CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
FEBRUARY 3, 1997, 7:30 P.M., COUNCIL CHAMBERS

INVOCATION AND PLEDGE OF ALLEGIANCE IS LED BY COUNCILWOMAN PAULA ZELENKO.

This Regular Meeting is called to order by Ted Hammon, 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, Administrative Assistant;
J. Major, DPW Director; R. LaDuke, Building Supervisor; Richard Hamilton, City
Attorney; D. Halstead, Fire Chief; and G. Webster, City Clerk.

Cross moved and Zelenko seconded the following motion:

Approve and authorize the minutes of the following meeting: Regular Meeting of
January 27, 1997 at 7:30 P.M., as printed.
Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley referred to the first reading of Ordinance No. 67-15 (C) amending
Ordinance No. 67 (C), prohibiting public nudity within the City of Burton. The
Mayor felt it appropriate to support the amended ordinance that will strengthen
the restriction of nudity in our City.

The Mayor asked for an addition to the agenda to approve the Amended Genesee
County 911 Consortium Agreement, due to limited time restraints.

The Mayor gave a report on the Finance and Taxation Committee Meeting he attended
in Lansing on January 31st. Issues discussed included SB 12 and 13 that
pertained to Personal Property Tax. State Legislators propose to eliminate
personal property taxes. This would be a revenue loss of $200,000 for the City
of Burton. An amendment was made not to oppose the elimination of personal
property taxes, but request the full funding be made available. Other topics
covered included HB 4042 Senior Tax Deferments, Revenue Sharing and the
Governor's Seven Point Plan to fix roads.

Mayor Smiley introduced the new Assistant Fire Chief Dennis Lacey to the Council and said he was well qualified for the job. A list of his responsibilities has been drawn up and includes the Right to Know Law.

The Mayor reported on the Town Hall Meeting of January 29th. He plans three more meetings to be held on last Wednesday of each month in February, March and April. He felt the meeting was very successful. He is reviewing residents' comments and compiling a report to help determine the future goals of the City.

Mr. Hammon acknowledged the presence of Judge Conover of the 67th District Court.

COMMITTEE REPORTS:

Mr. Cox said a Finance Committee Meeting was held January 27th. The issues covered included funding for carpeting and painting of City Hall, street lighting revenues to help build a Capital Improvement Fund, sale of rental home inspection and developing a reinspection fee for those who continually need our services. The Committee recommended to transfer $6,000 to help pay for maintenance, carpeting and painting of City Hall. This will be added to the February 17th Council Meeting Agenda.

Mrs. Zelenko requested the addition to the agenda, as Item #7, to approve and authorize the Amended Genesee County 911 Communications Consortium Agreement.

AUDIENCE PARTICIPATION:

Jim Townsend, 2051 Covert Rd., spoke on the Touch Screen voting equipment. He thinks the new state law requiring 1 device per 200 voters is unfair, thus making the Touch Screen equipment very costly to acquire.

Mr. Cox was aware of the recent legislation and appreciated Mr. Townsend's comments.

Gary Kautz, 4062 Woodrow, spoke in regards to the firemen's union negotiations.
He thinks the firemen deserve higher wages and more benefits.

Laurie Tinnin, 2340 Harmony, inquired about Item #6 in regards to the SEIU Union
Members contract negotiations.

Mr. LaDuke said it would be inappropriate to comment on union negotiations at
this time.

Pauline Dargel, 6119 Hugh, was opposed to the modular home on Packard receiving
an Occupancy Permit. She thinks the home does not conform to the surrounding
community.

Mr. Major said the home meets all criteria and complies with all State and local building regulations. There is no reason to deny an occupancy request.

Further discussion continued on this matter.

Also, Mrs. Dargel inquired about the ZBA's procedure in regards to the renewal
of annual usage permits and she commented on the Creekwood Mobile Home park. She
thinks Burton doesn't need any more mobile home parks.

Mr. Major said Tom Strasser is responsible for issuing permits. Generally the
City does not remind the applicant to renew their permit.

Mr. Martinbianco suggested charging an additional fee for applicants who failed
to renew their permits on time or required a renotification from the City.

A short discussion continued on this issue.

Larry Petrella, 1081 Howe Rd., commented on the Code of Ethics, the Town Hall
Meeting of January 29th and the National League of City San Antonio Conference.

Mrs. Webster wasn't the City Clerk at the time the Code of Ethics was sent to
the Attorney General; however, she will be glad to look into the matter.

Elizabeth Madden, 1394 N. Packard St., spoke in opposition to a modular home being placed in her neighborhood. She thinks it doesn't conform to the surrounding community. Also, she said the residents should have been informed of the move and the DPW should have conducted a more thorough investigation of the site.

