

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JANUARY 20, 1997, 7:30 P.M., COUNCIL CHAMBERS

INVOCATION AND PLEDGE OF ALLEGIANCE WAS LED BY COUNCILMAN CHARLES ABBEY.

This Regular Meeting is called to order by Ted Hammon, President, at 7:40 P.M.

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

Members Absent: None.

Others Present: Mayor Charles Smiley; K. McArdle, Administrative Assistant;
J. Major, DPW Director; B. Becker, Treasurer/Controller; R. LaDuke, Building Supervisor and G. Webster, City Clerk.

Zelenko moved and Abbey seconded the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of January 6, 1997 at 7:30 P.M., as printed. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley announced The National League of Cities Annual Conference will be held in Washington D.C. on March 8-11th. Council members who would like to attend should contact the Clerk's Office so arrangements can be made.

The Mayor reported City Environmental Services have processed 576.22 pounds of recyclable products.

The Mayor received a letter from Attorney General, Frank Kelley in support of our initiative to have CSX railroad crossings repaired.

Mayor Smiley read into the minutes the 1996 Burton Police Report Update. (See attached). The Burton Patrol Bureau received 24,612 calls for service in 1996 and made 3,744 arrests.

The Mayor reported Neil Martz will be financially responsible for the cost of installing street lighting in Maple Point Subdivision. The lights will be installed as soon as possible, at a cost of \$3,400+.

Mayor Smiley requested the Genesee County Sanitary Sewage Systems Capacity Utilization Report be added to the minutes (See attached). He pointed out the City of Burton's Purchased Capacity Connected was 88.7% and the number of units left are 1,928.

COMMITTEE REPORTS:

Mr. Martinbianco reported on the Legislative Committee Meeting held January 15th. The Committee made a recommendation to revise and amend Water Ordinance No.6 (C) and Sewer Ordinance 54 (C). Other topics reviewed were the street lighting for Maple Pointe, the concept of future developments providing street lighting, paving, curbs and cutters and the need for a Master Plan review.

Mr. Cox set a Finance Committee Meeting for Monday, January 27, 1997 at 8:00 A.M. He would like Mr. Lowthian and Mr. Becker to be in attendance. Mr. Cox would like to address City Hall repairs and brief the committee on 97-98 Budget proceedings.

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AUDIENCE PARTICIPATION:

Dennis Kinder, 1224 S. Genesee Rd., asked Mr. Hamilton, in reference to the State's Right to Farm Act-Public Act 240, if all state laws superseded local laws. Also, he asked if the legality of the City Charter was Local Law.

Mr. Hamilton said we do recognize all State laws. He will research the Right to Farm Act and then respond to Mr. Kinder's request.

Mr. Hammon said in a sense, the City Charter is Local Law.

John Stapish, 5160 Atherton Rd., asked for an explanation of Item #14.

Mr. Major said Item #14 is an attempt to pick up an easement that we need to fill Section 35, South Trunk Sanitary Sewer System. The property in question is

in a delinquent state. The State doesn't grant easements. However, the City will be able to acquire the non-buildable lot for public use/sanitary sewer easement, through a procedural process, which includes going before Council. If the delinquent property owner signs the property over to us, we won't have to go through the State.

Mr. Stapish wanted to know the status of The Code of Ethics that was sent to the Attorney General for review.

Mr. Hammon said we haven't heard any information from the Attorney General.

Mr. Abbey said the document was sent to the State about a year ago.

Mr. Hammon ask for an explanation on Items #7/8 relative to the construction of a sanitary sewer.

Mr. Major said the resolutions were drafted just in case we are unable to acquire the land by other means.

Larry Petrella, 1081 Howe Rd., is attempting to meet with Deb Cherry, our State Representative, to find out the status of The Code of Ethics. Also, he wanted to know the balance of the General Fund.

Mr. Becker said the balance of the General Fund is about \$1.3 million. A complete up-to-date report will be given at the Audit Workshop next Monday night.

COUNCIL DISCUSSION:

Mr. Cross said the corner of Bristol Rd. and Genesee Rd. looks like a used car lot again.

Mr. Major said they have received a notice and the code enforcement officer has been out to the location. The next step would be to issue a ticket.

Mr. Martinbianco asked, in reference to Item #9, with the resetting of the meeting by the Tobin Group, if there would be an additional notification to those individuals in the affected area.

Mr. Major said the renotification is not required by ordinance, but it could be

done.

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In reference to Item # 16, Mr. Martinbianco inquired about curbs and gutters being added to Maple Pointe #7, per the discussion at the Legislative Meeting held on January 15, 1997.

Mr. Major said the developer has made a commitment to address these requests.

Mr. Hammon thought the residents were informed of the meeting cancellation concerning Zoning Case #219 in Item #9.

Mr. Martinbianco said with a month delay, residents should receive a renotification of the rescheduling. He plans to offer an amendment to include a renotification.

Mr. Hammon asked if the hearing time was set by the City Council.

Mr. Major said the hearing for Zoning Case #219 was set by Council. He said Council can make any adjustments to the proposed hearing dates on the agenda.

COUNCIL DISCUSSION ACTION:

Moved by Cox, seconded by Cross to move Item #15 to the last item of business, after the Introduction of an Ordinance, Items #1 and #2. Motion Carried 7-0.

Mr. Hammon made an addition, and pending litigation, to the end of Item #15.

Martinbianco moved and Cox seconded the amendment to Item #9, to include renotification to property owners within 300 feet.

Mr. Hamilton asked for clarification of the renotification. He wanted to know if this was notification just by mail, but not republishing.

Mr. Martinbianco said that's correct.

Mr. Cross inquired to the cost of mailing the renotification.

Mr. Major said it would cost less than a \$100.

Martinbianco moved and Cox seconded the Amendment to Item #9, to include renotification to property owners within 300 feet. Motion Carried 6-1 with Walls voting no.

In reference to Item #13, Mr. Abbey asked if the City was satisfied that all criteria was met pertaining to this issue.

Mr. Major said Rick Riess reviews all cases and all criteria was met.

Mr. Hammon announced, at this time we will move into Executive Session.

Executive Session 8:20-9:24 P.M.

COUNCIL ACTION:

Cross moved and Zelenko seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from January 2, 1997 to January 15, 1997 in the amount of \$1,957.00. Motion carried 7-0.

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Cross moved and Zelenko seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from January 2, 1997 to January 15, 1997 in the amount of \$1,140.00. Motion carried 7-0.

Zelenko moved and Cross seconded the following motion:

3. Approve and authorize the transfer of \$100,000.00 from Major Street Unappropriated Surplus to Major Street Contractual Service. Motion carried 7-0.

Cox moved and Zelenko seconded the following motion:

4. Approve and authorize that the City of Burton Board of Review will be in session from March 10 through March 13 and on March 18, 1997. Meeting times will be from 9:00 a.m. to 12:00 p.m. and 2:00 p.m. to 5:00 p.m.; with the exception of March 11, when the Board will meet from 3:00 p.m. to 9:00 p.m. All meetings will be held in the Training Room of the Burton Police and Fire Administration Building, 4090 Manor Dr., Burton, Michigan.

Motion carried 7-0.

Cross moved and Martinbianco seconded the following motion:

5. Approve and authorize that a resident taxpayer may file their protest before

the Board of Review by letter, without a personal appearance being required.

This is pursuant to section 211.30 M.C.L.

Motion carried 7-0.

Cox moved and Martinbianco seconded the following motion:

6. Approve and authorize the request for a telecommunication permit agreement

from BRE Communications, Inc., dba Phone Michigan of 4565 Wilson Ave., SW,

Grandville, MI 49418, pursuant to the formal agreement and letter explanation by Varnum, Riddering, Schmidt & Howlett/Patrick Miles, dated

November 6, 1996.

Motion carried 7-0.

Cross moved and Zelenko seconded the following motion:

7. Approve and authorize Declaration of Necessity for property commonly known

as 5146 E. Bristol Road, Burton, MI (Parcel #59-35-100-005 and #59-35-100-006) relative to construction of sanitary sewer.

Motion carried 6-1 with Martinbianco voting no.

Zelenko moved and Abbey seconded the following motion:

8. Approve and authorize Declaration of Taking for property commonly known

as 5146 E. Bristol Road, Burton, MI (Parcel #59-35-100-005 and #59-35-100-006) relative to construction of sanitary sewer.

Motion carried 6-1 with Martinbianco voting no.

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Martinbianco moved and Cox seconded the following motion:

9. Approve and authorize setting the date of February 17, 1997 at 5:00 P.M. for

Zoning Case #219, to rezone property at the NW Corner of Atherton and Belsay

Road from R-1A & C-2 to RM and from R-1A to C-2 for the purpose of Multi-Family Residential and Commercial, (The Tobin Group).

Martinbianco moved and Cox seconded the motion to amend the motion to include renotification of residents within 300 ft.

Amended motion carried 6-1 with Walls voting no.

Main motion carried 7-0.

Cox moved and Zelenko seconded the following motion:

10. Approve and authorize setting the date of February 17, 1997 at 6:00 P.M.

for Zoning Case #221, to rezone 45.62 acres of vacant land at I-475 and

Bristol Road to RMH for the purpose of constructing a Manufactured Home

Park.

Motion carried 5-2, with Abbey and Cross voting no.

Cox moved and Martinbianco seconded the following motion:

11. Approve and authorize setting the date of February 17, 1997 at 7:00 P.M.

for Zoning Case #220, to rezone property at 2105 S. Center Rd., to C-2 for

Animal Rescue & Emergency Office and Equipment Center.

Motion carried 7-0.

Walls moved and Zelenko seconded the following motion:

12. Approve and authorize Watermain Installer's License for Eric Riske, Riske

Custom Homes, Inc., 6488 Stone Brook Lane, Flushing, MI 48433.

Motion carried 7-0.

Martinbianco moved and Abbey seconded the following motion:

13. Approve and authorize Sanitary Sewer Installer's License for Eric Riske,

Riske Custom Homes, Inc., 6488 Stone Brook Lane, Flushing, MI 48433.

Motion carried 7-0.

Cox moved and Abbey seconded the following motion:

14. Approve and authorize the Department of Public Works to file a formal application on behalf of the City of Burton with the Department of Natural

Resources, State of Michigan, pursuant to Act 223, Public Acts of 1909 as

amended, for the designated parcel #59-26-300-020 (Q-282-14) for public

use/sanitary sewer easement.
Motion carried 7-0.

15. Item #15 was moved to the end of agenda.

Martinbianco moved and Abbey seconded the following motion:

16. Approve and authorize Final Plat Approval for Maple Pointe #7
(mandatory
bonds, and assurances will be supplied for public utilities and
roads).

Motion carried 7-0.

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INTRODUCTION OF AN ORDINANCE:

Abbey moved and Zelenko seconded the following motion:

1. Approve and authorize the introduction of Ordinance No. 6-0 (C)
amending
Ordinance No. 6 (C), to provide for the connection of premises to the
City
of Burton Water System and the Genesee County Water Supply System.
Motion carried 7-0.

Cox moved and Zelenko seconded the following motion:

2. Approve and authorize the introduction of Ordinance No. 54-28,
amending
Ordinance No. 54 (C), to provide for Sewer Use Rates for Service,
Connection
Charges, and Industrial Cost Recovery in the City of Burton Sanitary
Sewer
System, which is part of the Genesee County Sewage Disposal District
No. 1.
Motion carried 7-0.

Martinbianco moved and Abbey seconded the following motion:

15. Approve and authorize the City Council to go into closed session
under
Section 8 (a) of the Open Meetings Act, to discuss the contract for
SEIU Union Members, other contractual matters and pending litigation.
Motion carried 7-0.

Meeting Adjourned at 9:25 P.M.

Gayle Webster
Burton City Clerk

GW/cm1