

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 12/12/2022**

The meeting was called to order at 6:00 p.m. by Mayor Krueger in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance.

Councilmembers Present: Cramer, Spillane, Gilbert, Hicks, Krueger, Henry.

Councilmembers Absent: Vacant.

Staff Present: City Manager Adam Zettel, Clerk Connie Olger.

Others Present: Lania Rocha, Ken Brill, Carmine Avantini, Jim Barclay.

Others Virtually Attended:

**APPROVAL OF MINUTES**

**Resolution No. 221212-01**

**(Carried)**

Motion by Councilmember Spillane  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the amended Minutes of the Regular Council Meeting held Monday December 05, 2022, to be circulated and placed on file.

YES Spillane, Gilbert, Hicks, Krueger, Henry, Cramer.  
NO: None. Motion Declared Carried.

**APPROVAL OF AGENDA**

**Resolution No. 221212-02**

**(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the Agenda as, amended for the Regular Council Meeting of December 12, 2022, to be circulated and placed on file.

YES: Gilbert, Hicks, Krueger, Henry, Cramer, Spillane.  
NO: None. Motion Declared Carried.

## **CITY MANAGER'S REPORT**

**Resolution No. 221212-03**

**(Carried)**

Motion by Councilmember Cramer  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council accept the City Manager's Report of December 12, 2022, including reports and communications to be circulated and placed on file.

YES: Hicks, Krueger, Henry, Cramer, Spillane, Gilbert.  
NO: None. Motion Declared Carried.

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

None.

### **COUNCIL BUSINESS:**

#### **A RESOLUTION TO APPROVE ORDINANCE #459 TO AMEND CHAPTER 6 ARTICLE II OF THE CODE OF ORDINANCES**

**Resolution No. 221212-04**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Henry

**WHEREAS**, on October 10, 2022, the Swartz Creek City Council held a public hearing as required by the Downtown Development Authority Act [MCL 125.4101, et seq] (the Act) on a proposal to amend the Downtown Development Authority Development and Tax Increment Financing Plans; and

**WHEREAS**, due notice of said public hearing was given to the public and the governing body of each taxing jurisdiction levying taxes within the proposed district which taxes would be subject to capture if a tax increment financing plan is approved, all as required by the Act; and

**WHEREAS**, none of the taxing jurisdictions levying taxes within the proposed district which would be subject to capture if a tax increment financing plan is approved, have adopted a resolution to exempt its taxes from capture; and

**WHEREAS**, more than sixty (60) days have passed since the public hearing on the proposed amended boundaries, and

**WHEREAS**, the Swartz Creek City Council finds that a public purpose exists for amendment to the DDA Development and Tax Increment Financing Plan, and

**WHEREAS**, the Swartz Creek City Council also finds that the DDA Development and Tax Increment Financing Plan satisfies all findings and requirements of the Recodified Tax Incremental Financing Act (PA 57 of 2018).

**NOW, THEREFORE, BE IT RESOLVED, THE CITY OF SWARTZ CREEK ORDAINS;**

### **ORDINANCE NO 459**

An ordinance to amend Chapter 6, Article II of the Code of Ordinances of the City of Swartz Creek to restate the boundaries of the Downtown Development Authority District to convert the description to a metes and bounds description in lieu of a list of parcels; to amend the DDA Development Plan; to Amend the DDA Tax Increment Financing Plan.

#### **Section 1. Amendment of Section 6-22.**

Section 6-22 of Chapter 6 of the Code of Ordinances of the City of Swartz Creek is hereby amended to restate the boundaries of the Downtown Development Authority District as follows:

##### **Sec. 6-22. Boundaries of Downtown Development Authority District**

Boundaries of Downtown Development Authority District include all the area within the continuous line commencing at the intersection of the centerline of Brady Street and the centerline of Ingalls Street, thence North 1500 feet, thence East 2500 feet, thence South 1600 feet, thence Westerly to the centerline of Wade Street, along the centerline of Wade Street to the intersection of the centerline of Wade Street and the centerline of Morrish Road, thence Northerly along the centerline of Morrish Road to the intersection of the centerline of Ingalls Street and the centerline of Morrish Road, thence Westerly along the centerline of Ingalls Street to the point of beginning, excluding an enclosure described as the SE 1/4 OF NE 1/4 OF NE 1/4 EXC N 152 FT SEC 35 T7N R5E.

#### **Section 2. Amendment of Chapter 6, Article II; amending Downtown Development Authority Development and Tax Increment Financing Plan No. 1**

Chapter 6, Article II of the Code of Ordinances of the City of Swartz Creek is hereby amended to read as follows:

##### **Sec. 6-31 Definition of Terms**

The terms used in this division and in the Plan shall have the meanings assigned to them in the Plan and in MCL 125.4201, et seq ("Act").

##### **Sec. 6-32 Public Purposes; Best Interest of the Public**

The city council hereby finds and determines:

- (1) The Plan constitutes a public purpose.
- (2) It is in the best interests of the public, in order to halt property value deterioration, increase property tax valuation, eliminate the cause of property value deterioration and to promote economic growth in the development area, to proceed with the Plan.
- (3) A DDA District, DDA Plan, and Tax Increment Financing Plan were previously created under PA 197 of 1975.

**Sec. 6-33 Review Findings.**

Having determined that the Plan constitutes a public purpose, as required by the Act, the city council has considered the various elements of the Plan as required by section 19 of the Act and, as a result thereof, the city council finds:

- (1) The Plan meets the requirements set forth in section 217(2) of the Act;
- (2) The Plan constitutes a public purpose and was considered in accordance with section 219 of the Act;
- (3) The findings and recommendations of a development area citizens council were solicited citizens council was formed.
- (4) The plan meets the requirements set forth in section 217(2).
- (5) The proposed method of financing the development is feasible and the authority has the ability to arrange the financing.
- (6) The development is reasonable and necessary to carry out the purposes of this part.
- (7) The land included within the development area to be acquired is reasonably necessary to carry out the purposes of the plan and of this part in an efficient and economically satisfactory manner.
- (8) The development plan is in reasonable accord with the master plan of the municipality.
- (9) Public services, such as fire and police protection and utilities, are or will be adequate to service the project area.
- (10) Changes in zoning, streets, street levels, intersections, and utilities are reasonably necessary for the project and for the municipality

**Sec. 6-34 Approval and Adoption of Development and Tax Increment Financing Plan**

The Plan is hereby approved and adopted as set forth in Exhibit A hereto. The duration of the Plan shall be thirty (30) years from the effective date of the ordinance establishing this division. A copy of the Plan and any amendments thereto shall be maintained on file in the city clerk's office.

### **Sec. 6-35 Boundaries of the Development Area**

The boundaries of the development area, as set forth in the Plan, are adopted and confirmed as follows:

Boundaries of Downtown Development Authority District include all the area within the continuous line commencing at the intersection of the centerline of Brady Street and the centerline of Ingalls Street, thence North 1500 feet, thence East 2500 feet, thence South 1600 feet, thence Westerly to the centerline of Wade Street, along the centerline of Wade Street to the intersection of the centerline of Wade Street and the centerline of Morrish Road, thence Northerly along the centerline of Morrish Road to the intersection of the centerline of Ingalls Street and the centerline of Morrish Road, thence Westerly along the centerline of Ingalls Street to the point of beginning, excluding an enclosure described as the SE 1/4 OF NE 1/4 OF NE 1/4 EXC N 152 FT SEC 35 T7N R5E.

### **Sec. 6-36 Establishment of Initial Assessed Value**

The initial assessed value for purposes of the Plan shall be the assessed value of all real and personal property in the development Area as of December 31, 2004, and equalized by the State of Michigan in May, 2005, less any parcels subsequently removed from the district by Ordinance. The initial assessed value shall also include all real and personal property in the development Area as of December 31, 2014, and equalized by the State of Michigan in May 2015, for the following parcels added to the district by Ordinance 425:

### **Sec. 6-37 Annual Calculation of Captured Assessed Value and Tax Increment Revenues; Payment to the DDA**

Each year, within fifteen (15) days following the final equalization of property in the development area, the city assessor shall calculate the captured assessed value for the development area and report said value to the city council and to the DDA. As real and personal property taxes are collected by the city and county treasurers for properties within the development area, the tax increment revenue portion of said taxes shall be paid to the DDA. The payments to the DDA shall be made on the date or dates on which the city and the county treasurers are required to remit taxes to each of the taxing jurisdictions.

### **Sec. 6-38 Use of Tax Increment Revenues.**

The DDA shall utilize the tax increment revenues only in accordance with the PA 57 of 2018 and the DDA TIF.

### **Sec. 6-39 Annual report**

Within ninety (90) days after the end of each fiscal year, the DDA shall submit to the city council, with copies to each taxing jurisdiction, a report on the status of the Plan. The report shall include the information required by MCL 125.1665(3). The

DDA shall cause a copy of the report to be published in a newspaper of general circulation in the City.

**Sec. 6-40 Termination of Tax Increment Financing Plan**

As provided in MCL 125.4314(2), the city council may abolish the tax increment financing plan when it finds that the purposes for which it was established are accomplished. The tax increment financing plan shall not be abolished, however, until the principal of, and interest on, any bonds issued pursuant to the Plan have been paid or funds sufficient to make the payment have been segregated.

**Section 3. Effective Date.**

As an Emergency Ordinance, this Ordinance shall become effective immediately after publication in order to implement the plans in 2023.

Discussion Ensued.

YES: Krueger, Henry, Cramer, Spillane, Gilbert, Hicks.

NO: None. Motion Declared Carried.

**MEETING OPENED TO THE PUBLIC:**

None.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Spillane my regrets of the news of Dr. Pinkston and my sympathies to family. He hopes everyone has a good holiday season.

Councilmember Henry condolences to the Pinkston family.

Councilmember Cramer we lost a good one last Friday, great man and very loyal and committed to our community. Wishing everyone a very Merry Christmas and a Happy New Year.

Councilmember Gilbert we are going to miss a good guy. Wish everyone a Merry Christmas and a Happy New Year.

Mayor Krueger commented that Dr. Pinkston was the epitome of the city father. He loved our community and everybody in the city. He was always cheerful; you almost never saw the man without a smile on his face. We lost a real treasure. Everyone Merry Christmas and Happy New Year.

**ADJOURNMENT**

**Resolution No. 221212-05**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Henry

**I Move** the Swartz Creek City Council adjourn the regular meeting of  
December 12, 2022 at 6:40 p.m.

Unanimous Voice Vote.

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**David A. Krueger, Mayor**

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**Connie Olger, City Clerk**