

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 08/11/2008**

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: Mayor Abrams, Mayor Pro-Tem Christie, Hurt, Shumaker.

Councilmembers Absent: Adams, Hicks, Porath.

Staff Present: City Manager Bueche, City Attorney Gildner, Assistant City Manager Zettel, City Clerk Juanita Aguilar.

Others Present: Boots Abrams, Tommy Butler, David Krueger, Betty Binder, Terry O'Brien, Mike White, Will Tabacchi, Lloyd Swan, Bruce Beatty, Chuck Shinousas, Bud Grimes, John Gilbert, Joseph Letavis, Bill Morgan, Jim Florence.

Resolution No. 080811-01

(Carried)

Motion by Councilmember Hurt
Second by Mayor Pro-Tem Christie

I Move the Swartz Creek City Council hereby excuse the absence of Councilmember Porath from the July 28 and August 11, 2008 Council meetings due to work commitments and family health issues, Councilmember Hicks from the August 11, 2008 Council meeting due to being on vacation, and Councilmember Adams from the August 11, 2008 Council meeting due to family health issues.

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

APPROVAL OF MINUTES

Resolution No. 080811-02

(Carried)

Motion by Mayor Pro-Tem Christie
Second by Councilmember Shumaker

I Move the Swartz Creek City Council hereby approve the Minutes for the Regular Council Meeting, held July 28, 2008, to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 080811-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the Agenda, as amended, for the Regular Council Meeting of August 11, 2008 to be circulated and placed on file.

YES: Hurt, Shumaker, Abrams, Christie.
NO: None. Motion declared carried.

Mayor Abrams presented a proclamation to Joe Letavis for his Eagle Scout work on creating a flag retirement ring for the City of Swartz Creek.

Joe Letavis presented the City with a plaque from all of the companies that contributed to the flag retirement project.

REPORTS AND COMMUNICATIONS:

City Manager's Report

Mayor Abrams added two items to the Reports and Communications: a letter to Tom Kolhoff from the Mayor and a picture of the sign for the right of way.

Resolution No. 080811-04

(Carried)

Motion by Councilmember Hurt
Second by Mayor Pro-Tem Christie

I Move the Swartz Creek City Council approve the City Manager's Report of August 11, 2008, to be circulated and placed on file.

YES: Shumaker, Abrams, Christie, Hurt.
NO: None. Motion declared carried.

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

MEETING OPENED TO THE PUBLIC:

David Krueger, 7399 Miller Road, spoke about the ITT parking lot and asked when their requested parking lot would be built. He was advised by City Manager Bueche that it would be as soon as possible. Mr. Krueger questioned whether ITT gives out parking passes to its students so that they could identify which vehicles were parked there without permission. City Manager Bueche stated that the parking there is on private property and

therefore unenforceable by the police department. He stated that ITT would have to come up with a resolution for the parking problem.

Jim Florence, 4296 Springbrook, wanted to take the opportunity to invite everyone to a pancake breakfast at the Senior Center on Saturday, August 16, 2008. He stated that it is a fundraising event for the upcoming building project. Mr. Florence stated that on Sunday, August 17, 2008 there would be a rummage sale for the same project.

COUNCIL BUSINESS:

Meijer's Amendment to Final Site Plan

Resolution No. 080811-05

(Carried)

Motion by Mayor Pro-Tem Christie
Second by Councilmember Hurt

WHEREAS, the City of Swartz Creek City Council has reviewed and approved a Planned Unit Development Site Plan, with special land uses for Meijer and,

WHEREAS, the Planned Unit Development satisfies the eligibility criteria of Section 11.01 of the City of Swartz Creek Zoning Ordinance; and,

WHEREAS, the applicant put forth an extended timeline for completion of the project, including possible revisions prior to commencement; and

WHEREAS, the existing Site Plan and all Special Land Uses remain valid contingent upon any revisions.

NOW, THEREFORE, the Swartz Creek City Council approves the Site Plan Amendment for a downsizing and layout alternation of the Meijer Store to be constructed at, 4013 Morrish Road, Tax ID No. 58-36-100-001, applicant Michael Kinstle (Meijer Inc.), as illustrated in the site plan dated July 30, 2008, subject to the following conditions and stipulations:

- 1.) Identified waivers in the staff SPR review letter dated August 1, 2008 are approved by City Council.
- 2.) Approval by the City Council of a planned unit development agreement.
- 3.) Comments by Rowe Engineering and other permitting agencies are addressed.
- 4.) Meijer Inc. is to provide \$1,500,000 towards the Morrish Road improvements as need for completion of Phase I.

Discussion Took Place.

YES: Shumaker, Abrams, Christie, Hurt.

NO: None. Motion Declared Carried.

ITT Technical Institute, Final Site Plan Approval, Parking Lot

Resolution No. 080811-06

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the City of Swartz Creek Council approve the Final Site Plan for the expansion of the ITT parking lot to be constructed at 6399 Miller Rd, Tax ID No. 58-31-100-033, applicant Delta Land Surveying, as illustrated in the site plan dated July 21, 2008, subject to the following conditions and stipulations:

1. Approval by City Council of a restrictive covenant that ties the primary use to the parking lot.
2. The extension of the east property line screening fence along the entire western property line of 6355 Miller Road.
3. The addition of masonry columns to the fence sections along Miller Road per administrative approval.

Discussion Took Place.

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

Street Use Permit, Holland Drive, Police Bicycle Rodeo

Resolution No. 080811-07

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Shumaker

I Move the City of Swartz Creek approve the street use permit application, applicant Swartz Creek Police Department, for the closure of Holland Drive between Miller and Ingalls, on Saturday, August 16, 2008 from 7:00 AM to 4:00 PM, for the purpose of holding a youth "Bicycle Rodeo".

Discussion Took Place.

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

Planning Commission Resignation, Tom Kolhoff

Resolution No. 080811-08

(Carried)

Motion by Mayor Pro-Tem Christie
Second by Councilmember Hurt

I Move the City of Swartz Creek accept the resignation of Tom Kolhoff from the Swartz Creek Planning Commission.

Discussion Took Place.

YES: Christie, Hurt, Shumaker, Abrams.

NO: None. Motion Declared Carried.

Park Board, Zoning Board of Appeals Resignation, Ken Keyes

Resolution No. 080811-09

(Carried)

Motion by Councilmember Shumaker

Second by Councilmember Hurt

I Move the City of Swartz Creek accept the resignation of Ken Keyes from the Swartz Creek Zoning Board of Appeals and the Swartz Creek Parks & Recreation Board.

Discussion Ensued.

YES: Hurt, Shumaker, Abrams, Christie.

NO: None. Motion Declared Carried.

Street Re-Striping

(Discussion Topic)

City Manager Bueche made a brief presentation about the re-striping of Elms Road after the construction is done. Mr. Bueche talked about PK Contracting extending their prices to other work that the City needs done. Mr. Bueche stated that he would have more information at the next meeting.

Right of Way Permit, Banner for Health Weekend

Resolution No. 080811-10

(Carried)

Motion by Mayor Pro-Tem Christie

Second by Councilmember Hurt

I Move the City of Swartz Creek approve the right of way permit to hang the Swartz Creek Health Weekend banner at a location between 3rd Street and Fairchild Street.

Discussion Took Place.

YES: Hurt, Shumaker, Abrams, Christie.

NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC

Will Tabacchi, 5313 Valleyview, expressed his appreciation for what Swartz Creek contributed to the Seymour Road and Elms Road improvements. Mr. Tabacchi made a suggestion to add Bocce Ball to Elms Road Park. Mr. Bueche stated that he would bring it up to the park board. Mr. Tabacchi expressed a concern about the armed robbery at Kroger recently. He stated that he would like to see less traffic patrol and more neighborhood and commercial establishment patrol by the police department. Mr. Bueche commented that the suspects in the Kroger robbery have been doing similar robberies in the area more frequently and he feels that they are close to getting caught.

David Krueger, 7399 Miller Road, questioned whether the Marathon station was coming down in August as was previously stated. Mr. Zettel stated that the City has a judgment from the 67th District Court that allows the City to mitigate blight conditions on the property. Mr. Zettel stated that the bank has begun foreclosure proceedings and they may object to removing value from the property by removing buildings, which may delay taking down the building. Mr. Krueger also questioned the condition of Miller Road at the exit ramp from WB I-69. He wondered if the state was going to take care of repairing potholes and cracks in that area. Mr. Bueche stated that he would check into it. Mr. Krueger questioned whether the proposed three lanes on Morrish Road would include a bike path to the Meijer's store. Mr. Zettel stated that a bicycle path was not in the plans at this time.

Jim Florence, 4296 Springbrook, spoke about someone riding a moped on Miller Road. He questioned where mopeds are supposed to ride on the roadway. Mr. Bueche stated that unless there is a designated area, they are to ride with the traffic. Mr. Florence expressed concern that mopeds on the roadway may get run over.

Tommy Butler, 40 Somerset, questioned whether Swartz Creek owns the gravel pit on Seymour and Hill Roads. He was advised that the City does not own it. Mr. Butler also spoke about making the streets three lanes. He referred to a Flint Journal newspaper article that stated that the County was going to make the 4 lane streets 3 lanes. Mr. Butler talked about the Health Weekend banner. He wondered why the sign can't go in the right-of-way without a permit, yet there is a tree service sign in the right of way on Miller Road. He was advised that if it was in violation, it would be removed. Mr. Butler stated that he felt too much time was spent on the specifics of the banner.

REMARKS BY COUNCILMEMBERS:

Councilmember Hurt commented on the loss of the bicycle path on Seymour Road. He stated he saw two kids riding down the middle of the road, and believed that it was dangerous. He stated that the Council may want to revisit the idea of adding a bicycle path in the future.

Councilmember Shumaker thanked the Clerk for the voter statistics. He questioned the percentage of voter turnout. He was advised that it was about 18%. Mr. Shumaker talked about the Elms Road construction. He referred to the driveway approaches that were done. Mr. Bueche advised that the approaches that were gravel were replaced so that the gravel would not eventually end up back on the roadway. The approaches that were

concrete were replaced with concrete, and the approaches that were asphalt were replaced with asphalt.

Mayor Pro-Tem Christie spoke about what a great job the City Police Department did handling the robbery at Kroger.

Mr. Christie talked about the issue of mopeds. He stated that he was looking into purchasing a NEV (neighborhood electric vehicle) which is a street legal vehicle on roads up to a speed limit of 35 miles per hour. He stated that there are some vehicles that are only classified up to a certain mile per hour on a road and stated that mopeds may fall into that category.

Mr. Christie asked about the status of the contract with the district library. Mr. Bueche advised that nothing has been done with it at this time, as no one has contacted him. Mr. Bueche stated that he would check into it further.

Mr. Christie asked if the administration was aware of a new digital sign at McDonald's. Mr. Zettel stated that he is aware and explained the sign law in reference to LED message boards.

Mr. Christie mentioned that he would like to see more description of the conversations in reference to opposing views during resolutions. He stated that he felt that when reviewing the minutes at a later date, someone might want more detail as to why someone voted no.

Mr. Christie talked about the lighting in the MDOT lot near ITT. He wondered who was responsible for more lighting there. Mr. Zettel stated that after meeting with them, MDOT claimed that it is against policy, unallowable, and illegal for them to spend money to operate lighting or do other forms of maintenance on these parking lots. MDOT claims that the communities pay for lighting and maintenance themselves.

Mr. Christie talked about the ballots at the election on August 5th. He stated that he believes that a lot of people may not have known to look at the back of the ballot.

Mayor Abrams commended Assistant City Manager Zettel for his work on the ITT project.

ADJOURNMENT:

There being no objection, Mayor Abrams declared the meeting adjourned at 8:38p.m.

Richard Abrams, Mayor

Juanita Aguilar, City Clerk