

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 05/14/2012**

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, Shumaker.

Councilmembers Absent: Porath.

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

Others Present: Tommy Butler, Boots Abrams, Sharon Shumaker, Jim Florence, Ron Schultz, Bob Plumb, Bud Grimes, John Gilbert, Mike Messer, Khalil Nemer, Pat Williams, Judy Hough.

Resolution No. 120514-01

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Shumaker

I Move the Swartz Creek City Council excuse the absence of Councilmember Porath due to a work conflict.

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

Mayor Abrams introduced Drain Commissioner Jeff Wright from Genesee County Water and Waste Services. Mr. Wright gave a brief summary of changes and updates related to the flood damage that recently occurred throughout the County.

APPROVAL OF MINUTES

Resolution No. 120514-02

(Carried)

Motion by Mayor Pro-Tem Krueger
Second by Councilmember Hurt

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting, held April 23, 2012, and the Minutes of the Special Council Meeting held April 30, 2012, to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 120514-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the Agenda, as presented, for the Regular Council Meeting of May 14, 2012, to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 120514-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the City Manager's Report of May 14, 2012, to be circulated and placed on file.

Discussion took place.

YES: Hurt, Krueger, 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:

Grant Award, Keep Genesee Beautiful

Resolution No: 120514-05a

(Postponed)

Motion by Councilmember Binder
Second by Councilmember Hurt

WHEREAS, Ms. Pat Williams, an active member of the Swartz Creek Friends of the Library, applied for and received a grant from the Keep Genesee Beautiful Program, in the amount of \$1,000, for the purchase of trees in the Elms Road park; and

WHEREAS, The City has removed a large number of diseased trees within the park and has limited funds for replacement;

NOW, THEREFORE, I Move the City accept the grant and authorize the staff to proceed with the purchase and planting of four trees, under the direction of the Department of Public Works Director, and further, extend the City's gratitude and appreciation to Ms. Williams for her efforts and community service.

Discussion Took Place.

Resolution No. 120514-05b

(Carried)

Motion by Councilmember Hurt
Second by Mayor Pro-Tem Krueger

I Move the Swartz Creek City Council postpone the Grant Award, Keep Genesee Beautiful resolution until a corrected resolution can be brought before the City Council.

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

Genesee Health Plan, Millage Renewal

(Presentation)

Pam Nelson from the Genesee Health Plan made a brief presentation for a millage renewal in hopes that the City of Swartz Creek will endorse the millage renewal.

MTA Presentation, Millage Renewal, Mike Messer

(Presentation)

Mike Messer from MTA made a brief presentation in regards to a millage renewal and asked that the City of Swartz Creek endorse the millage.

Public Hearing, Proposed 2012-2013 FY Budget

City Manager Bueche went through the numbers for the 2012-2013 FY budget.

No questions or comments from the public.

Mayor Pro-Tem Krueger questioned how many police cars the City is planning to keep in the fleet. Mr. Bueche stated that there are five marked vehicles and two unmarked vehicles.

Assessments: Delinquent Water-Sewer-Weeds & Special

Resolution No: 120514-06

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Hicks

I Move the City of Swartz Creek direct the Treasurer to prepare an audit of all outstanding debts owed to the City for delinquent water, sewer, mowing, sidewalk repairs and special assessments related to Heritage Village and Springbrook East Condominium Associations and further, to cause such debts to be assessed against the property owner of record, in accordance with City Ordinance and State Statute, said debts to be placed against the summer 2012 tax collection roll.

Discussion Took Place.

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

Street Use Permit, Annual 5K Road Race,, Swartz Creek Cross Country-Riverbend Striders

Resolution No: 120514-07

(Carried)

Motion by Mayor Pro-Tem Krueger
Second by Councilmember Hurt

I Move the City of Swartz Creek approve the application for a street usage permit to conduct a 5 kilometer foot road race on Thursday, May 31, 2012, 6:00 PM – 7:30 PM, applicant: the River-Bend Striders - Swartz Creek Cross Country Team, in the care of Mr. Allen Murphy, race to be held in Winchester Village Subdivision, in accordance with the application submitted, under the direction and control of the Chief of Police.

Discussion Took place.

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

Resolution of Support, Changes To Michigan Horse Racing Law, HB-5546 and SB-1075

Resolution No. 120514-08

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

WHEREAS, Sports Creek Raceway, a Harness Horse Racing Facility, opened for business in 1984 drawing large crowds and employing several hundred people; and

WHEREAS, the raceway originally generated vast income to a variety of area business, including, but not limited to apartments, restaurants, taverns, grocery and other retail service industries; and

WHEREAS, the City and State received significant revenues from the racetrack's until the latter part of the 1990's, when revenues began to fall; and

WHEREAS, as a whole, the horse racing industry continued to slide through the 2000 decade to a point today where the entire industry is close to collapse and extinction; and

WHEREAS, the reasons for the decline of horse racing are many, but a significant portion can be explained by a combination of casino style gambling coupled with outdated and restrictive law and rules governing the industry which have severely limited and restricted its ability to compete or stay in business; and

WHEREAS, the failure of this industry would add to and continue the economic decline of the City and the general area and leave another abandoned facility that totals over 100 acres; and

WHEREAS, certain Representatives and Senators in the State House and Senate have introduced legislation in an attempt to save this industry by updating laws and rules that would allow the horse racing industry to compete equally in today's market; and

WHEREAS, the City of Swartz Creek has examined the proposed legislation, being HB-5546 and SB-1075, and offers its endorsement.

NOW, THEREFORE, BE IT RESOLVED that the City of Swartz Creek hereby request that the Michigan House, Senate and Office of the Governor endorse, support and approve HB-5546 and SB-1075 as a solution to save the horse racing industry from failing.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

Park Fee Waiver, Scout Pack #161

Resolution No. 120514-09

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the City of Swartz Creek approve the use of Elms Road Park Pavilion #4, with waiver of fees, for Swartz Creek Cub Scout Pack #161's annual year end picnic, on Saturday June 9, 2012.

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

NO: None. Motion Declared Carried.

Repair Vandalism, Water Tower

Resolution No. 120514-10a

(Amended)

Motion by Councilmember Binder

Second by Councilmember Hurt

I Move the City of Swartz Creek appropriate an amount not to exceed \$3,050 plus 15% contingency, to Pittsburg Tank of Henderson Kentucky, for the repair of graffiti on the City's Water Tower, in accordance with the proposal submitted, expense to be assigned to 590 water.

Discussion Took Place.

Resolution No. 120514-10b

(Carried)

Motion by Councilmember Shumaker

Second by Councilmember Hurt

I Move the City of Swartz Creek appropriate an amount not to exceed \$3,200 plus 15% contingency, to Fedewa Incorporated of Nashville, MI, for the repair of graffiti on the City's Water Tower, in accordance with the proposal submitted, expense to be assigned to 590 water; if unable to meet the requirements, Pittsburgh Tank of Henderson Kentucky with an amount not to exceed \$3,050 plus 15% contingency will be used.

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

NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Boots Abrams stated that Mike Messer left MTA information if anyone was interested.

Bud Grimes, 5171 Oakview, thanked the City Council for supporting the changes in the horse racing law.

Jim Florence, 4296 Springbrook, reminded everyone that the Park Advisory Committee, Kiwanis Club and other groups would be working at Elms Park on the 19th and 20th.

REMARKS BY COUNCILMEMBERS:

Mayor Pro-Tem Krueger spoke about the flood damage that he had at his house. Mr. Krueger spoke about the Chamber of Commerce donating trees to be planted at Elms Park as well as James Lengell offering to donate some of his walnut trees.

Councilmember Shumaker spoke about a resolution to support leaving the local courts where they are as opposed to transferring them to the City of Flint. Mr. Shumaker suggested that the building inspector check with the manager of Swartz Creek Estates to see where they send their residents for building permits. Mr. Shumaker asked about the time line for finishing the Morrish Road bridge work. He was advised it was a 2013 project. Mr. Shumaker advised that the Kiwanis project for Elms Park would be staining the playscape.

Councilmember Hicks spoke about plugged street drains after the big storm and flooding. Ms. Hicks asked if a message could be added to the water/sewer bills to have residents keep up with cleaning the catch basins. Ms. Hicks asked if more retention ponds needed to be put in and spoke about the one that was going to be put in near the new Performing Arts Center asking if fences should be put around them for safety purposes.

Councilmember Binder spoke about the master gardeners planting at the Veteran's Memorial on May 22nd. Ms. Binder stated that on the 31st of May there will be 3 classes of first graders visiting the memorial and fire department. Ms. Binder stated that the new statue will not be installed on the 28th of May but on the 14th of June instead, which is Flag Day.

Mayor Abrams spoke about a wreath laying ceremony at ITT on the 22nd of May that he has been invited to.

Councilmember Binder reminded everyone that the next Council meeting will be on the 29th of May since the 28th is Memorial Day.

Mayor Pro-Tem Krueger stated that the rain on May 4th was equal to the amount of rain that New Orleans got during Hurricane Katrina.

Councilmember Shumaker spoke about the retention ponds at Mari-Dan Miller Farms and the Methodist Church.

Adjournment

Resolution No. 120514-11

(Carried)

Motion by Councilmember Hurt
Second by Mayor Pro-Tem Krueger

I Move the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 8:48 p.m.

YES: Unanimous Voice Vote.

NO: None. Motion Declared Carried.

Richard Abrams, Mayor

Juanita Aguilar, City Clerk