Mr. Major said all procedures were followed and all regulations were met.

A lengthy discussion took place in reference to the manufactured home located at 1406 Packard St.

Gail Gibson, 1419 Packard St., spoke in opposition to a manufactured home being placed in the neighborhood. She echoed many of the same complaints voiced by other residents.

Discussion continued on this issue.

Mr. Hammon understands the residents' concerns. He said two of these manufactured homes were located nearby his home on Eastgate. The City has no authority to remove these homes if all housing codes are met. The only thing we might be able to do is file a Civil Suit.

Mr. Major said there are deed restrictions for that subdivision, but they are not to be enforced by the City. They are to be enforced by the residents of the subdivision.

Mr. Hamilton said the homes comply with City ordinances; therefore, the Board of Appeals doesn't regulate this issue.

A lengthy discussion continued on this issue.

The Mayor thinks all of us share the same concerns. The Mayor has two modular homes next to his house. He has met with several municipalities trying to come up with an ordinance that would be a compromise, requiring these homes to be modified to blend in with the surrounding community.

COUNCIL DISCUSSION:

Mr. Cross said there were two more of these homes on LaSalle St. This

neighborhood faces the same dilemma. Packard Street residents are not alone when
it comes to dealing with these concerns.

Council went into closed session 8:55-9:32 P.M.

COUNCIL DISCUSSION ACTION:

Moved by Zelenko, seconded by Martinbianco to add as Item #7 to approve and
authorize the Amended Genesee County 911 Communication Consortium Agreement.
Motion carried 7-0.

Moved by Cross, seconded by Zelenko to move Item #6 to the last item of business, after the Second Reading of an Ordinance Item #2.
Motion carried 7-0.

COUNCIL ACTION:

Cox moved and Zelenko seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from January 16,
   1997 to January 29, 1997 in the amount of $1,912.00.
Motion carried 7-0.

Cross moved and Abbey seconded the following:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from January
   16, 1997 to January 29, 1997 in the amount of $1,715.50.
Motion carried 7-0.

Cross moved and Zelenko seconded the following:

3. Approve and authorize a Treasury resolution for the filing of the Notice of
   Intent by the City Treasurer to issue and sell 1997 Special Assessment
   Limited Tax Bonds, Series I at Four Hundred Thousand Dollars ($400,000.00),
   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-96-5:
   Bergin Avenue; P-96-7: Eugene & Milano Streets; and P-96-9 Williamson Street,
   with the Michigan Department of Treasury.

Motion Carried 7-0.

Cross moved and Abbey seconded the following Motion:

4. Approve and authorize a resolution relative to the 1996-97 Special Assessment
Street Paving Districts: P-96-5, P-96-7 & P-96-9, "The City may, in the
future, issue bonds in connection with the capital improvements being paid
for in part by the appropriation discussed herein, and for all other
appropriations specifically relating to the heretofore mention special
assessment districts, and, to the extent such bonds are issued, the City
fully intends to be reimbursed for such costs temporarily advances".
Motion carried 7-0.

Cross moved and Zelenko seconded the following motion:

5. Approve and authorize a resolution for and the publishing of the Notice of
Intent by the City Clerk to issue 1997 Special Assessment Limited Tax Bonds,
Series I at Four Hundred Thousand Dollars ($400,000.00), 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-96-5: Bergin Avenue; P-96-7:
Eugene & Milano Streets; and P-96-9: Williamson Street.
Motion carried 7-0.

6. Item #6 was moved to the end of agenda.

Zelenko moved and Martinbinaco seconded the following motion:

7. Approve and Authorize the Mayor and Clerk to enter into an amended agreement
between Genesee County Consortium and City of Burton concerning the 911
service district.
Motion carried 7-0.

INTRODUCTION OF AN ORDINANCE:

Abbey moved and Zelenko seconded the following motion:

1. Approve and authorize the introduction of Ordinance No. 67-15 (C), amending
Ordinance No. 67 (C), prohibiting public nudity within the City of Burton,
Genesee County, Michigan, and providing penalties for the violation thereof.
Motion carried 7-0.

SECOND READING OF ORDINANCES:

Martinbianco moved and Cross seconded the following motion:

1. Approve and authorize the second reading of Ordinance No. 6-O (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.

Zelenko moved and Martinbianco seconded the following motion:

2. Approve and authorize the second reading 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.

Cross moved and Abbey seconded the following motion:

6. 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 and other contractual matters.
Motion carried 7-0.

Meeting Adjourned at 9:35 P.M.

Gayle Webster
Burton City Clerk

GW