CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
APRIL 3, 1995, 7:30 P.M., COUNCIL CHAMBERS

Invocation and Pledge of Allegiance was led by Councilman Charles Cross.

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

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

Members Absent: None.

Others Present: Mayor Charles Smiley; B. Becker, Treasurer/Controller; J. Major, DPW Director; J. Benthall, Police Chief; R. LaDuke, Building/Inspection Supervisor and W. Walworth, City Clerk.

Martinbianco moved and Zelenko supported the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of March 20, 1995 at 7:30 P.M.; Special Meetings of March 27, 1995 at 6:00 P.M.; 6:15 P.M.; 6:30 P.M.; 6:45 P.M.; 7:00 P.M., as printed. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley asked Representative Debra Cherry to make a presentation to the Atherton High School Class C Volleyball Champions from the House and Senate.

Mayor Smiley and Mrs. Zelenko then made the presentations from the City to the Atherton team.

Mayor Smiley said the Council had the proposed budget for next year and asked them to read his opening letter. He said he was glad that Mr. Becker was back.

Mr. Becker said that changes have already occurred since the printing of the budget, such as the State Shared Revenues.

Mayor Smiley said the City will be mailing out letters to the residents explaining the yard waste disposal process.

Mayor Smiley asked Mr. Hamilton of the status of the Chupek case. Mr. Hamilton said that the DNR is prosecuting and we are watching the progress of the cleanup before we take further action.

Mayor Smiley said that the MML Legislative Conference was doom and gloom. He said the league is organizing a State wide day in Lansing to stress full funding to municipalities. They are also urging a gas and weight tax increase by 15 cents.

Mr. Cox noted that in item #7 the time should read 6:45 p.m.

COMMITTEE REPORTS:

Mr. Hammon said that the fund raiser on the 25th of March was a big success raising over $6,400 for the library. He thanked Mr. Martinbianco for his coordination of the fund raiser. Mr. Hammon said he was pleased to announce that our head Librarian, Priscilla Khirfan, donated $1000 and that Representative Cherry donated her salary raise (which she voted against) of $1200 to the Library Fund. Mr. Hammon said the ground breaking ceremony would be at 4:30 p.m. tomorrow and that we are two years ahead of schedule.

Mr. Abbey said the updated BOCA 1993 code would come before the Council on April 17th as a first reading of an ordinance. He said there would be another legislative meeting at 6:00 p.m. on April 17th.

Mr. Martinbianco said there would be a finance meeting on April 6th at 4:00 p.m. to discuss Hidden Trails water and sewer request and the county road request on repaving Maple Rd. between Saginaw and Center.

Mr. Cross said that Flint has pulled out of the 911 but it will not affect the outlying services. He said the 911 consortium would be meeting in two weeks. He also said that he would be discussing the MTA bus going in on the new street pavement at the county meeting.

AUDIENCE PARTICIPATION:

Donald Sanderlin, 4460 Killarney Park, said he supported the recycling in the City but has some concern on the cost going up in the future. He suggested a school paper drive. He again expressed concern on the hazardous waste facility at Maple and Dort. He also questioned the cleanup on the Chupek property and gave Council some pictures.

Mr. Major said that if they are using the facility for storage that that is illegal.

Mr. Sanderlin also questioned the bridge at Hill rather than Maple.

Mr. Cox asked Mr. Major to check on the Chupek problem. He also asked the newspaper reporters to give us some free advertising on our recycling program.

Mr. Abbey said that we need to ask where the waste is coming from.

Mayor Smiley said he did not think we could tell them what they could bring in but they need to comply with the routing.

Mrs. Walls said she does not remember allowing liquid waste when the item came to the Planning Board.

Peter Sredich, 2176 Blackthorn, complained about the paving in his area. He said good streets keeps neighbors good. He also asked about tax collection once a year.

Mr. Becker said that the MTA is encouraging the State to go to one collection, but at present, the city is required to have a summer collection. He said that the State may approve a September through November collection once a year.

Jim Townsend, 2051 Covert, again asked about the roller rink. Mr. Hamilton said he expects a reinstallation of the monitoring device and hopes to have a modification of the existing order with closure, hopefully in 2 or 3 weeks.

