CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
APRIL 5, 1993, 7:30 P.M., COUNCIL CHAMBERS

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

The Meeting was called to order by Tom Martinbianco, President, at 7:32 P.M.

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

Members Absent: None.

Others Present: Mayor Charles H. Smiley; K. McArdle, Personnel Director; J. Major, DPW Director; B. Becker, Treasurer/Controller and C. Ladd, Deputy City Clerk.

Abbey moved and Cox supported the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of March 15, 1993 at 7:30 P.M.; Special Meeting of March 22, 1993 at 7:00 P.M.; Special Meetings of March 29, 1993 from 6:00 P.M. through 8:30 P.M., as printed. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley said he has presented Council with the 1993-94 proposed budget. He would like the Council to set the public hearing for the budget as stated in Item #5 on tonight's agenda.

Mayor Smiley and Council President Martinbianco presented a proclamation to Matt Turnbull, who won the 1993 Class "C" State Wrestling Champion. Matt is a Senior at Bendle High School.

Mayor Smiley said Council should have a letter regarding Belsay Road and the light at the freeway exit. The Mayor asked to have a Finance Committee Meeting scheduled to address subdivision issues for Mr. Sabo and Mr. Sekrenes and also regarding the sanitary sewer and watermain.

COMMITTEE REPORTS:

Mr. Hammon said the Finance Committee met on March 22nd at 5:30 p.m. in regards to refinancing the Building Authority Bond. By doing so, it will save the City approximately $40,000.00 and if approved by Council, it should be completed in 4 to 6 weeks.

Mr. Abbey said the Legislative Committee met on March 22nd at 6:00 p.m. Discussion was held regarding the hours of operation of the billiard halls and whether a change in the ordinance should occur in regards to security being placed in the early hours of operation.

Mr. Abbey said the Committee recommended adopting an ordinance with the security included, but Mr. Hamilton says this cannot be done. A decision should be made by Council or this can be referred back to the Committee for further review. This should be discussed under Council Discussion tonight.

AUDIENCE PARTICIPATION:

John Stapish, 5160 E. Atherton Rd., questioned items 3 and 4 on agenda. He inquired about holding a Special Council Meeting for the property on Myrton Street. He asked what Council will do with the funds reallocated to the Burton Neighborhood Housing Services, as the Director is leaving.

Mr. Martinbianco replied that the Council has been given no information on the Director leaving the BNHS and they would address this issue when the information is presented to them.

Ryan Ridley, 4135 N. Irish Rd., Davison, asked why the Ordinance for the billiard hall was not on tonight's agenda and if it would be discussed? He was advised this would be done under Council Discussion.

Trudy Kent, 2158 Chapin, Grand Blanc, asked if a First Reading of an Ordinance could be added to the agenda tonight. She was advised yes.

Jim Townsend, 2051 Covert Rd., said the City of Flint does have a Noise Ordinance and he wanted Council to be aware of this.

COUNCIL DISCUSSION:

Mr. Abbey said he would like to open the discussion concerning the ordinance change for billiard halls.

Mr. Hamilton said some questions arose with the ability to regulate the different types of business. He said he prepared the proposed Ordinance regulating the time between the hours of 2:00 a.m. and 7:00 p.m. and also prepared another ordinance providing security between the hours of 2:00 a.m. and 7:00 p.m.

Mr. Martinbianco asked if a pool table or billiard table is considered an amusement device. He was advised no.

Mrs. Zelenko said the Legislative Committee discussed eliminating uniform security and added security between the hours of 2:00 a.m. and 4:00 a.m., not 7:00 a.m.

Mr. Cox questioned Mr. Hamilton about requiring security being unconstitutional. Mr. Hamilton said there are many definitions of security and it would be difficult to enforce. This is a police power ordinance and can be amended at anytime.

Mr. Abbey said he would like to eliminate the security completely and at the same time, allow them to be open 24 hours per day. If there are problems with the billiard hall in the future, then the Ordinance can be amended.

Moved by Cox, supported by Hammon to add First Reading of Ordinance 67-13 (C), amending Ordinance No. 67 (C), to tonight's agenda after Item #6. Motion carried 7-0.

Mr. Cox asked if the Journal Ad on March 31st was for ditching of the streets which are being paved. He was advised no.

Mr. Hammon said he would poll the Finance Members and set a date for the Finance Committee Meeting and would notify the Mayor's Office on Tuesday, April 6th.

Mr. Cross said he would support the first reading of Ordinance No. 67-13 (C) only because Council can change the ordinance should a major problem occur.

COUNCIL ACTION:

Abbey moved and Walls supported the following motion:

1. Approve and authorize the Attorney Billing from March 11, 1993 to March 30, 1993 in the amount of $3,602.50.

Motion carried 7-0.

Zelenko moved and Abbey supported the following motion:

2. Approve and authorize the Mayor and Clerk to enter into a contract with Bituminous Pavers, Inc., 4101 S. Dort Highway, Burton, Michigan 48529 in the amount of Five Hundred Eighty Thousand, Fourt Hundred Forty Two Dollars and 05/100 ($580,442.05) for P-92-1 Ives and Way Streets; P-92-2 Ellis Park Drive; P-92-3 Delaney Street; P-92-4 Brian Circle Lane and Natzke Court; P-92-5 Raymond Avenue; P-92-7 Amy Street South; P-92-8 Brookwood Drive; P-92-9 Pawnee Drive; P-92-10 Morrish Street; P-92-11 Morris Avenue and P-92-14 Schumacher Street, 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.

Cross moved and Walls supported the following motion:

3. Approve and authorize the acceptance of the high bid from Mr. Richard Strohkirch in the amount of $10,500.00 for vacant parcel Q-3179 (3036 Myrton Street) per the conditions of the bid form and attachment "A" (Council acceptance of high bid & transfer of real property public hearing approval).

Motion carried 7-0.

Walls moved and Hammon supported the following motion:

4. Approve and authorize setting the date of Monday, May 3, 1993, at 7:00 P.M. local time, for a Special City Council meeting, at City Hall, Council Chambers, for the purpose of a transfer of real property public hearing relative to DPW Job No. SPR #93-10, 3036 Myrton Street (Q-3179) pursuant to the City Charter Section 11.3, Sub Section 9, Sub Section 1 and the Administrative Transfer of Real Property procedures. Also directing the City Clerk thru the Department of Public Works to provide for proper and mandatory publication and notification for said hearing.

Motion carried 7-0.

Abbey moved and Walls supported the following motion:

5. Approve and authorize setting a public hearing to discuss the 1993-1994 City of Burton Budget proposal to be held April 26, 1993 at 7:30 p.m. in Council Chambers.

Motion carried 7-0.

Hammon moved and Zelenko supported the following motion:

6. Approve and authorize the confirmation of the amended Special Assessment Roll No. P-92-7, Amy Street Paving.

Motion carried 7-0.

FIRST READING OF AN ORDINANCE:

Abbey moved and Zelenko supported the following motion:

1. Approve and authorize First Reading of Ordinance No. 67-13 (C), amending Ordinance No. 67 (C), being the Criminal Code Ordinance in the City of Burton.

Motion carried 7-0.

Meeting Adjourned at 8:13 P.M.

Respectfully Submitted,

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML