

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
FEBRUARY 1, 1993, 7:30 P.M., COUNCIL CHAMBERS

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

The Regular Meeting was called to order by President Martinbianco at 7:35 P.M.

MEMBERS PRESENT: Abbey, Cox, Cross, Hammon, Martinbianco, Walls and Zelenko.

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor Charles H. Smiley; K. McArdle, City Administrator;
J. Major, DPW Director and W. Walworth, City Clerk.

Cross moved and Abbey supported the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of January 18, 1993 at 7:30 P.M.; Committee of the Whole Meeting January 26, 1993 at 6:30 P.M., as printed. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley said he met with the Landlord's Association and it was a productive meeting.

The Mayor said he would like the Council to act on the voting record keeping agreement with the Atherton Schools.

He also said that the people that voted at T.N. Lamb and West Bendle will now vote at Bendle High School.

COMMITTEE REPORT:

Mr. Abbey said there are a variety of Ordinances that are on tonight's agenda for Council consideration.

He said his Committee did not take action on Seasonal Outdoor Sales and Licensing. The Committee would look at it again if needed when it arises.

He said that there was no action on the Hunting Ordinance as the committee needed more time to study it.

Mr. Abbey said he did not address Vehicle Sales (Curb Stoning) at the request of the Council President. This will be addressed later, after more information is acquired.

The Driving under the Influence of Alcohol will be addressed after the Attorney has drafted the ordinance.

Mr. Hammon said the total Board was present for the meeting with the Bentley Board last week. He explained that the Attorney is to draft a resolution for the Bentley Board to review, concerning crossing guards.

AUDIENCE PARTICIPATION:

Bud LeGrande, 2105 E. Buder, said he was opposed to the amendment of Ordinance 79(C), concerning the change in the BOCA code.

Mr. Abbey said it was going to be on a trial basis and his committee would look at it again in about one year.

Pauline Dargel, 6119 Hugh, expressed concern about Ordinance 79 changes.

Mr. Major said some of the change was contained in the adopted BOCA Code Book.

She asked if the changes in Ordinance 75 were for new construction and was advised yes. She asked about the "Driving under the Influence" and the penalty imposed.

Mr. Abbey said it would be taken up by his committee. She asked about the transfer of the monies in item #10.

Mr. Becker said this process was in an Ordinance and Charter. She expressed concern on the Council allowing an exception for building on private drives.

John Stapish, 5160 E. Atherton, said he was opposed to the changes in Ordinance 79.

Mr. Cox asked if the written complaint was still in effect. Mayor Smiley said no and that the City had the responsibility to investigate all complaints.

Mr. Stapish inquired about the nudity ordinance and stated he did not like the water affidavit being increased.

Mayor Smiley said he had sent a letter to the Landlord's Association explaining the City's position on the use of the affidavit.

Huck Schaffer, 5394 N. Sycamore, asked the Council to approve his request to be a non-profit organization in the City. He also expressed concern on the lack of handicap facilities in DPW. Mr. Major said a ramp is scheduled to be installed this year.

Mr. McArdle said the City had started an education program with the Supervisors.

He said the building inspectors have attended classes in ADA requirements.

Mr. Martinbianco asked what the organization did. Mr. Schaffer said they have a basketball team and bowling teams. He said they can produce more revenue if they can conduct Bingo games.

COUNCIL DISCUSSION:

President Martinbianco called for a recess at 8:35 P.M.

Council reconvened at 8:45 P.M.

Mr. Cox asked that the changes be underlined for the First and Second Reading of an Ordinance. He also asked about seeing an item before a person has to pay for it in the Clerk's Office.

Mr. Martinbianco thanked Mr. Major for his table of contents for the amended ordinances.

Mr. Cox said the document they received at the last meeting, concerning the land Mr. Sabo wished to build on, was not the same tonight. Mr. Sabo explained the difference, as the original drawing was in error.

Mr. Cox also expressed concern on building on unapproved streets.

Mrs. Walls asked about the benefits of a voting agreement with Atherton.

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The Clerk said the agreement would allow both parties to discontinue duplicate record keeping.

Mr. Cox said he liked the agreement on the care of unapproved streets but wanted to be sure that the charges were fair and equitable. He said he would like to see how Mr. Throop was going to determine the assessment.

Mrs. Walls asked if the process in item #10 was legal and if we could be sued. Mr. Becker explained the process.

The item on the gas tank replacement was discussed.

Mr. Cross asked if the City was in compliance. Mr. Major said yes and that we would be reimbursed.

Mr. Hammon questioned the original bid of \$40,000 vs the cost of \$77,000. Mr. Major said the original bid did not contain the removal of the contaminated soil.

Mrs. Zelenko asked about reimbursement. Mr. Becker said he thought 6 to 8 months.

Mr. Cox asked if Ordinance 75 was for new construction. He was advised yes.

Mr. Cox asked if Ordinance 79 allowed entry to a rented house without the owners approval. He was advised yes.

Mrs. Walls asked about the materials on the 20% take out for the federal government on lump sum payments. Mr. Becker said we were required to give each employee a copy of the procedure in writing.

Mr. Major asked how the Council wanted to handle the second public hearing for the street assessments.

The Council agreed to March 29, 1993. They also wanted the public hearing on the same night and no earlier than 6:00 P.M. Mr. Major will set up the hearing date and time.

COUNCIL ACTION:

Cross moved and Abbey supported the following motion:

1. Approve and authorize the Attorney Billing from January 11, 1993 to January 25, 1993 in the amount of \$4,654.00.
- Motion carried 7-0.

Abbey moved and Zelenko supported the following motion:

2. Approve and authorize the waiver of Ordinance #45, subject to the conditions, so stated in Sections #1 and #3 of said ordinance for a parcel of land located on Thom Street, with 380 feet of frontage, in the NW 1/4 of Section 3, presently known as Parcel B of lot splits #92-62 & #92-63 as approved by the BCPC November 11, 1992. The waiver shall be granted for from one (1) to four (4) parcels to be split from "Parcel B" (see Exhibit #1, dated 10-21-92) contingent upon Planning Commission approval of lot splits, with no State Plat Act violations or creation of a Site Condominium Development. (DPW Job #03-001-P)

Cross moved and Hammon supported the following motion:

3. Approve and authorize a resolution for and the publishing of the Notice of Intent by the City Clerk to issue 1993 Special Assessment Limited Tax Bonds, Series I at One Million Dollars (\$1,000,000.00), not to exceed, pursuant to Act 279, Public Acts of Michigan 1909, amended, for the purpose of defraying all or part of the cost of acquiring and constructing paving improvements in Special Assessment Districts: P-92-1, P-92-2, P-92-3, P-92-4, P-92-5, P-92-7, P-92-8, P-92-9, P-92-10, P-92-11 and P-92-14; Ives & Way Streets, Ellis Park Drive, Delaney Street, Brian Circle Lane & Natzke Court, Raymond Avenue, Amy Street South, Brookwood Drive, Pawnee Drive, Morrish Street, Morris Avenue and Schumacher Street.
- Motion carried 7-0.

Cross moved and Abbey supported the following motion:

4. Approve and authorize a resolution for the filing of the Notice of Intent by the City Treasurer to issue and sell Special Assessment Limited Tax Bonds, Series I at One Million Dollars (\$1,000,000.00), not to exceed, pursuant to Act 279, Public Acts of Michigan, 1909, as amended for the purpose of defraying all or part of the cost of acquiring and constructing paving improvements in Special Assessment Districts P-92-1, P-92-2, P-92-3, P-92-4, P-92-5, P-92-7, P-92-8, P-92-9, P-92-10, P-92-11 and P-92-14, Ives & Way Streets, Ellis Park Drive, Delaney Street, Brian Circle Lane & Natzke Court, Raymond Avenue, Amy Street South, Brookwood Drive, Pawnee Drive, Morrish Street, Morris Avenue and Schumacher Street, with the Michigan Department of Treasury.
- Motion carried 7-0.

Hammon moved and Zelenko supported the following motion:

5. Approve and authorize the Mayor and the City Clerk to enter into an agreement with the Atherton Community School District concerning the City maintaining the voting records of the Atherton School District.
- Motion carried 7-0.
- Abbey moved and Cross supported the following motion:

6. Approve and authorize the following recommendations of the Election Commission concerning the consolidation of precincts and polling sites:
Combine 4 and 6 as 4, rename 14 as 6. Precincts 2, 4, 6, 12 will vote at Bendle High School.
- Motion carried 7-0.

Walls moved and Abbey supported the following motion:

7. Approve and authorize the Mayor's reappointment of Shirley Hillaker, Burton Neighborhood Housing Services, Inc., 1331 Kenneth Street, Burton, MI 48529, to the Downtown Development Authority with term to expire, November, 1996.
- Motion carried 7-0.

Cross moved and Abbey supported the following motion:

8. Approve and authorize the "Private Drive Maintenance Agreement" for implementation on a city wide basis, to be initiated upon request from the adjacent property owners of said private street, pursuant to approval by the Legislative Sub-committee of January 25, 1993.
- Motion carried 7-0.

Cox moved and Abbey supported the following motion:

9. Approve and authorize the City Council of the City of Burton, Genesee County, Michigan, hereby recognizes the Michigan Wheelchair Sports Association, Inc. as a nonprofit organization operating within the community.

Motion carried 7-0.

Cox moved and Cross supported the following motion:

10. Approve and authorize the transfer of any residual balances of expired special assessment paving, sidewalk, or storm drainage districts to the general fund and also the transfer of any residual balances of expired special assessment water districts to the water fund.

Motion carried 7-0.

Abbey moved and Cross supported the following motion:

11. Approve and authorize the transfer of funds of \$77,000.00 from Motor Pool-Contingency to Capital Projects-Motor Pool Gas Tank Replacement subject to reimbursement by MUSTFA Funds.

Motion carried 7-0.

Walls moved and Hammon supported the following motion:

12. Approve and authorize the Mayor's appointment of Earl Tack, G-4118 S. Saginaw St., Burton, MI 48529, to the Downtown Development Authority with term to expire, November 1996.

Motion carried 7-0.

FIRST READING OF AN ORDINANCE:

Hammon moved and Zelenko supported the following motion:

1. Approve and authorize first reading of Ordinance No. 58-5 (C), amending Ordinance No. 58 (C), prohibiting the parking of a vehicle in the parkway (area adjacent to the traveled roadway or area adjacent to the gravel shoulder of the traveled roadway and the sidewalk or right-of-way line) on all streets within the City of Burton, Genesee County, Michigan and providing penalties for the violation thereof.

Motion carried 7-0.

Abbey moved and Hammon supported the following motion:

2. Approve and authorize first reading of Ordinance No. 54-25 (C), amending Ordinance No. 54 (C), being an ordinance providing 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.

Abbey moved and Zelenko supported the following motion:

Abbey moved and Zelenko supported the following motion:

3. Approve and authorize Ordinance No. 6-L (C), amending Ordinance No. 6 of the City of Burton, being an ordinance providing for the connection of premises to the City of Burton Water System and/or the Genesee County Water Supply System in the City of Burton, Genesee County, Michigan; to provide for the imposition, collection and enforcement of fees for connection thereto or availability thereof and for charges for water supply services therefrom; and to provide for other matters relative to said system and to the use thereof.

Motion carried 7-0.

Abbey moved and Cross supported the following motion:

4. Approve and authorize Ordinance No. 41-1 (C), amending Ordinance No. 41 of the City of Burton, as amended, being an ordinance establishing regulations governing the subdivision of land, providing for the procedure for the preparation and filing of plats, tentative approval of preliminary plats, submission of final plats, approval of the plat by the City Council, providing for platting regulations and requirements in regard to conformity to City Land Use Plan, and to provide penalties for the violation thereof.

Motion carried 7-0.

Abbey moved and Zelenko supported the following motion:

5. Approve and authorize Ordinance No. 75-3 (C) amending Ordinance No. 75 (C), being an ordinance providing for the administration and enforcement of the One and Two Family (CABO) Dwelling Code by the City of Burton through adoption by reference.

Motion carried 7-0.

Cross moved and Hammon supported the following motion:

6. Approve and authorize Ordinance No. 79-1 (C), amending Ordinance No. 79 (C), being an Ordinance establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures; providing the standards for supplied utilities and facilities and other physical conditions essential to and use; providing for the condemnation of buildings and structures unfit for human occupancy or use and for the demolition of such structures.

Motion carried 7-0.

Abbey moved and Zelenko supported the following motion:

7. Approve and authorize Ordinance No. 4-3 (C), amending Ordinance No. 4 (C), as amended, to provide for the cutting, destruction and removal of noxious and poisonous weeds and dead grass and brush on lands within the City of Burton and to provide for the levy and collection of the costs incurred thereby when done by the City; to provide penalties for the violation thereof.

Motion carried 6-1.

SECOND READING OF AN ORDINANCE:

Hammon moved and Zelenko supported the following motion:

1. Approve and authorize second reading of Ordinance 83(C), being an ordinance prohibiting public nudity within the City of Burton, Genesee County, Michigan, and providing penalties for the violation thereof.
- Motion carried 7-0.

Meeting adjourned at 9:30 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml