

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 11/23/2009**

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.

Councilmembers Present: Abrams, Binder, Hicks, Hurt, Krueger, Porath, Shumaker.

Councilmembers Absent: None.

Staff Present: City Manager Paul Bueche, City Clerk Juanita Aguilar, DPS Director Tom Svrcek, Assistant City Manager Adam Zettel.

Others Present: Boots Abrams, Sharon Klein, Lou Fleury, Linda Barber, Jim Florence, Linda Soper.

APPROVAL OF MINUTES

Resolution No. 091123-01 **(Carried)**

Motion by Mayor Pro-Tem Porath
Second by Councilmember Hurt

I Move the Swartz Creek City Council hereby approve the Minutes, as presented, for the Regular Council Meeting, held November 9, 2009, to be circulated and placed on file.

YES: Binder, Hicks, Hurt, Krueger, Porath, Shumaker, Abrams.
NO: None. Motion Declared Carried.

APPROVAL OF AGENDA

Resolution No. 091123-02 **(Carried)**

Motion by Councilmember Krueger
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the Agenda, as amended, for the Regular Council Meeting of November 23, 2009 to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager’s Report

Resolution No. 091123-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the City Manager’s Report of November 23, 2009, to be circulated and placed on file.

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

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

MEETING OPENED TO THE PUBLIC:

Jim Florence, 4296 Springbrook, gave an update on the status on the Senior Center. Mr. Florence stated that they are about a month behind schedule.

COUNCIL BUSINESS:

Home Foreclosure Solutions

(Presentation)

Linda Barber made a brief presentation on Home Foreclosure Solutions.

Public Needs Hearing-CDBG Allocation

(Public Hearing)

Assistant City Manager Adam Zettel made a brief presentation. Items discussed during the Public Hearing include:

- Demolition of Sunoco Station, Marathon Station, 5129 Morrish Rd. (blacksmith shop), or City-owned parcel on Morrish Road near Fortino.
- Elms to Heritage Trail.
- Public street lighting/streetscapes on Miller or Elms.
- Downtown streetscapes or entryway signage.
- Capital improvements of Senior Center/Library or Public Safety Building.
- Farmers Market improvements.
- Sidewalk improvements or additions.
- Street improvements, local streets or Miller Road.
- Tree plantings.
- Concealment of overhead utility wires downtown.
- Senior Center operating (15%).
- Improvements to the retaining walls and signs throughout the civic campus area.
- Restriping of the Senior Center parking lot.
- Business Incubator
- Art Guild

Discussion Took Place.

Adopt Ordinance #405, Flood Plain Development Management, Designation of Enforcement Agency

Resolution No. 091123-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

WHEREAS, the City of Swartz Creek Currently Participates in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, and reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community, and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the FEMA, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E. (This is to be included only if the FEMA has issued a FHBM for the community).
3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act”, Act No. 230 of the Public Acts of 1972, as amended (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G if adopted by the community)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas, as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

WHEREAS, by an emergency ordinance adoption action dated November 23, 2009, the City of Swartz Creek accepted the responsibility to administer, apply, and enforce the provisions of the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all construction within its community boundaries.

NOW THEREFORE, BE IT RESOLVED, to maintain eligibility and continued participation in the NFIP,

1. The City of Swartz Creek directs its designated enforcing agent for the construction code act, the Swartz Creek Zoning Administrator and Code Enforcement Officer, to administer, apply, and enforce the floodplain management regulations as contained in the state construction code (including Appendix G, if adopted) and to be consistent with those regulations by:
 - a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area and areas with potential flooding.
 - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
 - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, the construction code act enforcing agent shall implement the following applicable codes according to their terms:
 1. Floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.

2. Floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
 3. Appendix G of the current Michigan Building Code, if adopted.
- d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
 - e. Assisting in the delineation of flood hazard areas; providing information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintaining floodproofing and lowest floor construction records, cooperating with other officials, agencies, and persons for floodplain management.
 - f. Advising FEMA of any changes in community boundaries, including appropriate maps.
 - g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevations to which structures have been floodproofed.
2. The community assures the Federal Insurance Administrator that it intends to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to continue to participate in the program.
 3. The community further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

BE IT FURTHER RESOLVED, that the City of Swartz Creek enact Emergency Ordinance #405, an ordinance to designate an enforcing agency to discharge the responsibility of the City of Swartz Creek, located in Genesee County, and to designate regulated flood hazard areas, under the provisions of the State Construction Code Act, No. 230, of the Public Acts of 1972, as amended, ordinance as follows:

CITY OF SWARTZ CREEK

Ordinance No. 405

AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF THE CITY OF SWARTZ CREEK LOCATED IN GENESEE COUNTY, AND TO DESIGNATE REGULATED FLOOD HAZARD AREAS UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT, NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED.

The City of Swartz Creek Ordains:

Section 1. Agency Designated.

Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Zoning Administrator and the Building Official of the City of Swartz Creek is hereby designated as the enforcing agency to discharge the responsibility of

the City of Swartz Creek under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Swartz Creek assumes responsibility for the administration and enforcement of said Act through out the corporate limits of the community adopting this ordinance.

Section 2. Code Appendix Enforced.

Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the City of Swartz Creek.

Section 3. Designation of Regulated Flood Prone Hazard Areas.

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Genesee County, Michigan (All Jurisdictions) and dated September 25, 2009 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26049C0277D, 26049C0278D, 26049C0279D, 26049C0281D, and 26049C0283D and dated September 25, 2009 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

Section 4. Repeals.

Ordinance No. 404 and all ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. Emergency Ordinance; Effective Date.

This ordinance shall take effect immediately upon publication and adoption.

Moved: Councilmember Hicks
Second: Councilmember Hurt
Voting For: Krueger, Porath, Shumaker, Abrams, Binder, Hicks, Hurt.
Voting Against: None.
Absent: None.

The Mayor declared the ordinance adopted.

Richard B. Abrams, Mayor

Juanita Aguilar, City Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance No. 405 which was enacted by the Swartz Creek City Council at a regular meeting held on the 23rd day of November, 2009.

Juanita Aguilar
City Clerk

Publish Date: November 22, 2009
Paper: The Swartz Creek News
Effective Date: November 23, 2009

Discussion Took Place.

YES: Krueger, Porath, Shumaker, Abrams, Binder, Hicks, Hurt.
NO: None. Motion Declared Carried.

Part-Time Officer Wages

Resolution No. 091123-05

(Carried)

Motion by Councilmember Binder
Second by Councilmember Hurt

I Move the City of Swartz Creek approve the adjustment of wages for its at-will part time police officer employees, the base rate of pay to remain unchanged at \$14.00 per hour, adjustment to allow for overtime compensation at the rate of time and one-half for actual hours worked on the following holidays: New Years Day, July 4th, Labor Day, Thanksgiving, Friday after Thanksgiving, Christmas Eve, Christmas Day and New Years Eve.

Discussion Ensued.

YES: Porath, Shumaker, Abrams, Binder, Hicks, Hurt, Krueger.
NO: None. Motion Declared Carried.

2009-2012 Supervisors' Labor Agreement

Resolution No. 091123-06

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Krueger

I Move the City of Swartz Creek enter into an agreement with the Swartz Creek Supervisors' Association, a copy of which is attached hereto, term of the agreement to run July 1, 2009 through June 30, 2012, and further, direct the Mayor and City Clerk to execute the agreement on behalf of the City.

YES: Shumaker, Abrams, Binder, Hicks, Hurt, Krueger, Porath.
NO: None. Motion Declared Carried.

2011-2014 TIP Project Allocations

(Discussion Topic)

City Manager Bueche gave a brief presentation on TIP Project Allocations.

Utility Rates

(Discussion Topic)

Assistant City Manager Zettel spoke about the new recommended utility rates.

MEETING OPENED TO THE PUBLIC

None.

REMARKS BY COUNCILMEMBERS:

Councilmember Binder spoke about her trip to Washington D.C. to visit other Veteran's Memorials. Ms. Binder reminded everyone about the chili dinner on the 4th of December. Tickets are still available.

Councilmember Hicks spoke about County Board seats that need to be filled. Ms. Hicks questioned the stop lights in front of General Motors being fixed so that they do not change automatically when a car pulls up to it. City Manager Bueche stated that he is checking into it and he believes that lights there may no longer be necessary.

Councilmember Shumaker thanked the Mayor for speaking at the Veteran's Memorial for the Veteran's Day celebration.

Councilmember Krueger also thanked the Mayor for his Veteran's Day speech. Mr. Krueger spoke about the Metro Alliance meeting coming up.

Mayor Pro-Tem Porath spoke about possibly just removing the retaining walls that are in decay. Mr. Porath suggested that he would like to see the budget for the Senior Center.

Mayor Abrams stated that several people relayed to him the information that they think the Veteran's Memorial is great. Mr. Abrams spoke about Seymour Road south of Miller and stated that he believes some of the new curbs where they meet the new pavement are becoming cracked. Mr. Abrams stated that he believes that it may be due to the garbage trucks.

Councilmember Hicks questioned a lighted flagpole at Oakview and Greenleaf. Ms. Hicks stated that at night the light is directed so that it hits drivers in the eyes and asked if anything could be done about it.

ADJOURNMENT:

There being no objection, Mayor Abrams declared the meeting adjourned at 9:30 p.m.

Richard Abrams, Mayor

Juanita Aguilar, City Clerk