

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 11/11/2013**

The meeting was called to order at 7:00 p.m. by Mayor Krueger in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance to the Flag.

Councilmembers Present: Abrams, Gilbert, Hicks, Hurt, Krueger, Porath, Shumaker.

Councilmembers Absent: None

Staff Present: Director Public Service Tom Svrcek, City Clerk Juanita Aguilar, Police Chief Rick Clolinger, City Attorney Mike Gildner, City Treasurer Deanna Korth, City Finance Director Mary Jo Clark.

Others Present: Boots Abrams, Tommy Butler, Bob Plumb, Jim Florence, Ron Schultz, Sharon Shumaker, Lou Fleury, Robert Green, Sandy Raffaelli, Jim O'Brien, Jerry Summers, Sandra Dively, Roberta Diaz-Cobb, Donald Wyatt, George Trundle, Charles Brunette, Rick Ballreich, Steve Shumaker, Dennis Novak, Patricia Smith, Jenye Keeley, Everett Hubbard, Brenda McLaughlin, Eric McLaughlin, John Blair, Bud Grimes, Kim Freel, Tom Freel, John McAuley, Joel McRee, David Wolfe, Laura Leyanna, Kevin Fritsch, David Spillane, Al MacAuley, Tina MacAuley, Linda Alexander, Timothy Webb, Pat Clawson, Mark Jewett, Matt Kalakay, Rod Gardner.

APPROVAL OF MINUTES

Resolution No. 131111-01

(Carried)

Motion Councilmember Porath
Second by Councilmember Hurt

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting, held Monday, October 28, 2013 to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 131111-02

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the Agenda, as amended, for the Regular Council Meeting of November 11, 2013, to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 131111-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the City Manager's Report of November 11, 2013, to be circulated and placed on file.

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

Discussion Ensued.

MEETING OPENED TO THE PUBLIC

Sandy Raffaelli, 8098 Miller Road, addressed an article in the View. Ms. Raffaelli spoke about the roads in Winchester Village possibly being resurfaced.

Jerry Summers, 4370 Springbrook, spoke about the stripes for the bike lane on Miller Road near Springbrook. Mr. Summers stated that he feels Miller Road should go back to four lanes.

Donald Wyatt, 5326 Durwood Drive, commended the City Council for what they are doing with the proposed SAD.

David Wolfe, 5006 Ford Street, asked if the railroad has been approached about the condition of the crossing on Morrish Road.

COUNCIL BUSINESS

2012-2013 FY Audit

Pam Hill, Nathan Bruff and Chrystal Simpson from Plante - Moran gave a brief presentation on the 2012-2013 FY Audit.

Resolution No. 131111-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the City of Swartz Creek accept the 2012-2013 Fiscal Audit Report prepared by Plante-Moran, a copy of which is attached hereto, and further, direct such to be published, distributed, circulated and placed on file in a manner prescribed by law.

Discussion Took Place.

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

Long Term Public Safety Funding Options

(Presentation)

Police Chief Rick Clolinger made a presentation about the funding options for Long Term Public Safety.

Public Hearing Open:

George Trundle, 6292 Augusta Drive, wanted to speak on behalf of the police and fire department, stating that they do a fantastic job. Mr. Trundle stated that the police department is understaffed, with only three full time people and a lot of part-timers. Mr. Trundle stated that they do vacation checks, Cops in the Park, safety programs for the kids, among other things for the city residents. Mr. Trundle stated that he thinks the residents should stand up for the police and fire departments.

Jerry Summers, 4370 Springbrook Drive, asked why the money is all going to the police and fire, stating that they are always the culprits for tax increases. Mr. Summers spoke about the budget being broken down to show where all the expense are going. Councilmember Porath stated that the budget is broken down by departments so that the City knows exactly where all of the money goes. Mr. Summers stated that he feels the cuts should be broken down evenly through all departments. Chief Clolinger noted a report that he showed in the presentation explaining all of the breakdowns. Mr. Clolinger spoke about a layoff in 2010 and one in 2011 that ended up being a buyout for a police officer that was near retirement, both positions not being filled. Mr. Clolinger explained that if a police officer is laid off it effects only the general fund whereas if a DPS worker is laid off it effects many different departments. Mr. Clolinger explained that the City has been working on this issue for more than four years. Councilmember Shumaker explained the budget being

broken down by line items, being reviewed by staff and Council over a period of time before it is approved. Mr. Shumaker explained that the Fire Department is run by a Fire Board composed of members from Clayton Township and the City of Swartz Creek.

