

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE COUNCIL MEETING  
DATE 09/28/2009**

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.

Others Present: Boots Abrams, Tommy Butler, Bob Plumb, Steve Shumaker, Gretchen Menard, Jim Liguori, Sharon Klein, Jo Holmquist, Al Warner.

The Friends of the Library sent cookies and a thank you note to the City Council and Administration for approving the resolution for them to use City Hall lobby for their book sales.

**APPROVAL OF MINUTES**

**Resolution No. 090928-01**

**(Carried)**

Motion by Mayor Pro-Tem Porath  
Second by Councilmember Binder

**I Move** the Swartz Creek City Council hereby approve the Minutes for the Regular Council Meeting, held September 14, 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. 090928-02**

**(Carried)**

Motion by Councilmember Krueger  
Second by Councilmember Shumaker

**I Move** the Swartz Creek City Council approve the Agenda, as amended, for the Regular Council Meeting of September 28, 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. 090928-03**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council approve the City Manager's Report of September 28, 2009, to be circulated and placed on file.

Discussion Ensued.

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 Ligouri, Precision Towing, wanted to talk to the Council about adopting a processing fee on all impounds to help generate money for the Police Department.

JoAnn Holmquist, 5373 Miller Road, addressed the Council about the road markings at Elms and Miller Road. Ms. Holmquist asked if there were plans to re-implement a right turn only lane there. City Manager Bueche advised that there are no plans to do that at this time.

**COUNCIL BUSINESS:**

**2008-2009 Senior Center Audit**

**Resolution No. 090928-04**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek receive and place on file the 2008-2009 Fiscal Audit for the Swartz Creek Area Senior Center.

Discussion Took Place.

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

**County WWS Agreement, Surface & Storm Water Management, Amendment II**

**Resolution No. 090928-05**

**(Carried)**

Motion by Councilmember Binder  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek enter into an agreement with the Genesee County Drain Commissioners' Office, for the management of surface and storm water, a copy of the agreement attached hereto, and further, direct the Mayor and City Clerk to execute the agreement on behalf of the City.

Discussion Took Place.

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

**Bid Award & Appropriation, Elms Park Pavilion Roof Repair**

**Resolution No. 090928-06**

**(Carried)**

Motion by Councilmember Hurt  
Second by Councilmember Krueger

**WHEREAS**, the Elms Park Main "Kiwanis" Pavilions' roof is in need of replacing;  
and

**WHEREAS**, the City has been unable to replace the roof due to fiscal constraints;  
and

**WHEREAS**, the Swartz Creek Kiwanis, having originally donated the pavilion, has offered to donate a substantial portion of the cost for the repair of the roof; and

**WHEREAS**, the project was bid, the low bidder being Qualified Remodeling of 9164 West Bristol Road, Swartz Creek, in the amount of \$3,850, Kiwanis offering to pay for \$2,850 of the cost of the roof replacement.

**NOW, THEREFORE, I Move** the City of Swartz Creek award the project to the low bidder, Qualified Remodeling, in an amount not to exceed \$3,850, and appropriate payment for the repair; and further, accept the donation of \$2,850 from the Swartz Creek Kiwanis towards the project.

Discussion Ensued.

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

**Independent Contractors' Agreement, Electrical Inspector**

**Resolution No. 090928-07**

**(Carried)**

Motion by Mayor Pro-Tem Porath  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek enter into an Independent Contractors' agreement with Leon Buning, 3157 West Dartmouth, Flint, for the purposes of performing Electrical Inspections and related services, a copy of which is attached hereto, and further, direct the Mayor and City Clerk to execute the agreement on behalf of the City.

Discussion Ensued.

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

**Independent Contractors' Agreement, Plumbing & Mechanical Inspector**

**Resolution No. 090928-08**

**(Carried)**

Motion by Councilmember Krueger  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek enter into an Independent Contractors' agreement with Robert Davis, 629 North Lapeer Street, Davison, for the purposes of performing Plumbing & Mechanical Inspections and related services, a copy of which is attached hereto, and further, direct the Mayor and City Clerk to execute the agreement on behalf of the City.

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

**Building Inspector Compensation**

**Resolution No. 090928-09**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Hurt

**WHEREAS**, the City employs its Building Inspector as a payroll employee at a cost of \$20,000 per year, net pay of \$18,500 per year; and

**WHEREAS**, the Building Inspector's office hours and compensation was reduced to three days and \$12,500 in June 2009 due to sharp reductions in permits issued and subsequent related revenues; and

**WHEREAS**, as a means to counter revenue reductions, the City brought the trade inspections traditionally performed by the state under City authority, trades consisting of electrical, plumbing and mechanical inspection and plan review; and

**WHEREAS**, a part of the Building Inspector's job assignments is to coordinate and oversee the trade inspections, such oversight resulting in the need for increased hours.

**NOW, THEREFORE, I Move** that the City of Swartz Creek set the compensation for the Building Inspector at \$15,000 per year, and further, set regular officer hours at four days per week.

Discussion Took Place.

YES: Hicks, Hurt, Krueger, Porath, Shumaker, Abrams, Binder.

NO: None. Motion Declared Carried.

**South Morrish Project, I-69 Ramp Intersection Add-On Work (Discussion Topic)**

City Manager Bueche gave a brief presentation on the different options.

**Adopt Ordinance #404, Federal Emergency Management Agency (FEMA) Flood Insurance Program, Designation of Flood Prone Hazard Areas, Rate Maps**

**Resolution No. 090928-10**

**(Carried)**

Motion by Councilmember Krueger

Second by Councilmember Hurt

**I Move** the City of Swartz Creek enact Ordinance #404, 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. 404**

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 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, and 26049C0281D 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.**

All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

**Section 5. Effective Date.**

This ordinance shall take effect on November 2, 2009

The Mayor declared the ordinance adopted.

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Richard B. Abrams, Mayor

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Juanita Aguilar, City Clerk

**CERTIFICATION**

The foregoing is a true copy of Ordinance No. 404 which was enacted by the Swartz Creek City Council at a regular meeting held on the 28<sup>TH</sup> day of September, 2009.

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Juanita Aguilar  
City Clerk

**Publish Date: October 18, 2009**  
**Paper: The Swartz Creek News**  
**Effective Date: November 2, 2009**

Discussion Ensued.

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

## **MEETING OPENED TO THE PUBLIC**

Tommy Butler, 40 Somerset, questioned whether the City uses people for community service. Mr. Butler asked whether Meijer was still coming into the City. City Manager Bueche advised that he believes they will eventually build there as they have a lot of money invested. Mr. Butler questioned who trims the trees along Miller Road.

## **REMARKS BY COUNCILMEMBERS:**

Councilmember Binder let the Council know that the Air Force statue was delivered to the Veteran's Memorial. The statue is not on display yet. Ms. Binder stated that there will be a benefit for the Veteran's Memorial on Sunday, October 4<sup>th</sup> at 1:00pm, at Scooters.

Councilmember Hicks questioned whether there was an ordinance that stipulates how trees should be trimmed over the sidewalks.

Councilmember Shumaker spoke about Ms. Holmquist's concerns with the turn lane at Miller and Elms Roads. Mr. Shumaker asked if an aerial sign signifying a right turn lane was needed or if a roadside sign was sufficient for enforcement. City Manager Bueche stated that a roadside sign was enough.

Councilmember Krueger questioned the requirements regarding a construction Board of Appeals. Mr. Krueger wanted everyone to know that September 22<sup>nd</sup>, marked the 50<sup>th</sup> anniversary of the adoption of the City Charter.

Mayor Pro-Tem Porath spoke about the intersection at Miller and Elms Roads. Mr. Porath stated that he feels that the Dye and Miller intersection is worse as far as road markings. Mr. Porath spoke about the possibility of charging for impounded vehicle releases. Mr. Porath questioned whether it would have to go out for bid.

## **ADJOURNMENT:**

There being no objection, Mayor Abrams declared the meeting adjourned at 8:55 p.m.

Richard Abrams, Mayor

Juanita Aguilar, City Clerk