CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JANUARY 6, 1992, 7:30 P.M., COUNCIL CHAMBERS

INVOCATION AND PLEDGE OF ALLEGIANCE WAS LED BY COUNCILPERSON PAULA ZELENKO.

This Regular Meeting was called to order by Tom Martinbianco, Council President, at 7:30 P.M.

Members Present: Cox, Cross, Hammon, Martinbianco, Walls and Zelenko.

Members Absent: Abbey.

Others Present: Mayor Charles H. Smiley; K. McArdle, Administrative Assistant; J. Major, DPW Director and W. Walworth, City Clerk.

Hammon moved and Zelenko supported the following motion:

Approve and authorize the minutes of the following meetings: Special Council Meeting of December 16, 1991 at 7:15 P.M. and Regular Council Meeting of December 16, 1991 at 7:30 P.M., as printed. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mr. Martinbianco said Mr. Abbey was with his grandfather who has been hospitalized.

Mayor Smiley welcomed the Atherton Senior Civic class to the meeting. He said if they had any questions at the end of the meeting, they should feel free to ask the Council, Clerk or himself.

The Mayor said Terry Alexander, representing Pollard Disposal Inc., was present to answer any questions the Council might have concerning the disposal contract. He said if any Council member wishes to attend the MML regional meeting on January 23rd, they should contact the Clerk.

Mayor Smiley reported that there was a major fire at the Boulder Creek Apartment complex and that 39 units burned. He said many people had been working the last six (6) days, offering assistance and the response from the community in donations was tremendous.

He asked if any Council members could serve supper at the Spaghetti dinner for the Laura Ann Ellithorpe Community Needs Fund dinner on January 18th from 5 to 8 P.M. Mrs. Walls and Mr. Cross said they could make it.

The Mayor said that there was a press release today and that Commissioner Cherry was able to get a $1500 grant for the fund.

COMMITTEE REPORTS:

Mr. Cross reported that the Governor had signed the 911 legislation and that the County now would have to act to implement the program.

Rose Bogardus congratulated the newly elected officials and said she still represents part of Burton till the end of the year. She said the county board will meet tomorrow to pass a resolution that they intend to support the added cost to the phone bill to support 911.

Mr. Cross commended Don Parks for the work he did in the consortium to get this legislation passed. He said that the Council members should send letters of thanks to Don for all his hard work.

AUDIENCE PARTICIPATION:

John Stapish, 5160 E. Atherton Rd., asked if this was the meeting the Council had to act on the Salary Commissions recommendation. Mr. Martinbianco said that the only action the Council is authorized to take would be to reject the recommendation only.

Mr. Stapish did not think anyone should get raises during these hard time. He asked about having new faces on the election commission. Mayor Smiley said that there was still a vacancy on the commission and that anyone was welcome to apply.

Jim Townsend, 2051 Covert Rd.,said there was no requirement for the Attorney to live in the City. He also took issue with a news report that set Burton's millage above 5 mills. He also discussed wage increases over the years.

Arnold Chema, 2254 McLaren, said he was on the salary commission and that the Mayor's position had not received a raise since July 1989 and that the new raise was not effective until July 1992.

COUNCIL DISCUSSION:

Mr. Cross asked if the garbage permits stayed the same. He was told yes.

Mr. Alexander said they were using large vehicles and that the pick up would be quicker than before. He said that trash should be at the road by 7:00 a.m. He also said that large items would be picked up the same day as trash. He said they hired only certified drivers and had random drug and alcohol testing.

Mr. Cross asked if the vehicles had catch basins. He was told yes and if there was a spill it would be cleaned up immediately.

Mr. Alexander said that the City would jointly count the stops with them and that he would be giving the City a list of any commercial businesses that are putting out trash.

Mrs. Walls said she had a tenant that moved out and trash was all picked up. She thought Pollard was doing a good job.

Mr. Cox asked about Pollard servicing Flushing and how the recycling program was going.

Mr. Alexander noted they haul the recycling materials but do not do recycling themselves.

Mr. Hammon asked if the new service adds or deletes from the present contract. He was advised no. He asked when the contract was up and was told 1995.

Mr. Martinbianco wanted to be sure that the paper work on bonding and insurance were in order. Mr. Alexander said that information would be sent to City hall tomorrow.

Mr. Martinbianco suggested the people be notified in the press of the new service and how it worked.

Mayor Smiley said he planned to send a letter to the residents and the disposal company said they would pick up half the cost.

Mr. McArdle said the press could help us by letting the people know that pick up is early.

Mayor Smiley said each truck is clearly marked so that if there were complaints, then people could notify the City.

Mr. Cox said because of economic conditions, cuts in state aid, SEV freeze, uncertainty on jobs and calls from the community, that he was going to asked that the recommended salary increase for the Mayor be negated.

Mrs. Zelenko said the Mayor does not have to be the highest paid person in the City and the demographics comparing other Cities our size did not warrant the raise.

Mrs. Walls did not agree that the Mayor's salary be compared to the Treasurer, as the qualifications were different.

Mr. Cross noted that the Council had not been following the recommended practice of hiring an Attorney at Budget time.

Mrs. Walls asked if Mr. Cross' motion precluded Mr. Hamilton from applying. She was advised no.

Mr. Cox asked Mr. Cross if it was his intent that the Council receive applications for an attorney at each and every budget adoption time. Mr. Cross said no, but it should be considered, if needed on an annual basis.

Mrs. Walls said Mr. LeGrande wanted to send his thanks to all those people that extended their support to him upon the death of his wife, Joyce.

Mr. Cross addressed the issue of conflict of interest.

Mr. Hammon noted that Mr. Cross' motion was a motion and not a policy and that the total issue of ethics in government should be sent to a committee for a complete study and recommendation.

Mr. Hamilton noted there was a Canon of Legal Ethics and that there were a set of specific rules covering conflict of interest for Attorneys.

Mr. Hammon noted that he and the Mayor attended the recent NLC meeting and that at the Congress of Cities, Secretary Alexander put education on the front burner. Mr. Hammon talked about experimenting with new and innovative ways to involve the entire community in educating the Child. He said that we need to find ways to involve our youth in solving the problems of our communities. He said we must bring them into the decision making process. He said that he is recommending that the Council President expand the Solid Waste and Recycling committee to include three students from the school districts that are entirely housed in the City.

Mr. Cross asked if age was a factor. Mr. Hamilton said no since the committee is advisory to the Council.

Mr. Martinbianco said he would include the students in his committee recommendations at the next Council meeting.

Mr. Cross asked if the firearms were secure, in reference to item #2, Police Chief Clark said they were secure.

COUNCIL DISCUSSION ACTION:

Moved by Cox, supported by Zelenko to negate the pending pay raise on July 1, 1992 for the Mayor and reject the recommendation of the Salary Commission. Motion carried 5-1 with Martinbianco voting no.

Moved by Cross, supported by Zelenko that Richard Hamilton be appointed interim City Attorney until budget time when the appointment of a City Attorney is made and that the Clerk's office advertise for interested Attorneys for the position of City Attorney.

Moved by Hammon, supported by Cox to amend the motion into two separate parts. (Part A and Part B)
Amendment carried 6-0.

Part A (that Richard Hamilton be appointed interim City Attorney until 7-1-92 when the appointment of a City Attorney is made) carried 6-0.

Part B (that the City Clerk's Office advertise for interested Attorneys for the position of City Attorney.) Motion carried 4-2 with Martinbianco and Hammon voting no.

Moved by Hammon, supported by Zelenko to expand the Solid Waste and Recycling Committee to include three students selected by the Superintendent of each of the School Districts housed in the City (Atherton, Bendle and Bentley) with full voting rights. Motion carried 6-0.

Moved by Cross, supported by Walls that the City Attorney not represent the City Council, City employees or City administrators as personal counsel for personal business that may result in conflict of interest. After a lengthy discussion, Mrs. Walls withdrew her second and Mr. Cross withdrew the motion.

COUNCIL ACTION:

Hammon moved and Cox supported the following motion:

1. Approve and authorize the Attorney Billing from December 10, 1991 to December 26, 1991 in the amount of $3,113.10.

Motion carried 6-0.

Hammon moved and Zelenko supported the following motion:

2. Approve and authorize the request for a Firearms Dealer's License for Dunham's Discount Sports, 4225 E. Court St., Burton, MI 48509.

Motion carried 6-0.

Zelenko moved and Walls supported the following motion:

3. Approve and authorize the appointments of Leslie Bertram and Deanna Sturk to the Election Commission for a four-year term, ending January, 1996.

Motion carried 6-0.

SECOND READING OF AN ORDINANCE:

Hammon moved and Zelenko supported the following motion:

1. Approve and authorize the Second Reading of an Ordinance, amending Ordinance No. 19, Zoning Case #190, by Charles High, 1315 Bush Creek, Grand Blanc, MI 48439, to rezone property known as 1350 N. Belsay Rd., Lot 49 Supervisor's Plat Eastmoreland Acres from R-1A to RO for the purpose of Office Development.

Motion carried 6-0.

Meeting Adjourned at 8:45 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml