CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
MARCH 3, 1997, 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 President, Ted Hammon at 7:40 P.M.

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

Members Absent: None.

Others Present: Mayor Charles Smiley; K. McArdle, Personnel Director; J. Major,
DPW Director; R. LaDuke, Building Supervisor; J. Benthall, Police Chief;
D. Halstead, Fire Chief, J. Morgan, Sr. Citizens Dir and G. Webster, Clerk.

Cross moved and Zelenko seconded the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of
February 3, 1997 at 7:30 P.M.; Special Meeting of February 17, 1997 at 5:00
P.M.; Special Meeting of February 17, 1997 at 7:00 P.M. and Regular Meeting of
February 17, 1997 at 7:30 P.M., as printed. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley asked that Resolution Item #5 be removed from the agenda. Final
plat approval cannot be completed at this time, due to procedural sequencing of
events.

The Mayor requested a closed session for discussion of union negotiations.

Mayor Smiley announced Jean Morgan will be the new Senior Citizens' Director,
replacing Pat Pero-McArdle, who is currently on sick leave.

The Mayor asked Police Chief Benthall to introduce the two new Burton police
officers. Chief Benthall introduced Officer John Owen and Officer Shawn
Duncanson to the Administration and Council members. He gave a brief overview of
their qualifications and said they would be great additions to the force.

Mayor Smiley commented on conditions of the gravel roads, yet only three streets are scheduled to be paved this year. He said Howard Throop is out starting to plow the roads.

COMMITTEE REPORTS:

Mr. Martinbianco reported that the Legislative Committee met February 20th. The following topics were discussed: a Code of Ethics Ordinance, the possibility of establishing an ordinance regulating premanufactured homes and the potential for a renotification resolution. The committee recommended passing a Code of Ethics ordinance, however, Mr. Abbey has requested a substitute Code of Ethics resolution to be voted on tonight. Mr. Martinbianco thought an Ordinance would better serve Burton.

Mr. Martinbianco plans to schedule a Legislative meeting next week to discuss regulating premanufactured homes.

AUDIENCE PARTICIPATION:

Elizabeth Madden, 1406 N. Packard, spoke against the placement of a premanufactured home in her neighborhood. She questioned if proper procedures were followed by allowing the home to placed at that location. Also, she would like to meet with City Officials and the Attorney to discuss the matter.

Mayor Smiley said a meeting could be arranged, including the newly formed committee reviewing modular home regulations. There might be an additional cost for attorney's fees.

Attorney Richard Austin said the City is severely limited on the placement of regulating modular homes.

Ron Gibson, 1419 N. Packard, spoke against the placement of a premanufactured home in the subdivision. He said there is a drainage problem, causing mud to run off on the neighbor's property.

Gail Gibson, 1419 N. Packard, spoke against the placement of the premanufactured home on Packard and the increase of her taxes.

Pauline Dargel, 6119 Hugh, spoke against the modular home on Packard. She commented on the Town Hall Meeting in regards to the spending of tax dollars, the publishing of ordinances, the availability of Ordinance 68C-20 and CD Funding in regards to Burton Neighborhood Housing.

Mr. Martinbianco gave a brief update on Burton Neighborhood Housing. He added the Southend community is in need of a housing rehab program.

Mr. Major said in regards to 68C-20, the attorney had a synopsis of the ordinance published and the complete ordinance is available in the Clerk's office.

Mr. Cox had reviewed 68C-20 in the Clerk's office and the complete ordinance was readily available.

John Stapish, 5108 E. Atherton, commented on agenda Items #3, 4, 6, 7, 8 and 9.

Larry Petrella, 1081 Howe Rd., commented on the Code of Ethics and the possibility of the City maintaining county roads.

Mr. Hammon said a Code of Ethics resolution will be offered in place of the proposed ordinance. In reference to the roads, he said the City could possibly take over the Act 51 funds to repair county roads. There have been no changes made in road funding at this time.

Laurie Tinnin, 2340 Harmony Dr., asked for clarification of Item #10 pertaining to the Senior Citizens' Coordinator.

Mr. McArdle explained the insurance plan for administrators.

AUDIENCE PARTICIPATION: CODE OF ETHICS

Larry Petrella, 1081 Howe Rd., asked for a copy of the proposed Ethics Resolution. He thinks the resolution does not carry the same power as an ordinance.

John Stapish, 5160 Atherton Rd., spoke in favor of a Code of Ethics, but thought a provision for penalties should be added.

Mr. Hammon said the proposed Code of Ethics would be in the form of a resolution
not an Ordinance. Penalties are not attached to a resolution.

Mr. Austin addressed his concerns pertaining to the Code of Ethics as an ordinance. He counseled with Mr. Abbey on the variations arriving at the present
drafted resolution.

Discussion continued on this issue.

Mr. Abbey said this should be adopted as a resolution. A determination to adopt
an ordinance can be decided at a later late, if the body thinks it is needed.

Police Chief Benthall reflected on several potential problems with a Code of
Ethics ordinance. Many harmless things could be used against people. This ordinance could interfere with charitable organizations such as DARE, donations
for needed police equipment (bullet proof vests), scholarship funds and Block
Club participation. He thought the resolution would best serve the City of
Burton.

Pauline Dargel, 6119 Hugh, said this would provide a Code of Ethics Philosophy.

Laurie Tinnin, 2304 Harmony, thought penalties should be implied and imposed.

Mr. Abbey understands citizen's concerns, but thinks this is the best option at
this time.

COUNCIL DISCUSSION:

Mr. Abbey said there had been a great deal of concern on behalf of city employees, union members, administrators, council members and the city attorney
in regards to adopting a Code of Ethics as an ordinance. Instead, we think it is
in the best interest of everyone involved to adopt a Code of Ethics resolution.

Mr. Cox asked Mr. Major a series of questions that pertained to all procedures being met in regards to the placement of the premanufactured home on Packard St.

Mr. Major said all guidelines and regulations were met in regards to the placement of the modular home. He suggested the subdivision enforce their Deed Restrictions properly, by filing a civil infraction against the property in question.

Discussion continued on this matter with Mrs. Madden and Mr. Gibson voicing opposition against the premanufactured home placement.

Mr. Cox said Ordinance 68C-20 was readily available to him in the Clerk's office. Also, he commented on the Code of Ethics resolution by suggesting we can't legislate morality. We should choose people who are ethically responsible. This is the only way to ensure ethical behavior. It is inborn. It is learned. Ethics is not something you're going to legislate with a piece of paper.

COUNCIL DISCUSSION ACTION:

Mr. Abbey moved to adopt, as a resolution, the Code of Ethics. The Code of Ethics was read into the minutes by Mr. Abbey. (See attached "A RESOLUTION PROVIDING FOR THE ADOPTION OF A CODE OF ETHICS FOR THE CITY OF BURTON").

No further Council Discussion was offered. Mr. Hammon closed Council discussion to go into Council action. Mr. Martinbianco called Point of Order, allowing for input of audience participation.

Moved by Abbey, supported by Zelenko to add the Code of Ethics resolution as item #11 on the agenda. Motion carried 7-0.

Moved by Cox, Supported by Zelenko to remove Item #5 from the agenda. Motion carried 7-0.

Moved by Martinbianco, Supported Walls to go into Executive Session under Section 8 (c) of the Open Meetings Act at the end of agenda Item #11. Motion carried 7-0.

COUNCIL DISCUSSION:

Mr. Martinbianco would like something done about the situation on N. Packard,
where the sumpump water is discharging on the adjoining property.

Mr. Major will check into the discharge of the sumpump. If there is a violation,
the matter will be addressed.

Discussion continued on the modular home property located on N. Packard.

Mr. Martinbianco commented on drainage problems and poor road conditions near
the Munson and Lapeer Rd. areas. Also, Belsay and Atherton roads are in desperate need of repairs.

His comments continued on the Code of Ethics. He will support the final efforts
of the Ethics Resolution that was presented.

Mr. Martinbianco wanted to give public thanks to Tim Herman, County Commissioner
for his help in funneling $500.00 back into children's programs that was originally used for other projects.

Mr. Cross said the correct amount owed Attorney Richard Hamilton in agenda Item
#2 was $401.00.

Mr. Abbey inquired about the status of a lot on James St.

The Mayor said Mr. Major would check into the availability of the lot.

Mr. Major will contact the Council after checking on the status of the property.

Mr. Cox asked for clarification on agenda Item #10, pertaining to the transfer of
funds to cover the overlap of Senior Citizens' Coordinator.

The Mayor explained the circumstances surrounding the transfer of funds.

Executive session was called from 9:40-10:40 P.M.

COUNCIL ACTION:

Abbey moved and Zelenko seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from February 12,
   1997 to February 26, 1997 in the amount of $2,671.00.
Motion carried 7-0.

Cross moved and Zelenko seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from February 12, 1997 to February 26, 1997 in the amount of $401.00.

Motion carried 7-0.

Abbey moved and Walls seconded the following motion:

3. Approve and authorize support of the March of Justice for 20,000 Strawberry Workers of California and honoring Senior Chavez's 10th Anniversary Drive.

Motion carried 7-0.

Cox moved and Cross seconded the following motion:

4. Approve and authorize the Mayor's appointment of Gayle Webster as the official Freedom of Information Coordinator for the City of Burton.

Motion carried 7-0.

Moved by Cox, Supported by Zelenko to remove Agenda Item #5. Motion carried 7-0.

5. Approve and authorize Final Plat Approval for Maplewood Meadows #2 (mandatory bonds and assurances will be supplied for public utilities and roads).

Cross moved and Abbey seconded the following motion:

6. Approve and authorize the acceptance of the low bid of Bituminous Pavers, Inc., P.O. Box 190177, Burton, MI 48519 in the amount of $246,212.21 for the projects known as: P-96-5 Bergin Avenue; P-96-7 Eugene Street and Milano Street; and P-95-9 Williamson Avenue.

Motion carried 7-0.

Cox moved and Zelenko seconded the following motion:

7. Approve and authorize Standard Resolution #4 for P-96-5, Bergin Avenue Open Ditch Paving Special Assessment District:
   - A. Accept and file Special Assessment Roll;
   - B. Set date of Monday, March 31, 1997, at 6:00 p.m. for the Second Public Hearing;
   - C. Instruct the City Clerk through the Department of Public Works to

provide notifications of said District as per Ordinance #12.
Motion carried 7-0.

Cross moved and Zelenko seconded the following motion:

8. Approve and authorize Standard Resolution #4 for P-96-7, Eugene Street and
Milano Street Open Ditch Paving Special Assessment District:
A. Accept and file Special Assessment Roll;
B. Set date of Monday, March 31, 1997, at 6:30 p.m. for the Second Public
Hearing;
C. Instruct the City Clerk through the Department of Public Works to
provide notifications of said District as per Ordinance #12.
Motion carried 7-0.

Zelenko moved and Walls seconded the following motion:

9. Approve and authorize Standard Resolution #4 for P-96-9, Williamson Avenue
Open Ditch Paving Special Assessment District:
A. Accept and file Special Assessment Roll;
B. Set date of Monday, March 31, 1996, at 6:15 p.m. for the Second Public
Hearing;
C. Instruct the City Clerk through the Department of Public Works to
provide notifications of said District as per Ordinance #12.
Motion carried 7-0.

Abbey moved and Zelenko seconded the following motion:

10. Approve and authorize transfer of funds of $12,900.00 from General Fund-
Contingency to Senior Citizens-Salaries and Fringes for overlap of Senior
Citizens' Coordinator position.
Motion carried 6-1 with Martinbianco voting no.

Abbey moved and Zelenko seconded the following motion:

11. Approve and authorize the Code of Ethics Resolution, as read by Councilman
Abbey.(see attached)
Motion carried 7-0.

Meeting Adjourned 10:40 P.M.

Gayle Webster

Burton City Clerk

GW/cml