

CITY OF BURTON
REGULAR COUNCIL MEETING MEETING
JANUARY 21, 1991, 7:30 P.M., COUNCIL CHAMBERS

INVOCATION AND PLEDGE OF ALLEGIANCE WAS LED BY COUNCILMAN HAMMON.

This Regular Meeting is called to order by Council President Cross at 7:30 P.M.

Members Present: Abbey, Card, Cross, Hammon, Martinbianco, Smiley and Walls.

Members Absent: None.

Others Present: Mayor, Jane L. Nimcheski; K. Collard, City Administrator and W. Walworth, City Clerk.

Abbey moved and Martinbianco supported the following motion:

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

ADMINISTRATIVE REPORT:

Mayor Nimcheski asked for a moment of silence in honor of Dr. Martin Luther King Jr. She said we should remember his dream of equality especially during this time of war.

AUDIENCE PARTICIPATION:

Mary Cook, 1335 Allen, complained of holes in her street and the damage that has resulted to her car.

Mayor Nimcheski said she had sent Mr. Throop out to look it over but it cannot be regraded while it is frozen.

Robert Walls, 2400 Meadowcroft, asked about the playground request and wanted to know how the Council planned to spend the budgeted monies.

Mr. Martinbianco reviewed his memo of January 10th and said he had no requests at this time for further expenditures.

Mayor Nimcheski said the playground had been fixed up and if the Council wanted more equipment, it could be looked at this spring.

Mrs. Walls is to work with the Mayor on purchasing a toy this spring.

Jim Townsend, 2051 Covert Rd., asked for clarification on the raise for the Director of the Criminal Diversion program.

COUNCIL DISCUSSION:

Mr. Cross introduced Debra Cherry, the newly elected Chair of the County Commissioners.

Mr. Card asked about putting the fire siren back up at Station #1 for Civil Defense and tornado warnings.

Mayor Nimcheski said she had been working with the county on this matter but nothing is finalized to date.

Mr. Abbey asked the Legislative Committee to look at ethics for council members and conflict of interest as a possible ordinance.

Mr. Smiley said he would like a legislative meeting on January 31st at 5:00 p.m. to study Mr. Abbey's issue, the Weed ordinance and the travel expense policy for elected officials. He would also like the administration to look at a possible school speed limit sign on Bristol Road.

Mayor Nimcheski stated she would check it out with the county.

Mr. Smiley asked to see the monthly budget statements of expenses and revenues.

Mr. Martinbianco said he usually reviewed them first and they would be available in the Council Conference room three days later. He said that Mr. Smiley could ask for a separate report through the Mayor's office if he so desired.

Mayor Nimcheski said the staff downstairs had gone from four to two people and extra reports adds to their already heavy load.

Mr. Smiley said elected officials had a right to have copies and he will try reviewing the copy in the conference room to see if that works.

Mr. Hammon said it was not a priority with him but if Mr. Smiley wanted a copy, that it was his right to request one.

Mr. Martinbianco said he would like the legislative committee to add the reconciliation of ordinance #6 to the 31st agenda. Mr. Smiley concurred.

Mr. Martinbianco reviewed the MacDougal request and asked that resolution A and B below, be acted upon after the audience had a chance for input.

Mr. Abbey asked about the raise in fee having an effect on the clients. Mr. Hamilton said if they cannot pay, other arrangements could be worked out, such as community service.

Mr. Hammon asked for clarification on assault and battery as a misdemeanor and as a felony.

Mr. Hamilton reviewed the present law in this area. Mr. Hammon wanted to be sure that the program did not include counseling work.

Mr. Hamilton said there was no counseling as it relates to therapy and that Mr. MacDougal was a referral person.

Mr. Smiley asked for a list of roads that have been graveled and the amount spent to date.

Mr. Martinbainco was asked if he would give Mr. Smiley a report.
Mr. Smiley asked the Attorney to clarify the rights and responsibility of the Council under Chapter 4 Section 4.1 of the Charter.

Mr. Hamilton said the policy making part was not well defined but that Council's policy making responsibilities are contained in the budget and fiscal policies of the City through the budget process. He said administration is the responsibility of the Mayor.

Mr. Smiley asked about the resolution by Council for people to be notified of the water rate increase.

Mr. Hamilton said the effective date and rate increase are legislative matters reserved to Council, but the notification was an administrative matter and that the implementation was a matter for the Mayor to decide.

Mr. Hammon noted that at the ZBA members are concerned about portable signs which are in violation of sign sizes and wanted to know what could be done about it.

Mayor Nimcheski said she had put a program together in the past addressing this issue, but no one seemed interested in addressing it at that time. She said they could look at a limited time variance and the legislative committee should review this.

Mr. Smiley said he would get some ideas from other municipalities and review the matter in February with the Legislative Committee.

Mr. Hamilton suggested the zoning ordinance be sent to the planning commission for their consideration.

COUNCIL DISCUSSION ACTION:

Martinbianco moved and Card supported the following motion:

- A. Approve and authorize amending the current Criminal Diversion Contract in the following parts:
 - 1. Amend Section 3 to change "oversight charges" to read "participation fees"
 - 2. Amend Section 6, paragraph 2 to read "six-hundred dollars (\$600.00) per week, effective January 1, 1991."

Motion carried 7-0.

Martinbianco moved and Card supported the following motion :

- B. Approve and authorize amending the "participation fee" for the Criminal Diversion program from one-hundred seventy-five dollars (\$175.00) to two-hundred dollars \$(200.00) effective March 1, 1991.

Motion carried 7-0.

REGULAR COUNCIL MEETING MINUTES

JANUARY 21, 1991/7:30 P.M.

PAGE -4-

COUNCIL ACTION:

Abbey moved and Hammon supported the following motion:

1. Approve and authorize the Attorney Billing from January 3, 1991 to January 14, 1991 in the amount of \$624.05.

Motion carried 7-0.

Card moved and Walls supported the following motion:

2. Approve and authorize the City of Burton Board of Review to be in session from March 11 through March 14 and on March 19, 1991. 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 12, 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.

Martinbianco moved and Abbey supported the following motion:

3. Approve and authorize the rescheduling of the 2nd Public Hearing for Zoning Case #187 from Monday, February 4, 1991 to Monday, February 18, 1991 at 7:00 P.M. to rezone properties in Holland Heights Subdivision, "Assorted Lots". (Burton City Planning Commission).

Motion carried 7-0.

SECOND READING OF AN ORDINANCE:

Card moved and Abbey supported the following motion:

1. Approve and authorize the request of George Preston to rezone property from C-2 & SE to C-3 for the purpose of a Golf Driving Range, located at the property directly east of Consumers Power R.O.W. on the south side of Bristol Road, Section 34, and such other uses permitted by the proposed zoning district. (Zoning Case #185)

Motion carried 7-0.

Meeting adjourned at 8:50 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml