

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 10/22/2012**

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 Svrvek.

Others Present: Tommy Butler, Boots Abrams, Bob Plumb, John Gilbert, Steve Shumaker, Chance Karn, Janet Hodge, Jim Florence, Bud Grimes.

APPROVAL OF MINUTES

Resolution No. 121022-01

(Carried)

Motion by Councilmember Porath
Second by Councilmember Shumaker

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting, held October 8, 2012, 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. 121022-02

(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 October 22, 2012, 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. 121022-03

(Carried)

Motion by Councilmember Shumaker
Second by Mayor Pro-Tem Krueger

I Move the Swartz Creek City Council approve the City Manager's Report of October 22, 2012, to be circulated and placed on file.

Discussion Took Place.

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:

None.

COUNCIL BUSINESS:

CDBG Public Needs Hearing

(Public Hearing)

City Manager Bueche explained that this is a three year funding cycle. Mr. Bueche stated that in the past, possibly around 2001, all of the funding was used for the wall at Miller and Morrish, refurbishing the parking lot there and Phase I of the enhanced lighting, sidewalk and trees downtown. The next three year round was used to go another distance on Phase II of the same project. The following round, the Elms Road enhancement was done. In the 2009 enhancement, the lights on Fortino Drive were relocated. Mr. Bueche stated that the project in the packet is to refurbish the bathrooms at Elms Park.

DPS Director Tom Svrcek discussed the option of continuing the Fortino Drive lighting project. Mr. Svrcek also suggested continuing down Fortino and Hayes Street, but there are issues with unlevel concrete.

Theresa O'Brien, from Lovegroves, expressed concern that lights were placed on Fortino Drive, she feels they should have been placed on Miller Road. Ms. O'Brien stated that she feels one road should be finished before starting another. Ms. O'Brien stated that downtown looks unfinished. Ms. O'Brien suggested that new grant money coming in should be spent on Miller Road.

Chance Karn, 9369 Woodside Trail, with Boy Scout Troop 122, spoke about doing his Eagle Scout project at Winshall Park. Mr. Karn spoke about how the obstacle course at the park is in disrepair. Mr. Karn asked that the Council consider using some of the grant money towards wood and cement to refinish the obstacle course. Mayor Abrams asked for written documentation for Mr. Karn's plans to be submitted to City Manager Bueche.

Suzette, from the Going Postal store, expressed concern about the Gass Becker Insurance building. Suzette spoke about the bad condition of the building. Suzette asked if the City had any say in how the buildings are kept up and maintained. City Manager Bueche advised that the City does have some say with Code Enforcement. Suzette spoke about the west end of town near her store not getting Christmas lights on the light poles at Christmas time.

Janet Hodge, 4167 Silver Maple, expressed concern about the sidewalks outside some of the stores in town.

Jim Florence, 4296 Springbrook, spoke on behalf of the Senior Center. Mr. Florence asked the Council to consider giving the Senior Center the usual 15% of the CDBG grant money.

Steve Shumaker, 7446 Country Meadow, asked the Council to consider the Elms Road bathroom project for the grant money since it is highly used in the City. Mr. Shumaker stated that since the facilities are rented out, they should be in the best condition. Mr. Shumaker suggested that businesses in town repair the sidewalks themselves as the residents do.

City Manager Bueche clarified the list of possible priorities for the CDBG grant money:

1. Continue public street lighting and streetscape on Miller Road from Holland Street Westward.
2. Downtown streetscapes, entry way signage
3. Local street improvements and repairs
4. Right of way tree planting
5. Concealment and/or relocation of overhead wires
6. 15% maximum to Senior Center operating
7. Repair and/or replacement of Winshall Park playground equipment, obstacle course equipment
8. Rehabilitation and repair of Elms Park restrooms
9. Construction of a second restroom in Elms Park
10. Replacement of Christmas decorations and Christmas lighting, downtown and civic area
11. Tree replacement, Bicentennial Park, Miller & Morrish Roads
12. Parking lot repairs and lighting, north City lot, downtown
13. Continue decorative lighting, Fortino Drive

Each item will be checked for eligibility for the CDBG grant money.

City Manager Bueche stated that a list will be available to the public as soon as the Minutes of the meeting are completed.

DPS Director Svrcek made more suggestions for the grant money: the parking lot behind Hank & Don's including the sidewalk, steps and lighting.

The public hearing was declared closed.

Remarks by Councilmembers:

Councilmember Shumaker stated that he felt, based on the letters in the packet from the downtown business people, that they may not have gotten the answers they wanted and asked that they receive something in writing from the administration. City Manager Bueche stated that he would draft a letter this week explaining the projects that were discussed. Mr. Shumaker expressed concern that any renovations done to the Elms Park bathrooms would be vandalized.

Mayor Pro-Tem Krueger spoke about different things the grant money was allowed to be used for including; economic development, firefighting equipment, and public safety. Mr. Krueger suggested using grant money when new police cars are purchased, for changing over equipment from the old cars to the new cars. Mr. Bueche stated that would not qualify but the money could be used for education related to drugs, conflict resolution training and such but it could not replace operational costs.

Councilmember Binder asked if signage would qualify for the grant money. Mr. Svrcek advised that new signs for the municipal offices and Veteran’s Memorial had been installed the previous Friday.

Councilmember Porath asked if the allocated money was for one year or for three years. He was advised that it was for three years. Mr. Porath stated that he would like to see downtown completed. Mr. Porath asked for an estimate on what it would cost to finish the lighting downtown. Mr. Porath suggested that lighting could be installed behind the fire department by the Pajtas theater.

Councilmember Shumaker spoke about the underground wiring on Miller Road.

Annual Utility Bond Obligations

Resolution No. 121022-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Binder

WHEREAS, the City of Swartz Creek has a need to pay to the County of Genesee, the sum of \$57,017.04 to meet the bond and principal requirements on all bond obligations for water and sewer facilities in calendar 2013; and

WHEREAS, the City of Swartz Creek has such an obligation for the retirement of the Western Trunk Sewer Extension Bond through approximately 2026, and

WHEREAS, there are several means by which the funds can be secured to meet this payment; and

WHEREAS, all various means of securing these funds have been reviewed and considered;

NOW, THEREFORE, BE IT RESOLVED by the City of Swartz Creek that the monies to meet the principal and interest requirements and all bond obligations for water and sewer facilities will be secured from the following funds:

SOURCE OF FUNDS

Funds Already Available	<u>\$57,017.04</u>
Sewer Fund Total	\$57,017.04
Grand Total	\$57,017.04

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

Police Release & Refund Agreement

Resolution No. 121022-05 **(Carried)**

Motion by Councilmember Binder
Second by Councilmember Hurt

I Move the City of Swartz Creek approve the refund of impoundment fees in the amount of \$306 in accordance with a release drafted by the City Attorney Mr. Gildner, a copy attached hereto, and further, authorize the Mayor and City Clerk to execute the release on behalf of the City.

Discussion Took Place.

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

Appropriation, Design, Bid & Construction Engineering: Morrish & I-69 Flood Damage Overpass Repair

Resolution No. 121022-06 **(Carried)**

Motion by Councilmember Porath
Second by Councilmember Hicks

I Move the City of Swartz Creek appropriate an amount not to exceed \$5,000 for design, bid and construction engineering fees, to the City's Engineer, Rowe Professional Services Inc., to prepare a design and bid package for the repair of flood damage on Morrish Road at the I-69 overpass, and further, bring the bid results back to the Council for review and decision.

Discussion Took Place.

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

Street Usage Permit, Fire Department Christmas Parade

Resolution No. 121022-07

(Carried)

Motion by Councilmember Porath
Second by Councilmember Binder

I Move the City of Swartz Creek accept the Chief of Police's recommendation and approve the Swartz Creek Area Fire Department's Street Usage Application to hold an annual Christmas Parade on Saturday, December 1, 2012 from 6:00 PM to 7:00 PM, route, stipulations and conditions as set forth in the application packet, a copy of which is attached hereto, under the direction and control of the office of the Chief of Police

Discussion Ensued.

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

MEETING OPENED TO THE PUBLIC:

John Gilbert, 7459 Miller Road, spoke about a Veteran's Day ceremony at the Veteran's Memorial on November 11 at 11am. The American Legion will be conducting the ceremony. Mr. Gilbert stated that there was no light in the light pole across from the post office. Mr. Gilbert spoke about Carol Arvoy's headstone at the cemetery sitting askew on its base.

Boots Abrams, 5352 Greenleaf, spoke about this being the last night this particular council to be sitting. Mrs. Abrams wished to thank the council and Councilmember Binder for her work on the council.

Suzette from Going Postal, asked if the City has plans to connect the corridor from Meijer to downtown. Suzette suggested having a theme for downtown.

Jim Florence, 4296 Springbrook Drive, spoke about the presentation by Clay Dyer on Friday, Saturday and Sunday. Mr. Florence stated that the Senior Center would be having a pancake breakfast on November 10.

REMARKS BY COUNCILMEMBERS:

Councilmember Hurt stated that he is sorry to see Councilmember Binder go as she has done so much for the City.

Councilmember Binder stated that she will continue working on the Veteran's Memorial.

Councilmember Hicks spoke about a problem that occurred by the school and asked if more lighting could be put in that area. Mr. Bueche stated that he is aware of the problem and has been in communication with Consumer's Energy to look at that area again.

Councilmember Shumaker thanked Ms. Binder for her service to the Council and the Veteran's Memorial.

Councilmember Porath stated that he hates to see Ms. Binder go. Mr. Porath asked if Senator Gleason was contacted about helping with the Morrish Road overpass problem. Mr. Porath spoke about the Morrish Road corridor.

Mayor Pro-Tem Krueger also thanked Ms. Binder. Mr. Krueger thanked Mayor Abrams for his years of service as Mayor.

Mayor Abrams agreed with the other Councilmembers in reference to Councilmember Binder.

Adjournment

Resolution No. 121022-08

(Carried)

Motion by Mayor Pro-Tem Krueger
Second by Councilmember Binder

I Move the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 8:12 p.m.

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

Richard Abrams, Mayor

Juanita Aguilar, City Clerk