

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 11/22/2010**

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, Porath, Shumaker.

Councilmembers Absent: None.

Staff Present: City Manager Paul Bueche, Deputy City Clerk Mary Jo Clark, DPS Director Tom Svrcek,

Others Present: Boots Abrams, Sharon Shumaker, Steve Shumaker, Panks/Hammond, Jay Freeman, Jan Sulz, Brad Lindsay, Bob Arnould, Carol Hemsall, Bill Phelps, Jeanette Phelps, Bruce Hayer, Jim Florence, Harland Moody, Fran Moody, Brent Cole, Ron Schultz, Bill Metcalfe, Ted Kramer, Carl Conner, Michael Jankowski.

APPROVAL OF MINUTES

Resolution No. 101122-01a

(Carried)

Motion by Councilmember Porath
Second by Councilmember Hurt

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting, as corrected, held November 8, 2010, to be circulated and placed on file.

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

Resolution No. 101122-01b

(Carried)

Motion by Mayor Pro-Tem Krueger
Second by Councilmember Shumaker

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

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

APPROVAL OF AGENDA

Resolution No. 101122-02

(Carried)

Motion by Councilmember Shumaker
Second by Mayor Pro-Tem Krueger

I Move the Swartz Creek City Council approve the Agenda, as printed, for the Regular Council Meeting of November 22, 2010 to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager’s Report

Resolution No. 101122-03

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Binder

I Move the Swartz Creek City Council approve the City Manager’s Report of November 22, 2010, to be circulated and placed on file.

YES: Krueger, Porath, 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:

Maureen George, asked if the microphones could be turned up so that she could hear better.

COUNCIL ORGANIZATIONAL ACTIVITIES

Boards & Commissions & Representatives

Resolution No. 101122-04

(Carried)

Motion by Councilmember Binder
Second by Councilmember Hurt

I Move the Swartz Creek City Council concur with the Mayor and City Council appointments as follows:

Mayor’s Appointment:

- | | | |
|------------|---|---|
| #101122-8A | Fire Board, City Citizen Representative
Term Expiring November 12, 2012 | RAY THORNTON |
| #101122-8B | Fire Board, City Citizen Representative
Term Expiring November 12, 2012 | RICK CLOLINGER |
| #101122-8C | Fire Board, Council Representative
Term Expiring November 12, 2012 | DAVID HURT |
| #101122-8D | Planning Commission, Administrative Officer:
Term Expiring November 12, 2012 | PAUL BUECHE |
| #101122-8E | Planning Commission, Council Representative:
Term Expiring November 12, 2012 | DAVID HURT |
| #101122-8F | Metro Alliance, Council Representative:
Term Expiring November 12, 2012 | DAVID KRUEGER |
| #101122-8G | Metro Alliance, Citizen Representative:
Term Expiring November 12, 2012 | RONALD SCHULTZ |
| #101122-8H | Parks & Recreation Advisory Board
Terms Expiring December 31, 2012 | KORENE KELLY
RODNEY GARDNER
MICHAEL SHUMAKER
RICK HENRY
RONALD SCHULTZ
DAVID PLUMB
RAE LYNN HICKS
RAY THORNTON
JAMES FLORENCE |

Council Appointments:

- | | | |
|------------|---|---|
| #101122-8I | Small Cities, Delegate & Alternate:
Terms Expiring November 12, 2012 | RICHARD ABRAMS
MIKE SHUMAKER |
| #101122-8J | FANG, Delegate & Alternate:
Terms Expiring November 12, 2012 | CURT PORATH
RAE LYNN HICKS |
| #101122-8K | WWS Representative, Delegate & Alternate
Term Expiring November 12, 2012 | THOMAS SVRCEK
PAUL BUECHE |
| #101122-8L | Construction Board of Appeals (3 Positions)
Terms Expiring November 12, 2012 | DOUGLAS STEPHENS
MICHAEL SHUMAKER
ONALD SCHULTZ |
| #101122-8M | 911 Consortium
Term Expiring November 12, 2012 | PAUL BUECHE |

- #101122-8N Zoning Board of Appeals, Council Representative
Term Expiring November 12, 2012 **CURT PORATH**
- #101122-8O Zoning Board of Appeals, Council Representative
Term Expiring November 5, 2013 **RONALD SCHULTZ**
- #101122-8P Zoning Board of Appeals, Council Representative
Term Expiring November 5, 2013 **JAMES PACKER**
- #101122-8Q Street Administrator, MPO-TAC, Delegate
Term Expiring November 12, 2012 **THOMAS SVRCEK**

DDA Citizen Advisory Board All Vacant, For Now
 Disaster Policy Committee All Vacant, For Now
 Discussion Ensued.

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

Appropriation, 2011 Fiscal Year Fire Budget

Resolution No. 101122-05 (Carried)

Motion by Councilmember Hurt
 Second by Councilmember Hicks

I Move the City of Swartz Creek approve the 2011 Fiscal Year Swartz Creek Area Fire Budget, a copy of which is attached hereto, minus the City’s Capital Improvement contribution of \$25,000, gross maximum total not to exceed \$268,200 and further, appropriate an amount not to exceed \$134,100 from the City General Fund, to be paid consummate of the agreement between the City of Swartz Creek and the Charter Township of Clayton, payment being the City’s obligation of one-half of the proposed total budget of \$268,200.

Discussion Took Place.

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

Miller-Elms Southeast Planned Unit Development District, Final Plan

Resolution No. 101122-06 (Carried)

Motion by Councilmember Porath
 Second by Councilmember Hurt

I Move the City of Swartz Creek approve the final Planned Unit Development Proposal for the South East corner of Miller and Elms Roads (first site being Family

Farm & Home), as amended in application materials and plans dated November 17, 2010, as included hereto for review and filed in the Clerk's property files, with the following conditions:

1. Execution of a development agreement that addresses:
 - a. Easements through the site and up to the property to the south
 - b. Closure of the existing access point on Elms Rd.
 - c. Provisions for all site improvements, including pedestrian access throughout the site, as necessary
 - d. Provision for a north-bound left turn lane on Elms Rd.
2. Satisfy comments submitted by the City Engineer, ROWE Professional Services, dated November 4, 2010, the City's traffic consultant, Progressive A & E, dated November 12, 2010, and Public Services Director dated November 16, 2010

Discussion Took Place.

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

Final Site Plan Approval, Family Farm & Home, Miller-Elms Southeast Planned Unit Development District

Resolution No. 101122-07

(Carried)

Motion by Mayor Pro-Tem Krueger
Second by Councilmember Hurt

I Move the City of Swartz Creek approve the final site plan for the Family Farm & Home, as amended in application materials and plans dated November 17, 2010, as included hereto for review and filed in the Clerk's property files, with the following conditions:

1. Approval of the waivers identified in the staff review dated October 22, 2010; specifically that the setback on the south side of the building be considered as the rear yard and that parking requirement is 103 spaces.
2. Confirmation of acceptable light pole heights of 20 feet.
3. Install a screening fence, as needed, along the south property line to shield the adjacent residence from vehicle headlights.
4. Confirmation of acceptable sign details.
5. Satisfy and comply with comments submitted by the City Engineer, ROWE Professional Services, dated November 4, 2010, the City's traffic consultant, Progressive A & E, dated November 12, 2010, and Public Services Director dated November 16, 2010.

Discussion Ensued

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

Special Land Use Approval, Family Farm & Home, Miller-Elms Southeast Planned Unit Development District

Resolution No. 101122-08

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the City of Swartz Creek approve the Special Land use application for outdoor sales and storage for the Family Farm & Home, as applied for in application materials and plans dated November 17, 2010, as included hereto for review and filed in the Clerk’s property files with no additional conditions.

Discussion Took Place.

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

Water-Sewer Rates

(Discussion Topic)

City Manager Bueche gave a brief presentation on the current water/sewer rates and the proposed changes to those rates.

MEETING OPENED TO THE PUBLIC

A Springbrook resident stated that the water bills are outrageous and questioned what the readiness to serve charges are.

Janet Sulz, 4466 Colony Court, complained about the current water rates. Ms. Sulz stated that she waters her lawn twice a day, three times a week; Tuesday, Thursday, Saturday. Ms. Sulz stated that when she got her August water/sewer bill, she shut the water off and watered the lawn for maybe 20 days, once a day for 3 days a week. Ms. Sulz stated that DPS workers checked her meter two separate times. Ms. Sulz questioned what the increase would be in February.

Bill Phelps, 4283 Latiffee, stated that he wants a good explanation on the water rates.

Bob Arnould, 4393 Springbrook, stated he requested that his meter be calibrated. Mr. Bueche stated that it is cheaper to replace the meter and that most of the complaints are coming from residents who regularly water their lawns.

Jim Florence, 4296 Springbrook, stated that with the new rates, his bill will go down about a dollar, based on his current usage. Mr. Florence expressed concern about the readiness to serve charges with residents who leave for the winter.

DPS Director, Tom Svrcek, advised residents about back up sump pumps that run using City water. Mr. Svrcek advised that many have been found to be defective and are running constantly, using water.

Jay Freeman, 7391 Lennon, spoke about the Miller-Elms PUD. Mr. Freeman is a member of the GLS Building Trades Council as well as a business representative for the Flint Electrical Workers. Mr. Freeman spoke about the wages paid in this area and the need to protect the workers. Mr. Freeman spoke about a new movement called "wage theft." Mr. Freeman asked that a group be put together to insure that local people have an equal opportunity to get jobs that are available.

REMARKS BY COUNCILMEMBERS:

Councilmember Hurt apologized for his outburst. Mr. Hurt stated that it is not Council against citizens, that they all want the same things.

Councilmember Hicks thanked Officer Szmanzky on behalf of a resident, for his work in the schools and the community.

Councilmember Shumaker spoke about outside watering. Mr. Shumaker suggested selectively watering only what is needed. Mr. Shumaker spoke about the costs of water. Mr. Shumaker stated that he feels the City administration has done its best.

Councilmember Porath stated that he thinks it is unfortunate that some residents feel it is the Council against the residents. Mr. Porath stated that costs to the City are going up and the bills have to be paid.

Mayor Pro-Tem Krueger stated that there was no increase in the City's water/sewer rates to the residents for three years.

Adjournment

Resolution No. 101122-09

(Carried)

Motion by Mayor Pro-Tem Krueger

Second by Councilmember Hicks

I Move the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 9:05 p.m.

YES: Unanimous Voice Vote.

NO: None. Motion Declared Carried.