CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
APRIL 1, 1996, 7:30 P.M., COUNCIL CHAMBERS

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

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

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

Members Absent: Zelenko.

Others Present: Mayor Charles Smiley; K. McArdle, Personnel Director; J. Major, DPW Director; R. Hamilton, City Attorney; B. Becker, Treasurer/Controller and Gayle Webster, City Clerk.

Cox moved and Cross seconded the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of March 18, 1996 at 7:30 P.M.; Special Meetings of March 25, 1996 at 6:00 P.M., 6:15 P.M., 6:30 P.M., 6:45 P.M., 7:00 P.M., 7:15 P.M., 7:30 P.M. and 7:45 P.M., as printed. Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mayor Smiley presented the new proposed balanced budget for the Fiscal Year of 1996-1997. This Fiscal Year will end with about a $20,000 surplus. In the new budget two new officers will be added to our police department. The local street budget will be increased to $240,000. We plan to sell a bond of $2,000,000 for additional street repairs. In the five last years we have increased the SEV by nearly $85,000,000, an increase of 25%. The Mayor proposed a 1/4 mil sewer debt reduction. He thanked the City Council, Administration, employees and residence for helping with the new growth of the City.

The Mayor ask that a public hearing be set for April 15, 1996 at 6:30 P.M. to discuss the the proposed budget.

He requested the Community Development Agreement concerning CD Funds be addressed by Council action no later than the next Council Meeting, which will be held April 15, 1996 at 7:30. The agreement is for three years.

The Mayor would like a Finance Meeting set to discuss future development. Also,
a Legislative Meeting needs to be held.

COMMITTEE REPORTS:

Mr. Cox set a public hearing for curbside recycling. The meeting will be held
April 15, 1996 at 5:30. He would like David Herberholz, the Pollard representative, to be present at the meeting to answer questions from the public.

Mr.Martinbianco said he would set a Legislative meeting.

AUDIENCE PARTICIPATION:

Jim Townsend, 2051 Covert Rd., requested through the Freedom of Information Act,
a full disclosure of the lawsuit settlement in regards to the Burton Police
Department involving the accident of drunk drivers on Dort Hwy.

Mr. Hamilton thought he would be able to provide Mr. Townsend with the information he requested.

Pauline Dargel, 6119 Hugh, wanted to know if the City had an agent to help
market lots.

Mr. Major said the City doesn't have an agent to market and sell lots. The
assessor appraises the lot, the attorney prepares the deeds and we have the
abstract company do the title.

Mr. Hammon said inquires on the availability of lots can be directed to the
Assessor's Office.

Mrs. Dargel asked about the policy in regards to City owned vehicles and personal use.

Mr. Hammon said the policy is one of common sense. City vehicles are not used
for personal reasons, such as vacations.

Mr. Cross asked if there was a specific reason, violation or incident that Mrs.

Dargel might be concerned about.

Mrs. Dargel said there was no specific incident. She said the budget was before Council and the cost of vehicles fit with the budget.

Larry Petrella, 1081 Howe Rd., asked if the Code of Ethics is still in the hands of the attorney general. He suggested the adoption of the Code of Ethics be adopted by Council.

Mr. Hammon said the Code of Ethics is still with attorney general. Council may consider taking this matter under advisory.

COUNCIL DISCUSSION:

Mr. Martinbianco said Mr. DePottey will be leaving the Zoning Board of Appeals. He has had a distinguished career and has used commmon sense and fair judgement when addressing Zoning Board cases. We, as a Council, have appreciated his efforts.

Mr. Martinbianco would like the Clerk's office to post an advertisement for replacement of a new Zoning Board of Appeals alternate.

Mr. Martinbianco wanted clarification of Mr. Hamilton's involvement in acquiring a liquor license. He wanted to know if the liquor license Mr. Hamilton recently acquired for his new restaurant, Bootleggers, represented a potential conflict of interest to the City. Also, the question of eligibility needed to be addressed.

Mr. Hamilton presented a lengthy report to Council explaining the details and the procedures he took in acquiring his liquor license. The conflict of interest issue will be handled by having a third party attorney handle any questionable conflicting cases. The eligibility of Mr. Hamilton holding the liquor license pertains to the interpretation of his duties as a law enforcement officer. Mr. Hamilton contacted the Attorney General's office for ruling and compliance concerning the January 30th Attorney General's opinion No. 68.87. To meet all regulations, Mr. Hamilton will transfer all financial interest to his son.

Mr. Hamilton said this is a Liquor Control Commission issue, not a City of Burton issue.

Mr. Abbey commented that if there is a problem, the Attorney General's opinion doesn't always hold up in higher courts. However, we still take them seriously. He said the Liquor Control Commission has set guidelines to rectify these situations and then all parties have to meet these obligations.

Mr. Martinbianco asked that the Council receive a secured written statement from the Attorney General's office that Mr. Hamilton is in full compliance of his liquor license.

Mr. Hamilton said he would have a letter sent to Council.

Mr. Cox suggested in the interim, until the matter is settled, conflicting cases should be handled by someone else.

Mr. Cox expressed his dissatisfaction with Items 5, 6, and 7 on the agenda. The Genesee County Road Commission continues to ask the City for additional funds to help complete road projects. Some of the County's requests are excessive, and they are providing very little maintenance to our roads. The City should look into the accountability of County dollars that are being spent on our roads.

Mr. Hammon made note that item no. 1, concerning the attorney's billing, is actually $2,513.00.

Mr. Cox asked if the attorney billing on the agenda could be corrected to reflect a more accurate account.

Mr. Becker said the overlap of billing is reflected on the agenda due to the crossing of the attorney's statement in the mail and the date checks are issued.

Mr. Martinbianco inquired about the Community Development Block Grant.

Mayor Smiley said he would like to continue the Community Development Program and the issue would be addressed at the next council meeting, April 15, 1996.

Mr. Becker asked the finance chair to set a public hearing for the Proposed Budget 1996-1997 Fiscal Year for April 15, 1996 at 6:30 P.M..

Mr. Martinbianco set a Legislative meeting for Tuesday, April 9, 1996 for 6:00 P.M.. He will furnish the topics to the City Clerk's office prior to the meeting.

Mr. Cross inquired about the status of Burton Neighborhood Housing.

Mr. Martinbianco said Burton Neighborhood Housing is in the process of reorganization. A new interim director, Ms. Stoughton, has been hired. The office is open Monday, Wednesday and Friday. The organization has been in contact with MESHDA and HUD to help alleviate some of its financial problems. The food and clothing pantry is still open and being run by volunteers.

Mr. Cox said he would set up a Finance meeting within the next couple of weeks to discuss the topics relating to the future growth of Burton.

Mr. Cox questioned approving items #3, preliminary plat approval and #4, final plat approval at the same meeting.

Mr. Major said it was due to a signing and dating problem. This is the second time we approved the preliminary plat.

Ian Hohloch, 4222 Hedgethorn Ct., said the council had to reapprove the preliminary plat because of procedural processes concerning dated material. The last time the preliminary plat was approved it predated Health Department approval. It it required this be postdated.

Mr. Abbey commented on item #5. He said the additional money being added after the fact, is becoming habit.

Mr. Major said the original price was a preliminary estimate and the cost of materials went up. This isn't an unreasonable request under the circumstances.

Mr. Cox commented on item #8. At one time we didn't do this because we thought the City would be losing dollars.

Mr. Major said now with the increases, we are in the black.

Mr. Hammon asked that the Clerk's office post an advertisement to fill the alternate's Zoning Board of Appeals vacancy.

COUNCIL DISCUSSION ACTION:

Moved by Martinbianco, seconded by Cross to add item #11 to the agenda to determine the replacement of Mr. DePottey's vacancy with the selection and nomination being made from an alternate Zoning Board Member. Motion Carried 6-0.

Moved by Cox, seconded by Martinbianco to add item #12 to agenda for purpose of setting public hearing for proposed budget. Motion carried 6-0.

COUNCIL ACTION:

Cross moved and Martinbianco seconded the following motion:

1. Approve and authorize the Attorney Billing from March 13, 1996 to March 27, 1996 in the amount of $2,513.00.

Motion carried 6-0.

Cox moved and Abbey seconded the following motion:

2. Approve and authorize the Mayor's reappointment of Homer Berry to the City of Burton Planning Commission, for a three (3) year term, expiring March, 1999.

Motion carried 6-0.

Abbey moved and Cross seconded the following motion:

3. Approve and authorize the preliminary plat approval for MacAinsh Acres Subdivision, Section 13, R-1B Zoned.

Motion carried 6-0.

Abbey moved and Walls seconded the following motion:

4. Approve and authorize the final plat approval for MacAinsh Acres Subdivision, Section 13, R-1B zoned.

Motion carried 6-0.

Martinbianco moved and Abbey seconded the following motion:

5. Approve and authorize a transfer of an additional $3,500.00 from the 1995-96 Major Street Fund/Unappropriate Surplus to DPW Job #95-008-P (Maple Avenue resurface from Fern Avenue to Center Road) for a total project funding approval of $20,000.00 not to exceed. (This amends the GCRC/Burton Contract dated 6-27-95 as approved by the Burton City Council on 5-1-95).

Motion carried 5-1 with Cox voting no.

Abbey moved and Walls seconded the following motion:

6. Approve and authorize the Mayor and City Clerk to execute a contract on behalf of the City of Burton and its City Council with the Genesee County Road Commission and Michigan Department of Transportation relative to the resurfacing of Maple Avenue from Fern Avenue to Center Road (DPW Job #95-008-P; M-DOT Contract #95-2260, M-DOT Job #39811) subject to review by the City's Controller/Treasurer and City Attorney as to funding and form. (The maximum City contribution will be $20,000.00).

Motion carried 5-1 with Cox voting no.

Walls moved and Abbey seconded the following motion:

7. Approve and authorize the City Controller/Treasurer to issue an additional payment to the Genesee County Road Commission for the reconstruction of Genesee Road (Bristol Road - Atherton Road/DPW Job #90-006-P) in the amount of $10,916.65 as the final payment. Transfer of funds will be from the 1995/96 Major Street/Unappropriated Surplus.

Motion failed 4-2, with Cross and Walls voting no. (5 Votes required to pass)

Abbey moved and Cross seconded the following motion:

8. Approve and authorize the City Controller to transfer $31,450.00 and $40,725.00 for a total of $72,175.00 from the 1995/96 Water Division-Unappropriated Surplus to the Maplewood Meadows Subdivision #1, Phase

Lot Subdivision, Watermain Service Leads (DPW Job #95-008-W) and Hidden Trails Subdivision #2, Phase II - 71 Lot Subdivision, Watermain Service Leads (DPW Job #95-002-W). These amounts will be a contract increase to our existing contracts with Ron Bretz Excavating, Inc. and will be bored (under roadway) along side service leads.
Motion carried 6-0.

Cox moved and Cross seconded the following motion:

9. Approve and authorize the combined bond resolution for the sale of Special Assessment Limited Tax Bonds, Series 1996, for the street paving districts of P-95-1 Brady Street; P-95-2 DeCamp Street; P-95-4 Norton Street; P-95-5 Packard Street; P-95-9 Allen Street; P-95-10 Buder Avenue; P-95-20 Parkwood Avenue and P-95-20A Parkwood Avenue in the amount of $725,000.00. (Bids for the bonds will be received on April 29, 1996 at 4:00 P.M. and a special City Council meeting will be held at 7:00 p.m. the same day to award the sale, if confirmed by the City Council as part of this resolution).
Motion carried 6-0.

Cross moved and Abbey seconded the following motion:

10. Approve and authorize the Controller, City Clerk and/or the Mayor to notify the Department of Treasury of the City's intent to issue and the sale of Special Assessment Limited Tax Bonds, Series 1996 pursuant to Act 279, Public Acts of Michigan, 1909, as amended in the principal amount of not to exceed Seven Hundred Twenty Five Thousand Dollars ($725,000.00).
Motion carried 6-0.

Martinbianco moved and Cross seconded the following motion:

11. Approve and authorize promotion of alternate Zoning Board member to permanent board member. Mr. Cross made the motion to add both names into nomination, Mr. Kalanquin and Mrs. Layman.
Motion carried 6-0.

After six rounds of voting by the Council, Mr. Kalanquin was selected to fill
Mr. DePottey's vacancy on the Zoning Boards of Appeals.

Cox moved and Cross seconded the following motion:

12. Approve and authorize setting a public hearing date for April 15, 1996 at
6:30 P.M. to discuss the proposed Budget for the Fiscal Year of 1996-1997.
Motion carried 6-0.

MEETING ADJOURNED AT 8:50 P.M.

Gayle Webster
Burton City Clerk

GW/cml