

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
FEBRUARY 3, 1992, 7:30 P.M., COUNCIL CHAMBERS

Invocation and Pledge of Allegiance was led by Councilwoman Walls.

The Regular Meeting was called to order by Tom Martinbianco, Council President, at 7:30 P.M.

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

Members Absent: None.

Others Present: Mayor Charles H. Smiley; J. Major, DPW Director and William Walworth, City Clerk.

Cross moved and Hammon supported the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of January 20, 1992 at 7:15 P.M. and Regular Meeting of January 20, 1992 at 7:30 P.M., as printed. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley said the City has received a grant of \$1,750 to hook up the fire sirens.

The Mayor said Mr. Priest's term of office on the Zoning Board expires in March and that the Council will need to take some action.

COMMITTEE REPORTS:

X Mr. Hammon said the Finance Committee met and recommended passage of Ordinance 68-16C. He said the committee had no recommendation on the request of BNHS for \$28,000.

X Mr. Abbey said the Legislative Committee met and will let Ordinance 67C stand as is, unless there is a problem later on. He said the committee will also stay with the 300 ft. notice and the same method of publicizing will be utilized to control the cost factor.

He asked the Council to support a letter to Congressman Kildee to support legislation to increase the exemption for poll workers to \$500 per year before social security tax is taken out.

Mr. Cross said he will have a full report on 911 at the next Council meeting.

AUDIENCE PARTICIPATION:

X Shirley Hillaker gave the Council documentation on the work done by BNHS. She asked the Council to please consider her request for \$28,000.

O Mrs. Walls asked if any monies are used for social events. She was advised no.

Mrs. Walls asked if \$28,000 would keep the BNHS afloat.

Mr. Cross asked what Mrs. Hillaker planned to do to operate in 1993. Mrs. Hillaker said she was working on some ideas and hopes there will not be a short fall in 1993.

The following people addressed the Council on the problem of Domestic Violence.

Colette Metcalf, 3247 S. Belsay, Burton, MI
Sally Verdoux, P.O. Box 621 Davison, Davison, MI
Rebecca Wilcox, 2437 Green Pine Dr., Burton, MI
Doris Suci, 4190 Townview Dr., Flint, MI

President Martinbianco asked Colette Metcalf to submit her questions to the Clerk for the administration to answer.

The group is interested in establishing a site in Burton to help abused people. They also want the Police Department to consider the form they recommend for reporting abuse cases, which is presently being used in other local communities.

President Martinbianco asked for an administrative report to be presented to the Council at the next meeting on the domestic violence issue.

John Stapish, 5160 Atherton, asked about item #8 on the first reading of an ordinance, as it related to the right of entry.

Mr. Martinbianco noted that the last time BOCA came before the Council, they amended that section and he planned to refer that ordinance to the legislative committee for further review.

Jim Townsend, 2051 Covert, asked about the Mayor being ex-officio on committees. He was advised that State Law prevails over the Charter and even though the Charter had not been amended, the Mayor had certain voting rights under State Law.

Mr. Townsend disagreed with the committee's recommendation to stay with 300 ft. for notification purposes.

COUNCIL DISCUSSION:

Mr. Hammon noted that the BNHS has made a significant impact on our community and local government involvement in this program is critical. He said he thinks a contract should be drawn up between the City and BNHS.

Mr. Cox asked if the passage of items #4 and #7 were contingent on the passage of Ordinance 68-16 C. Mr. Hamilton did not think it mattered either way. It was agreed that the contingency would be added to the two items for clarification.

Mr. Hammon asked that he get a monthly report on the hours worked by the Supervisors, as it related to item #6 on the agenda.

Mr. Abbey said this should be reviewed after one year, to see if it should continue.

Mr. Cross asked, if after 45 hours, that was part of the job without overtime. He was advised yes.

Mayor Smiley said the Supervisors are committed to 45 hours per week with no overtime beyond that point. He said he would supply Mr. Hammon with a monthly report.

Mrs. Zelenko asked that Ordinance 68-16 C be fully discussed this evening before a vote or referred back to the Finance Committee.

Mrs. Walls asked that the Legislative Committee look at the Firearms Ordinance.

Mr. Cross asked for an explanation on the BOCA Ordinances.

Mr. LaDuke said the City updates the BOCA Codes each time the national organization updates its code. He said there were no changes except in Ordinance 79C on entering a home. He said written permission is still required but the permission could now be given by the owner, the landlord or the renter. He said he would like to give it a year and then come back to Council again for review.

Mr. Cross recognized Mr. Skinner, who will serve on the Board of Review.

Mrs. Walls asked if the administration has appointed anyone to United Way.

Mayor Smiley said the Senior Citizen Director will serve in that capacity and that he was also working on representation on the MTA.

President Martinbianco asked the Clerk to review the Presidential Preference primary rules.

Mr. Walworth said the Council, Mayor or Clerk were not responsible for this process and that it is the product of the legislature. He said the Democratic Party has set its rules for same day registration. The Republican Party has not finalized its rules, but is leaning toward an open primary. He said the City was not responsible for the cost of this election and is supposed to be reimbursed by the State, at a later date.

Mr. Cross asked who was participating in MERS. He was told that each individual must make that decision after the approval of the program.

Mayor Smiley said he does not plan to participate in MERS.

Mr. Hamilton noted that was the Mayor's option and that he was still covered under Ordinance 68C.

Mr. Becker noted that any elected official in a MERS program, has the option to opt out within x number of days after taking office.

Mrs. Zelenko asked about the administrators taking the raise and paying for MERS themselves that was over 15%.

Mr. Martinbianco reminded the Council that the goal was to set a pattern for future negotiations where there was a freeze to support the MERS program. He said it would give us a benchmark for the future.

Mayor Smiley said that new administrators would be hired at the lower salary rate.

Mrs. Zelenko asked about revising the ordinance next year.

X Mr. Martinbianco said the funding method could be revised but the benefit program could not be lowered.

Mayor Smiley said the administrators would have to give up days if the package did not show a savings, but that he did not see that happening.

Mr. McArdle did not expect the MERS program to go over 23% this year. He said if the administrators wanted additional benefits next year, they would have to negotiate them.

Mrs. Walls asked if the Council had approved the administrative ordinance before all contracts were settled.

Mr. Martinbianco thought they had.

Mayor Smiley said the AFSCME contract should be before them at the next meeting.

Mr. Cross asked about the changes to Section 8 of Ordinance No. 68-16 C.

Mr. Hamilton said the change was a clarification of what is presently being done.

Mr. Hammon said it was his opinion that the administrators had an ordinance and not a contract. He said he will monitor it and if the MERS went over 23.5%, he would personally bring it back to Council.

Mr. Hammon said if the Attorney wanted a change in his rate, that he would have to come to the Council with a recommended change for them to consider.

X Mr. Abbey stated he would set a Legislative Meeting for February 12th at 6 p.m. to discuss the Attorney Guidelines, the Gun Ordinance 70C and BOCA Ordinance 79C. He asked that Chief Clark attend the meeting.

Mr. Hammon asked that the Police Department consider using the form presented for domestic violence and that the Police Department review it's present policy in this area.

COUNCIL DISCUSSION ACTION:

Moved by Walls, supported by Zelenko to go into a closed session after the second reading of the ordinances, under Section 8(e) of the Open Meetings Act. Motion carried 7-0 with a roll call vote.

X Moved by Abbey, supported by Hammon to remove item #8 of the First Reading of an Ordinance and refer the matter to the Legislative Committee. Motion carried 7-0.

X Moved by Abbey, supported by Zelenko to resolve the claim of Farnumwood Church with a settlement payment of one thousand dollars (\$1000), with the balance covered by the municipal pool. Motion carried 7-0.

Walls moved and Abbey supported the following motion:

Approve and authorize the reallocation of the 1991 Community Development Block Grant Monies on the following basis:

<u>PROJECT NAME</u>	<u>ALLOCATION (PERCENTAGE-ROUNDED)</u>
Burton NHS	44.5%
Senior Citizens Director's Salary	13.5%
Street and Sidewalk Improvement	42%

The current allocation of \$143,525 would be distributed on the above referenced basis in the following amounts:

<u>PROJECT NAME</u>	<u>ALLOCATION (DOLLARS)</u>
Burton NHS	\$63,881.00
Senior Citizens Director's Salary	\$19,435.00
Street & Sidewalk Improvements	\$60,209.00

Motion carried 7-0.

COUNCIL ACTION:

Cross moved and Hammon supported the following motion:

1. Approve and authorize the Attorney Billing from January 15, 1992 to January 27, 1992 in the amount of \$2,806.75.
Motion carried 7-0.

Abbey moved and Cross supported the following motion:

2. Approve and authorize the Mayor's appointment of James E. Skinner, 2113 McLean St., to the Board of Review for a term ending July 1, 1994.
Motion carried 7-0.

Zelenko moved and Walls supported the following motion:

3. Approve and authorize the Clerk on behalf of the Mayor and City Council to send a letter to Congressman Dale Kildee encouraging his support of H.R. 1619 or similar legislation excluding election inspectors from the social security tax.
Motion carried 7-0.

Cross moved and Hammon supported the following motion:

4. Approve and authorize the attached Resolution for Adopting the Municipal Employees' Retirement Plan for all Administrative/Non-Union Personnel, contingent upon passage of Ordinance No. 68-16 (C).
Motion carried 4-3, with Walls, Cox and Cross voting no.

REGULAR COUNCIL MEETING MINUTES

FEBRUARY 3, 1992/7:30 P.M.

PAGE -6-

Walls moved and Zelenko supported the following motion:

- 2X
5. Approve and authorize the Mayor to execute on behalf of the City a cost installation and maintenance agreement for a traffic signal control beacon (4 way flasher-Red/Amber Blinking Light) at the intersection of Lapeer and Vassar Roads, with the Genesee County Road Commission and Davison Township. Total estimated installation cost approximately \$2,760.00 to be split on a 25% - 25% - 50% basis. City of Burton's approximate installation share would be \$690.00, with 25% of all future maintenance and electrical charges, estimated to be approximately \$90.00/year for Burton.

Motion carried 7-0.

Hammon moved and Abbey supported the following motion:

- X
6. Approve and authorize the Letter of Understanding dated January 28, 1992 between the City of Burton (employer) and Service Employees International Union, Local 79 (employees) is for the sole purpose of changing the Water/Sewer, Road/Motor Pool, and Inspection/Building Superintendent from being paid hourly, with overtime to a salary without overtime.

Motion carried 6-1 with Walls voting no.

Hammon moved and Zelenko supported the following motion:

- O
7. Approve and authorize transfer of funds of \$41,070 from various fund contingencies to provide funding for non-charter, non-union personnel wage and fringe benefits and those covered by Ordinance No. 68-16(C) for the fiscal year 1991-1992, contingent upon passage of Ordinance No. 68-16 (C).

Motion carried 5-2 with Walls and Cross voting no.

FIRST READING OF ORDINANCES:

Hammon moved and Abbey supported the First Reading of Ordinances for items #1 thru #7, as printed.

- AX
1. Approve and authorize an Ordinance, amending Ordinance No. 26 (C), being an Ordinance adopting by reference, the BOCA National Building Code/1990, and all other Ordinances or parts of Ordinances regulating construction within the City of Burton, are hereby repealed, said Ordinance shall be known as Ordinance No. 26-6 (C).
 2. Approve and authorize an Ordinance, amending Ordinance No. 34 (C), being an Ordinance adopting by reference, the BOCA/Basic National Plumbing Code, 1990 and repealing other Ordinances regulating construction within the City of Burton, said Ordinance shall be known as Ordinance No. 34-3 (C).
 3. Approve and authorize an Ordinance, amending Ordinance No. 55 (C), being an Ordinance adopting by reference, the BOCA National Fire Prevention Code/1990 by the City of Burton, said Ordinance shall be known as Ordinance No. 55-4 (C).
 4. Approve and authorize an Ordinance, amending Ordinance No. 73 (C), being an Ordinance providing for the Administration and Enforcement of the Model Energy Code/1990, by the City of Burton, said Ordinance shall be known as Ordinance No. 73-1 (C).

5. Approve and authorize an Ordinance, amending Ordinance No. 74 (C), being an Ordinance for the Administration and Enforcement of the National Electric Code/1990, by the City of Burton through adoption by reference, said Ordinance shall be known as Ordinance No. 74-2 (C).
- 3X 6. Approve and authorize an Ordinance, amending Ordinance No. 75 (C), being an Ordinance providing for the Administration and Enforcement of the One and Two Family (CABO) Dwelling Code/1990, by the City of Burton through adoption by reference, said Ordinance shall be known as Ordinance No. 75-2 (C).
7. Approve and authorize an Ordinance, amending Ordinance No. 76 (C), being an Ordinance providing for the Administration and Enforcement of the Michigan Mechanical Code/1990, by the City of Burton, said Ordinance shall be known as Ordinance No. 76-2 (C).

Motion carried 7-0.

SECOND READING OF AN ORDINANCE:

Hammon moved and Abbey supported the following motion:

- X 1. Approve and authorize the Second Reading of Ordinance No. 68-16 (C), amending Ordinance No. 68 (C) in reference to compensation for Administrative Officers of the City of Burton.

Motion carried 5-2 with Cox and Cross voting no.

Hammon moved and Zelenko supported the following motion:

- X 2. Approve and authorize Burton City Planning Commission's request to rezone property known as Lots 38-49 Supervisor's Plat Eastmoreland Acres except the E 1/2 of Lots 43, 44, 45 and 46 from present zoning classification of R-1A (Single Family Residential) to R-0 (Restricted Office and Lot 21 except the N 127.5 feet of Eastmoreland Acres #1 - 6088 Woodmoor, and the N 127.5 feet of Lot 21 and a metes and bounds description known as 1337 Lyle Street from M-1 (Light Industrial) to R-1A (Single Family Residential) for the purpose of office development or such other uses permitted under R-0 and R-1A (Zoning Case #191).

Motion carried 7-0.

Executive Session: Recessed at 9:30 P.M.
Reconvened at 9:45 P.M.

Meeting Adjourned at 9:50 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml