

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JANUARY 6, 1997, 7:30 P.M., COUNCIL CHAMBERS

INVOCATION AND PLEDGE OF ALLEGIANCE IS LED BY COUNCILPERSON ALTA WALLS.

The Meeting was called to order by Ted Hammon, President, at 7:30 P.M.

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

Members Absent: None.

Others Present: B. Becker, Treasurer/Controller; J. Major, DPW Director; R. Hamilton, City Attorney and C. Ladd, Deputy City Clerk.

Cox moved and Zelenko seconded the following motion:

Approve and authorize the minutes of the Regular Meeting of December 16, 1996 at 7:30 P.M., as printed. Motion carried 5-0.

ADMINISTRATIVE REPORT:

Mr. Becker said the Mayor is unable to attend the meeting this evening, due to a prior commitment.

Mr. Becker announced that the Audit Workshop has been scheduled for Monday, January 27, 1997 at 6:00 P.M. in the Police Training Room.

He said the Administration has just begun the budget process for the 1997-1998 fiscal year and the Mayor asks that if Council has any questions or needs to discuss this issue, please do so prior to February 1st.

Mayor Smiley would like a Finance Committee Meeting concerning carpeting needs at City Hall. If the Finance Chair needs more information he can contact the Mayor.

Mr. Becker asked that the water and sewer ordinances be added to the list of items to be reviewed by the Legislative Committee, as requested by Mr. Major.

Mr. Becker said the Mayor will be holding a town meeting regarding a mobile home park on January 9, 1997 at 7:00 P.M. at West Bendle School.

Mr. Becker said bids were opened this morning for items #3 and #4 on the agenda, should anyone have any questions.

COMMITTEE REPORTS:

None.

AUDIENCE PARTICIPATION:

Nola Beard, 1448 N. Genevieve, said she is unhappy with the Zoning Board of Appeals allowing a neighbor to build an addition onto his garage for storage. The garage is now two different colors and doesn't look good in the neighborhood. Also, there is a trailer on Packard St., which sets up on a hill and is about 3 feet higher than the other neighbors. These are both unsightly in the neighborhood. The ZBA should be following the zoning codes and have the people show a hardship prior to approval of their variance. She is concerned about this lower her property values.

REGULAR COUNCIL MEETING MINUTES

JANUARY 6, 1997/7:30 P.M.

PAGE -2-

Elizabeth Madden, 1394 N. Packard, explained that she is also unhappy with the mobile home next door. She said there have been six trainloads of dirt brought in and they are now starting to grade it. She is concerned about her property value decreasing and the drainage from the property next door. She also inquired about the Stop Work Order and asked if the home could be sold when such an Order was on the home. She was advised yes, the house could be sold.

Mr. Major said the Stop Work Order that was on this was partially lifted so the electrical and plumbing could be completed. No occupancy permit will be issued until we are certain this won't affect the adjacent property owners. If they try to move in, we will stop this. The City has no jurisdiction over where a manufactured home can be placed, as long as they are in conformance with the guidelines.

Attorney Hamilton explained the different agencies governing the manufactured homes. He also explained that grading is a drainage issue and as long as they are not filling in an area where fill is not permitted, they are okay.

Discussion continued regarding the drainage issue. Mr. Major explained the three (3) options for drainage. He said the more dirt that is removed from the property, the worse the home looks. The people need to submit a grading permit.

Tim Hager, 1437 N. Genevieve, spoke concerning the two story garage and the possibility of having two kitchens in the home. He said when this was before the Zoning Board, it seemed to be a cut and dried issue. He explained that he is concerned this may turn into a duplex if they are allowed to have two kitchens in the single family home. He also spoke against the mobile home on Packard St.

Mr. Major said anyone can have two kitchens in their home as long as they don't have a duplex. They will be checking to see that this doesn't become a duplex.

Mr. Abbey questioned whether the Zoning Board has the authority to circumvent deed restrictions. He asked if Mr. Strasser is aware of deed restrictions, in subdivisions, when the residents make application for the Zoning Board. Mr. Major replied no, Mr. Strasser is not aware of such restrictions.

A lengthy discussion was held concerning deed restrictions and enforcement of such.

Mrs. Walls asked how much time would be allowed for a resident to complete a project. Mr. Major said the permits are good for one year. Unless we are notified, we don't know if the work has been completed or not. Now that we are aware of this, we can go out and take care of the issue.

Mr. Major is to inspect the property and make a report to City Council.

Dawn Elford, 6072 Hedgerow Cr., said she is speaking on behalf of the residents in Maple Pointe. They are requesting street lights be put in their subdivision. Also, they are interested in having curb and gutters instead of the ditches. There are curbs and gutters in the newer section, as well as the street lights. We have been told by Consumers Power that we have been wired for street lights,

and we have petitions signed by the residents requesting them.

Mr. Cox said the lighting problem was recently brought to Council's attention.

He said the Council hopes to be able to persuade Mr. Martz to provide the street

lights. Mr. Cox asked that Mrs. Elford give the Council two (2) or three (3)

weeks to take care of the street lighting.

REGULAR COUNCIL MEETING MINUTES

JANUARY 6, 1997/7:30 P.M.

PAGE -3-

John Hines, 4373 Deer Park Pass, asked what constitutes a waiver.

Mr. Major explained the final plat approval process and the waiver of items

included in this process.

Greg Hernacki, 4452 Maple Park, said because this is an existing sub, they may

not want to have the cheapest street lights and asked how they go about getting

the better lighting system.

Mr. Major explained that there are three different fixtures that

Consumers will

install and two styles of poles.

Mr. Hammon asked that they let Mr. Major know which style they want.

Discussion was held concerning the possibility of replacing the open ditches

with curbs and gutters, in Maple Pointe.

Pam Hines, 4373 Deer Park Pass, said she understood there was a stipulation made

for street lighting. After talking with the developer, he blamed the Mayor for

not having the street lighting. Our biggest issue is safety for the neighborhood.

Mrs. Elford inquired about the hunting ordinance, as people are hunting behind the new phase of the subdivision.

Mr. Martinbianco said the current ordinance does provide hunting in the City

and it happens to be in that area. However, there are DNR stipulations and

regulations.

Gary Kautz, 4062 Woodrow Ave., said there is land by Fire Station #3 that is going to be available, and he thinks the City should inquire about it and purchase it for the fire department. It would make a good training facility or expansion of Fire Station #3.

Mr. Hammon said the Mayor is aware of this and is looking into the situation.

Bob Centilli, 4479 Lawnwood Ln., said he is in the building business and puts manufactured homes in any area he is requested to do so, except where there are deed restrictions. He suggested that to make Mrs. Madden happy, as well as the rest of the neighbors, the DPW could have the owner of the home nicely landscape her yard.

Larry Petrella, 1081 Howe Rd., inquired about the upcoming town meeting and spoke concerning the Zoning Board of Appeals applicants. He said his wife was an applicant for the zoning board.

COUNCIL DISCUSSION:

Mr. Martinbianco set a Legislative Committee Meeting for Wednesday, January 15, 1997 at 9:00 a.m. to discuss revisions in the Water and Sewer Ordinances and if there are other items, he will contact the Clerk's office.

COUNCIL ACTION:

Cross moved and Abbey seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from December 11, 1996 to January 2, 1997, in the amount of \$2,724.00.

Motion carried 7-0.

REGULAR COUNCIL MEETING MINUTES

JANUARY 6, 1997/7:30 P.M.

PAGE -4-

Cox moved and Zelenko seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from December 11, 1996 to January 2, 1997, in the amount of \$634.50.
- Motion carried 7-0.

Abbey moved and Zelenko seconded the following motion:

3. Approve and authorize the acceptance of the low bid of Bretz Excavating,
5098 Curtiss, Lapeer, MI in the amount of \$282,078.25 for the project known
as: Maplewood Meadows #2 Trunk Sewer, Section 35.
Motion carried 7-0.

Cox moved and Zelenko seconded the following motion:

4. Approve and authorize the Mayor and Clerk to enter into a contract with
Bretz Excavating, 5098 Curtiss, Lapeer, MI 48446 in the construction amount
of \$282,078.25 and a project total of \$400,000.00 for Maplewood Meadows #2
Trunk Sewer, Section 35, contingent upon the submittal and approval by the
City Attorney of the required bonds and insurance documents.
Motion carried 7-0.

Meeting Adjourned at 9:00 P.M.

Cheryl M. Ladd, CMC/AE
Deputy City Clerk

CML