

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
AUGUST 3, 1998, 6:30 P.M., COUNCIL CHAMBERS

Invocation and Pledge of Allegiance was led by Councilman Tom Martinbianco.

The Regular Meeting was called to order by Council President, Ted Hammon at 6:30 P.M.

MEMBERS PRESENT: Centilli, Cross, Hammon, Martinbianco, Walls and Zelenko.

MEMBERS ABSENT: Cox.

OTHERS PRESENT: Mayor Charles Smiley; C. Abbey, Personnel Director; J. Major, DPW Director; R. LaDuke, Building Supervisor and G. Webster, City Clerk.

Centilli moved and Walls seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of July 20, 1998 at 7:00 P.M. and Regular Meeting of July 20, 1998 at 7:30 P.M.
Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mayor Smiley reported that the police department caught three individuals responsible for painting graffiti on the Genesee Road overpass and at the school. Burton residents were not involved in the incident.

Mayor Smiley offered information in regards to the new police aide. The Aide has been a temporary summer worker for the past two years and will be paid \$9.00 an hour.

The Mayor said Maple and Vassar Roads are in bad shape and unsafe for motorists. Exhibit A reflects a priority list of county secondary roads that was compiled by the administration. He indicated these roads should be repaired, as soon as possible, using transportation bonds. The Mayor has been in contact with our neighboring communities, and they are willing to pay 50% of the repair costs.

Mr. Abbey said the ASCFME contract was ratified and the signed agreement should be available Wednesday.

COMMITTEE REPORTS:

Mr. Cross said the Legislative Committee met July 28th to address revisions to the Fireworks Ordinance 67-15 C. This amendment will update the ordinance to meet with the State Ordinance and BOCA codes. This will help give us enforcement capability. The committee recommended unanimously to send the first reading of this ordinance to Council.

AUDIENCE PARTICIPATION:

Dwight Ebaugh, 215 S. Washington, Lansing, attorney representing Mr. Daly, spoke in reference to naming a public road Daly Farm Drive. He said the City Council had the authority to address this issue and should uphold the previous motion naming the road Daly Farms Drive. He outlined seven reasons why the council should approve the motion to keep the name of the road Daly Farms Drive.

Don Sanderlin, 4460 Killarney Park, spoke in reference to Laidlaw changing ownership to ECDC. He wanted to know if the new owners would be abiding by the current agreement. Also, he spoke in support of the Parks and Recreation program.

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The Mayor said Laidlaw did sell their property, and the contract should be upheld. The Mayor said a City delegation could arrange to view the site.

Mr. Cross said the previous owner had an open door policy to review the area. If there is a problem, the Council and Mayor will address it.

Pauline Dargel, 6119 Hugh, commented on repairs being made to the Belsay Rd. railroad crossing, the Water and Waste Committee, lap top computers for elections and individual developers making public improvements. Also, she spoke on traffic counts being taken on Maple and Genesee roads and Belsay and Center roads.

The Mayor is the City's representative on the Water and Waste Committee.

Mrs. Webster said the lap tops are ready for the upcoming election.

Joseph Thorpe, 2231 N. Vassar Rd., commented on the funding of the county roads and the GM property that is for sale by Genesee and Davison roads.

Mr. Major said, as it stands, the county expects us to pay 50% of the road reconstruction cost and they receive all the government funds for the roads. We did repairs on the primary roads last year when funds were released. The roads that are being discussed tonight are secondary roads.

Mayor Smiley said there has been some discussion with GM in regards to their property.

Larry Petrella, 1081 Howe Rd., spoke of concerns with a recent Zoning Board decision involving a sign variance for Lowe's. Also, he commented on diesel fuel exhaust at Home Depot bothering residents in the area.

Mr. Hamilton said in reference to the Lowe's signs variance, the enforcement of zoning violations is the responsibility of the Department of Public Works. It is not a police power.

Mr. Hammon said the Council can't reverse the decision of the Zoning Board of Appeals. Appeals can only be addressed through the Circuit Court.

Mr. Hamilton said appeals needed to be filed with Circuit Court within 21 days of the decision.

Mr. Centilli said the Lowe's project is a fine store chain, and this will bring a three million dollar development to our City. The Zoning Board approved the sign variance by a 5-2 vote.

Mayor Smiley said the residents and Home Depot are working together to resolve their differences. The City is willing to enforce any violations.

James Locey, 6112 Deer Park Pass, spoke on the severe drainage problem at his new home.

Mr. Major and Mr. LaDuke will look into the situation and suggest a corrective process to help alleviate the problem.

Mr. Cross has visited the site and thinks there is a drainage problem.

Jan Bolen, 1169 Howe Rd. commented on a newspaper article in regards to the Parks Plan.

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Mrs. Zelenko thought the newspaper article may have referred to all the parcels included in the park plan or the old parks plan. She does not have control over what the newspaper reporters print.

Mayor Smiley plans to send out a pamphlet, sometime in the future, highlighting the whole park and recreation plan.

Mrs. Bolen wanted to know who paid for a culvert that was added to the vacant lot on Howe Rd.

Mr. LaDuke said Citizen's Disposal was billed for the culvert on Howe Rd.

Mary Crawford, 6203 Briggs, member of the Parks and Recreation Commission, spoke in favor of the Parks and Recreation Plan. She said the plan does not mention an eighty acre parcel. Questions involving park plans can be submitted to the Parks Commission.

Steve Heffner, 1181 Munson, spoke in reference to a newspaper article regarding the parks.

COUNCIL DISCUSSION:

Mr. Centilli said we have been discussing the condition of our roads for a very long time. Also, the Council has expressed concerns with the poor condition of the county secondary roads. He made a motion to address repairs of these roads.

Mr. Martinbianco said the Finance Committee recommended holding a workshop next Monday, August 10, 1998 to discuss the roads. This item is on the agenda as #9. He expressed concerns in regards to repairing and taking over the secondary roads, which included drainage problems, cost effectiveness and value effectiveness.

A discussion was held in regards to this issue.

Mr. Major has been in contact with neighboring municipalities and they are willing to pay 50% of the road repair costs for the secondary roads. The road reconstruction resolution was passed 4-2.

Mr. Martinbianco asked about adding a no parking sign on Wagner Ave.

Mr. Major will look into this matter.

In reference to Daly Farms Drive, Mr. Martinbianco asked if the Council had jurisdiction over naming the streets.

Mr. Hamilton said the ultimate authority to name streets is a legislative decision.

Mr. Martinbianco suggested the reinstallation of accepting Daly Farms Dr. into the City's street system as voted on by Council, April 20, 1998.

Mr. Hamilton pointed out that the intent of the April 20th resolution should be determined. Was it to accept the street name into the City system or was the name used for identification purposes only.

Discussion followed in regards to the Daly Farms/ Avalanche Drive issue.

Mr. Martinbianco offered a resolution accepting Daly Farms Drive into the City street system. The motion passed 6-0.

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Mr. Cross asked if Mr. Paliani's problems in Hidden Trails subdivision had been addressed.

Mayor Smiley has set up a meeting with Mr. Paliani for Wednesday to address subdivision issues. He has block club meetings set up for Hidden Trails and Beechwood subdivisions for Monday, August 10, 1998.

Mr. Major said the DPW has met with Mr. Sabo in regards to repairing road ways, driveways, culverts and ditches in the Hidden Trails subdivision. Mr. Sabo has agreed to do the repairs. If the work is not done within thirty days, the DPW will do the repairs adding the cost to Mr. Sabo's taxes.

Mr. Martinbianco asked for clarification on Items 5, 6, 7 and 8 in regards to special assessments districts W-98-1, SS-98-1 and P-98-5.

Mr. Major said Item #8 has nothing to do with Resolution #4 in items 5,6 and 7. Mr. Becker requires resolution #8 be part of every special assessment district as we incur cost that we intend to reimburse ourselves out of the bond proceeds. This is a standard practice. Items #5, 6 and 7, are in reference to the 2nd public hearing. This is part of the special assessment process as approved by our bond consultant and financial advisor. These districts are for construction of water, sewer and streets in a new subdivision. The developer can go out and solicit his own bids. We will then certify with council through our competitive bid process. We will do this at a later date.

Discussion continued on this issue.

Mr. Hammon suggested that Item #9 be removed from the agenda, due to prior action on exhibit A.

Mr. Martinbianco had concerns with canceling the workshop. He thought the Council should meet and discuss the prioritization of road reconstruction.

After a short discussion, Council agreed to keep Item #9 on the agenda, changing the time of the workshop to August 10, 1998 at 8:00 P.M.

Mr. Cross made reference to the public hearing dates and times listed in Items 5, 6 and 7.

COUNCIL DISCUSSION ACTION:

Moved by Centilli, supported by Walls to approve and authorize the Mayor and Clerk to execute Exhibits A & B with CHMP, Inc. for design and specification and direct the DPW to solicit bids for the reconstruction this year of the DPW's priority one list of the street reconstruction program of the 1998 per Exhibit A of the 1998 Major Street bond issue, contingent upon judicial transfer from the county to the City. Motion carried 4-2. With Martinbianco and Cross voting no. (Exhibit A includes County Secondary Roads and City Major Streets.)

Moved by Martinbianco, supported by Cross to approve and authorize Council action of April 20, 1998 naming and accepting Daly Farms Drive into the City street system. Motioned carried 6-0.

COUNCIL ACTION:

Walls moved and Centilli seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from July 15, 1998 to July 29, 1998 in the amount of \$2,390.00.

Motion carried 6-0.

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Zelenko moved and Walls seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from July 15, 1998 to July 29, 1998 in the amount of \$120.00.

Motion carried 6-0.

Zelenko moved and Martinbianco seconded the following motion:

3. Approve and authorize the request the Humane Society of Genesee County, 3325 S. Dort Hwy., P.O. Box 190138, Burton, MI 48519, for the purpose of allowing \$500.00 raffles with proceeds going to a non-profit agency-Gaming License.

Motion carried 6-0.

Zelenko moved and Cross seconded the following motion:

4. Approve and authorize Charles Cross, Councilman, as the official representative at the Annual Business Meeting of the Michigan Municipal League and Keith Cox, Councilman, as the official alternate representative.

Motion carried 6-0.

Zelenko moved and Walls seconded the following motion:

5. Approve and authorize Standard Resolution #4 for W-98-1, Maplewood Meadows, Sub. #3 Watermain Special Assessment District:
 - A. Accept and file Special Assessment Roll;
 - B. Set date of Monday, August 24, 1998, at 6:00 p.m. for the Second Public Hearing;
 - C. Instruct the City Clerk through the Department of Public Works to provide notifications of said District as per Ordinance #12.

Motion carried 6-0.

Martinbianco moved and Zelenko seconded the following motion:

6. Approve and authorize Standard Resolution #4 for SS-98-1, Maplewood Meadows Sub. #3 Sanitary Sewer Special Assessment District:
 - A. Accept and file Special Assessment Roll;
 - B. Set date of Monday, August 24, 1998, at 6:15 p.m. for the Second Public Hearing;
 - C. Instruct the City Clerk through the Department of Public Works to provide notifications of said District as per Ordinance #12.

Motion carried 6-0.

Martinbianco moved and Zelenko seconded the following motion:

7. Approve and authorize Standard Resolution #4 for P-98-5, Maplewood Meadows Sub. #3 Paving Special Assessment District:
 - A. Accept and file Special Assessment Roll;
 - B. Set date of Monday, August 24, 1998, at 6:30 p.m. for the Second Public Hearing;
 - C. Instruct the City Clerk through the Department of Public Works to provide notifications of said

Motion carried 6-0.

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Walls moved and Zelenko seconded the following motion:

8. Approve and authorize the 1998 Special Assessment Districts: P-98-5, W-98-1 & SS-98-1, "The City may, in the future, issue bonds in connection with the capital improvements being paid for in part by the appropriation discussed herein, and for all other appropriations specifically, relating to the heretofore mentioned special

assessment districts, and, to the extent such bonds are issued, the City fully intends to be reimbursed for such costs temporarily advanced.”

Motion carried 6-0.

Centilli moved and Walls seconded the following motion:

9. Approve and authorize the date of Monday, August 10, 1998 at 8:00 p.m. to hold a City Council Workshop in the City Hall Council Chambers for the purpose of discussion and prioritization of other street/road projects outlined in Exhibit A of the 1998 Michigan Transportation Fund Bonds / \$2,500,000.00 Issue. City Clerk shall undertake the appropriate legal notice postings. (Exhibit A was previously voted on, which included County Secondary Roads and City Major Streets.)

Motion carried 6-0.

INTRODUCTION OF AN ORDINANCE:

Centilli moved and Cross seconded the following motion:

1. Approve and authorize the introduction of Ordinance No. 67-15 C, amending Ordinance No. 67 C, by changing the definition of fireworks as used in said Ordinance and providing penalties for the violation thereof.

Motion carried 6-0.

Meeting Adjourned at 8:15 P.M.

Gayle Webster
City Clerk

GW/cml