CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
FEBRUARY 16, 7:30 P.M., COUNCIL CHAMBERS

Invocation and Pledge of Allegiance was led by Councilman Keith Cox.

The Regular Meeting was called to order by Ted Hammon, Council President, at 7:35 P.M.

MEMBERS PRESENT: Centilli, Cox, Cross, Hammon, Martinbianco and Zelenko.

MEMBERS ABSENT: Walls.

OTHERS PRESENT: Mayor Charles Smiley; J. Major, DPW Director; and G. Webster, City Clerk.

Zelenko moved and Cross seconded the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of February 2, 1998 at 7:30 P.M. and Special Meeting of February 9, 1998 at 7:00 P.M.
Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mayor Smiley re-appointed Mary Crawford to the Parks and Recreation Commission.

The Mayor attended DARE graduation ceremonies at Bentley and Atherton Schools. Also, he attended a meeting at Faith Tabernacle Church that addressed potential problems involving gangs and graffiti. Officer Burton did a good job presenting information on these topics.

Mayor Smiley reported on special awards received by members of the Police and Fire Departments.
Michael Odette was named Rotary Police Officer of the Year.
Kenneth Baker was named Rotary Fireman of the Year.
Scott Walker was named MADD officer of the Year.
James Duplany was named 40 & 8 All County Police Officer of the Year.
Mellissa Dewyse was given a Rotary Scholarship.
John Benthall was named Rotarian of the Year.

Chief Benthall introduced two new police officers that would will fill vacancies in the Police Department. The two new officers are Brian Warden and Devra Clouse.

The Mayor will be working on the upcoming budget and welcomes any input by Council. Also, he would like Council to review their Budget with him.

COMMITTEE REPORTS:

Mr. Cross reported that the Legislative Committee met February 12th to review the Cost Recovery Ordinance. Darrel Johnson from Farm Bureau Insurance was present to answer insurance related questions. More work will need to be done on this ordinance. The Graffiti Ordinance will be rescheduled for the next Legislative Meeting.

In reference to Item #5 on the agenda, Mrs. Zelenko said the Parks and Recreation Commission met February 11th to review the Parks Master Plan. The Planning Commission has recommended the plan to Council. This document is a wish list for future ideas involving recreational facilities for the City and will meet Sate requirements for grant applications. The plan is flexible and can be adjusted to meet the needs of the community. Public input is welcome as more specific plans are made. She stressed that no specific plans have been set for the Kelly Lake area.

AUDIENCE PARTICIPATION:

Don Sanderlin, 4460 Killarney Pk., congratulated Paula Zelenko and the Parks and Recreation Commission on the fine job they have done in the development of the Parks Master Plan. He spoke on the Cost Recovery Ordinance and thought the public should be informed of City business.

Terryl Sperlich, 1253 Howe Rd., spoke in opposition to the Park Plan involving the Kelly Lake area. She did not want a Howe Rd. entrance to a park because it would disturb nature and increase crime.

Wayne Bovee, 1227 Howe Rd., opposed a park in the area of Kelly Lake. He did not want a Howe Rd. entrance to , due to disturbing the wetlands, additional noise, increased traffic and concerns for safety.

Mr. Major said there are several other road possibilities in regards to an entrance to Kelly Lake. He assured the audience that these are all general plans. When more specific plans are formulated there will be public input.

Jan Bolen, 1169 Howe Rd., opposed a park entrance to Kelly Lake on Howe Rd. for the same reasons previously mentioned.

Pauline Dargel, 6119 Hugh spoke on her Freedom of Information request and the Parks Master Plan. She suggested the schools should be more involved in the plan.

Mr. Hammon said he would look into the situation in regards to the itemized charges on her Freedom of Information request.

John Stapish, 5160 Atherton Rd., spoke on Item #3 in reference to adding guardrails on I-69.

Mr. Major said the State sets priorities on these projects. They requested and directed us to put money into this project.

Brian Croley, 6223 Crabtree Ln., of the Holiday Villa Block Club, thanked City officials for attending the meeting that addressed graffiti. He is in favor of the City passing a Graffiti Ordinance.

Paula Manzardo, 2385 N. Vassar Rd., Parks and Recreation Commission, spoke in favor of the Parks Plan. She feels the parks would be a better alternative use for some of the vacant properties than residential or commercial use. She thought it was wise of the Mayor to develop a Parks and Recreation Commission.

Jan Bolen, 1169 Howe Rd., suggested using the schools for recreation and preserve the property by the lake.

Larry Petrella, 1081 Howe Rd., spoke on the wetlands by Kelly Lake and suggested the schools be utilized for recreation purposes.

Mr. Major said currently, the DNR owns the wetlands. Later, the Grand Blanc ownership will return to the City of Burton when all required work is done on the land and the DNR releases it.

Louise Rose, 3097 Belsay Rd., has been involved with environmental issues. She suggested the area by Kelly Lake might be used for nature trails similar to a project in Madison Heights. This would help preserve the surrounding area.

COUNCIL DISCUSSION:

Mr. Hammon welcomed Judge Conover to the Council Meeting.

Judge Conover said he reviewed the Parks Plan and thought it was excellent.

Mrs. Zelenko suggested some ways of better informing the public, such as, publishing meeting information in the paper, adding information to sewer bills and having citizens call City Hall for upcoming events. Public input is welcome at Regular Council meetings, Planning meetings, Parks and Recreation Meetings and through surveys. Mr. Cheli from Rowe Incorporated was available to answer questions. She said it is not our intent to disturb the wetlands.

Mr. Centilli said we are voting on the Park Plan tonight just to put the document in place for grant money.

Mrs. Zelenko agreed with this comment. We are not committing to any dollar amount or specific plan. This is to enable Burton to apply for grant dollars. The plan will need to be submitted by March 1, 1998 to be eligible for State grant money.

Mr. Martinbianco said the plan was well put together. He asked about other funding needed in addition to grants. He referred to a memo from Mr. Major dated February 16, 1998 stating, if Item #5 is adopted, it would close this phase of the Master Plan process. The City Council must next approve funding of the local match, estimated to be approximately $17,050.00 of a total $68,200 project for year.

Mrs. Zelenko said the application and related costs would depend on what is included in the scope of the first year of the plan. The $17,000 match is only an estimate at this time. The Parks and Recreation Commission will start looking at more specific details at the next meeting to be held February 25,1998. The Council was very gracious to allot approximately $13,000 for this project originally and to this date about $7,712 has been spent. She suggested using a portion of the remaining funds to have Rowe Incorporated submit the Parks and Recreation application because of their expertise in this area.

Discussion continued on the Parks and Recreation Master Plan.

Mr. Centilli asked what the chances were of Howe Rd. being an entrance to the park, taking into consideration of the cost involved going through the wetlands.

Mr. Major said the chances were slim that Howe Rd. would be a primary entrance to the park. There are several other options that would be considered. There will be ample opportunities for public input on this issue.

Mr. Cox asked if the need for approval of this plan was to apply for the State of Michigan National Resources Trust Fund Grant. He wanted to know if there were any more grants available for this use.

Mrs. Zelenko agreed, the first priority was to establish a Park's Master Plan so we could apply for a State grant. In the process of developing the plan, the Commission learned a lot about the history and needs of our City. The State sets up a table of standards for recreational facilities that it would like each community to meet.

Discussion continued on the Parks and Recreation Master Plan. Further discussion addressed issues involving a park's director, liability insurance and school facilities.

Mrs. Zelenko said specific issues would be addressed at a later date as plans are finalized. The Commission will welcome input at all stages.

Mr. Cox wanted to know if Pollard's disposal sites were in compliance with EPA standards. He would like the Mayor to look into this matter.

Mr. Cox said there was a June 2nd request given to Mr. Hamilton in reference to expenditures in excess of $500.00 being approved by Council and the designation of capital improvement funds being earmarked for specific expenditures. Ordinance 5 might have to be revised to accommodate this stipulation.

Mr. Hamilton said the existing ordinance addresses approved budgeted items. It doesn't distinguish between capital and non capital items expenditures. If you wish to adjust the existing purchasing techniques, it will have to be done by amending that Ordinance.

Mr. Cox made reference to the City Council setting fees in reference to Freedom of Information requests.

Mr. Martinbianco said a fee schedule for personal services in relation to FOIA requests should be set.

Mr. Hamilton said there is a difference between a fee and a charge under the FOIA. A recent amendment to the FOIA provides for the reimbursement for expense. It is not a fee or a charge as such. The reimbursement charge is defined by the FOIA and the specific action needed to fulfill the request. The amendment provides for reimbursement to the lowest paid public body employee capable of retrieving the information and fulfilling the request. The price could change drastically depending on the nature of the request. It is not a fee being charged, but the reimbursement for labor and cost to complete the request. The State law requires us to charge based specifically on service rendered pursuant to the request.

Mr. Martinbianco asked if the charges should come before Council to justify the cost of the requests.

Mr. Hamilton said it is the actual cost to comply with the request that determines the amount of the charge. The charges are request specific.

Discussion continued on this issue.

Mr. Cross asked for clarification on the Parks and Recreation Plan.

Mrs. Zelenko repeated her previous remarks. The approval of the plan will meet requirements set by the State to apply for grant funding.

Mr. Cox set a Finance meeting for Monday, February 23rd at 10:30 A.M. Following topics will be discussed: Water Rate Increases, Black Creek Legal Issues and the Police Department LEIN machine.

Fire Chief Halstead asked to address the Finance Committee concerning a Fire Department request.

Mr. Cox said they would try to address the Fire Department request, time permitting.

Mr. Cross said the Legislative Committee will be reviewing the Parental Responsibilities Ordinance, Chapter 54.

Mr. Martinbianco thanked the Legislative Committee for spending so much time reviewing the Cost Recovery Ordinance. He attended the meeting that related to gangs and feels the Graffiti ordinance will need to be reviewed. He said there will be questions that deal with constitutional and ownership rights.

Mr. Major said we have a chemical solution that is used on our stop signs to rid them of graffiti.

Mr. Cross said the Parental Responsibility Ordinance will tie into the Graffiti Ordinance as it relates to the responsibility and penalties in relation to these actions.

Mr. Hammon asked if Rowe would like to make any remarks in regards to the Parks and Recreation Plan.

Mr. Cheli, Planner of Rowe Incorporated, said the Commission had worked very hard and addressed many real important issues as they compiled the Parks and Recreation 5 Year Plan. It is a great plan that has had a lot of community involvement. He was glad to work with the Commission to provide this document.

In reference to Item #2, Mr. Cross asked about the Veteran's Preference Hearing on the attorney's bill.

Mr. Hamilton said that was due to a disciplinary action taken on an employee that was a Veteran. Veterans have a right to a hearing in these situations. The law has been in place since the 1800's.

In reference to Item #3, Mr. Cross asked if this will be the only bill on this work.

Mr. Major said this should be the only bill. However, there might be another upgrading of fencing or guardrail at future date along our expressways.

Mr. Martinbianco said he would for vote this, but he wasn't pleased. This is just a formality at the State's request to do this project.

In reference to Item #5, Mr. Centilli still had concerns with the Howe Rd. entrance.

Mr. Martinbianco said we would use this plan as an overview. No plans are firm at this time. He had concerns in regards to additional traffic on some of the roads that might be involved in this plan. We have an understanding that there will be public hearings in regards to finalizing these plans.

Mr. Centilli agreed with Item #5, if Council has a final approval on more specific plans.

Mr. Cox asked if Mr. Centilli would like an amendment on #5.

Mr. Hammon said Mr. Centilli has been reassured by the Parks and Recreation Chairperson that his comments would be adhered to.

Mr. Centilli did not want to add an amendment to Item #5.

COUNCIL ACTION:

Centilli moved and Zelenko seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from January 28, 1998 to February 11, 1998, in the amount of $885.00.

Motion carried 6-0.

Centilli moved and Zelenko seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) January 28, 1998 to February 11, 1998, in the amount of $1,220.00.

Motion carried 6-0.

Centilli moved and Zelenko seconded the following motion:

3. Approve and authorize the Mayor and City Clerk, on behalf of the City of Burton and its City Council, authority to execute a contract with M-DOT for upgrading guardrail along Highway I-69 from its west to east City Limits. Cost is estimated at $277,500.00 with the City's share set at 8.75% or $2,400.00.

Motion carried 6-0.

Martinbianco moved and Zelenko seconded the following motion:

4. Approve and authorize the acceptance of an Application for Industrial Facilities Exemption Certificate, filed by Flexible Automation, Inc., and the calling of a public hearing on March 16, 1998 at 7:00 P.M., for consideration of the application.

Motion carried 6-0.

Martinbianco moved and Centilli seconded the following motion:

5. Approve and authorize the adoption of the City's Parks and Recreation Master Plan of 1998 for the City of Burton as recommended for approval by the City's Park and Recreation Commission on February 11, 1998.

Motion carried 6-0.

Zelenko moved and Martinbianco seconded the following motion:

6. Approve and authorize the setting of a 2nd Public Hearing for Zoning Case #234 for March 16, 1998 at 6:45 P.M. (Grant Hamady, 4265 E. Court Street/Dennis Vaughter, 4275 E. Court St., Burton, MI, rezone property to R-O).

Motion carried 6-0.

MEETING ADJOURNED AT 9:25 P.M.

Gayle Webster
City Clerk

GW/cml