

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 10/22/2007**

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: Mayor Abrams, Adams, Mayor Pro-Tem Christie, Hicks, Hurt, Porath, Shumaker.

Councilmen Absent: None.

Staff Present: City Manager Bueche, Deputy City Clerk Korth, Attorney Delzer.

Others Present: Bob Plumb, Boots Abrams, Robyn Rosenthal, Steve Shumaker.

APPROVAL OF PREVIOUS COUNCIL MINUTES:

Resolution No. 071022-01 (Carried)

Motion by Councilmember Porath
Second by Councilmember Shumaker

The Swartz Creek City Council hereby approves the Minutes of the Regular Council Meeting held October 8, 2007, to be circulated and placed on file.

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

APPROVAL OF AGENDA:

Mayor Abrams stated that another resolution will be added, Item 8G, Appropriation Fire Dept. Evaluation, which is an amendment to two different resolutions.

Resolution No. 071022-02 (Carried)

Motion by Mayor Pro-Tem Christie
Second by Councilmember Hicks

The Swartz Creek City Council approves the agenda, as amended, for the Regular Council Meeting of October 22, 2007, then to be circulated and placed on file.

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

NO: None. Motion declared carried.

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 071022-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

The Swartz Creek City Council approves the City Manager's Report of October 22, 2007, to be circulated and placed on file.

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

NO: None. Motion declared carried.

Councilmember Hurt expressed concern over item 6Q, letter about right turn on red, Miller Rd. and Morrish Rd. intersection.

Councilmember Shumaker had concerns on the issue and traffic standards.

Mayor Abrams commented on item 6L, MAP Correspondence, Pending Land Use Legislation, the section on commerce centers. The Mayor spoke to the strictness of the Legislation and whether or not it would rule out a lot of communities.

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

MEETING OPENED TO THE PUBLIC:

Mayor Abrams recognized Attorney Bill Delzer, who was sitting in for Mr. Figura.

Steve Shumaker, 4084 Jennie Lane, spoke on the joint administrative board for the fire department. Mayor Abrams corrected the statute that Mr. Shumaker should have been referencing and deferred to City Manager Bueche for the specifics of the statute.

COUNCIL BUSINESS:

Appointment, Downtown Development Authority

Resolution No. 071022-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the Swartz Creek City Council concur with the Mayor’s appointment of Richard Mattson, of 9251 West Hill Road, to the balance of the Downtown Development Authority term vacated by the passing of Al Asta, term to run effective October 22, 2007 through March 31, 2008.

Discussion ensued.

YES: Hurt, Porath, Shumaker, Abrams, Adams, Christie, Hicks
NO: None. Motion Declared Carried.

Re-Appointment, Zoning Board of Appeals

Resolution No. 071022-05 **(Carried)**

Motion by Councilmember Adams
Second by Councilmember Shumaker

I Move the Swartz Creek City Council, upon recommendation of the Mayor and Staff, re-appoint Ronald Schultz to the Zoning Board of Appeals, for a three-year term to run November 6, 2007 through November 3, 2010.

Discussion took place.

YES: Porath, Shumaker, Abrams, Adams, Christie, Hicks, Hurt
NO: None. Motion Declared Carried.

Re-Appointment, Zoning Board of Appeals

Resolution No. 071022-06 **(Carried)**

Motion by Councilmember Hurt
Second by Mayor Pro-Tem Christie

I Move the Swartz Creek City Council, upon recommendation of the Mayor and Staff, re-appoint James Packer to the Zoning Board of Appeals, for a three-year term to run November 6, 2007 through November 3, 2010.

Councilmember Porath spoke to the \$5 per meeting stipend received by the Zoning Board. He suggested that an alternate payment method be used, perhaps once a year. City Manager Bueche stated that he will check into it.

Discussion took place.

YES: Shumaker, Abrams, Adams, Christie, Hicks, Hurt, Porath
 NO: None. Motion Declared Carried.

Agreement to Extend Garbage Collection, Swartz Creek Estates

Resolution No. 071022-07

(Postponed)

Motion by Councilmember Porath
 Second by Councilmember Hurt

WHEREAS, the City is a municipal corporation that provides a variety of community services, including the collection of refuse, yard waste and recyclables under a contract with Republic Waste of Wayne Michigan; and

WHEREAS, the City funds its waste collection program with a levy set by the City Council, limited to a maximum of 3 mills, as defined by the Michigan Headlee Amendment, across all real and personal property tax rolls, such levy collected with the summer tax; and

WHEREAS, the City limits the collection of waste to single family residential parcels, or such parcels that substantially correspond to a single family residential parcel; and

WHEREAS, the City, under individual agreements, has extended its waste collection program to private subdivisions that were developed under the Michigan Condominium Association Act, provided, such associations substantially correspond to a single family or duplex residential development; and

WHEREAS, Swartz Creek Estates, a manufactured housing community to which a single housing unit is located on an individual lot, has formally requested to receive waste collection services and is willing to enter into an agreement with the City for such services; and

WHEREAS, the City staff has reviewed the request and determined that Swartz Creek Estates is substantially similar to other single-family residential parcels, or such parcels that substantially correspond to a single-family residential parcel or subdivision, inclusive of both private associations and platted subdivisions.

NOW, THEREFORE, BE IT RESOLVED that the City of Swartz Creek hereby extend its curbside waste collection program to Swartz Creek Estates, under an agreement to which a copy is attached hereto, in accordance with the terms of the

agreement the City has with its contracted waste collection provider, and further, direct the Mayor and City Clerk to execute the agreement with Swartz Creek Estates on behalf of the City.

Discussion ensued.

Motion by Councilmember Hurt to postpone resolution until Attorney Figura can render a legal opinion.
Second by Councilmember Hicks.

More discussion took place.

YES: Hicks, Hurt, Shumaker, Abrams
NO: Adams, Christie, Porath. Motion To Postpone Declared Carried.

Approval, Fire Department By-Laws Amendment

Resolution No. 071022-08 (Returned to Fire Board for Final Disposition)

Motion by Mayor Pro-Tem Christie
Second by Councilmember Adams

I Move the City of Swartz Creek approve the amendment of the by-laws of the Swartz Creek Area Fire Board, a copy of the amendments attached hereto.

Discussion took place.

Motion by Councilmember Hurt to postpone and refer to attorney.
No second—Motion Fails

Motion by Councilmember Hurt to return to Fire Board for final disposition
Second by Councilmember Adams.

More discussion ensued.

YES: Hicks, Hurt, Porath, Shumaker, Abrams, Adams, Christie
NO: None. Motion to Return to Fire Board Declared Carried.

Public Wireless Internet Access

Resolution No. 071022-09

(Carried)

Motion by Councilmember Shumaker
Second by Mayor Pro-Tem Christie

I Move the City of Swartz Creek approve the creation of a public wireless internet hotspot access point, located at City Hall, access point to be restricted to prevent the viewing and/or downloading of pornographic materials or the streaming of video, music, or use of peer to peer networks and ftp sites, other than the City's.

Discussion took place.

YES: Hurt, Porath, Shumaker, Abrams, Adams, Christie, Hicks
NO: None. Motion Declared Carried.

Appropriation, Fire Department Evaluation

Resolution No. 071022-10

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

WHEREAS, the Township of Clayton and the City of Swartz Creek provide fire services under a joint agreement extending through March 31, 2008 and have provided such services for more than 30 years; and

WHEREAS, the agreement establishes a fire board that oversees the operational activities of the Fire Department; and

WHEREAS, the agreement provides that the Fire Board recommend funding and service levels to the Township of Clayton and the City of Swartz Creek; and

WHEREAS, upon recommendation, the participating governmental entities, through negotiation followed by resolutions of the respective boards, establish funding levels for the fiscal year; and

WHEREAS, Fire Board requests for substantial increases in capital purchases and operating expenses have brought concern for the current and future needs and adequate level of services provided by the Fire Department; and

WHEREAS, the Township of Clayton and the City of Swartz Creek are charged with providing a variety of governmental services and determining both the funding mechanism and the adequacy for all such services; and

WHEREAS, both governmental entities need vital information such as comparative wage analysis, reasonable and adequate fire service levels, reasonable and adequate apparatus and equipment inventory, purchase and replacement for both

long and short term schedules, for the purpose of making qualified and responsible funding decisions to provide fire services for the municipalities; and

WHEREAS, the Township of Clayton and the City of Swartz Creek look to seek short and long term funding goals to stabilize the Fire Department and, in accomplishment of this, desire to work with the Fire Board to determine the effectiveness of the Fire Chief through evaluation, contract and consultant studies;

NOW THEREFORE, BE IT RESOLVED that the City of Swartz Creek, in conjunction with the Township of Clayton, place an immediate freeze on all non budgeted expenses, and further, hold all increases in fiscal year 2007 to a level not to exceed 2006 budgeted expenses, for the purpose of determining and/or accomplishing the following:

- A. Evaluate the effectiveness of the Fire Chief by use of consulting services, in conjunction and cooperation with the Fire Board, for recommendation to the Fire Board on the stabilization of command services and funding.
- B. Determine a reasonable and adequate level of fire service, inclusive of labor needs, as it pertains to funding and projections, by use of comparatives and consultant services.
- C. Determine adequate and competitive compensation and wage packages for all levels within the Fire Department, as it pertains to funding and projections, by use of comparatives and consultant services.
- D. Determine a reasonable and adequate equipment inventory and replacement schedule, as it pertains to funding and projections, by use of comparatives and consultant services.
- E. Determine a reasonable and adequate apparatus inventory and capital replacement schedule, as it pertains to funding and projections, by use of comparatives and consultant services.
- F. Evaluate and determine the effectiveness of mutual aid agreements and how they may serve to promote sharing of apparatus inventories and/or the reduction of capital investments, as it pertains to funding and projections, by use of comparatives and consultant services.

BE IT FURTHER RESOLVED that the City of Swartz Creek, in conjunction with the Township of Clayton, direct the City Manager to prepare and distribute a Request for Proposal to seek qualified firms to assist in determining solutions to the issues as presented within, and bring all such responses before the City Council for final determination and appropriation.

BE IT FURTHER RESOLVED that the City of Swartz Creek, in conjunction with the

Township of Clayton, direct the City Manager to present a copy of this resolution to the Swartz Creek Area Fire Board along with a request to appoint a Fire Board representative to work with the City Manager and Township Supervisor in the drafting, qualification determinations and return evaluation of proposals.

And

WHEREAS, the City of Swartz Creek adopted the following resolution on March 12, 2007:

WHEREAS, the City Manager and the Township Supervisor have interviewed two professional firms discussing two types of evaluations, a full Departmental Evaluation and a Service's Level with Wages and Capital Investment Program; and

WHEREAS, in review of proposals and interviews with the consultants from both firms, Rehmann-Robson Mr. Mark Nottley and TFC Enterprises, Mr. Thomas French, it was determined that the qualifications and experience of Mr. Nottley by far exceeds that of Mr. French for this type of evaluation; and

WHEREAS, after discussion and negotiation, the cost for a full evaluation is as follows:

Rehmann-Robson:	\$17,000 (not to exceed)
TFC Enterprises:	\$16,320 (capped @ 6 weeks) and

WHEREAS, Mr. Nottley strongly recommends and advises that a full evaluation is the proper and only way to proceed if we desire to ascertain a comprehensive report for making future decisions on all aspects of providing effective fire safety to the community; and

WHEREAS, the services supplied by both consultants are professional and specialized in nature, and therefore, allows for deviation from the City-Township typical and usual bid and/or purchasing practices and ordinances, and upon comparison, Mr. Nottley has unquestionable experience and it is believed that an impartial, accurate and fair analysis will be conducted.

NOW, THEREFORE, BE IT RESOLVED, that the City of Swartz Creek hereby approve the appointment of Mr. Mark Nottley of Rehmann-Robson, to conduct a full evaluation of the Fire Department, and to work with the City Manager, Township Supervisor and Fire Board Chairman, review, discussion and decision of implementation, and further, appropriate an amount not to exceed \$8,500, the City's half of the total amount of \$17,000, funds to be taken from general fund balance along with the appropriate budget amendments.

WHEREAS, billing for the evaluation is to be split between the City and the

Township on an equal basis and further, it would simplify the accounting to have a single municipality to be an invoice point.

NOW, THEREFORE, I move that Resolution No 060925-07 be amended to allow the City's Finance Director to pay invoices not to exceed \$17,000 to Rehman-Robson, and further, direct the City to recover 50% of the cost of the Fire Evaluation, not to exceed \$17,000, from the Township of Clayton.

Discussion took place.

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

MEETING OPENED TO THE PUBLIC:

Boots Abrams talked about the Fall decorations in the City. She said that they will do it again in December with the "Spirit of Christmas."

REMARKS BY COUNCILMEMBERS:

Councilmember Porath thanked everyone for their patience during his sabbatical. Mr. Porath talked about Swartz Creek Estates.

Councilmember Shumaker talked about working in the hazardous waste collection centers in Davison and Flint on October 6th. He remarked that it is a very good program. Mr. Shumaker stated that there are additional vehicles parked on Miller Rd near Seymour. Mr. Shumaker stated that some vehicles, including construction equipment that was in unsightly places, have been removed and commends Asst. City Manager Adam Zettel for working on that. Mr. Shumaker spoke of the assessor's contract and resume that was mentioned in the City Manager's report. He felt that if contracts are not renewed, an advertisement should be placed for the combined position of building inspector/assessor. Mr. Shumaker was pleased to see Councilman Porath back. Mr. Shumaker thanks the City for their participation in the funeral of retired police Chief Ray Adams.

Councilmember Hicks talked about the garbage issue at Swartz Creek Estates. She feels that at this time the City has to continue to levy as it has in the past.

Councilmember Adams spoke of the Fire Board issue. He thinks the evaluation will be a good thing to provide clear direction for everyone. Mr. Adams referred to the Swartz Creek Estates garbage collection issue. He stated that he doesn't feel that it is right for the rest of the city to subsidize the Swartz Creek Estates garbage collection. Mr. Adams also thanked the City and everyone for their participation in his father's and his uncle's funerals.

Mayor Pro-Tem Christie thanked the Council for the by-law change on the Fire Board. He believes that everyone is doing an outstanding job on the Fire Board.

Mayor Abrams spoke of Chief Clolinger's appointment to the Fire Board, which was approved by all when it happened. Mayor Abrams talked about the dumpster by the memorial, which belongs to the bank. He believes that it looks terrible and wants it moved. Mayor Abrams said how pleased he was with the City Council and how they conduct themselves in contrast to some municipalities.

ADJOURNMENT:

There being no objection, Mayor Abrams declared the meeting adjourned at 8:45 p.m.

Richard B Abrams, Mayor

Deanna Korth, Deputy City Clerk