

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 05/23/2011**

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, Hurt, Krueger, Porath, Shumaker.

Councilmembers Absent: Hicks.

Staff Present: City Manager Paul Bueche, City Clerk Juanita Aguilar.

Others Present: Tommy Butler, Bob Plumb, Steve Shumaker, Brent Cole, Sandy Raffaelli, Jim O'Brien, Jim Florence, Ron Schultz, Boots Abrams, Gary Hicks from Republic Waste.

Resolution No. 110523-01

(Carried)

Motion by Councilmember Hurt
Second by Mayor Pro-Tem Krueger

I Move the Swartz Creek City Council hereby excuse the absence of Councilmember Hicks due to temporary illness.

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

APPROVAL OF MINUTES

Resolution No. 110523-02

(Carried)

Motion by Councilmember Porath
Second by Councilmember Shumaker

I Move the Swartz Creek City Council hereby approve the corrected Minutes of the Regular Council Meeting, held May 9, 2011, to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 110523-03

(Carried)

Motion by Mayor Pro-Tem Krueger
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the Agenda, as presented, for the Regular Council Meeting of May 23, 2011 to be circulated and placed on file.

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

NO: None. Motion Declared Carried.

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 110523-04

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the City Manager's Report of May 23, 2011, to be circulated and placed on file.

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

NO: None. Motion Declared Carried.

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

MEETING OPENED TO THE PUBLIC:

Sandy Raffaelli addressed the trash proposal regarding yard waste, asking what changes were going to be made. She was advised that everything would remain the same with the exception of containers being provided by Waste Management.

A question was brought up regarding storage of the new containers as some of the garages are too small to accommodate them. Mr. Hicks from Republic said that they would have smaller bins that could replace the larger bins.

Council Business

Adopt 2011-2012 Fiscal Year Budget, Set Levy

Resolution No. 110523-05

(Carried)

Motion by Councilmember Binder
Second by Councilmember Hurt

I Move the Swartz Creek City Council, in accordance with the General Appropriations and Uniform Budgeting Act, adopt the proposed 2011-2012 Fiscal Budget based upon the following Summer Tax Levies:

General Operating Levy:	4.8289 Mills
Sanitation Levy:	<u>2.3500 Mills</u>
Total:	7.1789 Mills

101 General Fund

Estimated Revenues		Adopted	
General Fund Estimated Operating Revenues		1,569,358	
General Fund Estimated Project Revenues		29,129	
Total General Fund Estimated Revenues		1,598,487	
Appropriations			
Adopted			
General Government Activities 101-299		311,932	
Public Safety Activities 301-399		935,973	
Public Works Activities 400-799		333,273	
Other Government Activities 800-999		122,287	
Total General Fund Operating Appropriations		1,703,465	Estimated Beg Fund Balance
Total General Fund Project Appropriations		29,129	1,205,063
Total General Fund Appropriations		1,732,594	
			Estimated Ending Fund Balance
Effect on General Fund's Fund Balance		(134,107)	1,070,956
202 Major Streets Fund			
Estimated Revenues		Adopted	
Major Streets Fund Estimated Operating Revenues		252,275	
Major Streets Fund Estimated Project Revenues		0	
Total Major Streets Fund Estimated Revenues		252,275	
Appropriations			
Adopted			
General Government Activities 101-299		250	
Public Safety Activities 301-399		0	
Public Works Activities 400-799		126,113	
Other Government Activities 800-999		15,300	
Total Major Streets Fund Operating Appropriations		141,663	Estimated Beg Fund Balance
Total Major Streets Fund Project Appropriations		130,749	549,227
Total Major Streets Fund Appropriations		272,412	
			Estimated Ending Fund Balance
Effect on Major Streets Fund's Fund Balance		(20,137)	529,090
203 Local Streets Fund			
Estimated Revenues		Adopted	
Local Streets Fund Estimated Operating Revenue		71,943	
Local Streets Fund Estimated Project Revenue		15,000	
Total Local Streets Fund Estimated Revenue		86,943	
Appropriations			
Adopted			
General Government Activities 101-299		750	
Public Safety Activities 301-399		0	
Public Works Activities 400-799		97,629	
Other Government Activities 800-999		0	
Total Local Streets Fund Operating Appropriations		98,379	Estimated Beg Fund Balance
Total Local Streets Fund Project Appropriations		2,000	105,681
Total Local Streets Fund Appropriations		100,379	
			Estimated Ending Fund Balance
Effect on Local Streets Fund's Fund Balance		(13,436)	92,245
226 Garbage Fund			

Estimated Revenues		Adopted	
Garbage Fund Estimated Operating Revenue		378,366	
Garbage Fund Estimated Project Revenue		0	
Total Garbage Fund Estimated Revenue		378,366	
Appropriations			
		Adopted	
General Government Activities 101-299		63,728	
Public Safety Activities 301-399		0	
Public Works Activities 400-799		335,792	
Other Government Activities 800-999		21,564	
Total Garbage Fund Operating Appropriations		421,084	Estimated Beg Fund Balance
Total Garbage Fund Project Appropriations		0	437,470
Total Garbage Fund Appropriations		421,084	
			Estimated Ending Fund Balance
Effect on Garbage Fund's Fund Balance		(42,718)	394,752
248 Downtown Development Authority Fund			
Estimated Revenues		Adopted	
DDA Fund Estimated Operating Revenue		55	
DDA Fund Estimated Project Revenue		0	
Total DDA Fund Estimated Revenue		55	
Appropriations			
		Adopted	
General Government Activities 101-299		7,025	
Public Safety Activities 301-399		0	
Public Works Activities 400-799		0	
Other Government Activities 800-999		0	
Total DDA Fund Operating Appropriations		7,025	Estimated Beg Fund Balance
Total DDA Fund Project Appropriations		0	44,975
Total DDA Fund Appropriations		7,025	
			Estimated Ending Fund Balance
Effect on Local Streets Fund's Fund Balance		(6,970)	38,005
265 Drug Enforcement Fund			
Estimated Revenues		Adopted	
Drug Enforcement Fund Estimated Operating Revenue		107,946	
Drug Enforcement Fund Estimated Project Revenue		0	
Total Drug Enforcement Estimated Revenue		107,946	
Appropriations			
		Adopted	
General Government Activities 101-299		0	
Public Safety Activities 301-399		107,946	
Public Works Activities 400-799		0	
Other Government Activities 800-999		0	
Total Drug Enforcement Fund Operating Appropriations		107,946	Estimated Beg Fund Balance
Total Drug Enforcement Fund Project Appropriations		0	41
Total Drug Enforcement Fund Appropriations		107,946	
			Estimated Ending Fund Balance
Effect on Drug Enforcement Fund's Fund Balance		0	41
275 Senior Citizens Fund			

Estimated Revenues		Adopted	
Senior Citizens Fund Estimated Operating Revenue		0	
Senior Citizens Fund Estimated Project Revenue		0	
Total Senior Citizens Estimated Revenue		0	
Appropriations			
		Adopted	
General Government Activities 101-299		0	
Public Safety Activities 301-399		0	
Public Works Activities 400-799		0	
Other Government Activities 800-999		0	
Total Senior Citizens Fund Operating Appropriations		0	Estimated Beg Fund Balance
Total Senior Citizens Fund Project Appropriations		0	0
Total Senior Citizens Fund Appropriations		0	
			Estimated Ending Fund Balance
Effect on Senior Citizens Fund's Fund Balance		0	0
350 City Hall Debt Fund			
Estimated Revenues		Adopted	
City Hall Debt Fund Estimated Revenue		86,376	
Total City Hall Debt Fund Estimated Revenue		86,376	
Appropriations			
		Adopted	
General Government Activities 101-299		0	
Public Safety Activities 301-399		0	
Public Works Activities 400-799		0	
Other Government Activities 800-999		86,255	Estimated Beg Fund Balance
Total City Hall Debt Fund Appropriations		86,255	633
			Estimated Ending Fund Balance
Effect on City Hall Debt Fund's Fund Balance		121	754
401 Capital Projects Fund			
Estimated Revenues		Adopted	
Capital Project Fund Estimated Operating Revenue		0	
Capital Project Fund Estimated Project Revenue		0	
Total Capital Projects Fund Estimated Revenue		0	
Appropriations			
		Adopted	
General Government Activities 101-299		0	
Public Safety Activities 301-399		0	
Public Works Activities 400-799		0	
Other Government Activities 800-999		0	
Total Capital Projects Fund Operating Appropriations		0	Estimated Beg Fund Balance
Total Capital Projects Fund Project Appropriations		270,719	2,897
Total Capital Projects Fund Total Appropriations		270,719	
			Estimated Ending Fund Balance
Effect on Capital Projects Fund's Fund Balance		(270,719)	(267,822)
402 Fire Equipment Replacement Fund			
Estimated Revenues		Adopted	
Fire Equipment Replacement Fund Est Operating Revenue		100	
Fire Equipment Replacement Fund Est Project Revenue		0	

Total Fire Equip Replacement Fund Est Revenue	100	
Appropriations	Adopted	
General Government Activities 101-299	0	
Public Safety Activities 301-399	0	
Public Works Activities 400-799	0	
Other Government Activities 800-999	0	
Total Fire Equip Replacement Fund Operating Approp	0	Estimated Beg Fund Balance
Total Fire Equip Replacement Fund Project Approp	0	81,181
Total Fire Equip Replacement Fund Approp	0	
		Estimated Ending Fund Balance
Effect on Fire Equip Replacement Fund's Fund Balance	100	81,281
590 Water Supply Fund		
Estimated Revenues	Adopted	
Water Supply Fund Estimated Operating Revenue	1,401,819	
Water Supply Fund Estimated Project Revenue	0	
Total Water Supply Fund Estimated Revenue	1,401,819	
Appropriations	Adopted	
General Government Activities 101-299	125,399	
Public Safety Activities 301-399	0	
Public Works Activities 400-799	1,324,713	
Other Government Activities 800-999	46,289	
Total Water Supply Fund Operating Appropriations	1,496,401	Estimated Beg Fund Balance
Total Water Supply Fund Project Appropriations	0	842,902
Total Water Supply Fund Appropriations	1,496,401	
		Estimated Ending Fund Balance
Effect on Water Supply Fund's Fund Balance	(94,582)	748,320
591 Sanitary Sewer Fund		
Estimated Revenues	Adopted	
Sanitary Sewer Fund Estimated Operating Revenue	1,119,809	
Sanitary Sewer Fund Estimated Project Revenue	0	
Total Sanitary Sewer Fund Estimated Revenue	1,119,809	
Appropriations	Adopted	
General Government Activities 101-299	125,336	
Public Safety Activities 301-399	0	
Public Works Activities 400-799	791,816	
Other Government Activities 800-999	100,256	
Total Sanitary Sewer Fund Operating Appropriations	1,017,408	Estimated Beg Fund Balance
Total Sanitary Sewer Fund Project Appropriations	80,000	1,729,681
Total Sanitary Sewer Fund Appropriations	1,097,408	
		Estimated Ending Fund Balance
Effect on Sanitary Sewer Fund's Fund Balance	22,401	1,752,082
661 Motor Pool Fund		
Estimated Revenues	Adopted	
Motor Pool Fund Estimated Operating Revenue	129,130	
Motor Pool Fund Estimated Project Revenue	0	

Total Motor Pool Fund Estimated Revenue	129,130	
Appropriations	Adopted	
General Government Activities 101-299	27,765	
Public Safety Activities 301-399	65,865	
Public Works Activities 400-799	58,250	
Other Government Activities 800-999	0	
Total Motor Pool Fund Operating Appropriations	151,880	Estimated Beg Fund Balance
Total Motor Pool Fund Project Appropriations	0	271,223
Total Motor Pool Fund Appropriations	151,880	
		Estimated Ending Fund Balance
Effect on Motor Pool Fund's Fund Balance	(22,750)	248,473
Total Estimated Revenues	5,161,306	
Total All Funds Appropriations	5,744,103	

Discussion Took Place.

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

NO: None. Motion Declared Carried.

Set 2011-2012 Council Meeting Schedule

Resolution No. 110523-06

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Binder

WHEREAS, Act 261 of the Public Acts of the State of Michigan of 1968, as amended, requires a public notice of the schedule of regular meetings of the Swartz Creek City Council be given once each calendar year or fiscal year and that said notice shall show the regular dates and times for the meeting and the place at which meetings are held; and

WHEREAS, the Act directs that notice be posted prominently at the principle office of the City of Swartz Creek or at the public building at which meetings are held or published in the newspaper of general circulation in Swartz Creek.

NOW, THEREFORE, pursuant to the Act, public notice is hereby given that regular meetings for fiscal year 2011-2012 shall be held twice each month, and further, that all meetings shall be held in the City Hall Council Chambers located at 8083 Civic Drive, Swartz Creek, Michigan, unless otherwise provided in advance by the City Council, and further, meetings shall commence at 7:00 P.M. on the following dates:

July 2011: Monday – 11th
 Monday – 25th

August 2011: Monday – 8th
 Monday – 22nd

September 2011:	Monday – 12 th Monday – 26 th
October 2011:	Monday – 10 th (Columbus Day) Monday – 24 th
November 2011:	Monday – 14 th Monday – 28 th
December 2011:	Monday – 5 th (One Week Earlier) Monday – 12 th (Two Weeks Earlier)
January 2012:	Monday – 9 th Monday – 23 rd
February 2012:	Monday – 13 th Monday – 27 th
March 2012:	Monday – 12 th Monday – 26 th
April 2012:	Monday – 9 th Monday – 23 rd
May 2012:	Monday – 14 th Tuesday 29 th (Monday 28 th is Memorial Day)
June 2012:	Monday – 11 th Monday – 25 th

BE IT FURTHER RESOLVED that the Clerk is hereby directed to post a copy of this resolution in a prominent place in the City Offices of the City of Swartz Creek.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to supply forthwith, upon request, a copy of this resolution to any newspaper of general circulation in the political subdivision in which the meeting will be held and/or to any radio or television station that regularly broadcasts into the City of Swartz Creek.

Discussion Took Place.

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

Year End Fiscal Adjustments

Resolution No. 110523-07

(Carried)

Motion by Councilmember Porath
Second by Councilmember Hurt

WHEREAS, Act 621 of P.A. 1978 provides for a uniform budgeting system for local units of government; and

WHEREAS, Act 275 of P.A. of 1980 further prohibits deficit spending by local units of government; and

WHEREAS, the City of Swartz Creek's 2010 - 2011 Fiscal Budget is not in deficit; however, certain department activity line items may be in deficit.

THEREFORE BE IT RESOLVED, the Swartz Creek City Council hereby authorizes and directs the City Manager to make all necessary year-end budget adjustment amendments.

Discussion Took Place.

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

NO: None. Motion Declared Carried.

Park Fee Waiver Request, Girl Scouts

Resolution No. 110523-08

(Carried)

Motion by Mayor Pro-Tem Krueger

Second by Councilmember Hurt

I Move the City of Swartz Creek approve the use of, and grant a waiver of fees for the use of Elms Road Park Pavilion #2 on Saturday September 17, 2011 from 9:00 AM to 6:00 PM, for a Girl Scout Picnic.

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

NO: None. Motion Declared Carried.

Liquor License Transfer, Creek City Grill L.L.C

Resolution No. 110523-09

(Carried)

Motion by Councilmember Shumaker

Second by Councilmember Hurt

I Move the City of Swartz Creek approve and recommend the transfer of the escrowed Class "C" Licensed Business, located at 6104 Miller Road, Swartz Creek Michigan 48473, Genesee County, from Gus C. Chinonis, John D. Chinonis & John N. Pavlis, to Creek City Grill L.L.C., principals being Scott B. Madden, 727 Chelsea Court, Davison Michigan 48423, and Louis G. Alex 4346 Ashley Drive, Grand Blanc Michigan 48439.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

Women’s Club Donation, Holland Park Pavilion Roof

Resolution No. 110523-10

(Carried)

Motion by Councilmember Binder
Second by Councilmember Hurt

I Move the City of Swartz Creek, with great appreciation, accept the donation from the Swartz Creek Women’s Club to repair the roof of the Holland Avenue Park Pavilion, and further, direct the staff to make necessary arrangements with the recommended contractor, being Qualified Remodeling of Swartz Creek, to proceed forward with the repairs.

Discussion Ensued.

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

Councilmember Porath left the meeting for a short time; he was not present for roll call on the motion.

Fire Department Appropriation, Local Match FEMA Grant

(Carried)

Resolution No. 110523-11

Motion by Councilmember Hurt
Second by Councilmember Binder

I Move the City of Swartz Creek appropriate an amount not to exceed \$2,248 to the Fire Board, payment being the City’s portion of one half the local match of \$4,496 of a FEMA grant for miscellaneous equipment purchases, Funds to be taken from unrestricted General Fund Balance.

Discussion Ensued.

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

Mayor’s Proclamation, Scleroderma Awareness Month

Resolution No. 110523-12

(Carried)

Motion by Mayor Abrams
Second by Councilmember Hurt

Whereas, Scleroderma is a chronic, disabling autoimmune disease in which the body’s soft tissues suffer from an overproduction of collagen; and

Whereas, Scleroderma can affect many parts of the body including skin, internal organs, and blood vessels; and

Whereas, Scleroderma sufferers often experience damage to the heart, lungs, kidneys, and the gastrointestinal system; and

Whereas, Many sufferers develop pulmonary hypertension as a result of constriction of the blood vessels; and

Whereas, African Americans are more susceptible to systemic scleroderma; and

Whereas, Researchers have yet to identify the exact cause or causes of scleroderma; and

Whereas, Researchers have found links between scleroderma and rheumatic disease; and

Whereas, An estimated 300,000 Americans suffer from scleroderma, and 80 percent of those are women; and

Whereas, The estimated total economic impact of scleroderma treatment is estimated to be in excess of \$1.5 billion annually; and

Whereas, The morbidity cost associated with scleroderma is an estimated \$819,000,000 annually; and

Whereas, The direct cost of treatment for scleroderma is estimated to be \$462,000,000 annually; and

Whereas, There is a significant need for further research focusing on the epidemiology of scleroderma to increase understanding of the causes of the disease and its treatment; and

Whereas, The United States Congress has recognized the need to raise awareness of the impact of scleroderma on public health and has designated a National Scleroderma Awareness Month; and

Whereas, Michigan should also designate a month as Scleroderma Awareness Month to help educate the public about autoimmune diseases and the need for increased research, funding, and effective treatments for those diseases; and

Whereas, The designation of such a month would recognize the efforts of health care providers, patients, and scleroderma advocacy organizations to increase awareness of scleroderma and of the need for increased research on scleroderma; and

Whereas, June 2011 would be an appropriate month to designate as Scleroderma Awareness Month.

Now, Therefore, Be it Resolved that in support of the Mayor's findings, the City moves to designate June 2011 as Scleroderma Awareness Month and further,

urges its residents and visitors to support, in any way possible, the findings set forth in this proclamation.

Richard B. Abrams, Mayor City of Swartz Creek

Discussion Ensued.

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

TIP Funding, Trail Project

(Discussion Topic)

City Manager Bueche spoke about the Traffic Improvement Program. They discussed the trail way and a decision will probably be made very shortly.

MEETING OPENED TO THE PUBLIC

None.

REMARKS BY COUNCILMEMBERS:

Councilmember Porath commented on the garbage. Mr. Porath stated that he thinks the new system will work well and that if anybody has a problem they can continue with the same system they currently use.

Councilmember Shumaker stated that he believes it would be beneficial to use larger containers for recycling because there will be more items that can be recycled. Mr. Shumaker stated that he would like to see the smaller set of containers used initially so that it does not create more work for the contractors. Mr. Shumaker discussed an ordinance passed by Troy regarding over use of cell phones and map reading in cars and would like to see it on a future agenda for discussion. Mr. Shumaker commented on turn arrows and lane lines in front of Kroger and on Miller Road westbound, east of the Elms Road intersection. Mr. Shumaker stated that they had a nice ceremony for the installation of the marine statue; the weather cooperated and there was a nice crowd.

Councilmember Binder said the City of Swartz Creek has a beautiful memorial with the four statues and only one left. Ms. Binder asked that the thermostat be adjusted so that the Council Chambers are warmer for the next meeting. Ms. Binder inquired about the drain district that was discussed in an earlier meeting. Ms. Binder would like to have a sign put up identifying the Veteran's Memorial.

Mayor Pro-Tem Krueger mentioned the hazardous waste collection held last Saturday by the county was very successful. Mr. Krueger mentioned how efficient Mayor Abrams was at running the meeting tonight and was thanked by the Mayor for running the last meeting.

Mayor Abrams commented that many residents do not want to change the way that the garbage pickup is currently done. Mr. Abrams was advised by Gary Hicks from Republic that the garbage will be picked up even if they don't use the new containers, but ninety percent of the community will use the larger containers. Mr. Abrams stated that he asked to see one of the smaller containers, but they are not available at this time. Mr. Abrams commented on a metal street light pole at the corner of Winston and Chesterfield that is rusted through and asked that Consumers Energy look at it again and replace it if necessary. Mr. Abrams thanked Mayor Pro-Tem Krueger again for covering for him and in advance for the next meeting.

Adjournment

Resolution No. 110523-13

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Krueger

I Move the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 8:20 p.m.

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

Richard Abrams, Mayor

Juanita Aguilar, City Clerk