

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 05/10/2010**

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, Finance Director Mary Jo Clark.

Others Present: Boots Abrams, Tommy Butler, Bob Plumb, Mike Messer, Jim Florence, Sharon Klein, Ron Schultz, Wayne Kelley, James Cole.

Excuse Mayor Pro-Tem Porath

Resolution No. 100510-01

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Shumaker

I Move to excuse Mayor Pro-Tem Porath from the council meeting due to a business conflict.

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

APPROVAL OF MINUTES

Resolution No. 100510-02

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Shumaker

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held April 26, 2010, as corrected, to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 100510-03

(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 May 10, 2010 to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager’s Report

Resolution No. 100510-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the City Manager’s Report of May 10, 2010, to be circulated and placed on file.

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

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

MEETING OPENED TO THE PUBLIC:

Mr. James Cole is a candidate for the 6th district County Commission seat. Mr. Cole spoke about his background stating he was a County Commissioner from 1989 to 1995, was on the Genesee County board and is an attorney. Mr. Cole stated he has covered a tremendous amount of the county and has a tremendous amount of experience working with small cities and township governments. Mr. Cole prides himself with listening to concerns, has active hours, and is happy to listen and work with everyone on any issues with the county. Mr. Cole is running as a Democrat.

Jim Florence of 4296 Springbrook Drive talked as a representative of the Senior Center. Mr. Florence and Mr. Tom Svrcek, Director of Public Services, have been working with DCC, the Senior Center’s contractor. There has been some sinking of the dirt along the sidewalk where the water line has been put in. They are supposed to have it fixed in the next week or so. Mr. Florence has asked Mr. Svrcek to let him know if there are any other issues that need to be taken care of by DCC. He invited everyone to stop by the Senior Center if they have not yet done so.

Tommy Butler of 40 Somerset had a question about Morrish Road. The hill of dirt of Morrish Road is being stored by the contractor for a couple of weeks. It is to be used for the embankment. Mr. Butler also commented on Mr. Cole being political.

COUNCIL BUSINESS:

MTA Mileage Renewal Presentation

Mr. Mike Messer gave a presentation about the Mass Transportation Agency. Mr. Messer, the Manager of the Swartz Creek Service Center for Mass Transit Authority, talked briefly about what it would be like here if we had no public transportation and we could not get to where we needed to go. He spoke about all of the services offered. MTA has been operating in Genesee County for nearly thirty years. They offer a fixed route service and Your Ride service available to the general public, including the disabled and those who need assistance. Operating funds have not been increased since 2006. On August 3rd, MTA is looking for a .4 millage renewal, not a millage increase. In the current market with declining property values, they are trying to keep costs under control without cutting services. He also stated the Mid Michigan transit need study indicated a need for possibly a high speed like rail system to run the I-75 corridor and there is a good need for a bus service to follow the same route also. There is literature that covers all of the services at the library and senior center.

Hometown Days Permits, Master Resolution

Resolution No. 100510-05

(Carried)

Motion by Councilmember Binder
Second by Councilmember Hurt

I Move the City of Swartz Creek approve Resolutions 100510-8B through 100510-8J, allowing for the various permits relative to the annual Swartz Creek Hometown Days events, to be held beginning Wednesday June 2, 2010, and concluding on Monday June 7, 2010, inclusive of all stipulations and conditions as specified and listed within.

Resolution No. 100510-06

**HOMETOWN DAYS, STREET CARNIVAL,
GENERAL STREET & PROPERTY USE
PERMITS**

I Move the City of Swartz Creek approve and authorize the Swartz Creek Hometown Days Committees' application for street closing and City property use permits for the following locations:

- A. Morrish between Miller and Ingalls-Wade, Carnival Midway.
- B. Holland between Miller and Ingalls, Vendor – Carnival.
- C. City Lot located at the southwest corner of Miller and Morrish, Carnival – Midway.
- D. Ingalls at Holland and Park Land located to the North and Northwest of the

- intersection of Morrish and Ingalls, Carnival & Midway.
- E. City owned property located along the North side of Fortino, West of South Morrish Road, Car Show and Radio D.J., general parking.
- F. City owned property and residential dwelling, 4438 South Morrish Road.
- G. City owned property, 4505 Fortino.
- H. Fire Hall

Street and City property use, unless otherwise indicated, begins Wednesday, June 2, 2010 at 9:00 a.m. until Monday June 7, 2010 at 9:00 A.M., for the purpose of, and authorization to conduct a carnival, vendor/display areas, car show and or other similar events under the following stipulations:

1. Insurance certificate naming the City as insured in the amount not less than \$1,000,000.00 (One-Million Dollars)
2. Written permission from deed holders of any private properties to be used and appropriate insurance certificates naming such parties as additional insured.
3. Sufficient number of portable bathrooms placed and located, and liter control program in accordance and under the approval of Director of Community Services.
4. General approval of the Chief of Police. Traffic control and pedestrian safety plan in accordance with and under the approval of office of Chief of Police.

**Resolution No. 100510-07 HOMETOWN DAYS, AMPLIFIED CONCERT
MUSIC PERMIT**

I Move the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committee application to conduct an outdoor concert to be held at the outdoor football stadium of the Swartz Creek High School on Friday, June 4, 2010 between 4:30 p.m. and 10:00 p.m., under the following stipulations:

1. Insurance certificate naming the City as insured in the amount not less than \$1,000,000.00 (One-Million Dollars)
2. Written authorization from the School District Superintendent along with acceptable insurance certificates naming the School District as an additional insured, minimum amount not less than \$1,000,000 (One Million Dollars)
3. General approval of the Chief of Police. Traffic control and pedestrian safety plan in accordance with and under the approval of office of Chief of Police.
4. Music to end no later than 10:00 p.m.

**Resolution No. 100510-08 HOMETOWN DAYS, STREET USAGE PERMIT,
MOTOR AND PEDESTRIAN PARADE**

I Move the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committees' application for street closing / usage permit for Saturday, June 5, 2010 from 11:00 a.m. until 1:30 p.m. for purposes of conducting a parade, streets used to be Fairchild Street, Miller Rd, and Frederick St under the following stipulations:

1. Insurance certificate naming the City as an additional insured party in the

amount not less than \$1,000,000.00 (One Million Dollars).

2. No candy or other objects be thrown or handed from, to or at any vehicle, trailer, float, or similar, and further, that the Hometown Days Committee establish and maintain a list of all participants and/or entries in the parade that identifies a contact person, such contact to be informed by the Hometown Days Committee of the stipulation and motor vehicle code enforcement actions for violations thereof.
3. General approval, and under the direction and control of the Office of the Chief of Police.

Resolution No. 100510-09

**HOMETOWN DAYS PERMIT, AERIAL
FIREWORKS DISPLAY**

I Move the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committee's application for one fireworks aerial display to be held on Friday, June 4, 2010, at or shortly after dusk, with a cancellation date of Saturday, June 5, 2010, at or shortly after dusk, to be launched from properties directly west of the Swartz Creek Middle School Building, said properties owned by the Swartz Creek School District and Mr. Scott Hoover, under the following stipulations and conditions:

1. Insurance certificate naming the City as insured in an amount to be determined adequate by the City Manager.
2. Written permission from the aforementioned parcel owners along with acceptable insurance certificates naming said parcel owners as additional insured parties, in an amount to be determined adequate by the City Manager.
3. Traffic Control Plan and administration by the Offices of Chief of Police and Director of Community Services.
4. Detailed Plan submitted to and approved by the Fire Chief.
5. All decisions concerning the event and cancellation thereof, if needed, under the direction and control of the Fire Chief.

Resolution No. 100510-10

**HOMETOWN DAYS PERMIT, OPERATE BEER
TENT**

I Move the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committee application to operate a beer tent for the sale of beer and wine on the premises, along with live entertainment, to be held on Parcel No. 58-02-200-014, owned by Scott Kincaid and located 5086 Morrish Road, south of Wade Street, beginning Thursday, June 3, 2010 until Sunday, June 6, 2010, under the following stipulations:

1. Michigan Liquor Control Commission Approved Application with appropriate insurance in accordance with the rules of the L.C.C. and naming the City and all other property owners as additional insured parties, in an amount not less than \$1,000,000 (One Million Dollars).
2. Portable bathrooms appropriately located and litter control program in accordance and under the approval of Director of Community Services.
3. Traffic control and pedestrian safety plan in accordance with and under the approval of Office of Chief of Police.

4. Adherence to all L.C.C. stipulations and regulations, state and local laws.
5. No music after 11:00 p.m. Thursday, June 3, 2010 and 1:00 a.m. Friday, June 4, 2010 (Saturday Morning), and Saturday June 5, 2010 (Sunday Morning).
6. A Christian Concert, without alcohol sales, will be permitted within the tent on Sunday, June 6, 2010 between 5:00 PM and 9:30 PM.
7. Adequate security as approved by the Chief of Police.
8. Adherence to and under the direction and control of the Office of the Chief of Police.

Resolution No. 100510-11 HOMETOWN DAYS PERMIT, CEREMONIAL DISCHARGE OF A FIREARM

I Move the Swartz Creek City Council, pursuant to section 10-212(3) of the Code of Ordinances, approve and authorize the Swartz Creek Hometown Days Committee to discharge weapons as a part of a military concert and ceremonial military honor guard, to be held at the Swartz Creek High School's outdoor football stadium, on Friday, June 4, 2010, at approximately 9:00 p.m., in conjunction with a concert and aerial fireworks display, with a backup rain date of Saturday, June 5, 2010 at approximately 9:00 p.m. under the following stipulations and conditions:

1. Insurance certificate naming the City as an additional insured party in an amount not less than \$1,000,000.00 (One Million Dollars).
2. The party(ies) discharging the weapon(s) must be a practicing military honor guard trained and capable in the handling of firearms.

Resolution No. 100510-12 HOMETOWN DAYS PERMIT, CEREMONIAL DISCHARGE OF A FIREARM

I Move the Swartz Creek City Council, pursuant to section 10-212(3) of the Code of Ordinances, approve and authorize the Swartz Creek Hometown Days Committee to discharge weapons in conjunction with a Parade and as a ceremonial military honor guard, to be held along Miller Road on Saturday, June 5, 2010, at approximately 12:00 noon, under the following stipulations and conditions:

1. Insurance certificate naming the City as an additional insured party in an amount not less than \$1,000,000.00 (One Million Dollars).
2. The party(ies) discharging the weapon(s) must be a practicing military honor guard trained and capable in the handling of firearms.

Resolution No. 100510-13 USE OF CITY OWNED PROPERTY, 4438 MORRISH, VETERANS PARK COMMITTEE

I Move the City of Swartz Creek approve the use of a City owned residential dwelling, adjacent property and surrounding yards, Tax ID #58-35-576-001 and 58-35-576-002 located at and near 4438 Morrish Road, by the Swartz Creek Hometown Days Committee, for the annual Swartz Creek Hometown Days Festival, from Wednesday June 2, 2010 9:00 AM through Monday, June 7, 2010 9:00 AM., under the following stipulations:

1. Insurance certificate naming the City as insured in the amount not less than \$1,000,000.00 (One-Million Dollars)
2. General approval of the use by the Chief of Police.

Resolution No. 100510-14

AMPLIFIED OUTDOOR MUSIC, FEATHER & FINN

I Move the City of Swartz Creek approve the use of an outdoor music / DJ amplification system at Feather & Finn Ice Cream, 7543 Miller Road, in conjunction with the Swartz Creek Hometown Days Festival, permit for Saturday, June 5, 2010 from 2:00 p.m. until 10:00 p.m., only.

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

PUBLIC HEARING & Discussion, 2010-2011 FY Budget

City Manager Bueche briefly went over the totals stating there is an \$18,000 deficit in the general fund, major and local streets are based on projects, with \$69,356 going into major streets and local streets going back to near zero; garbage fund \$39,258 in the red, which includes a .6 mill increase in garbage; the DDA fund may be below the benchmark due to MTT appeals and all revenues will be wiped out of that organization. The City Hall debt fund has a fixed revenue amount of \$200; capital projects are being closed out; fire equipment fund should stay the same; water fund is \$65000 in the hole; the sewer fund has a \$48000 deficit, and the \$83000 in the motor pool fund is being worked on. The deficits will be covered by fund balance in the amount of \$332,000.

Mr. Wayne Kelley of 6412 Tallmadge had a question about lighting the MDOT parking lot. They are going to pay for the installation of the lighting which is about \$22,000. The City has also entered into an agreement with them where they will give us \$4000 a year capped for snow removal, salt, garbage and cut the grass. We will pay the electricity. MDOT will not take care of it.

There was another comment made, with the gentleman saying he is glad the City is becoming more modernized in the plan for the budget. This happens all over the country.

Assessments, Delinquent Water-Sewer-Weeds

Resolution No. 100510-15

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Binder

I Move the City of Swartz Creek direct the Treasurer to prepare an audit of all outstanding debts owed to the City for delinquent water, sewer, mowing & sidewalk repairs, and further, to cause such debts to be assessed against the property owner of record, in accordance with City Ordinance and State Statute, said debts to be placed against the summer 2010 tax collection roll.

Discussion Took Place.

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

Application, MDOT Critical Bridge Funding Program

Resolution No. 100510-16

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Hurt

WHEREAS, the City Council of the City of Swartz Creek is required under provisions of the State Department of Transportation’s Bridge Funding Program to actively seek funding participation in bridge replacement or rehabilitation, and

WHEREAS, the City of Swartz Creek’s Engineering Consultants (ROWE Professional Services Inc.) have inspected the City’s bridge system and found there is a need to repair the Morrish Road Bridge over the West Branch of the Swartz Creek, and

WHEREAS, the available funds in the City of Swartz Creek Street Funds is insufficient to fund bridge rehabilitation, replacement or repair of such a project, and

WHEREAS, the City of Swartz Creek is street authority responsible for road infrastructure of all major and local streets within the corporate limits, and

WHEREAS, the location of the Morrish Road Bridge over the West Branch of the Swartz Creek is along a Major Street wherein residents and non-residents of the City of Swartz Creek, as well as official, emergency and commercial vehicles use the bridge on a regular basis, and

WHEREAS, the Road is fundamental to area travel and the City of Swartz Creek must seek ways to finance and maintain all of its deteriorating infrastructure.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Swartz Creek direct the City Manager to apply and seek participation and funding in the State of Michigan’s Department of Transportation Bridge Funding Program for the rehabilitation and repair of the Morrish Road Bridge over the West Branch of the Swartz Creek.

BE IT FURTHER RESOLVED, that a copy of this resolution be attached with the application for local bridge funding.

YES: Abrams, Binder, Hicks, Hurt, Krueger, Shumaker
NO: None

MEETING OPENED TO THE PUBLIC

Mike Messer from MTA commented that MTA Service Center provided 2045 individual rides last month.

REMARKS BY COUNCILMEMBERS:

Councilmember Krueger commended the staff on the great work on the budget. The budget is online on the FTP site.

Councilmember Shumaker spoke about the small fire a couple of weeks ago at the Methodist Church that potentially could have been a much larger fire, thanks to a Swartz Creek policeman who came on site. He has heard comments from at least three of the church members how grateful they were. The officer should be commended on taking care of that problem immediately. Councilmember Shumaker also attended a small cities meeting last Wednesday night along with Mayor Abrams and they talked about some of the same things that were mentioned tonight. It was in the paper that they were going to turn off some street lights in Burton and he was interested on how they were going to do that. Mr. Shumaker stated that the Veterans Committee has the money for the last Marine statue. The next statue will be the coast guard, which will be a woman. Area people have been donating and purchasing bricks. Mr. Shumaker commented that the \$300 weed charge does not seem fair to him. They are outsourced with only a few exceptions. The city is not in the lawn mowing business and that is an average cost.

Councilmember Hicks commented on shutting off the water and questioned if that was a health department problem. She was informed that shutting water off is a last resort and maybe we should notify the people first. Ms. Hicks stated that she noticed that there are four houses in the village that were sold and that is a good sign.

Councilmember Binder wanted everyone to know that the Friday of Hometown Days the Swartz Creek Area Veterans Memorial is having a rummage sale at the Masonic Temple parking lot, June 4th from 9:00 to 4:00. All of the proceeds go to benefit the statues.

Councilmember Hurt commented on the DDA budget and regrets the impact it will have on the art gallery. He was looking forward to that being a go and hopes that is not the end of it.

Mayor Abrams regrets to say he will be out of town during Hometown Days and hopes that Mayor Pro-Tem Porath will be available to cover for him for any of the events that they expect a city representative. He was questioning the general table motion under adjournment. It was adjourned without an official motion.

Adjournment

Resolution No. 100510-17

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Krueger

I Move the City of Swartz Creek adjourn council meeting at 8:30 p.m.

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

Richard Abrams, Mayor

Juanita Aguilar, City Clerk