Roberta Diaz-Cobb, 5379 Seymour Road, asked if 1 mil equates to \$1.00 for every \$1,000 of taxable value. If the City opts to increase by 5 mils, on a piece of property with a value of \$50,000, the property owner would have to pay an extra \$250 a year in taxes. Ms. Diaz-Cobb asked if there was a time limit. Mayor Pro-Tem Abrams explained that if it becomes a special assessment, then it would have to be voted on every year and if it comes down to a ballot question then it would be determined exactly how many years it would be. Ms. Diaz-Cobb spoke about a quote from Mayor Krueger that was in an article in the Flint Journal, stating that she was offended at the statement. Mayor Krueger responded stating that the Flint Journal quoted him out of context. Ms. Diaz-Cobb suggested that the process of the public hearings and such should have been started much sooner. Councilmember Porath stated that it was approached as a special assessment so that the residents' input could be received. Mr. Porath stated that very few residents attend the regular council meetings that are held twice a month. Ms. Diaz-Cobb suggested that the billboard in front of Mary Crapo School could be used to inform voters about issues. Ms. Diaz-Cobb asked what more officers are needed for, stating that if they have time to knock on her door and tell her not to park her car on the grass under a tree in 90 degrees, then no more officers are needed.

Mark Jewett, 5126 Morrish Road, stated that he believes the problem started 20 years ago. Mr. Jewett stated that \$100,000 could be spent in matching grants for parking lots but not for police. Mr. Jewett stated that the police don't catch the people on the water tower painting it or painting garage doors so all that is needed is a detective. Mr. Jewett stated that the City Manager put the residents in this position.

John Blair, 5091 Winston, stated that this is a great city to live in. Mr. Blair stated that there are two very important things that will make the property value go up; good police enforcement and fire department. Mr. Blair stated that the crime in the City of Flint is going to filter out to Swartz Creek.

Robert Green, 5223 Helmsley, reiterated what Mr. Trundle and Mr. Blair stated. Mr. Green stated that he applauds all of the City staff for what they do. Mr. Green stated that he feels this city is run very well. Mr. Green responded to the previous comment about the lack of police protection stating that he uses the police services often as he goes out of town a few times a year. Mr. Green compared the response time of the Swartz Creek officers with the City of Flint response time. Mr. Green stated that he drives through the city three to four times a day and sees a police officer patrolling about three of those times. When there is a problem at the schools, there is a police officer there almost immediately. Mr. Green stated that any kind of assessment the police department is requesting from the citizens is well worth it. Mr. Green stated that this is a professional city, a nice community, and that is why he decided to retire here. Mayor Krueger stated that about 16 positions in the city have been cut and that the City Manager and staff have worked hard to make the transition seem seamless. Mr. Green stated that the residents need to take a more active role in assisting the government. Mr. Green stated that residents need to help with the blight in the city.

Joel McRee, 5063 Brady, stated that the City has excellent fire and police protection. Mr. McRee stated that his concern is that a lot of people are on fixed incomes without the ability to generate additional funds. Mr. McRee stated that he hasn't seen anywhere the amount of time the special assessments would be in effect for. Mr. McRee stated that he understands that the City only has a certain amount of money to work with, but so do the residents.

Steve Shumaker, 7446 Country Meadow, asked for a time frame for the special assessment as well as an estimated budget for what has been spent. Mr. Shumaker spoke about a senior center milage for the addition to their building. Mr. Shumaker asked about the Shared Services Study that was done.

Sandy Raffaelli, 8098 Miller Road, spoke about having to call the police in the past, stating that they have always been "Johnny on the Spot" with their response time. Ms. Raffaelli stated that it should not be that hard for residents to come up with an extra \$23 a month. Ms. Raffaelli thanked the auditors for their presentation and stated that the results speak highly of the City staff. Ms. Raffaelli addressed the blight situation stating that if someone sees something that bothers them enough to complain about it, then they should do something about it themselves.

Pat Clawson, 5014 Ford Street, referenced the comment that Mayor Krueger reportedly made to the Flint Journal. Mr. Clawson stated that he wants the issue put on the ballot for a vote of the people. Mr. Clawson stated that this community is in for a lot of economic trouble ahead. Mr. Clawson asked if the Council has given any consideration to disbanding the police department since the Michigan State Police has the constitutional obligation to the state to provide police protection.

Councilmember Shumaker stated that he doesn't believe the State Police would provide the level of service that the City now receives. Chief Clolinger stated that the response time would be longer. Mr. Clolinger stated that the City is trying to maintain the services in the community that it's had for 30-40 years. Mr. Clolinger stated that it boils down to what the people of the community want.

Everett Hubbard, 8333 Miller Road, stated that he believes that the city is run well and he appreciates that. Mr. Hubbard asked that the council trust the residents and let them vote on the issue. Mr. Hubbard asked if 5 mills was the lowest amount the city could get by on. Mayor Pro-Tem Abrams responded saying that he proposed 6 mills and that the SAD process is so the residents can have a say in what happens. Mr. Abrams stated that at the end of this process the Council can change their minds about the SAD and go for a vote. Mr. Abrams explained that if the city went to the ballot option immediately, no city money could be spent to promote it so this is a tool than can be used to show what the problems are. Mr. Hubbard stated that City Manager Bueche did a fine job explaining the situation to him personally.

Councilmember Shumaker stated that he feels a lot of the fault lies with the state. Mr. Shumaker offered to stay after the meeting and speak to anyone personally.

Tommy Butler, 40 Somerset, stated that he thinks the city has the greatest police department he has seen anywhere. Mr. Butler stated that he is not against a millage or an assessment. Mr. Butler stated that if there is no police or fire department, their insurance rates are going to go up. Mr. Butler stated that he does feel that it should go to a vote. Mr. Butler asked why the people weren't informed earlier. Mr. Butler stated that his understanding is that the special assessment amounts could not be deducted from your income taxes but a millage could. Mr. Butler stated that the city needs the police and fire departments, no matter how we get it.

George Trundle, 6292 Augusta, spoke about the Senior Center stating that they get no financial help from the City. They do all their own maintenance work themselves. Mr. Trundle stated that the only thing the DPS does is plow the parking lot for them. Mr. Trundle stated that he feels it would not pass if put on the ballot and that the special assessment is the way to go.

Charles Brunette, 6329 Augusta, stated that if the Federal, State and County handled things the way Swartz Creek does, that the state wouldn't be in the trouble that it is. Mr. Brunette spoke about the quick response of the Police and DPW. Mr. Brunette stated that he is all in favor of the special assessment.

Robert Green spoke about being a retired Detroit police officer. Mr. Green spoke about his pension and health care stating that he is about to lose all of that with the bankruptcy. Mr. Green stated that he believes we need all of the police officers we can get.

Dennis Novak, 5282 Greenleaf, asked how long the process was and how many more meetings would there be. Mr. Novak asked if the reason for not putting the issue on the ballot was that the City could not spend money to inform people, such as going through the budget. Mayor Krueger advised that the City could not spend a dime. Mr. Krueger advised that the citizens could do it but that the City could not. Mr. Novak asked if citizens could go forward themselves with petitions if they chose to.

Jim Florence, 4296 Springbrook, spoke about millage money being spent on the Senior Center. Mr. Florence stated that there are 2,000 members of the Senior Center and they have meetings once a month. Mr. Florence stated that not a dime of millage money has been spent on the new addition to the center, but that it has been funded by donations from members. Mr. Florence stated that he is for the millage or SAD, however it can be funded.

Councilmember Shumaker spoke about how tax money is dispersed.

David Spillane, 6498 Bristol Road, stated that he likes the fact that when he picks up the phone for a police officer, he knows that they are around the corner and not on the other side of the county. Mr. Spillane stated that the City is still growing and needs police and fire services. Mr. Spillane stated that he is for any means necessary to keep the police department and fire department as they are.

Sandra Dively, 5287 Birchcrest, stated that she doesn't have a problem with the millage, just that she can't declare it on her income tax. Mayor Pro-Tem Abrams explained that the

public hearings were a tool to give people information and that if it is done as a millage through a vote, then she can deduct it from her taxes.

Attorney Gildner explained the difference between a millage and a special assessment.

Boots Abrams, 5352 Greenleaf, spoke about her neighbor's house being checked by the police as well as other vacation checks that the police do. Mrs. Abrams spoke about being on the Fire Board for 28 years. Mrs. Abrams spoke about the condition of the fire trucks and that she doesn't want to rely on 30 year old equipment if there is a fire.

Chief Clolinger spoke about the View doing a nice job of reporting the issue of the SAD so far. Mr. Clolinger stated that more information can be obtained from the City website and that he, as well as City Manager Bueche will make time for any citizen that wants to come in and talk.

Public Hearing Closed.

Public Safety Special Assessment District; Findings, Determination, Set Public Hearing

Resolution No. 131111-05

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hurt

WHEREAS, in accordance with the provisions of PA 33 of 1951 (MCL 41.801 et seq), on October 28, 2013, the City Council adopted a resolution directing the City Manager to prepare a report to include the estimates of probable cost; the need for and a description of the proposed special assessment district; and

WHEREAS, the City Manager has prepared said report and has filed same with the City Clerk and delivered a copy of said report to the City Council; and

WHEREAS, the City Council has had an opportunity to review the City Manager's report and has otherwise been fully advised by the City Manager with respect to this project;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Swartz Creek hereby determines that it is necessary to establish a City-Wide Special Assessment District and to make said district subject to a levy of 4.9 mills; and

BE IT FURTHER RESOLVED that the special assessment shall be levied on the taxable value of all current and future real property in the City of Swartz Creek.

BE IT FURTHER RESOLVED that council will, within forty-five days (45) of the end of the City's fiscal year, being June 30th, and each year thereafter and in conjunction with the City's annual budgeting and levy process, make a redetermination of the levy for the ensuing year, without notice, provided the increase in levy does not

exceed an increase in the estimated annual incremental cost increase by 10 percent or more.

BE IT FURTHER RESOLVED that the City Manager's report shall be placed on file with the City Clerk and shall be available for public examination; and

BE IT FURTHER RESOLVED that a public hearing on the proposed Public Safety Special Assessment District is hereby scheduled before the city council at the regular City Council meeting to be held on November 25, 2013 at 7:00 p.m.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to publish and give notice of said public hearing as required by law.

Discussion Took Place.

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

NO: Gilbert. Motion Declared Carried.

Polling Place Agreement, United Methodist Church

Resolution No. 131111-06

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Shumaker

I Move the City of Swartz Creek enter into a five year agreement with the United Methodist Church, 7400 Miller Road, a copy of which is attached hereto, the agreement to allow for the rental of certain rooms within the facility for the purpose of conducting City sanctioned elections, and further, direct the Mayor and City Clerk to execute the agreement on behalf of the City.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

Street Usage Permit, Annual Fire Department Christmas Parade

Resolution No. 131111-07

(Carried)

Motion by Councilmember Porath
Second by Councilmember Hurt

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 7, 2013 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 Tool Place.

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

Sale of City Owned Lots, Parcel ID No's: 58-03-531-040 & 041

Resolution No. 131111-08

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Hurt

I Move the City of Swartz Creek Postpone Resolution No. 131111-8G until such time as the City staff can review and bring back recommendations.

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

MEETING OPEN TO PUBLIC:

Sandra Dively, 5287 Birchcrest, asked what would be done with the lots for sale in Winchester Woods since they can't be built on.

Steve Shumaker, 7446 Country Meadow, asked if anyone considered using Cage Fieldhouse as a polling place.

Jim Florence, 4296 Springbrook, stated that the Cage rents for \$1500 a day.

REMARKS BY COUNCILMEMBERS:

Councilmember Hurt stated that he found the public comments helpful up to a point. Mr. Hurt stated that he heard different sentiments and ideas about the issue. Mr. Hurt stated that by and large he heard support for the fire and police departments. Mr. Hurt stated that he is hoping for some clearer guidance in the future meetings.

Councilmember Hicks stated that is very important to get input from the public. Ms. Hicks spoke about the possibility of the land owners filing a referendum to stop the Special Assessment. Ms. Hicks stated that millages have been turned down again and again and that it is so important to keep the police and fire going. Ms. Hicks stated that a Special Assessment can be looked at each year to see if it is still needed.

Councilmember Shumaker spoke about residents approaching him with problems. Mr. Shumaker spoke about the empty lots for sale. Mr. Shumaker stated that he feels the lots should be kept separate so they can be marketable at a later date.

Councilmember Porath stated that he feels the councilmembers don't get many phone calls because the administration handles the problems before the council knows about them. Mr. Porath spoke about Cage Fieldhouse, stating that he wants it back on the tax rolls after the two years is up. Mr. Porath stated that it is nice to hear the residents tell the council how they feel and believes the council needs to come up with more information such as the length of the possible special assessment.

Mayor Pro-Tem Abrams spoke about talking to the Mayor of Burton and the similar issues they had with their recent millage. Mr. Abrams stated that the council selected the special assessment district in order to get the information out.

Mayor Krueger thanked everyone for their input. Mr. Krueger reiterated that the council needs to have an idea where the residents want them to go with the public safety issue. Mr. Krueger spoke about the shared services report.

Adjournment

Resolution No. 131111-09

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Hicks

I Move the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 10:15 p.m.

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

David Krueger, Mayor

Juanita Aguilar, City Clerk