar
City Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance No. 398 which was enacted by the Swartz Creek City Council at a regular meeting held on the 25TH day of June 2007.

Publish Date:

Juanita Aguilar
City Clerk

Paper: The Swartz Creek News
Effective Date: August 10, 2007

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

After considerable discussion, the original motion (070625-8G) was withdrawn and the original issues will be discussed at the next regular meeting.

M.T.T Tax Appeal, Parcel # 58-32-100-004 Genesee Valley Golf

Resolution No. 070625-11

(Carried as amended by 070625-812)

Motion by Councilmember Hurt,
Second by Councilmember Christie,

The City of Swartz Creek join with the Township of Flint for a Michigan Tax Tribunal appeal hearing, parcel #58-32-100-004, Genesee Valley Meadows Golf Course, said parcel lying partially in the City and partially in the Township, and further, agree to split the cost of an in-depth analysis to be used as evidence in defense of the City's assessment.

Discussion took place.

Resolution No. 070625-12

(Carried)

Motion by Councilmember Hurt,
Second by Councilmember Christie,

The City of Swartz Creek amends Resolution No. 070625-8H by outlining the split of the cost to be 50-50 with Flint Township.

Discussion ensued.

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

ROLL CALL ON RESOLUTION 070625-11

(AS AMENDED BY 070625-12)

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

Plan Amendment, Genesee County Brownfield Redevelopment Authority

Resolution No. 070625-13

(Carried)

Motion by Councilmember Hicks,
Second by Councilmember Hurt,

WHEREAS, the Genesee County Board of Commissioners, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has established the Genesee County Brownfield Redevelopment Authority ("GCBRA") to facilitate the cleanup and redevelopment of Brownfields within Genesee County's Communities; and

WHEREAS, a Brownfield redevelopment plan for the Genesee County Land Bank Authority Redevelopment Project (the "Plan") was approved by a resolution of the County Board of Commissioners on December 14, 2004 and was amended by a resolution of the County Board of Commissioners on February 21, 2006; and

WHEREAS, additional amendments (the "Additional Amendments") to the Plan have been proposed to restore the environmental and economic viability of additional tax foreclosed and underutilized Property acquired by the Land Bank Authority; and

WHEREAS, no additional properties located within the City of Swartz Creek will be included in the Additional Amendments; and

WHEREAS, the GCBRA, pursuant to and in accordance with Section 13 of the Act, has determined that the Additional Amendments meet the requirements of Section 13 of the Act and has recommended that the Genesee County Board of Commissioners approve the Additional Amendments to the Plan to be carried out within Genesee County relating to the redevelopment of the Property; and

WHEREAS, the GCBRA has determined that the proposed method of financing of the eligible activities set forth in the Additional Amendments is feasible and that the GCBRA has the ability to arrange any and all financing set forth in the Additional Amendments; and

WHEREAS, the GCBRA has determined that the projected costs of the eligible activities set forth in the Additional Amendments are reasonable and necessary to carry out the purposes of the Act; and

WHEREAS, the GCBRA has determined that the amount of captured taxable value estimated to result from the adoption of the Additional Amendments is reasonable;

WHEREAS, the City of Swartz Creek City Council has been provided with a copy of the Additional Amendments to the Plan, has had an opportunity to review said Additional Amendments and concurs with the determinations made by the GCBRA; and

WHEREAS, following appropriate notice to the public, the City of Swartz Creek City Council considered the Additional Amendments during a regular meeting on June 25, 2007 at 7:00 p.m. in the Council Chambers.

NOW, THEREFORE, BE IT RESOLVED, the City Council having previously concurred with the Plan hereby concurs with the Additional Amendments.

BE IT FURTHER RESOLVED, that the City Council hereby consent to the approval of the Additional Amendments by the Genesee County Board of Commissioners and the implementation of the Additional Amendments by the GCBRA.

BE IT FURTHER RESOLVED, that should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part declared to be invalid.

BE IT FURTHER RESOLVED, that all resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

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

NO: None. Motion declared carried.

2007-2008 Senior Center Budget

Resolution No. 070625-14

(Carried)

Motion by Councilmember Christie,
Second by Councilmember Hurt,

The City of Swartz Creek accept and place on file, the 2007-2008 Sr. Center Budget, a copy of which is attached hereto.

YES: Abrams, Christie, Hicks, Hurt, Shumaker

NO: None. Motion declared carried.

Quality of Life Study

City Manager Bueche discussed with Councilmembers a presentation given by Dr. Widgery a few years back regarding a Quality of Life Study taking place throughout Genesee County. At this time, Dr. Widgery is updating the twenty-five year study in five year increments and within that process he has a collected data from this area and for a fee of \$5,000.00 will take a look at just the City. Mr. Bueche expressed concern regarding the fee and the selection of the households, and recommends the Council not take part.

Further discussion took place.

Seymour Road TIP, Parking Lane

City Manager Bueche discussed the fees associated with the project and how the costs are higher than expected. He suggested that city staff and some councilmembers set up a meeting with the residents involved and MDOT to discuss issues and corresponding solutions. Mr. Bueche spoke of other options in relation to allowing the work to be done which included the establishment of a special assessment district in the area designated for construction, or to walk away from the project, which he would

prefer to not see. His final recommendation was to hold a 'town meeting' to discuss issues as well as bring them in for a final formal council meeting.

Further discussion ensued.

MEETING OPENED TO THE PUBLIC:

Tommy Butler expressed concern regarding a curb on Seymour Road south of Miller. City Manager Bueche informed him that that particular curb would be included in the aforementioned project.

REMARKS BY COUNCILMEMBERS:

Councilmember Shumaker spoke on being pleased with Flint Township regarding the previously spoken tax issue. He also spoke on a black mesh overlay used in construction areas in other counties and asked if it was something the City should look into.

Mayor Abrams spoke on his agreement with Chief Clolinger in that no left turn should be allowed from Paul Fortino Dr. onto Miller Rd. with Mr. Bueche responding he would have the city engineers look into it. Mayor Abrams also questioned the parking lots of a couple businesses throughout the city. He also spoke on the absence of Councilmember Porath and expressed concern for an elongated absence.

ADJOURNMENT:

There being no objections, Mayor Abrams adjourned the meeting at 8:20 p.m.

Richard B. Abrams, Mayor

Juanita Aguilar, City Clerk