

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

INVOCATION AND PLEDGE OF ALLEGIANCE WAS LED BY COUNCILWOMAN ALTA WALLS.

The Meeting was called to order by Tom Martinbianco, President, at 7:40 P.M.

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

Members Absent: None.

Others Present: Mayor Charles H. Smiley; R. Hamilton, City Attorney; J. Major, DPW Director and C. Ladd, Deputy City Clerk.

Walls moved and Cross supported the following motion:

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

ADMINISTRATIVE REPORT:

Mayor Smiley introduced Heather McGinch, who is a student at Bentley High School and is participating in the Close-Up Program. She will be leaving for Hawaii on April 3rd. Burton is the first municipality in the County having an intern. Heather will be observing the Administrators and their departments. She hopes to attend Michigan State University and will major in Political Science and Law. Heather has worked in Congressman Kildee's Office and her hobbies include watching and attending hockey games and reading.

Mayor Smiley reminded the Council of the Michigan Municipal League Conference in St. Clair Shores.

Mayor Smiley spoke on the Belsay Road Water Main Extension (See attached report).

COMMITTEE REPORTS:

Mr. Hammon reviewed the action taken at the Finance Committee Meeting on March 11th. He said he supports the proposed watermain construction.

AUDIENCE PARTICIPATION:

Ryan Ridley, 4135 N. Irish Rd., Davison, MI 48423, spoke about the hours allowed in Ordinance No. 67-C at a Billiard Hall. He said his billiard hall was approved at the Planning Commission for a special use permit. He would like the hours extended beyond what the Ordinance states. He would like to be opened 24 hours per day as there are many workers who get out of work between 2:00 a.m. and 7:00 a.m. Mr. Ridley said he is trying to compete with those billiard halls who are allowed to stay open on a 24-hour basis.

Mr. Hamilton said these hours fall under Ordinance 67-C, which is a police power ordinance.

Mr. Martinbianco asked if his request could be waived under the Ordinance. Mr. Hamilton said the ordinance would have to be amended with a waiver to handle on a case by case situation.

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Mr. Hammon asked if there could be a first reading of an ordinance tonight and insert that the present hours are for those places who serve liquor.

Mayor Smiley explained that for enforcement reasons, he would like to see the hours remain as they are at this time.

Mr. Hamilton said he would have to determine whether a first reading could be held tonight and give an answer later in the meeting.

J. Townsend, 2051 Covert Rd., asked for an explanation of the water main construction and if there would be a guarantee of repayment to the sewer fund.

P. Dargel, 6119 Hugh St., questioned items #3, #6, #7 and #18 on the agenda.

J. Stapish, 5160 E. Atherton Rd., asked if the Council used Roberts Rules of Order and inquired about setting a precedent for other developers with the construction of the watermain.

Mr. Hamilton stated that in reply to Mr. Hammon's question about a first reading of an ordinance tonight for Ordinance No. 67-C, he sees no reason why this cannot be done.

Mrs. Dargel, 6119 Hugh St., asked if there would be audience participation in regards to the Ordinance if Council wishes to act on this. She was advised yes.

COUNCIL DISCUSSION:

Mr. Abbey asked that the Mayor's Office or the Clerk's Office draft a resolution for Matt Turnbull, who is from Bendle High School and the State Wrestling Champ. Mr. Abbey said he will provide the information needed and would like to have Matt invited to the next regular meeting.

Mr. Hammon said he thinks the Council should take a closer look at the Ordinance as Meijer's has video machines and is open on a 24-hour per day basis. Possibly this Ordinance could be sent to the Legislative Committee for their review and recommendation. He said he has visited the business and it is a clean operation and would be good for Burton. Mr. Hammon said he would like to have more discussion on this issue.

Mr. Abbey said he has no problem setting a Legislative Committee meeting, but he doesn't think there should be a first reading of an ordinance tonight with input from the Police Department.

Mr. Ridley asked what time frame they are talking about. He was advised around the 5th of April.

Trudy Kent, 2158 Chapin, Grand Blanc, MI, asked if the hours could be waived and if there is a problem they could go back to the original hours. She said this is one of the nicest billiard halls in the State and a two week time span could be detrimental to Mr. Ridley's business.

Mrs. Zelenko said she can empathize with Mr. Ridley, but she thinks the Ordinance should go before the Legislative Committee for their review and possible recommendation.

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Mrs. Walls said she also thinks the ordinance should go before the Legislative Committee.

Mr. Cross said he agrees with the majority of the Council.

Mr. Hammon said the Council could still have the first reading of the ordinance and have the Legislative Committee report back. If the report is not negative, then the 2nd reading could be voted down.

Moved by Hammon, supported by Cox to add item #19 to tonight's agenda, amending Article V, Section 5.10 of Ordinance No. 67-C, for a first reading of an ordinance. Roll Call Vote: Walls, no; Cox, yes; Hammon, yes; Martinbianco, no; Abbey, no; Zelenko, no; Cross, no. Motion failed 5-2.

Mr. Martinbianco questioned the deviation in the assessment method of front foot fee vs. per lot fee. Mr. Major said he would like to bring a proposal before the Council so either one of the methods could be used by the developers. He said he would try to get the information drafted so it could be discussed at the Legislative Committee meeting.

Mr. Abbey asked why the request was made for the increase in the Clerk's Fees. Mayor Smiley said with the present fees the City has been losing money because requests were made and never picked up.

Mr. Abbey set a Legislative Committee Meeting for Monday, March 22, 1993 at 6:00 P.M.

COUNCIL ACTION:

Abbey moved and Zelenko supported the following motion:

1. Approve and authorize the Attorney Billing from February 24, 1993 to March 10, 1993 in the amount of \$2,403.00.
- Motion carried 7-0.

Cross moved and Zelenko supported the following motion:

2. Approve and authorize the Mayor and the City Clerk to enter into an agreement with the Davison Community School District concerning the City maintaining the voting records of the Davison School District.
- Motion carried 7-0.

Zelenko moved and Walls supported the following motion:

3. Approve and authorize "Final Plat Approval" for Maple Pointe Subdivision Phase 1 (a single family development) at the NE corner of Belsay Road and Maple Avenue, Section 36, R-1B zoned contingent upon submission of an acceptable assurance pursuant Ordinance #41 as amended and DPW interoffice memorandum of February 15, 1993 for construction of local street open ditch asphalt paving, paved boulevard entrances, storm sewer and mass grading, to City of Burton, DPW and Genesee County Road and Drain Commission specifications.
- Motion carried 7-0.

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Abbey moved and Zelenko supported the following motion:

4. Approve and authorize Application for Business License for a Billiard Room for Ryan D. Ridley, 4135 N. Irish Rd., Davison, MI 48423, dba Cutters, G-3147 S. Dort Hwy., Burton, MI 48529.

Motion carried 7-0.

Cross moved and Walls supported the following motion:

5. Approve and accept the low bid of Excor of Michigan, 5066 N. Gale Rd., Davison, MI 48423, in the amount of Three Hundred Sixty-Six Four Hundred Thirty Four Thousand and Fifty-Nine Cents (\$366,434.59) for construction of watermain along Belsay Road from Lapeer Road to Atherton Road, known as City of Burton Watermain System, DPW Job #92-004-W.

Motion carried 7-0.

Walls moved and Abbey supported the following motion:

6. Approve and authorize the Mayor and Clerk to enter into a contract with Excor of Michigan, 5066 N. Gale Rd., Davison, MI 48423, in the amount of Three Hundred Sixty-Six Thousand Four Hundred Thirty-Four and Fifty-Nine Cents (\$366,434.59) for construction of the City of Burton Watermain System, DPW Job #92-004-W, contingent upon approval of the City Attorney with submission of mandatory bonds and insurance policies. The total project cost shall be Four Hundred Sixty Thousand Dollars (\$460,000.00).

Motion carried 7-0.

Walls moved and Zelenko supported the following motion:

7. Approve and authorize the construction of a 16" and/or 12" public municipal watermain extension along Belsay Road from Atherton Road, south two (2) miles to Maple Avenue at an estimated project cost of \$603,805.00 (DPW Job #93-001-W).

Motion carried 7-0.

Abbey moved and Walls supported the following motion:

8. Approve and authorize the transfer of \$603,805.00 from the 1992-93 Sanitary Sewer Depreciation Account to DPW Job #93-001-W, subject to an Administrative/City Council approved reimbursement agreement.

Motion carried 7-0.

Cross moved and Zelenko supported the following motion:

9. Approve and authorize the Mayor and Clerk to execute Exhibits "A" and "B" on behalf of the City of Burton and its City Council with CHMP, Inc. for engineering services in the amount of \$33,730.00 for DPW Job #93-001-W.

Motion carried 7-0.

Cox moved and Zelenko supported the following motion:

10. Approve and authorize five (5) year Water/Sewer debt schedule for \$603,805.00 at market interest rates earned on other sewer funds, relative to DPW Job #93-001-W.

Motion carried 7-0.

Abbey moved and Zelenko supported the following motion:

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11. Approve and authorize the construction of an 8" public municipal watermain system for Phase I of Maple Pointe Subdivision (a single family development) at the NE corner of Belsay Road and Maple Avenue at an estimated project cost of \$70,000.00 (DPW Job #93-002-W).

Motion carried 7-0.

Walls moved and Zelenko supported the following motion:

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12. Approve and authorize the transfer of \$70,000.00 from the 1992-93 Water Department/Unappropriated Surplus Account to DPW Job #92-002-W, subject to reimbursement through the collection of a front foot/lot fee, in addition to the mandatory tap-in and meter/inspection fee at the time of issuance of a building permit for the principal dwelling unit. (Note: a 100% payback will be received by the City through a front foot/lot fee from Phase I of Maple Pointe Subdivision).

Motion carried 7-0.

Zelenko moved and Abbey supported the following motion:

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13. Approve and authorize the Mayor and Clerk to execute Exhibits "A" and "B" on behalf of the City of Burton and its City Council with CHMP, Inc., for engineering services in the amount of \$6,630.00 for DPW Job #93-002-W.

Motion carried 7-0.

Walls moved and Cross supported the following motion:

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14. Approve and authorize the construction of an 8" public municipal sanitary sewer system for Phase 1 of Maple Pointe Subdivision (a single family development) at the NE corner of Belsay Road and Maple Avenue at an estimated project cost of \$100,000.00 (DPW Job #93-001-SS).

Motion carried 7-0.

Zelenko moved and Abbey supported the following motion:

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15. Approve and authorize the transfer of \$100,000.00 from the 1992-93 Sanitary Sewer Department/Unappropriated Surplus Account to DPW Job #93-001-SS subject to reimbursement through the collection of a front foot/lot fee, in addition to the mandatory tap-in and inspection fees at the time of issuance of a building permit for the principal dwelling unit. (Note: A 100% payback will be received by the City through a front foot/lot fee from Phase I of Maple Pointe Subdivision).

Motion carried 7-0.

Abbey moved and Walls supported the following motion:

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16. Approve and authorize the Mayor and Clerk to execute Exhibits "A" and "B" on behalf of the City of Burton and its City Council with CHMP, Inc. for engineering services in the amount of \$9,505.00 for DPW Job #93-001-SS.

Motion carried 7-0.

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Hammon moved and Cox supported the following motion:

17. Approve and authorize the increase of the City of Burton Clerk's Office Fees, effective April 1, 1993, as attached.

Motion carried 7-0.

Abbey moved and Walls supported the following motion:

18. Approve and authorize the City Controller/Treasurer to transfer an additional \$154,000.00 from the 1992-93 Water Construction to Water Capital Improvements for DPW Job #92-004-W (Belsay Road-Lapeer Road South to Atherton Road) for the construction of a 16" watermain. Total transfer is now \$460,000.00.

Motion carried 7-0.

Meeting adjourned at 9:13 P.M.

Respectfully Submitted,

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML