CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JANUARY 9, 1995, 7:30 P.M., COUNCIL CHAMBERS

Invocation and Pledge of Allegiance was led by Councilman Charles Abbey.

The Meeting was called to order by Keith Cox, Council President at 7:35 P.M.

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

Members Absent: None.

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

Cross moved and Zelenko supported the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of December 19, 1994 at 7:30 P.M. as corrected in item #13 from Monday January 30, 1995 at 7:00 P.M. to Tuesday January 31, 1995 at 7:00 P.M. and the Special Meeting of December 20, 1994 at 7:00 P.M. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley said the Council had the library schedule and that the ground breaking ceremony will be on April 4, 1995.

He said the Council will be acting on the Solid Waste Management plan under Act 641 at the next regular meeting.

Mayor Smiley advised the Council that they have the report from the Division of Water Services, dated December 22, 1994, regarding the Genesee County Interceptor and Treatment Facilities Capacity Utilization report, which will be made a part of the official minutes.

He said that effective today, he was appointing Steve Perez, on an acting basis as interim Treasurer, while a search is conducted for a new Treasurer/Controller. He said that Mr. Perez has accepted the appointment.

Mayor Smiley said the Christmas week went smoothly for the City this year.

He welcomed the students from the Atherton Civics class to the meeting.

The Mayor said he has set a workshop for the Audit review at 6:00 P.M. on February 2, 1995 at the Police and Fire facility.

COMMITTEE REPORTS:

Mr. Martinbianco said he would be setting a finance meeting for this month.

Mr. Hammon said that the library committee would meet tomorrow at 5:15 P.M. He also noted on the library schedule, that the 4:00 P.M. time for April 4, 1995 should read 4:30 P.M.

AUDIENCE PARTICIPATION:

Jim Townsend, 2051 Covert, asked Council to please speak into the mikes as he cannot hear certain voice levels. He asked about the lawsuit concerning the trucking company on Davison Rd.

Mr.Hamilton said that a jury trial should be scheduled this month.

Mr. Townsend also asked about the roller rink. Mr. Hamilton said that Judge Neithercut would be addressing that as soon as he can.

COUNCIL DISCUSSION:

Mr. Martinbianco asked the Attorney if the Mayor was allowed to appoint an interim, and if so, did Council have to approve.

Mr. Hamilton said that all administrators, under the Charter, serve at the will of the Mayor and that they needed to approve within 30 days. He also thought that the appointment was not effective until Council approval.

A lengthy discussion took place on the requirements of the Mayor and the Council on administrative positions.

Mr. Walworth reminded the Attorney that the Mayor cannot dismiss an Administrator during the Mayor's term of office without the approval of the Council and that the Charter outlines the reasons needed for dismissal.

Mr. Martinbianco expressed concern on Mr. Perez serving as Treasurer and on Planning Commission.

Council also wondered if he would be able to handle all the different duties he had at this time.

Mayor Smiley said that Mr. Major could serve on Planning until the Treasurer position was finally filled if Mr. Perez agreed.

Mayor Smiley said that Mr. McArdle would head a search team for the position and that Mr. Becker will assist the committee.

Mr. McArdle said that the County Controller and City Finance person have agreed to serve on the committee.

Mr. Abbey said that he hoped that we can get someone like Brad who can keep us on course with a conservative fiscal outlook.

Mr. Cross noted that our new commissioner could be helpful, as he has a finance background from his past position with City of Flint.

Mr. Cox expressed concern on a more timely process for replacements of administrative positions.

Mayor Smiley said he did not want to impose on the committee to go over half the applications and then have to come back again when all were in. He said they have 19 applicants and if someone could not be found, they would have to reopen the position for a second search. He noted that he may have some difficulty filling the position, in light of an election coming up this year and only a commitment to the individual until November.

Mr. Hamilton said he felt the vacancy was not filled until Council approval. He noted that the Charter is unrealistic in this day and age.

Mrs. Walls noted that first preference should be given to qualified residents.

Mr. Cox said that Mr. Perez' appointment came as a surprise to him tonight and the process has taken too long already.

Mr. Cross asked about the liability of the City with Command Officers using their vehicles to go directly to a fire.

Mayor Smiley said that when an alarm goes off, the City assumes responsibility and he did not think that the process was any different than has been done in the past.

Mr. Martinbianco asked about item #5 and #6 and if we had the responsibility by law.

Mr. Major said this was the first time this type of situation has come up before him to his knowledge. He said that trunk line dollars are not received by the County and that we put the money in our City funds.

Mr. Martinbianco asked that the lighting situation be looked at as it relates to item #6.

Mr. Cox asked if there had been any further correspondence from the County on the Belsay Road bridge. He was advised no.

COUNCIL DISCUSSION ACTION:

Moved by Abbey, supported by Hammon to appoint Steve Perez as Treasurer. Motion carried 5-2 with Cox and Cross voting no.

COUNCIL ACTION:

Walls moved and Abbey supported the following motion:

1. Approve and authorize the Attorney Billing from December 14, 1994 to January 4, 1995 in the amount of in the amount of $2,000.50.

Motion carried 7-0.

Abbey moved and Martinbianco supported the following motion:

2. Approve and authorize the discontinuance of the street name Countryside Drive "Golfview Acres #3, Sect. 1" to Willowdale Drive; due to the extension of Willowdale Drive through Brookwood Pointe and connecting to Countryside Drive.

Motion carried 7-0.

Cross moved and Walls supported the following motion:

3. Approve and authorize the acceptance of the low bid of Bartman Excavating, Inc., 4068 Dowdall Street, Flint, MI 48506; with a bid as follows: 1195 Wells $2,359.00.

Motion carried 7-0.

Cross moved and Walls supported the following motion:

4. Approve and authorize the Mayor and Clerk to enter into a contract with Bartman Excavating, Inc.; 4068 Dowdall Street, Flint, MI 48506; in the amount of Two thousand three hundred fifty nine dollars and 00/100)$2,359.00) for 1195 Wells, contingent upon the submittal and approval by the City Attorney of the required bonds and insurance documents.

Motion carried 7-0.

Walls moved and Cross supported the following motion:

5. Approve and authorize the City's Controller/Treasurer's Office to issue a check in the amount of $667.00 to the Michigan Department of Transportation for 2/3 of the $1,000.00 administrative costs associated with the installation of a new traffic signal (stop & go type) at the intersection of Center Road and the west bound off-ramp of I-69. (Installation will be 100% federally funded for DPW Job #94-033-P).

Motion carried 7-0.

Abbey moved and Martinbianco supported the following motion:

6. Approve and authorize the City's Controller/Treasurer's Office to issue a check in the amount of $667.00 to the Michigan Department of Transportation for 2/3 of the $1,000.00 administrative costs associated with the installation of a new traffic signal (stop & go type) at the intersection of Belsay Road and the east bound off-ramp of I-69. (Installation will be 100% federally funded for DPW Job #94-005-P).

Motion carried 7-0.

Meeting Adjourned at 8:50 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml