

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
APRIL 6, 1998, 7:30 P.M., SENIOR CITIZENS CENTER

Invocation and Pledge of Allegiance was led by Councilman Tom Martinbianco.

The Regular Meeting was called to order by Paula Zelenko, Vice President, at 7:40 P.M.

MEMBERS PRESENT: Centilli, Cox, Cross, Martinbianco, Walls and Zelenko.

MEMBERS ABSENT: Hammon.

OTHERS PRESENT: Mayor Charles Smiley; C. Abbey, Personnel Director; J. Major, DPW Director; B. Becker, Treasurer/Controller; R. Austin, City Attorney and G. Webster, City Clerk.

Cox moved and Cross seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Meetings of March 16, 1998 at 6:45 P.M.; 7:00 P.M. and 7:15 P.M. Regular Meeting of March 16, 1998 at 7:30 P.M. Special Meetings of March 30, 1998 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.; 7:45 P.M. and 7:46 P.M., as printed. Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mayor Smiley presented his proposed budget for the fiscal year of 1998-1999. At the end of the 1999 fiscal year, our general fund balance is projected to be over 1.6 million dollars. This is the largest balance the city has ever enjoyed. Some highlights of the proposed budget include: Six new police vehicles, a new truck for the Fire Department, and a pay raise for Planning, Zoning, and Election workers. In the Local Street Fund, we will be doing \$463,397.00 of improvements this year. Next year's financial status looks very promising. The Mayor looks forward to working with Council on the upcoming budget process.

Mr. Becker will be in contact with the Finance Chair to set dates for upcoming budget sessions. A Public Hearing on the proposed budget will take place April 20, 1998 at 6:30 P.M.

COMMITTEE REPORTS:

In reference to the Graffiti Ordinance, Mr. Cross said there has been a revision made by consensus to Section Two, Item (D). It should read, not later than ten (10) days of receipt of a notice from the City of Burton. He thinks this ordinance will be very beneficial. He asked that it be adopted in whole. So far Burton hasn't had a big gang problem and he would like to keep it that way.

AUDIENCE PARTICIPATION:

Don Sanderlin, 4465 Killarney Park, spoke on the following issues: recycling of plastic bags, yard waste pick up, Parental Responsibility Ordinance, the benefits of a Parks and Recreation Plan for our youth.

Mr. Cox said he would talk to our recycling representative in regards to plastic bags. The bags might create a cleanliness problem. Also, it might not be cost effective to recycle the bags.

Mr. Cross said the VFW Post might be willing to recycle the plastic bags.

Mr. Major said the yard waste program began two week ago.

REGULAR COUNCIL MEETING MINUTES
APRIL 6, 1998/7:30 P.M.

PAGE -2-

Mrs. Zelenko said the Parks and Recreation Commission is working with the schools to help set up summer programs for children in Burton.

Steve Heffner, 1181 Munson, spoke in opposition to the Kelly Lake project. He commented on several homeless people living behind a building on Saginaw St. and the poor condition of basketball courts in Burton. Pictures were given to Council in regards to these issues.

Mrs. Zelenko said the Parks and Recreation Commission, in conjunction with the schools, will be addressing some issues like renovations to basketball courts. The schools are making a list of repairs for equipment that will be used jointly by the public.

Jan Bolen, 1169 Howe Rd., spoke in opposition to the Kelly Lake project. She is afraid groups of teenagers will be coming into the park area causing problems for the residents. She is continuing to collect signatures opposing the Howe road street paving project.

COUNCIL DISCUSSION:

Mrs. Walls made reference to Topless Dancing Bill 891. She said it might be of interest to Mr. Cross.

Mr. Cross said he was aware of the bill and will be making some phone calls for more information.

In reference to Item #6, Mr. Cox requested the item be tabled until the next regular meeting. He said the City Council approved \$15,000 as seed money for this project, the City donated the land and will upkeep the grounds. He thinks there should be no more tax payers money used on the project. He suggested the Veteran's could raise the money for additional needs for the Memorial. He was satisfied with what had transpired in the past in regards to the Memorial.

Mr. Centilli said the money would be used for brass rosettes, screws, epoxy and shipping cost. This would allow for the attachment of the bronze plates to the Veteran's Memorial. The Mayor's office has received numerous phone calls in regards to this matter. The new plates contain 1,600 names. His intent is to have the work done before Memorial Day.

Discussion continued in regards to the Veteran Memorial project.

Mrs. Walls said the transfer is needed to attach the plaques to the monument. She will not be voting to table the issue.

Mr. Martinbianco would like to know why it is taking so long to adopt the new CABO Codes in regards to manufactured homes.

Mr. Major said he recommends the modifications that were made to the CABO Code. He will send the modifications back to the Legislative Committee for review. To implement these changes in a timely fashion, we will be changing our local ordinance to accommodate the new changes.

Mr. Martinbianco said he still had concerns with the Graffiti ordinance, and will discuss this at a later time.

Mrs. Walls said a new modular home was placed on a lot on Lapeer Rd. It does not conform to the new modifications which have been proposed for these type of homes.

REGULAR COUNCIL MEETING MINUTES

APRIL 6, 1998/7:30 P.M.

PAGE -3-

Mr. Major said the modular home meets the required codes at this time. The new modifications will address roof pitch, overhangs and heights of the buildings.

Mr. Centilli said these recommendations on manufactured homes should be adopted. The proposed modifications are good in this form.

Attorney Richard Austin made reference to his opinion in regards to Pauline A. Dargel's FOIA appeal. He said the Council had ten days to reply to the appeal or an additional ten day extension could be requested before action is taken in regards to this matter. A special meeting date would need to be set to address the appeal, after first establishing an appeal procedure through the Legislative Committee.

Mr. Martinbianco asked for further clarification on this issue.

Attorney Austin said the appeal process established, would address the denial of information only. It would not address the charges in reference to FOIA request. Costs are clearly set forth in the statute of the Freedom Information Act. Therefore, the Council would need to address Mrs. Dargel's appeal. Mrs. Tinnin's appeal pertained to charges in relation to her request. There would be no grounds for this appeal.

Discussion continued on the establishment of the appeal process.

Mr. Cross said he would set up a Legislative Meeting next week to address the appeal procedures in relation to FOIA requests.

Mrs. Walls said she would like the Attorney to be present at the hearing.

Mr. Cross asked Attorney Austin to be present at the Legislative Meeting.

Martinbianco moved and Cox seconded to add as Item #8: Approve and authorize granting a ten business day extension for hearing on FOIA appeal submitted by Pauline A. Dargel and to set the hearing date of Monday April 27, 1998 at 7:15 P.M. for final determination of appeal. The Reason for extension is to refer to Legislative Committee to establish policy and procedure on FOIA appeals. Motion carried 6-0.

Mr. Cox thanked the Mayor for the State of the City Address. He said the Mayor and his staff worked very hard to to report this information.

In reference to Item #6, Cox moved and Martinbianco seconded to table Item #6 until the next Regular Council Meeting of April 20, 1998. Motion Carried 4-2, with Centilli and Walls voting no.

Mr. Cox asked if the SEIU Letter of Understanding would be attached to the MERS form when it is submitted.

Mr. Becker said he would be submitting the standard form along with the Council resolution to MERS.

In reference to the Second Reading of the Graffiti Ordinance Item #2, Mr. Martinbianco still had concerns with the this ordinance. He thinks the ordinance would penalize the victim. Also, he suggested an appeal process should be added to the ordinance.

Mr. Cross said any appeals could be made to the City. Block Clubs have offered to help paint the graffiti. Paint has been donated by Home Depot in the past.

Mrs. Walls commented on the graffiti on the road by the overpass.

REGULAR COUNCIL MEETING MINUTES

APRIL 6, 1998/7:30 P.M.

PAGE -4-

Discussion continued in reference to the Graffiti Ordinance.

Mr. Cross said the ordinance can be revisited and modified at any time in the future. He said we need something on the books to address this issue.

Mr. Centilli offered to pay the \$500.00 needed for the rosettes, so the plaques could be added to the monument by Memorial Day.

Mrs. Walls suggested returning the money, if Council wished to do so.

Mr. Abbey said the accessories had to be special ordered from Pennsylvania. The estimated shipment time is 30 days, making it difficult to attach the plates before Memorial Day.

COUNCIL DISCUSSION ACTION:

Moved by Cross, Seconded by Martinbianco to add as Item #8, Approve and authorize granting a ten business day extension for hearing on FOIA appeal submitted by Pauline A. Dargel and to set the hearing date of Monday April 27, 1998 at 7:15 P.M. for final determination of appeal. The reason for the extension is to refer to Legislative Committee to establish a policy and procedure on FOIA appeals. Motion carried 6-0.

Moved by Cross, seconded by Martinbianco, to table Item #6, until the next Regular Council Meeting of April 20, 1998. Motion Carried 4-2, with Centilli and Walls voting no.

COUNCIL ACTION:

Cox moved and Cross seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from March 11, 1998 to April 1, 1998, in the amount of \$3,053.00.

Motion carried 6-0.

Cross moved and Cox seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from March 11, 1998 to April 1, 1998, in the amount of \$1,103.50.

Motion carried 6-0.

Martinbianco moved and Cross seconded the following motion:

3. Approve and authorize setting a public hearing for April 20, 1998 at 6:30 P.M. to discuss the proposed budget for the fiscal year of 1998-1999.

Motion carried 6-0.

Cross moved and Cox seconded the following motion:

4. Approve and authorize the setting of a 2nd Public Hearing for Zoning Case #235 on April 20, 1998 at 7:00 P.M.

Motion carried 6-0.

REGULAR COUNCIL MEETING MINUTES

APRIL 6, 1998/7:30 P.M.

PAGE -5-

Cross moved and Martinbianco seconded the following motion:

5. Approve and authorize the confirmation of the Amended Special Assessment Roll W-97-1, Meadowcroft Estates Watermain. Council further directs that the costs shall be assessed against the properties within the respective district.

Motion carried 6-0.

Martinbianco moved and Cross seconded to table Item #6 until April 20, 1998.

6. Approve and authorize transfer of funds of \$500.00 from General Fund-Public Service-Drains-at-Large to Capital Improvement-Veteran's Memorial Park for plaque accessories.

Motion carried 4-2, with Centilli and Walls voting no.

Cox moved and Cross seconded the following motion:

7. Approve and authorize the SEIU MERS employee contribution rate at 0% effective December 1, 1997, as a result of various concessions noted in the Letter of Understanding between SEIU and the City of Burton.

Motion carried 6-0.

Martinbianco moved and Cox seconded the following motion:

8. Approve and authorize granting a ten business day extension for hearing on FOIA appeal submitted by Pauline A. Dargel and to set the hearing date of Monday April 27, 1998 at 7:15 P.M. for final determination of appeal. The Reason for extension is to refer to Legislative Committee to establish a policy and procedure on FOIA appeals.

Motion carried 6-0.

SECOND READING OF ORDINANCES:

Cross moved and Cox seconded the following motion:

1. Approve and authorize the second reading of Ordinance No. 88-C, an ordinance to provide for Parental Responsibility for parents and guardians for delinquent acts of their minor children and to provide penalties for the violation thereof.

Motion carried 6-0.

Cross moved and Walls seconded the following motion:

2. Approve and authorize the second reading of the amendment of Ordinance No. 67-C, to declare the Existence of Graffiti and/or Graffiti to be a public nuisance and to provide for the removal thereof and recovery of the cost of removal thereof and for penalties for the violation of said ordinances.

Motion carried 6-0.

REGULAR COUNCIL MEETING MINUTES

APRIL 6, 1998/7:30 P.M.

PAGE -6-

Walls moved and Martinbianco seconded the following motion:

3. Approve and authorize the second reading of an Ordinance for Zoning Case #234 to rezone property at 4265 and 4275 E. Court Street, from R-1A to R-O for the purpose of uses to be allowed within R-O (Grant Hamady Co. & Dennis Vaughter, 4265 & 4275 E. Court Street, Burton, MI 48509).

Motion carried 6-0.

Meeting Adjourned at 8:40 P.M.

Gayle Webster
Burton City Clerk

GW/cml