Mr. Cox asked if there were any complaints lately. He was advised no.

Mr. Townsend said that there is plenty of land fill in Michigan and questioned the restrictions on waste disposal by the State.

Pauline Dargel, 6119 Hugh, noted that Alcona recycled pavement has held up. Mr. Major said that today that would be a very expensive process.

Mrs. Dargel said she had filled out a citizen complaint on a portable sign and it has not come down. She asked about a policy on this and if we are doing selective enforcement.

Mayor Smiley said that portable signs is a sensitive issue and must be addressed in its entirety. It was suggested that permits may be one way to go. Another suggestion was a notification with one year to comply. She also asked about clarifying action at a Public Hearing, as it related to the first reading of an ordinance.

Mr. Cox said they would look at the process.

Mrs. Dargel asked, if in Item #5, the Attorney is going to indicate his interest.

Sue Layman, 1079 Arrowhead, asked about yard sales and permits and that people need to be aware of the ordinance.

Mike Friend, 2041 Boatfield, said the business next to him has a portable sign and that he thinks there is selective enforcement in the City. He said that he understood that the storage procedure and routes for the Maple/Dort facility were spelled out.

Leslie Brown, 5477 Raymond, expressed a concern on item #5, as it would affect congestion, the neighborhood and danger for the children in the area. She asked that the Council look at this very carefully.

Jane Nimcheski, 2429 N. Genesee, agreed with the Mayor that the code enforcement officer could not handle all problems in the City. She asked the Mayor to check on the fact that she had seen the code enforcement officer at his place of business with the City vehicle.

Mayor Smiley said he would check into the matter raised by Mrs. Nimcheski.

Andrew Brown, of Fenton, MI, is a shareholder in the business. He said there would only be dining outside.

Larry Petrella, 1081 Howe, expressed concern on item #5. He asked about needing an inside and outside license. He also asked about live bands. Mr. Brown said the facility was not large enough for that.

Larry Stephens, 3049 Vineland, noted that there is a child care center which has just been approved in the area of the new business proposed. He said that he felt the Planning and Zoning needed new blood and that the positions should not automatically go to existing members.

COUNCIL DISCUSSION:

Mr. Martinbianco noted that the Budget Hearing is coming up on April 17th and the public can offer their input. He said that he would set up times later for the budget workshops.

Mr. Martinbianco asked if we could eliminate the outside entertainment in the request.

Mr. Hamilton said it was outside dining and entertainment. Inside was a separate request.

Mr. Martinbianco asked about the damaged arrow sign at Lippincott and Belsay.

Mr. Cross asked about the chloride of streets.

Mr. Major said it is usually done two (2) weeks before each major holiday.

Mr. Cross asked about the charges now on street lighting.

Mr. Major said that the public service can now charge for the lights themselves, on poles, as of April.

Mr. Hammon said there was only one applicant for the zoning board and that we are fortunate that Bobbie Weatherford stepped forward to assist the City.

Mr. Major said that the Council could regulate the yard sales, but they would have to be licensed. He said that we cannot afford people for that type of Code Enforcement.

Mr. Hammon asked how many complaints have come in recently.

Mr. LaDuke said none.

Mr. Major said the problem is with the on going sales that some people run all summer.

Mr. Cox asked about the MTA bus on the new paving.

Mr. Major said it was on his agenda "to do" list.

Mr. Martinbianco noted that the letter from Caryle Petrella on a Planning appointment was received too late, but it should be kept on file for future consideration.

Mr. Cox said he would like to see new blood on our committees.

Mr. Abbey said he would like the public informed on potential appointments.

Mayor Smiley noted that the zoning request got only one applicant and that we should not waste senior board members with excellent expertise.

Recessed 9:40 P.M.
Reconvened: 9:50 P.M.

Mr. Hamilton said he had filed a disclosure statement with the clerk and he was 50% owner in the item #5 request for a new permit.

Mr. Martinbianco read the letter from Mr. Hamilton dated April 3, 1995 and asked that it be made part of the record.

Mr. Martinbianco asked how far the property was from the school. Mr. Hamilton said about 1500 to 1800 ft.

