

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE COUNCIL MEETING  
DATE 07/14/2008**

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, Adams, Mayor Pro-Tem Christie, Hicks, Hurt, Shumaker.

Councilmembers Absent: Porath.

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

Others Present: Boots Abrams, Tommy Butler, John Gilbert, David Krueger, Jim Florence, Betty Binder, Laura Angus, Kal Nemer, John Czarnecki, Brian Scott, David Nemer, Walter Melen.

Mayor Abrams questioned City Manager Bueche about the absence of Councilmember Porath. Mr. Bueche stated that on Friday Mr. Porath advised him that he may miss the Council meeting. Mr. Bueche stated that they would excuse the absence at the next meeting.

**APPROVAL OF MINUTES**

**Resolution No. 080714-01**

**(Carried)**

Motion by Mayor Pro-Tem Christie  
Second by Councilmember Adams

**I Move** the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting, held June 23, 2008, to be circulated and placed on file.

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

**APPROVAL OF AGENDA**

**Resolution No. 080714-02**

**(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 July 14, 2008 to be circulated and placed on file.

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

Commissioner Lockwood made a brief presentation reference updates on what the County is working on at this time.

## **REPORTS AND COMMUNICATIONS:**

### **City Manager's Report**

**Resolution No. 080714-03**

**(Carried)**

Motion by Councilmember Hicks  
Second by Mayor Pro-Tem Christie

**I Move** the Swartz Creek City Council approve the City Manager's Report of July 14, 2008, to be circulated and placed on file.

Discussion Ensued.

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

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

## **MEETING OPENED TO THE PUBLIC:**

Jim Florence, 4296 Springbrook, spoke about Project Fresh. He stated that there are certain requirements to being eligible for the vouchers and that anyone interested could contact the Senior Center for details.

David Krueger, 7399 Miller Road, spoke about the City paying for an ad in the Flint Journal about the Farmer's Market. Mr. Krueger mentioned that the Entertainer section in the Flint Journal has an ad for Durand's Farmer's Market, but not Swartz Creek. He stated that he believes that it is a free listing and that someone should contact them. Mr. Krueger also spoke about the local street fund and the change in the funding. He stated that maybe the entire City should be assessed to cover the costs of repairs instead of just the residents of the streets in question.

John Gilbert, 7459 Miller Road, questioned an item on page 41 of the Council packet; the price of the Movie in the Park sign. City Manager Bueche stated that the price of \$1000 was for all of the Movie in the Park sandwich signs, not just one. Mr. Gilbert also questioned the purchase of t-shirts on page 44 of the packet. He was advised that they were Camp 911 shirts.

Assistant City Manager Zettel stated that the DDA paid for the Farmer's Market ads. He stated that he just became aware of the free ad in the Flint Journal and plans to use it.

**COUNCIL BUSINESS:**

**Special Land Use Permit, Assisted Living Facility, Woodside Builders, Parcel #58-36-400-003, 7276 Miller Road**

**Resolution No. 080714-04**

**(Carried)**

Motion by Councilmember Adams  
Second by Councilmember Hurt

**Whereas**, the City of Swartz Creek Council has reviewed and approved a Planned Unit Development Site Plan for Springbrook East 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 Planned Unit Development District included senior housing on the site at the location illustrated in the site plans attached hereto; and,

**Whereas**, the Swartz Creek Planning Commission received application for and conducted a public hearing wherein comments from the public were heard on the proposed nursing convalescent home special land use; and.

**Whereas**, the Special Land Use is designed and constructed in a manner harmonious with the character of adjacent property and surrounding areas; and,

**Whereas**, the Special Land Use is adequately served by essential public facilities and services, such as roads, pedestrian or bicycle facilities, police and fire protection, drainage systems, water supply, and sewage facilities; and,

**Whereas**, the Special Land Use does not have an unacceptable significant adverse effect on the quality of the natural environment in comparison to the impacts associated with a conventional development; and,

**Whereas**, the Special Land Use application for a nursing & convalescent home satisfies all general and specific standards for review.

**Now Therefore**, the Swartz Creek City Council approves of the Special Land Use for a nursing & convalescent home to be constructed at, 7276 Miller Rd, Tax ID No. 58-36-400-003, applicant Woodside Builders, subject to the following conditions and stipulations:

- 1) Final site plan approval by the City Council.
- 2) Identified waivers in the staff SLU review letter dated June 24, 2008 are approved by the City Council.

- 3) Housing for the elderly shall not be converted to any other use without complying with the provisions of the zoning ordinance in effect.

Discussion Took Place.

YES: Hurt, Shumaker, Abrams, Adams, Christie, Hicks.

NO: None. Motion Declared Carried.

**Final Site Plan Approval, Assisted Living Facility, Woodside Builders, Parcel #58-36-400-003, 7626 Miller Road**

**Resolution No. 080714-05**

**(Carried)**

Motion by Councilmember Hurt  
Second by Councilmember Adams

**I Move** the Swartz Creek City Council hereby approve the Final Site Plan for a nursing & convalescent home to be constructed at 7276 Miller Road, Tax ID No. 58-36-400-003, applicant Woodside Builders, subject to the following conditions and stipulations:

- 1) Approval by City Council of the special land use application dated May 27, 2008 (nursing and convalescent home).
- 2) The completion of the water main loop and installation of a second hydrant per the SPR staff letter dated June 24, 2008.
- 3) Addition of face stone to the east entrance elevation as noted in the SPR letter dated June 24, 2008.
- 4) The addition of one (1) canopy or deciduous tree to the site plan, per administrative approval.
- 5) The relocation and addition of sidewalks per administrative approval.
- 6) Administrative approval of exterior building lighting and parking lighting.
- 7) Addition of decorative street lighting along Kroger Drive, per administrative approval.
- 8) The acceptance and incorporation or waiver of review comments of all other consultants, departments, and review agencies; specifically the staff SPR and SLU letters dated June 24, 2008, and the Rowe, Inc, letter dated June 24, 2008.
- 9) Housing for the elderly shall not be converted to any other use without complying with the provisions of the zoning ordinance in effect.
- 10) The use of a screening fence between the four-plex and assisted living facility shall be subject to administrative approval.
- 11) The assisted living facility shall provide exactly 25 rooms for dementia assisted living and 26 rooms for assisted living.

YES: Shumaker, Abrams, Adams, Christie, Hicks, Hurt.

NO: None. Motion Declared Carried.

**Public Hearing, Special Needs, C.D.B.G. Project Amendment**

Assistant City Manager Zettel gave a brief presentation on the Community Development Block Grant.

Tommy Butler, 40 Somerset, asked Mr. Zettel to clarify the area he was speaking about in reference to using the grant money. Mr. Butler stated that he is pleased with the progress on Elms Road. Mr. Butler talked about the Swartz Creek sign on the corner of Morrish and Miller Roads. He believes that money could be spent repainting that sign.

Jim Florence, 4296 Springbrook, talked about possibly using some of the grant money to expand on the Senior Center. Mr. Bueche advised that the money had to be used by the end of April and the plans for the Senior Center are not far enough along for that to happen. Re-captured CDBG pool would be a better source for building.

**C.D.B.G. Three-Year Project Amendments**

**Resolution No. 080714-06**

**(Carried)**

Motion by Mayor Pro-Tem Christie  
Second by Councilmember Hurt

**WHEREAS**, the City Council held a public needs hearing on October 23, 2006 to hear public comments for the use and distribution of Community Development Block Grant Funds allocated to the City for the three year funding cycle; and

**WHEREAS**, at a Special Meeting held on October 30, 2006, the following resolution was passed by a quorum of members of the City Council:

*Resolution No. 061030-02*

*(Carried)*

*Motion by Councilmember Plumb,  
Second by Councilmember Shumaker,*

*The Swartz Creek City Council accepts the three-year Community Development Block Grant Distribution in the total amount of \$37,672, and authorizes these funds to be allocated as follows: 15% to the Swartz Creek Area Senior Citizens, Inc. in the amount of \$5,650.08, and the remaining 85% to the Downtown Sidewalk Enhancement Program continuation project in the amount of \$32,021.02.*

**YES:** Abrams, Christie, Hurt, Plumb, Porath, Shumaker.

**NO:** None. Motion declared carried.

**WHEREAS**, the City Council, upon recommendation of its Staff and the hearing of comments from the public, considered the following potential projects that are eligible for CDBG Funds:

- 1) Demolitions on Dye Road or Marathon
- 2) Elms Road Enhancements
- 3) Downtown Streetscape
- 4) Elms Park improvements
- 5) Improvements to City owned land on the east side of Raubinger
- 6) New sidewalk construction
- 7) Improvements to Civic Area
- 8) Construction of a Water Park

**WHEREAS**, the City Council finds it feasible and in the best interest of the residents to amend the three year Community Development Block Grant Funding Plan.

**NOW, THEREFORE, I Move** the City of Swartz Creek amend the three-year Community Development Block Grant Distribution, total amount of \$37,672, and authorize these funds to be allocated as follows: 15% to the Swartz Creek Senior Citizens Operations in the amount of \$5,650.08, and the remaining 85% to: the Elms Road Enhancement Project, in the amount of \$32,021.02.

Discussion Took Place.

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

**Bid Returns, Local Street Repairs**

**(Discussion Topic)**

City Manager Bueche presented the bids that were received for the Local Street repairs, and the options associated with them.

Discussion Ensued.

**Park Fee Waiver Request, Genesee County Deputy Sheriff's Association**

**Resolution No. 080714-07**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Hicks

**I Move** the City of Swartz Creek waive fees associated with the use of Elms Road Park Pavilion #4, for the Genesee County Deputy Sheriff's Association, a not for profit organization, on Saturday August 16, 2008, from 10:00 AM to 7:00 PM, for their annual picnic.

Discussion Took Place.

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

**Appropriation, Bid Award, Sidewalk Repair**

**Resolution No. 080714-08**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek accept the low bid of Badgley Construction, Swartz Creek Michigan, for the repair of deteriorated sidewalk sections as designated by the City, costs of \$4.25 per S.F. 4" and \$5.15 per S.F. 6", and in accordance with the specification as set forth in the bid documents.

Discussion Ensued.

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

**Gain Report**

**(Discussion Topic)**

Councilmember Hurt asked for an update on GAIN. Mayor Abrams advised that no updated reports have come forth as to the status of the GAIN unit.

**FANG Report**

**(Discussion Topic)**

Councilmember Adams gave a brief presentation about the status of the FANG unit.

Discussion Took Place.

**MEETING OPENED TO THE PUBLIC**

Tommy Butler, 40 Somerset, remarked on the C.D.B.G. grant money. Mr. Butler suggested that the City use some of the money to build a football field for the youth football league. Mr. Butler also commented on the use of the funds for the local street fund. He suggested that ideas should come from the residents who live on the streets that are to be fixed.

David Krueger, 7399 Miller Road, talked about the MML passing a 2% increase in state revenue sharing. Mr. Krueger mentioned a link to his church website from the City website. He stated that a good portion of people visiting his site come from the City site. He encouraged other business owners to establish a link to the City website.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Shumaker responded to Jim Florence's question on solicitation. Mr. Shumaker referred to the City's ordinance. Mr. Shumaker spoke about the work done on

Seymour Road and suggested that a letter be sent to the company expressing the City's satisfaction with their work.

Councilmember Hicks mentioned a letter from a Swartz Creek resident that was included in the Council packet.

Councilmember Adams spoke about the new black and white street signs. Mr. Adams spoke about a round-a-bout he came upon in Bridgeport. He felt that it worked very well, even at a high traffic time. Mr. Adams responded to Mr. Butler's comments about how to use the local street fund.

Mayor Abrams spoke about political signs being in the right of way and wondered if anyone was checking on the problem. City Manager Bueche stated that it is being monitored.

**ADJOURNMENT:**

There being no objection, Mayor Abrams declared the meeting adjourned at 9:17p.m.

Richard Abrams, Mayor

Juanita Aguilar, City Clerk