CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
FEBRUARY 15, 1993, 7:30 P.M., COUNCIL CHAMBERS

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

The Meeting was called to order by Tom Martinbianco, President, 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; R. Hamilton, City Attorney and C. Ladd, Deputy Clerk.

Walls moved and Abbey supported the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of February 1, 1993 at 7:30 P.M., as printed. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley reported that the Eagles Club donated a television to the Senior Citizens Center.

COMMITTEE REPORTS: None.

AUDIENCE PARTICIPATION:

Jim Townsend, 2051 Covert Rd., spoke against the Mayor receiving a pay increase.

Pauline Dargel, 6119 Hugh St., asked if the City has a designated person to handle the Freedom of Information Act for those requesting information. She was advised she would have to go through the City Clerk's Office to make her requests for anything pertaining to the Act. Mrs. Dargel also spoke about the request to receive a copy of W-2 Forms for several employees on February 1, 1993 and to date, has not received satisfactory information. Mrs. Dargel said the duties of the Mayor and Council have increased since the last pay raise. She spoke against the Mayor's pay increase.

Mr. Hamilton replied there is some information which is exempt from the Act. The W-2's were delivered to Mrs. Dargel without the items which are exempt under the Freedom of Information Act. If Mrs. Dargel was not satisfied with the materials given to her, there is a provision in the Act for her to take further action.

J. Stapish, 5160 E. Atherton Rd., spoke about approval of Ordinance 6-L (C) and also spoke against the Mayor's increase.

H. Klink, 6156 Hugh, said he is against any increase for the Mayor.

Nancy Card, 2098 Delaney St., asked if the City had thought of going to monthly water and sewer billing vs. quarterly. The Mayor replied no.

COUNCIL DISCUSSION:

Mr. Cox said this is the second or third incident we have had reported to us concerning the Freedom of Information Act. Mr. Klink asked for the same information that Mrs. Dargel asked for and received it the next day and she still has not received the information.

Mr. Hamilton explained the delay in the getting the information to Mrs. Dargel.

Mayor Smiley said Mr. Klink called his office late Friday afternoon and asked to see his W-2 Form and was told if he came in on Monday, he would make it available to him. Mrs. Dargel went through the Clerk's Office and this fell under the Freedom of Information Act. She did not me to see my W-2 or I would have done the same thing for her. She asked to see some of the employees W-2's and there are parts of this which are exempt from the Act.

Mr. Hammon asked if, in the future, all of the Salary Commission Meetings would be recorded. Mayor Smiley said he has no problem with them being recorded and he would make sure they were in the future.

Mrs. Walls asked about residents who owe money for water bills and leave the City and then return, are they billed for the amount owing? Mayor Smiley replied that the bills are done by address, not name and it makes it difficult to catch anyone who has left an unpaid bill.

Mr. Abbey asked what guidelines the Salary Commission went by to come to the figure they did for the Mayor's raise. In the past, the Michigan Municipal League provided a book to the City and the size of the city and salaries could be compared. This would be beneficial to the Council. Mayor Smiley said he would see that a copy was in the Clerk's Office for the Council's use.

Mrs. Zelenko said she too would like to know what criteria was used by the Salary Commission to determine the amount of the pay increase.

Mayor Smiley said for future reference for the Salary Commission, if any of the Council would like our City compared to a particular city, please contact his office with the information.

Mr. Cross asked if anyone on the Legislative Committee had a problem with Item #7 on tonight's agenda. Mr. Abbey said Mrs. Walls had some concerns and still does, but a recommendation was made to the whole Council to approve Item #7.

COUNCIL ACTION:

Cross moved and Abbey supported the following motion:

1. Approve and authorize the Attorney Billing from January 26, 1993 to February 8, 1993 in the amount of $3328.50.

Motion carried 7-0.

SECOND READING OF ORDINANCES:

Cross moved and Zelenko supported the following motion:

1. Approve and authorize second 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 Cox supported the following motion:

2. Approve and authorize second 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.

Cox moved and Hammon supported the following motion:

3. Approve and authorize second reading of 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.

Walls moved and Zelenko supported the following motion:

4. Approve and authorize second reading of 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 plating regulations and requirements in regard to conformity to City Land Use Plan, and to provide penalties for the violation thereof.

Motion carried 7-0.

Cross moved and Abbey supported the following motion:

5. Approve and authorize second reading of 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 Zelenko supported the following motion:

6. Approve and authorize second reading of 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.

Zelenko moved and Abbey supported the following motion:

7. Approve and authorize second reading of 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.

MEETING ADJOURNED AT 8:47 P.M.

Respectfully Submitted,

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML