CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
MARCH 18, 1991, 7:30 P.M., COUNCIL CHAMBERS

Invocation and Pledge of Allegiance was led by Councilman Martinbianco.

This Regular Meeting was called to order by Council President Cross at 7:30 P.M.

Members Present: Abbey, Card, Cross, Hammon, Martinbianco, Smiley and Walls.

Members Absent: None.

Others Present: Mayor, Jane L. Nimcheski; K. Collard, City Administrator; H. Clark, Police Chief and W. Walworth, City Clerk.

Walls moved and Smiley supported the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of March 4, 1991 at 7:00 p.m. and Regular Meeting of March 4, 1991 at 7:30 p.m. Motion carried 6-1, with Abbey voting no.

ADMINISTRATIVE REPORT:

Mayor Nimcheski said the CDBG public hearing would be held on March 26, 1991. She said they had reallocated our funds as the library project was not eligible. The Mayor said she wanted a letter from the Community Development office stating the problem and the Council would reallocate the funds before that date and then let them know the City's decision. The City's portion is now $142,525.00. She advised the Council that she was recommending the funds be allocated as follows:

25% BNHS
25% Senior Citizen Director Salary
50% Street/Sidewalk Improvement

She said she could then take $20,000 from the general fund and place it in the Capital Improvement Budget for a new roof for the library.

Mayor Nimcheski said Chief Clark was present to answer any questions on the proposed Courtland Center Inc. Agreement.

She said the City has applied for a DARE grant which went to Lansing today, and the City should be receiving that grant.

Mayor Nimcheski said Mr. Ensley informed her that the District Court bid was awarded to Will Hall and Sons, Inc., with a 190 day completion date. He also told her that he would have John West attend a Council meeting if they so wished.

AUDIENCE PARTICIPATION:

Paula Zelenko, 5424 Sitka, asked if she could comment on the policy that the legislative committee will present to the Council. Mr. Cross asked her if she would comment after the policy came on the table.

Bud LeGrande, 2105 E. Buder, expressed concern on the community development funds going to the BNHS.

John Stapish, 5160 E. Atherton, also expressed concern on monies from the community development fund going to BNHS. He also asked if the Director of Civil Defense was going to come to a Council meeting.

Mr. Hammon said he would continue to try to get him to respond to the request.

Mr. Stapish also asked questions concerning the Courtland Center agreement. Chief Clark advised him that all funds for the project will come from the Courtland Center.

2 Paul Newbold, 3363 Ellis Park, expressed concern about the continued grading of his street and asked about CD funding. He was advised that his street was not in the CD funding area. Mr. Cross asked Mr. Collard to look into the amount of gravel on that street.

Fred Perkins, 4349 Woodrow, expressed concern on materials being read into the record.

Pauline Dargel, 6119 Hugh, had similar concerns as expressed by Mr. Perkins. She also noted that the City has to be in compliance with Section 11.4 of the Charter as might exist in the Vassar Road Association project.

COUNCIL DISCUSSION:

Mr. Cross introduced County Commissioner Randy Ensley.

Mr. Cross asked the Council if they wanted to interchange the order of audience participation and council discussion.

After discussion, Mr. Cross said he would leave the order as is and have audience participation on new items which might arise during the council discussion after Council Discussion.

Mr. Cross asked that item #2 be omitted from the agenda at the request of Mr. Kraft. All the paper work has not been completed.

Mr. Cross asked that a meeting be set for March 20, 1991 at 7 p.m. to handle the Community Development Block Grant re-allocation.

Mr. Martinbianco asked about the administrative fees in the CD monies. Mayor Nimcheski advised him that the county will get 10% for administrative services. He expressed concern that they would reallocate our funds without our input and that we have to prequalify certain areas. He said that they get the administrative dollars and want us to do the administrative work.

Mr. Smiley said the Legislative Committee had met and had a recommendation on the meeting policy and the weed ordinance. He said he has referred the temporary sign matter to the Council President for a study committee to explore. He reviewed the committee's recommendations as outlined in the Legislative Committee minutes.

Mr. Collard said he felt the BOCA definition was better for the Weed Ordinance. Mr. Hamilton preferred the State description.

Mr. Smiley asked the administration to check on junk and debris at 3340 Menominee. He also asked about the speed limit sign for a section of Bristol Road and one on Saginaw Street for 25 miles per hour.

Mr. Collard said the county would not do that for this caliber of roadway and that cross walk and electronics signals would have to be used instead.

Mr. Collard is to get copies of the letters from the county to Mr. Smiley.

Mr. Cross introduced Mr. Sadler and Mr. Hammon from the Atherton Board of Education.

Mr. Martinbianco read his letter of clarification into the record. (see attachment) He said that his dissenting comments were not in the minutes and that since the discussion led to a committee referral with implications of wrong doing by him, that he felt it was necessary to add his explanation to the Council discussion to clarify the issue from his perspective.

The Clerk advised the Council that taping of minutes was not required by law and they are used only as an aid in writing the official minutes. He said that some communities do not include the discussion section and only record the resolutions in the official minutes.

AUDIENCE PARTICIPATION AFTER COUNCIL DISCUSSION:

Paula Zelenko expressed concern about the meeting policy and the effect it could have on the affectiveness of the Council. She preferred guidelines rather than a policy, because she thinks a policy could hurt the creativity and ingenuity of individual Council Members.

Mr. Card said the policy was written so all committees would comply with the Open Meetings Act.

Mr. Cross noted that he saw no problem with individual council members meeting in the community but not as a sub-committee of the Council.

Mr. Hamilton noted that two different rulings have been rendered. One said that if it is a recommending meeting of three people, then the Open Meetings Act did not apply. In another ruling it was determined that if a fourth person attended (with or without voting rights) then the recommending meeting would come under the Open Meetings Act.

Mr. Abbey asked if three council members were called by someone to attend their meeting if they could attend. Mr. Hamilton said they would not be members of that committee and the council persons could attend without any posting.

Bud LeGrande expressed concern on letting sub-committees meet without notification. He also asked about reimbursement under the weed ordinance.

Pauline Dargel expressed concern about meetings being posted. She said the schools should call on the administration not the Council.

John Stapish expressed concern about the meeting at Bentley Schools.

Fred Perkins is in favor of the new policy.

COUNCIL ACTION DURING COUNCIL DISCUSSION:

Moved by Martinbianco, supported by Hammon to amend the minutes of March 4, 1991 to include a letter of clarification from Mr. Martinbianco. Motion failed 3-4 with Cross, Card, Smiley and Walls voting no.

Moved by Smiley, supported by Walls to add item #5 "Policy on Meetings of Appointed Committees" to the agenda. Motion carried 5-2 with Hammon and Martinbianco voting no.

Moved by Card, supported by Walls to add the First Reading of Ordinance No. 4-2c concerning the weed ordinance to the agenda. Motion carried 7-0.

Moved by Hammon, supported by Martinbianco to table item #5 and have the Council President form a committee to study a Code of Ethics. Motion failed 3-4 with Cross, Card, Smiley and Walls voting no.

Moved by Card to form a citizens committee to study a Code of Ethics. Motion failed for lack of a second.

COUNCIL ACTION:

Card moved and Abbey supported the following motion:

1. Approve and authorize the Attorney Billing from February 26, 1991 to March 11, 1991 in the amount of $1,001.70.

Motion carried 7-0.

2. Removed from agenda.

Martinbianco moved and Card supported the following motion:

3. Approve and authorize the Mayor and Clerk to enter into an agreement with Courtland Center, Inc., for the purpose of providing Police services.

Motion carried 7-0.

Walls moved and Hammon supported the following motion:

4. Approve and authorize the Mayor and City Clerk on behalf of the City of Burton to execute a county drain establishment petition for the private and existing drain of The Courtland Center (Eastland Mall) into the Courtland Center Branch of the Gilkey Creek pursuant to said declarations contained within the heretofore mentioned drain establishment petition.

Motion carried 7-0.

5. Approve and authorize the following Policy on Meetings of Appointed Committees as follows:
   A. Appointed Committees will meet only under the approval of the Council or Council President.
   B. Meetings of appointed committees will be scheduled by the chairperson of the committee.
   C. Meetings of appointed committees will be operated in compliance with the Michigan Open Meetings Act. (Public Act No. 267 of 1976).
   D. Meetings are to be held at City Hall, the Senior Citizens Center, the Police/Fire Facility or any other facility approved by the Council.

Motion carried 4-3 with Abbey, Hammon and Martinbianco voting no.

FIRST READING OF AN ORDINANCE:

Card moved and Walls supported the following motion:

1. Approve and authorize the First Reading of Ordinance No. 4-2 (C), amending Ordinance No. 4 (C), with reference to the Weed Ordinance.
Motion carried 7-0.

Meeting Adjourned at 9:20 P.M.

Respectfully Submitted,

William R. Walworth, CMC
Burton City Clerk

WRW/cml