

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 12/15/2008**

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, Binder, Hicks, Hurt, Krueger, Porath, Shumaker.

Councilmembers Absent: None.

Staff Present: City Manager Paul Bueche, City Clerk Juanita Aguilar, Director of Public Services Tom Svrcek, Finance Director/Deputy Clerk Mary Jo Clark, Assistant City Manager Adam Zettel.

Others Present: Bob Plumb, Jim Florence, Ron Schultz, Richard Mattson, Don Adams.

APPROVAL OF MINUTES

Resolution No. 081215-01 **(Carried)**

Motion by Mayor Pro-Tem Porath
Second by Councilmember Shumaker

I Move the Swartz Creek City Council hereby approve the Minutes for the Regular Council Meeting, held December 8, 2008, to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 081215-02 **(Carried)**

Motion by Councilmember Krueger
Second by Councilmember Shumaker

I Move the Swartz Creek City Council approve the Agenda, as presented, for the Regular Council Meeting of December 15, 2008 to be circulated and placed on file.

YES: Hicks, Hurt, Krueger, Porath, Shumaker, Abrams, Binder.
NO: None. Motion declared carried.

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 081215-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hicks

I Move the Swartz Creek City Council approve the City Manager's Report of December 15, 2008, to be circulated and placed on file.

YES: Hurt, Krueger, Porath, 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:

Jacob Adams, 8215 Miller and 7192 Parkridge, questioned when the City was going to spend some money on the kids in the community. City Manager Bueche responded that the City currently provides Movies in the Park, Bike Rodeo, and Camp 911, as well as what is generally provided for kids such as parks & recreation areas. Mayor Pro-Tem Porath asked Jacob if he had any suggestions for what the City might provide for kids. Jacob suggested a Community Center.

Joshua Adams, 8215 Miller and 7192 Parkridge, stated that after reading the Council Minutes with his dad, he suggested that someone tell Mr. Florence that Hometown Days is for everyone, not just for kids.

Don Adams, 7192 Parkridge, stated that he read the article in the newspaper that referenced the Senior Center addition. He stated that he and his son thought that was a large amount of money to distribute to the Senior Center. Mr. Adams stated that he has a concern about the money distribution. He stated that he believes that the City takes good care of its seniors. He stated that he believes that it is irresponsible to dedicate that amount of money to a segregated part of this community. He stated that the Council has a fiduciary responsibility to the whole community and not to just people 55 years or older. Mr. Adams spoke about recent newspaper articles about the City. He stated that allocating a half a million dollars to one specific population in the community is not very responsible. Mr. Adams asked if Gaines, Clayton, Flint and Mundy Townships were contacted to contribute to the Senior Center, as their residents make up the majority of the membership to the Swartz Creek Senior Center. Mr. Adams stated that the City Council has a responsibility to the entire community, not just to the Seniors.

COUNCIL BUSINESS:

2007-2008 FY Audit Results, Plante-Moran

Resolution No. 081215-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the City of Swartz Creek accept the 2007-2008 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.

Presentation by Plant-Moran Took Place.
Discussion Took Place.

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

Elms Park Reservation, Fee Waiver Request, Art Fair

Resolution No. 081215-05

(Carried)

Motion by Councilmember Binder
Second by Councilmember Hurt

WHEREAS, the Swartz Creek chapter of Kiwanis International, a local not-for-profit organization, intends to begin an annual Art Festival in Swartz Creek for the purpose of raising funds to support children's activities, and

WHEREAS, the desired location for this outdoor event is Elms Park; and

WHEREAS, the event would consist of a set-up day on Friday, August 28th and a Saturday, August 29th show including approximately forty artists, ten food vendors, a "kids' zone", overnight RV parking, Saturday vendor and patron parking, private security, and live music; and

WHEREAS, the City may allow exclusive use (Ord. 11-50), as well as overnight 'sleeping' of a city park (City Ordinances 11-49) with the written permission of the City Manager.

NOW, THEREFORE, BE IT RESOLVED that the Swartz Creek City Council approve the exclusive use of Elms Park for the Kiwanis 2009 Art Festival on August 28-29, 2009, conditional upon Kiwanis providing insurance for the event naming the City as an additional insured party.

BE IT FURTHER RESOLVED that the park fees for the use of park pavilions shall be waived.

Discussion Ensued.

YES: Shumaker, Abrams, Binder, Hicks, Hurt, Krueger.
NO: Porath. Motion Declared Carried.

Appropriation, Design & Traffic Engineering, Morrish Road South Project

Resolution No. 081215-06

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Krueger

I Move the City of Swartz Creek appropriate an amount not to exceed \$11,162 to the City's Engineer, Rowe Incorporated, to prepare design plans and bid documents for the repair, refurbish, micro asphalt overlay and restriping to three lane configuration of Morrish Road from I-69 to the South City Limits, in accordance with the proposal attached hereto.

Discussion Ensued.

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

Appropriation, MML Annual Dues

Resolution No. 081215-07

(Carried)

Motion by Mayor Pro-Tem Porath
Second by Councilmember Hurt

I Move the City of Swartz Creek approve the continued participation in the Michigan Municipal League, and further, appropriate an amount not to exceed \$3,140 for payment thereof, funds to be allocated at the discretion of the Finance Director.

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

LCC Liquor License Transfer, Hank & Don's Tavern

Resolution No. 081215-08

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Hurt

I Move the City of Swartz Creek approve the request from Hank and Don's Tavern Inc., to transfer stock in 2008 Class "C" Licensed Business with Dance Entertainment Permit, located at 8006 Miller Road, Swartz Creek Michigan, 48473, Genesee County, thru transfer of 11,000 shares from Henry C. Nemecek, deceased, to new stock holder Darlene Nemecek.

Discussion Ensued.

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

MEETING OPENED TO THE PUBLIC

Jim Florence, 4296 Springbrook, wanted to clarify some issues. Mr. Florence stated that the Senior Center is seeking funds through the County as well as the City. Mr. Florence stated that the money is not a gift but a long term loan. Mr. Florence stated that he does not recall anyone coming to the Council asking for things for the youth in the City, with the exception of a skateboard park. Mr. Florence stated that he has been advised that he can make the same presentation to the other Townships in the area.

REMARKS BY COUNCILMEMBERS:

Councilmember Shumaker reported on the Small Cities meeting. He stated that he was impressed with the meeting. He spoke about the C.A.R.D. program that was discussed. Mr. Shumaker wished to thank the staff for all of the support that is given to the City Manager and City Council.

Councilmember Krueger responded to Mr. Adams statements. Mr. Krueger stated that the Council is trying to do what they can for all of the City residents. Mr. Krueger stated that the Senior Center will be owned by the City and is an investment in the City's assets and property. Mr. Krueger stated that he has started meeting with people in the State legislature and is trying to procure from them promises that they will not cut the revenue sharing any more. He stated that he is pursuing the issue in another avenue that he has available to him.

Mayor Pro-Tem Porath stated that he believes that Mr. Adams had some good points in his statement. Mr. Porath stated that what he is against is that the plan for the Art Fair came in with very little forethought and that is why he voted against it. Mr. Porath spoke about his comments in the past meeting about the youth being better handled through the educational systems. He stated that most of the programs through the City are funded by the City but are not run by the City. Therefore, the educational system has the expertise on how to deal with the children. As a City, we are not prepared to handle that, the schools are.

Mayor Abrams thanked Mr. Shumaker for covering for him at the Small Cities Meeting. The next meeting will be the first Wednesday in January 2009. Mr. Abrams stated that the Michigan Municipal League will be having their Capitol Conference on March 3rd and 4th. Mr. Abrams suggested that the new Council members attend the pre-conference workshops, which is essential skills for elected officials.

ADJOURNMENT:

There being no objection, Mayor Abrams declared the meeting adjourned at 8:45p.m.

Richard Abrams, Mayor

Juanita Aguilar, City Clerk