Mr. Martinbianco asked questions on Exhibit A= Police Investigation, B=Inspection report on Stockholder Hamilton, C= Inspection report on Stockholder Brown, D=Investigation for Dance/Entertainment Permit, and E=Permit for difference in hours of operation.

Mr. Martinbianco asked if Exhibit A dealt with finger printing. He was advised yes.

Mr. Martinbianco asked about outside sales. Mr. Hamilton said that a police report was not needed for outside sales. He said that he still has to submit a site plan to the Planning Commission. He said he needed the Sunday hours for a brunch, but liquor would not be served.

Mr. Abbey asked if the outside area would be fenced. Mr. Brown said the outside dining was only accessible from the building and the outside area would not have a roof.

Mr. Cross asked if the outside was for food and that no ball games would take place. He was advised yes.

Mr. Abbey asked if there were any safeguards on noise. Mr. Brown said they did not need a noise buffer, as all entertainment was inside.

Mr. Martinbianco asked for an amendment restricting outside service as there was no way to know hours outside or how close the lighting would be to the neighbors. He said he saw no restriction on outside speakers.

Mr. Hamilton said the license was for operations 12 months a year. He said that the State only gives 25 resort licenses with no geographical limits. He said there was a minimum of $1,000,000 investment.. He said there is vacant land south of his parcel between himself and the neighbors. He said that Genesys has purchased some of the land for a 12,000 sq. ft. Medical facility. He said there may even be two (2) facilities with the same footage. He said he was isolated from the Raymond Street property.

Mr. LaDuke said he has met with the designer and they have purchased the additional lots and plan to spend over a million dollars. He said this would be a buffer between the Regency and the houses.

Mr. Hammon noted that the parking for Genesys would probably be all night with lighting during the night time.

Mr. Martinbianco asked about the widening in item #11. Mayor Smiley said Court St. needs widening and that was our only commitment.

Mr. Major said with the mobile park and the business on the other side of the theater, that the widening was needed and that Wal-Mart has been very fair in their contribution to the project.

Mr. Martinbianco asked if there were other items in the agreement. Mr. Major said costs for another traffic light at their cost.

Mr. Cross asked if this had gone to finance. Mr. Martinbianco said it went to Planning and that the request came quicker than expected. He said the money was available.

Mr. Major explained the number of lanes in the agreement and how far they will be extended.

Mr. Cox asked the audience if they wanted to comment on items 13 and 14 which were added to the agenda.

Pauline Dargel, 6119 Hugh, asked if the Council had the same mind set on appointments as the Mayor.

Mr. Cox said they would look at applications and interview. She asked if it would be advertised in the paper. She was advised yes.

Larry Stephens asked if Bobbie Weatherford had experience.

Mr. Abbey said there are classes offered to assist committee members in their duties.

COUNCIL DISCUSSION ACTION:

Moved by Martinbianco, supported by Cross to add the DPW request concerning the bond sale, to the agenda as item #13. Motion carried 7-0.

Moved by Hammon, supported by Abbey to add item #14 to the agenda concerning the appointment to the zoning board of appeals. Motion carried 7-0.

COUNCIL ACTION:

Cross moved and Abbey supported the following motion:

1. Approve and authorize the Attorney Billing from March 15, 1995 to March 29, 1995 in the amount of $2,474.00.

Motion carried 7-0.

Abbey moved and Walls supported the following motion:

2. Approve and authorize the Mayor's reappointment of Les Bertram, 3280 Shannon Road, Burton, MI 48529, to the Planning Commission for a three (3) year term, expiring in April, 1998.

Motion carried 7-0.

Cross moved and Zelenko supported the following motion:

3. Approve and authorize the Mayor's reappointment of Gerald Grantner, 1409 Clairwood Dr., Burton, MI 48509, to the Planning Commission for a three (3) year term, expiring in April, 1998.

Motion carried 7-0.

Walls moved and Hammon supported the following motion:

4. Approve and authorize the Mayor's reappointment of Betty Howlett, 5465 E. Maple Rd., Burton, MI 48519, to the Planning Commission for a three (3) year term, expiring in April, 1998.

Motion carried 6-1 with Mr. Abbey voting no.

Abbey moved and Martinbianco supported the following motion:

5. Approve and authorize the request from Belsay Road Associates, Inc., for new 12 months Resort Class C license issued under MCL 436.19c(3) and new Dance-Entertainment Permit to be located at 1076-1086 Belsay Rd., Burton, MI.

Martinbianco moved and Cross supported the following amendment to the main motion:

To amend the request by removal of outside service request.

Amendment to the main motion carried 4-3 with Abbey, Hammon and Walls voting no, followed by the main motion as amended passing by 7-0.

Martinbianco moved and Zelenko supported the following motion:

6. Approve and authorize the Mayor and City Clerk to approve an agreement between the Genesee County Communications Consortium, the Chiefs of Police Association and DDP Police Services and to sign the Mutual Aid Agreement to participate in the Genesee Law Enforcement Area Network (GLEAN) Consortium. The monies required for participation in GLEAN are currently in the police department budget.

Motion carried 7-0.

Walls moved and Abbey supported the following motion:

7. Approve and authorize the acceptance of an application from Michigan Vinyl Window Co., Inc., for establishing an Industrial Development District and setting the date of May 1, 1995 at 6:45 p.m., for a public hearing to consider the application.

Motion carried 7-0.

Abbey moved and Walls supported the following motion:

8. Approve and authorize the Mayor and Clerk to enter into a contract with Bituminous Pavers, Inc., P.O. Box 190177, Burton, MI 48519 in the construction amount of Three Hundred Forty-five Thousand, Four Hundred, Forty-eight Dollars and 36/100 ($345,448.36) for P-94-1 McLean Avenue, P-94-7 Wells Street, P-94-12 Kenneth Street, P-94-14 Glendale Avenue, and P-94-15 Arrowhead Drive, contingent upon the submittal and approval by the City Attorney of the required bonds and insurance documents, and the receipt of the bond sale proceeds by the City's Controller/Treasurer.

Motion carried 7-0.

Hammon moved and Zelenko supported the following motion:

9. Approve and authorize setting a public hearing to discuss the 1995-96 City of Burton Budget proposal to be held April 17, 1995 at 7:00 P.M. in the Council Chambers.

Motion carried 7-0.

Abbey moved and Walls supported the following motion:

10. Approve and authorize the date of Monday, May 1, 1995 at 4:00 p.m. to receive bids for the sale of the 1995 Special Assessment Street Paving Bonds Series I and at 7:00 p.m. Monday, May 1, 1995 for a Special City Council

Meeting to accept the bids and award the sale as recommended by Robert Bendzinski, Jr., City Financial Consultant and Dennis Neiman, City Bond Counsel.

Motion carried 7-0.

Walls moved and Martinbianco supported the following motion:

11. Approve and authorize the Mayor and Clerk to enter into an engineering agreement (execute Exhibits A & B) on behalf of the City and its City Council with CHMP, Inc. for the design of intersection improvements and Court Street and Belsay Road (DPW Job #94-034-P) at an estimated engineer's fee of $8,430.00 with an estimate project cost of $60,214.00 (engineer's fee and proposed construction costs to be split 25% to Wal-Mart and 75% to City).

Motion carried 7-0.

Martinbianco moved and Zelenko supported the following motion:

12. Approve and authorize the City's Controller/Treasurer to transfer $8,430.00 from 1994-95 Major Street unappropriated surplus to DPW Job #94-034-P.

Motion carried 7-0.

Abbey moved and Walls supported the following motion:

13. Approve and authorize the combined bond resolution for the sale of 1995 Special Assessment Limited Tax Bonds, Series I, for the street paving districts of P-94-1, P-94-7, P-94-12, P-94-14, and P-94-15 in the amount of $450,000.00. (Bids will be received on May 1, 1995 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 7-0.

Walls moved and Martinbianco supported the following motion:

14. Approve and authorize the appointed of Bobbie Weatherford to the Zoning Board of Appeals to fill the vacancy created by the resignation of Scott Welliver, with the term expiring August 1997.

Motion carried 7-0.

Meeting Adjourned at 10:30 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml