

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE COUNCIL MEETING  
DATE 03/14/2011**

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, Sharon Shumaker, Bob Plumb, Tommy Butler, Basil Andoni, Ron Schultz, Rick Ballreich, Alan Jory.

**APPROVAL OF MINUTES**

**Resolution No. 110314-01**

**(Carried)**

Motion by Councilmember Porath  
Second by Mayor Pro-Tem Krueger

**I Move** the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting, held February 28, 2011, 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. 110314-02**

**(Carried)**

Motion by Mayor Pro-Tem Krueger  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council approve the Agenda, as printed, for the Regular Council Meeting of March 14, 2011 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. 110314-03**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Binder

**I Move** the Swartz Creek City Council approve the City Manager's Report of March 14, 2011, 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:**

Mayor Abrams presented a proclamation to Corporal Nicholas Parker, U.S. Army, in absentia.

Tommy Butler, 40 Somerset, questioned when General Motors started receiving a tax break. City Manager Bueche stated that it was the result of an MTT appeal, not a tax break.

Boots Abrams spoke about the ambulance that is parked in front of the art gallery on Miller Road. Ms. Abrams stated that it is hard to see traffic coming when you exit the parking lot due to the ambulance. Ms. Abrams asked if there was anything that could be done. City Manager Bueche stated that he would look into it.

**Council Business**

**Development Agreement, Miller-Elms Planned Unit Development, Andoni**

**Resolution No. 110314-04**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek enter into a Development Agreement with Basil G. Andoni and Hiam G. Andoni, of 5178 Wyndemere Square, Swartz Creek, for the development of the Miller-Elms Planned Unit Development District, as approved by the City on October 25, 2010 and November 22, 2010, and as amended on March 14, 2011, a copy of which is attached hereto, and further, direct the Mayor and City Clerk to execute the agreement on behalf of the City.

City Manager Bueche stated that he would like to amend the development agreement to state that a fence would be built as needed.

Discussion Ensued.

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

**Development Agreement, Family Farm & Home**

**Resolution No. 110314-05**

**(Carried)**

Motion by Councilmember Binder  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek enter into a Development Agreement with Family Farm & Home, Inc., a Michigan corporation, with principal offices at 1753 Madison, Muskegon, Michigan 49442, for the development of a 25,000 s.f. retail store, as approved by the City on October 25, 2010 and November 22, 2010, and as amended on March 14, 2011, 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 Took Place.

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

**Amend Miller-Elms Planned Unit Development District & Family Farm & Home Site Plan Approvals**

**Resolution No. 110314-06**

**(Carried)**

Motion by Councilmember Hurt  
Second by Councilmember Hicks

**WHEREAS**, the City of Swartz Creek approved a conceptual Planned Unit Development District and a 25,000 s.f. retail Family Farm & Home outlet, for the southeast corner of Miller & Elms Road, hearings and approvals held at regular Council meetings on October 25<sup>th</sup> and November 22<sup>nd</sup>, 2010, reference resolutions 101025-04, 101122-06, 101122-07 and 101122-08; and

**WHEREAS**, such approvals and submitted plans called for public water-main and sanitary sewers; and

**WHEREAS**, the developers, being Mr. Andoni and Family Farm & Home, have requested that the City amend such approvals to allow for water and sewer to both the retail Family Farm and Home outlet as well as all future buildings to be constructed on the property be private service connections; and

**WHEREAS**, the City staff and engineers have examined the revised plans and find the requested changes to be minor in nature, within the City's engineering standards specifications manual, and further recommend approval of the amendment; and

**WHEREAS**, revised plans have been submitted and approved by the County's Division of Water and Waste

**NOW, THEREFORE, I Move** the City of Swartz Creek amend the site plans approved on November 22, 2010 and allow for the water and sanitary sewer services to the Miller – Elms Planned Unit Development District concept to be private, and further, allow water and sanitary sewer service to the proposed Family Farm & Home Retail outlet to be private, in accordance with the revised plan dated February 15, 2011.

Discussion Took Place.

YES: Shumaker, Abrams, Binder, Hurt, Krueger, Porath.  
NO: Hicks. Motion Declared Carried.

**Appropriation, Springbrook East Special Assessment District, Design Engineering**

**Resolution No. 110314-07a**

**(Postponed)**

Motion by Councilmember Porath  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek appropriate an amount not to exceed \$9,838 from the City's General Fund, to the City's Engineer, Rowe Professional Services Inc, for design engineering regarding repairs and final overlay for streets within the association, in accordance with specifications set forth in the proposal, costs to be added to the Springbrook East Special Assessment Project.

Discussion Ensued.

**Resolution No. 110314-07b**

**(Carried)**

Motion by Councilmember Hurt  
Second by Councilmember Binder

**I Move** the Swartz Creek City Council postpone decisions on both the Springbrook East and Heritage Village Special Assessment District Design Engineering resolutions until such time as City Manager Bueche and the City Administration can pursue agreements and bring them back to Council.

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

**MEETING OPENED TO THE PUBLIC**

None.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Hurt spoke about the “tax break” the City supposedly gave to General Motors. Mr. Hurt stated that it was the decision of the Michigan Tax Tribunal, not the City. Mr. Hurt stated that he feels it is just another way the State is trying to bury the cities.

Councilmember Shumaker questioned whether the residents of Springbrook East were willing to pay for the street repairs as an association as opposed to a special assessment. Mr. Bueche and Association President Rick Ballreich both stated that it is unknown at this time.

Councilmember Porath questioned where the street closing in Springbrook stands. Mr. Bueche stated it would be against engineering practices to close that street off, especially if the City takes over the streets.

Mayor Pro-Tem Krueger spoke about a meeting that he attended with Speaker of the Michigan House Jase Bolger.

**Adjournment**

**Resolution No. 110314-08**

**(Carried)**

Motion by Councilmember Hurt  
Second by Councilmember Shumaker

**I Move** the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 8:10 p.m.

YES: Unanimous Voice Vote.  
NO: None. Motion Declared Carried.

Richard Abrams, Mayor

Juanita Aguilar, City Clerk