

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 12/09/2013**

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: Police Chief Rick Clolinger, Tom Svrcek Director of Public Service, City Clerk Juanita Aguilar, City Attorney Mike Gildner, City Treasurer Deanna Korth.

Others Present: Boots Abrams, Tommy Butler, Jim Florence, Ron Schultz, Sharon Shumaker, Sandy Raffaelli, Jim O'Brien, Sandra Dively, Donald Wyatt, George Trundle, Steve Shumaker, Joel McRee, Pat Clawson, Brenda Bennett, Charles Campbell, Diane Campbell, Mary Packer, Jim Packer, Marjorie Markon, Ron Frye, Earlynn Frye, Bob Plumb, Dave Caudle, Edward Beard, Chris DeMorone, Don Adams, Jamie Adams, Kolby Adams, Roberta Diaz Cobb, Teresa Spence, Brenda McLaughlin, Jentery Farmer.

APPROVAL OF MINUTES

Resolution No. 130912-01

(Carried)

Motion Councilmember Porath
Second by Councilmember Shumaker

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting, held Monday, December 2, 2013 to be circulated and placed on file.

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

Resolution No. 130912-02

(Carried)

Motion Councilmember Abrams
Second by Councilmember Hurt

I Move the Swartz Creek City Council hereby approve the Minutes of the Special Council Meeting, held Tuesday, December 3, 2013 to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 130912-03

(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 December 9, 2013, to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 130912-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the City Manager's Report of December 9, 2013, to be circulated and placed on file.

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

Discussion Ensued.

MEETING OPENED TO THE PUBLIC

Roberta Diaz Cobb, 5379 Seymour Road, asked the council if they could vote by hand who is a member of the Methodist Church. She feels that we should use a cheaper, smaller place to vote.

George Trundle, 6292 Augusta Street, responded to comment made earlier from resident that he is an election worker, and people have been lined up to get into vote in the past. He feels the City has made the right decision to use the Methodist Church as the voting poll place.

COUNCIL BUSINESS

GENERAL MOTORS RENOVATION PROJECT, 6060 WEST BRISTOL ROAD, TAX ID NO: 58-32-300-007; 58-32-400-008; 58-32-300-002

Resolution No. 130912-05

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hurt

I Move the City of Swartz Creek accept the recommendation of the Planning Commission and hereby approve the site plan for a parking and a new building façade for 6060 W. Bristol Road as illustrated in plans dated October 15, 2013, conditioned upon the following:

1. Shielding of the wall pack lighting in accordance with city ordinance

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

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.

Discussion Ensued.

Public Hearing Open:

Joel McRee, 5063 Brady Street, third time to ask the council to put this to a vote to the people. He does understand that given the deficit and potential failure of a ballot request it puts you in quite a hole. I don't blame you if you decided to go with SAD simply because if it does fail, if you do have to do a ballot request, you go to your next year all of a sudden every penny that you are getting from the ballot request should have passed. You've got two years all of a sudden that is eaten alive and you gained nothing. That puts the police department, fire department, public safety and every resident in somewhat of a quandary and it puts you in a quandary. I as a resident am totally in favor of a millage, I believe if we don't do this millage it's going to cost us. I will personally work very hard as a resident to try and get a millage passed.

George Trundle, 6292 Augusta Street, I did some checking on the taxes I paid in 2009 versus the tax I am paying now. If people would check the taxes from 2009 what they paid

and what they are paying now, the average homeowner should be saving around \$2,000 total in your pocket. I don't think \$200-\$250 would hurt anybody with this SAD. If you do the ballot and you have at least 10% of voters you can see what is going to happen. They will say no on it.

Roberta Diaz-Cobb, 5379 Seymour Road, asked for the charts to be put back on the screen. Ms. Diaz-Cobb asked how Swartz Creek compares to other communities. Ms. Diaz-Cobb stated that the City is comparing apples with oranges, stating that the other cities in the comparison have much larger populations. Ms. Diaz-Cobb stated that she just doesn't see the need and out of respect to the people in the City, they have a right to vote on it. Ms. Diaz-Cobb asked how much Adam Zettel's pay was going to be.

Jentery Farmer, 6287 St. Charles Pass, asked the Council to please do the SAD. Mr. Farmer stated that we live in a government where the residents elect the officials who can know everything they know about the issues and pay attention to these subjects. Mr. Farmer stated that the residents elected the City Council to have their say and asked for the SAD to be put through. Mr. Farmer stated that millages have been proposed multiple times in the past and have not gone through and seen the light of day. Mr. Farmer stated that putting this item through for a millage and putting it on a ballot would be a death sentence for it. Mr. Farmer asked if the one detective was spending his time on patrol. Mr. Clolinger stated that he is used as needed for patrol but that he mainly works on being a detective the two days a week that he is there. Mr. Farmer stated that he feels that the officers are needed. Mayor Krueger stated that the council has 20-25 times the information that was presented to the public, and that they have been pouring over it.

Jim Packer, 7216 Miller Road, stated that he and his wife have been discussing the issue among themselves and that their feeling is that the proposed millage is definitely needed. The SAD is a way to get the money needed and not have to spend money on a millage election. Mr. Packer recommended that as the Council decides for the SAD that they put some kind of limitation toward it and then reassess later and possibly put it toward a vote of the people. Mr. Packer stated that he is in favor of an SAD for a limited time frame.

Don Adams, 7192 Parkridge, supports the SAD. Mr. Adams stated that everyone is aware of the issues the City has faced in the past with millages placed on the ballot. Mr. Adams stated that the community is only going to be as good as their schools and their public safety. Mr. Adams stated that he thinks the Council has done their due diligence and solicited everyone's input but he doesn't think it is something that will be viewed negatively if implemented through a SAD. Mr. Adams asked everyone to compare the police department to what it was in 1975, being a bigger police department then. Mr. Adams stated that the community is a lot busier now with more going on and the police department has shrunk. Mr. Adams stated that the police department is too small and that before we experience what other communities with part time police departments have experienced, he would urge the Council to use the SAD.

Jim O'Brien, 5221 Worchester Drive, stated that he is in favor of the SAD.

Donald Wyatt, 5326 Durwood Drive, stated that he is in complete favor of the SAD. Mr. Wyatt stated that he voted for four of the council members in the last election and he likes

the way they are doing their job and is in complete support of all of the council members. Mr. Wyatt stated that to put it to a vote would be another \$3,000-\$5,000 which may be spent for nothing, because they may have to come back and go for another one.

Chris DelMorone, 722 Dickinson Street in Flint, stated that he failed to see any crime statistics indicating a significant increase in crime in Swartz Creek. Mr. DelMorone stated that he believes the money raised through a millage or special assessment would save money in the general fund. Mr. DelMorone stated that not all money that is raised in the special assessment would be going towards police, but staying in the general fund. Mr. DelMorone stated that under federal tax law, citizens who itemize their taxes are allowed to deduct the value of the property taxes that they pay and under a special assessment they are not allowed to do that. Councilmember Porath stated that the City Attorney advised that is incorrect.

Jamie Adams, 7192 Parkridge, spoke from a law enforcement perspective. Ms. Adams has worked for the Sheriff's Department for 16 years. Ms. Adams spoke about being an officer on the street. Ms. Adams stated that people don't stop to realize that the quiet safe communities are that way because of the good job that the police do. Ms. Adams stated that she doesn't think people understand the intricate scheduling, vacation days off, potential injuries and so forth, of why so many officers are needed. Ms. Adams stated that the Sheriff's Department and the State Police are there to help and assist and back up and the reality is that those departments are overburdened by the lack of staffing. Ms. Adams stated that she very often works in the area that covers the Swartz Creek community. Ms. Adams said that on day shift she is the one car for the sheriff's department that covers this area. Ms. Adams stated that she is responsible for Fenton, Fenton Twp, Atlas, Gaines, Mundy Twp, Swartz Creek, Flint Twp. and Clayton Twp. So if people think it is not a big deal to eliminate a position here or there, that there are other agencies to back up or support, it doesn't play out that way. For the fellow officers on the street, the minimal amount to maintain is crucial to citizen safety and officer safety. Ms. Adams feels that if it is put to a vote, based on the demographic of Swartz Creek, history has proven that it will likely fail. Ms. Adams stated that if there is no police department, everything residents worked for will be in jeopardy.

Sandy Raffaelli, 8098 Miller Road, stated that she is in favor of the SAD. Ms. Raffaelli stated that the City cannot keep going at the rate it is or it will have an emergency financial manager.

Councilmember Hurt asked for specifics on what the General Fund is used for. City Clerk Juanita Aguilar explained that the General Fund covers all expenses for Public Safety. Ms. Aguilar then explained what is not covered by the General Fund; garbage, water and sewer, motor pool is sustained by the general fund and all special funds. The main Public Safety is maintained totally by the General Fund. Any revenue that comes in is closely looked at and supports public safety. Police takes 40% of the General Fund, Fire takes 7%. What remains in the General Fund covers the parks, elections, staff in house- a certain portion- because each staff member does duties that are covered by other funds. Mr. Hurt explained that everyone needs to understand that "money left over in the General Fund" goes for Police and Fire. We call it General Fund but that doesn't mean it's a slush account. It's money for Public Safety.

Dave Caudle, 4015 Elms, liked the presentation. Mr. Caudle stated that the reality is that we need more money in Swartz Creek, no question about that. The question then becomes, how do we get it? Mr. Caudle asked if there has ever been a City millage. Mayor Pro-Tem Abrams advised there had been two, which were both for streets, and they both failed. Mr. Caudle spoke about different school millages that failed. Mr. Caudle stated that he understands why the Council didn't want to put it to a vote. Mr. Abrams stated that part of the reason it failed was some citizens saw the bulk of the money going to one end of the City and not being equally distributed. However, police and fire are equally distributed throughout the City. Mr. Caudle stated that the City hasn't had a millage in a long time and so the reference to "you know it's going down" is not believable. Mr. Caudle spoke about the Burton millage. Mr. Caudle stated that he is against the Special Assessment and that he wants to vote. Mr. Caudle stated that he doesn't believe the residents put the Council up there to increase their taxes. Special Assessments have a purpose for small things. Mr. Caudle stated that the only thing he has heard about why the SAD is being considered versus voting is that the Council is afraid the residents won't support it. Mr. Abrams stated that his reason is that the Special Assessment process allows the Council to disseminate information to the public, have public hearings and give out documentation. If the Council arbitrarily went out to a ballot question, they cannot expend public monies to promote that ballot question. This is a tool by which they can explain their positions. Mr. Caudle stated that he wants his vote. Mr. Caudle stated that he likes the idea of a one or two year assessment and then put it to a vote, that it is a compromise. Mr. Caudle stated that he will actively campaign for the millage to pass if it is put to a vote.

Theresa Spence, 11401 Miller, owns a business in Swartz Creek. Ms. Spence stated that she was very distraught to hear that out of four restaurants in Swartz Creek, some people didn't think there was a decent restaurant in the City. Ms. Spence brought a gift certificate for the resident who made the statement.

Pat Clawson, 5014 Ford Street, stated that the Special Assessment taxes are not deductible, according to the IRS. Mr. Clawson stated that it's insulting that the Council is considering a SAD without the input of the people at the polls. Mr. Clawson stated that he likes and supports the police department and that if it goes to a vote he will probably end up voting in favor of it. Mr. Clawson stated that he wants the choice. Mr. Clawson stated that the City needs to start thinking about whether or not we can afford to have our own police department. Mr. Clawson stated that a County Wide police department is necessary.

Connie Karhoff, 7434 Crosscreek, stated that she would like the Council to understand that the same financial struggles the City is encountering is happening to the residents as well. Ms. Karhoff asked if the City has cut things to the bare minimum as the residents have had to do. Mayor Krueger stated that tremendous cuts have been made all across the board. Mr. Krueger stated that 35% of the city income has been lost over the last 5 years. Councilmember Shumaker stated that the DPS department is down to a supervisor and three people, which makes it tough to function especially during snow emergencies and such. Mr. Shumaker advised that water/sewer rates have not been raised as they should have been in order to keep residents bills down. Mr. Shumaker stated that if it is passed,

the City staff will account for the money wisely and it will go to police and fire. Mr. Shumaker spoke about the state of the fire equipment, stating that it needs to be replaced. Mr. Abrams spoke about Mr. Shumaker being the previous DPS Director and asked what his staff was at that time. Mr. Shumaker stated that at the peak he had 12 people. Mr. Shumaker stated that most work has to be contracted out now. Mayor Krueger spoke about what it takes to plow the streets after a snow, explaining that sometimes even the City Manager, Police Chief and sometimes a council member would help plow. Chief Clolinger spoke about the many cuts the police department has made that the public doesn't see. Mr. Clolinger stated that his employees, including himself, have not had pay raises in years. Mr. Clolinger spoke about the money spent on the Shared Services Study. Mr. Clolinger stated that the City won't go broke, but the services that have been provided all these years will no longer be available. Councilmember Porath stated that he would like to hear from the public.

Jentery Farmer asked if it was true that if a millage or SAD doesn't happen, the Police will have to make serious cuts. Chief Clolinger advised that it was correct. Mr. Farmer asked about a possible stabbing in the past year that required 6 police officers to be on duty to handle the scene as well as patrol. Mr. Clolinger stated that there have been many instances where officers, including the part-time detective, have been called in. Mr. Clolinger spoke about the difficulty in budgeting for wages when such instances can occur that bring more officers in.

Jamie Adams stated that she has the belief that a millage may not pass due to people who don't vote at all. Ms. Adams stated that she doesn't believe enough people are giving their input and she believes the assessment is necessary. Ms. Adams stated that living in a small community, sometimes people don't realize what is going on just outside the community. Ms. Adams stated that criminals don't want to go to poor areas. They want to go to a community where people have things of value. Ms. Adams stated that there is not an abundance of resources to come and assist in the City if needed.

Chris DelMorone stated that he noticed that the out county area home values will be increasing. Mr. DelMorone stated that he sits on the City of Flint Board of Review. Mr. DelMorone spoke about different instances he has dealt with on that board.

Pat Clawson stated again that SAD's are not deductible on the taxes. Mr. Clawson stated that taxpayers are going to have a tax jammed down their throats without their vote or consent and they can't write it off.

Roberta Diaz-Cobb spoke about Mr. Zettel's pay. Ms. Diaz-Cobb wants to vote.

Public Hearing Closed.

PUBLIC SAFETY SPECIAL ASSESSMENT DISTRICT; APPROVE PUBLIC SAFETY SPECIAL ASSESSMENT DISTRICT, APPROVE ASSESSMENT ROLL, ORDER WARRANT, ORDER COLLECTION

Resolution No. 130912-06A

Motion by Councilmember Hurt
Second by Councilmember Hicks

WHEREAS, in accordance with the provisions of PA 33 of 1951 (MCL 41.801 et seq), on November 11, 2013, the City Council approved establishment of a City Wide public safety special assessment district a copy of the related meeting minutes and parcels attached with tonight's meeting packet; and

WHEREAS following receipt of said special assessment roll, the City Council scheduled a public hearing on said roll to be held on December 9, 2013; and

WHEREAS, due notice of same having been published and mailed as required by law, the City Council has conducted said public hearing.

NOW, THEREFORE, BE IT RESOLVED that the Swartz Creek City Council hereby determines that it is satisfied that the special assessments on the roll have been spread in proportion to the benefits received by the properties in the district; and **BE IT FURTHER RESOLVED** that the City Council hereby confirms the special assessment roll for the public safety special assessment district which will consist of all parcels located within the City of Swartz Creek and directs that said special assessment roll be placed on file with the city clerk; and

BE IT FURTHER RESOLVED that the city clerk is hereby directed to attach her warrant to the special assessment roll within 10 days from the date hereof; and

BE IT FURTHER RESOLVED that the city assessor is hereby directed to spread the amounts on the special assessment roll and directs the city treasurer to collect the amounts on the said special assessment roll beginning with the summer 2014 tax collection.

Resolution No. 130912-06B

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Porath

I Move the City of Swartz Creek to add to the Special Assessment that it will be for the maximum of ten years.

YES: Abrams, Hicks, Hurt, Porath.

NO: Shumaker, Gilbert, Krueger, Motion Declared Carried.

WHEREAS, in accordance with the provisions of PA 33 of 1951 (MCL 41.801 et seq), on November 11, 2013, the City Council approved establishment of a City Wide public safety special assessment district a copy of the related meeting minutes and parcels attached with tonight's meeting packet; and

WHEREAS following receipt of said special assessment roll, the City Council scheduled a public hearing on said roll to be held on December 9, 2013; and

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BE IT FURTHER RESOLVED that the city clerk is hereby directed to attach her warrant to the special assessment roll within 10 days from the date hereof; and

BE IT FURTHER RESOLVED that the city assessor is hereby directed to spread the amounts on the special assessment roll and directs the city treasurer to collect the amounts on the said special assessment roll beginning with the summer 2014 tax collection. This special assessment will be for the maximum of ten years.

YES: Hicks, Hurt, Krueger, Porath.

NO: Abrams, Gilbert, Shumaker. Motion Declared Carried.

MEETING OPEN TO PUBLIC:

Joel McRee, 5063 Brady Street, commented while he understands why the council had to vote the way they did but he would have loved to take the vote to the people and seeing what the voter turnout would have been. He believes the comments earlier by Mr. Packer was a great idea. He wanted to express he would of liked the opportunity to go out and challenge the voters of this wonderful community and see whether or not we could of made this pass.

Pat Clawson, 5014 Ford Street, he feels what was done tonight is an insult and a slap in the face to the citizens of this community. To deprive them of their opportunity to vote on a tax is the supreme insult to the citizens of this community. This cannot be allowed to stand, and this also harms our police department, because it helps under mind public support for our police department and our police department needs all the public support it can get.

Donald Wyatt, 5326 Durwood Drive, wanted to thank the board for passing the millage and he wished that it would have been a seven to nothing vote, but glad it was passed and is in support of it and will be in support against a recall election. I will work actively, I have been here for fifty years and I want to remain here.

Don Adams, 7192 Parkridge Parkway, he wanted to thank the council for hearing everyone tonight, obviously the decision turned out the way I wanted it to be. I know it was a tough decision and appreciate you listening to everybody. Much like the other gentlemen, if there is a recall I still carry some votes around this town.

REMARKS BY COUNCILMEMBERS:

Councilmember Porath it was a long haul but feels in his opinion they did the right thing. He thinks for the city it will turn out well. He wanted to know if the calendars are coming out soon and how they are distributed. City Clerk Juanita Aguilar responded they are being worked on and they are given out to public at the office, senior center and on our website. He wanted to thank everyone and he knows in the end we needed it, regardless if we wanted it this way or another process.

Councilmember Shumaker commented he believes he mentioned a couple hearings ago, that we needed this millage for the police, how its arrived for us is debatable. When you witness a house surrounded by policemen and a dog to route the resident out it certainly drives it home. He wished a couple of people in the audience would have been there and then you really know it's needed. He believes the police really need our support however we can do this. It's not just with the millage, it's with calling in those calls, supporting in different ways in their efforts. This is also about supporting the fire department too. If you want the services we are going to pay for it one way or the other.

Councilmember Hicks commented she has lived in the community since 1959 and has raised four children here. This was still not an easy decision, even to take a millage. She has four children that are struggling and she understands. She wanted to thank everyone for coming and expressing their opinion. Along with her experience and listening to the public that is why she voted the way she did. She encouraged the public to keep coming to the meetings and keep talking, because this will help us make a decision.

Councilmember Gilbert, we need the police, fire department. We need public safety, but I still feel the ballot question was a more fair way to do it. It took the vote away from the people.

Councilmember Hurt, when he left his house to come to tonight's meeting he intended to cast a vote for millage. The arguments tonight convinced me to go the other way. I did not know through this whole process where I was going to go in this. I heard some very eloquent arguments on every aspect of the issue, but sooner or later it comes down to yes or no. While there are some very good arguments on both sides I was more persuaded this night by the people who spoke in favor of the special assessment. That doesn't mean that there is anything wrong with the other arguments I just found the balance swayed that way. That threat of recall matters only to a career politician and I am not one.

Mayor Pro Tem Abrams, having served on council for 29 years I might approach that position. I have appreciated the vote every time. I would have preferred a ballot question but I was looking at this process to get the message out. I understand my colleague's position about the SAD. I am not crazy about it, I hate the term assessment, but this will get the job done and if we have a threat of recall I think it is better put to go to the people

and say let's have a ballot question. Ten percent of those within the city would have to sign a petition.

Mayor Krueger like councilmember Hurt has always been in favor of the millage from the beginning. He was persuaded by the citizens that have come in and spoke and gave us their opinion.

Councilmember Hurt wanted to thank all that came to the meetings and speaking so freely. Councilmember Porath commented that he was amazed on how many people didn't show up.

Adjournment

Resolution No. 130912-07

(Carried)

Motion by Councilmember Hicks

Second by Councilmember Shumaker

I Move the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 9:16 p.m.

YES: Unanimous Voice Vote.

NO: None. Motion Declared Carried.

David Krueger, Mayor

Juanita Aguilar, City Clerk