

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 08/23/2010**

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, Police Chief Rick Clolinger, Assistant City Manager Adam Zettel.

Others Present: Maryanne McCarthy, Tommy Butler, Sharon Shumaker, Ron Schultz, Lou Fleury, Jim Florence.

APPROVAL OF MINUTES

Resolution No. 100823-01

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Binder

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting, held August 9, 2010, to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 100823-02

(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 23, 2010 to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager’s Report

Resolution No. 100823-03

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the City Manager’s Report of August 23, 2010, to be circulated and placed on file.

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:

Mary Ann McCarthy, Friends of the Library, wanted to thank the City of Swartz Creek for it’s generosity in the library enhancement project.

Tommy Butler, 40 Somerset, spoke about the Morrish Road project and stated that a fantastic job was done. Mr. Butler stated that some sort of recognition should be given to the company who did the job.

COUNCIL BUSINESS:

MDOT Jobs Today-Pull Ahead Program, Elms Road Project Contract Addendum

Resolution No. 100823-04

(Carried)

Motion by Councilmember Binder
Second by Councilmember Hicks

WHEREAS, the City of Swartz Creek, in conjunction with the Michigan Department of Transportation, designed, bid and awarded a contract for the re-construction of a section of Elms Road from I-69 to the north City limits, the project being a Traffic Improvement Program project funded by STP and local match funds; and

WHEREAS, a State of Michigan Program titled “Jobs Today Pull Ahead Program” was utilized, the program designed to ease the loss of jobs resulting from a rapidly declining economy; and

WHEREAS, the program pulled projects scheduled for funding in future years to be ahead on a 4% loan from the state, the incentive for the City being a lower local match amount; and

WHEREAS, the Elms Road Reconstruction Project was pulled ahead from a scheduled 2010 FY funding to 2008, the project completed in late 2008, however, the scheduled release of funding from the U.S. F.H.A. was delayed; and

WHEREAS, the Michigan Department of Transportation has elected to waive all interest on the loan after the scheduled date of release of federal funding, being October 1, 2009, and is in need of an addendum to Contract Number STP-0825(013) – 08-8082 to accomplish this.

NOW, THEREFORE, I Move the City of Swartz Creek approve an addendum to its contract with the Michigan Department of Transportation, Contract Number STP-0825(013) – 08-8082, a copy of the addendum attached hereto, the original contract dated April 2, 2008 and approved at a regular meeting of the City Council held on March 24, 2008, and further, direct the Mayor, Richard B. Abrams and City Clerk, Juanita Aguilar to execute the addendum on behalf of the City.

Discussion Took Place.

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

NO: None. Motion Declared Carried.

Energy Efficiency and Conservation Block Grant (EECBG)

Resolution No. 100823-05

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Krueger

WHEREAS, the City of Swartz Creek, planned and completed an HVAC project at the public safety building that was partially funded by EECBG funds; and

WHEREAS, the expenditures for the project were substantially less than originally estimated, leaving \$13,927 of unencumbered grant funds; and

WHEREAS, the grant application proposed a match in the amount of \$14,817 that the contract requires be paid and this match amount has not been achieved with only \$3,093.13 spent to date; and

WHEREAS, the State Department Energy, Labor, and Economic Growth notified the City that an additional project may be created to spend these dollars within the grant guidelines and to satisfy the match proposal that the City made; and

WHEREAS, the City of Swartz Creek must spend additional funds in in-kind services or cash contributions to “match” the EECBG award per the original budget in order to be reimbursed fully for work completed to date.

NOW, THEREFORE, the City of Swartz Creek hereby directs staff to pursue options for the expenditure of the remaining \$13,927 on energy related projects.

BE IT FURTHER RESOLVED, the City of Swartz Creek will amend the budgeted local match to reduce this amount by \$5,610.76 to reflect cost savings incurred by administering most of the grant with staff time as opposed to the proposed professional service costs, as well as reductions in the estimated amount of inspection time required.

BE IT FURTHER RESOVLED, the City of Swartz Creek shall budget a total of \$9,206.24 of in kind services (accounting for the \$3,093.12 incurred to date and a reduction of \$5,610.76 as noted), leaving \$6,113.11 in in-kind services or cash contributions in order to match the total project expenditures and receive reimbursement for all work completed.

Discussion Ensued.

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

Park Fee Waiver Request

Resolution No. 100823-06

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Shumaker

I Move the City of Swartz Creek grant a waiver of fees and approve the use of Elms Road Park Pavilion #4 on Sunday, September 12, 2010, 12:00 Noon to 6:00 PM, for the Swartz Creek branch of the GFWC Women's Club.

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

Zoning Discussion

(Discussion Topic)

Assistant City Manager Zettel made a brief presentation on zoning and the correlation with medical marijuana. A request has been made to open a dispensary in the City of Swartz Creek.

MEETING OPENED TO THE PUBLIC

Tommy Butler, 40 Somerset, spoke about the medical marijuana issue.

Ron Schultz, 4279 Springbrook, asked if the medical marijuana businesses could be side by side or does there have to be a distance between them. He was advised that there is no regulation on that.

REMARKS BY COUNCILMEMBERS:

Councilmember Krueger thanked Mr. Zettel for his many years of service and all of the work that he has done for the City.

Councilmember Shumaker also thanked Mr. Zettel for his years of service. Mr. Shumaker asked if there was a specific time frame for the work to be done on Jennie Lane.

Councilmember Hicks thanked the City for letting the Women's Club use the park for their annual meeting. Ms. Hicks stated that the pickle ball striping looks good. Ms. Hicks asked if the dead trees in the park were going to be cut down. Mr. Bueche stated that there are many dead trees in the City and that the ones with the greatest potential for damage are being removed first.

Councilmember Binder advised that the Gary R. Binder Memorial Car and Bike Show raised \$1200 to benefit the Swartz Creek Veteran's Memorial.

Councilmember Hurt thanked Mr. Zettel for all of the help he has been to him and the City. Mr. Hurt questioned what kinds of trees were dead in the park. He was advised that they were primarily Ash trees.

Mayor Abrams talked about a possible RV park going in on Seymour Road near the City limits. Mr. Abrams questioned whether any word has been heard from Gaines Township regarding the zoning of such a park. Mr. Bueche stated that he would check into it.

Adjournment

Resolution No. 100823-07

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Shumaker

I Move the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 8:09 p.m.

YES: Unanimous Voice Vote.
NO: None. Motion declared carried.

Richard Abrams, Mayor

Juanita Aguilar, City Clerk