CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
APRIL 7, 1997, 7:30 P.M., COUNCIL CHAMBERS

INVOCATION AND PLEDGE OF ALLEGIANCE IS LED BY COUNCIL PRESIDENT TED HAMMON.

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

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

Members Absent: Cross and Zelenko.

Others Present: Mayor Charles Smiley; K. McArdle, Personnel Director; J. Major,
DPW Director; B. Becker, Treasurer/Controller; D. Halstead, Fire Chief; J. Benthall, Police Chief; R. LaDuke, Building Supervisor; R. Hamilton, Attorney and G. Webster, Clerk.

Cox moved and Abbey seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting
of March 17, 1997 at 7:00 P.M.; Regular Meeting of March 17, 1997 at 7:30 P.M.;
Special Meetings of March 31, 1997 at 6:00 P.M., 6:15 P.M. and 6:30 P.M.
Motion carried 5-0.

ADMINISTRATIVE REPORT:

Mayor Smiley requested a Water Distribution Study Workshop be set for April 14,
1997 at 6:00 P.M. Engineers will review a compiled study to explore water distribution and system storage in Burton.

Mr. Major said the workshop will give alternatives and discuss dollar amounts
that will be tied to the budget. This workshop will be conducted similar to the
Audit Workshop.

Mayor Smiley reported on the annual FANG meeting that was conducted last week.
He said $5 Million was collected in forfeitures. Our financial responsibility to
FANG dropped over $1,000. Our FANG officer will cost only about $12,000.

The Mayor announced an Emergency Ordinance was added to the agenda. This ordinance allows for reimbursement for actual costs incurred by Burton for the
utilization of City services.

The Mayor introduced his new 97/98 Budget to Council. He was proud to announce a surplus budget of $100,000. Revenue sharing is up only 1.9%. The governor plans to remove revenue sharing or merge it with personal taxes. We should stress to our Legislators the importance of our fair share. The Mayor highlighted his budget, which included the success of recycling and recommended it be continued another year. The Police Department is promoting a Lieutenant to Assistant Police Chief. Two new cars will be purchased and two will be reconditioned. Three summer help employees will be hired to cut the lawn and weeds. Money has been included for a Master Plan update. A transfer of funds for road repairs has been requested. Also, the Mayor would like a new employee for the Sewer Department.

Brad Becker requested a Public Hearing be set for April 21, 1997 at 6:00 P.M. to discuss the proposed budget for the fiscal year of 97/98. Budget workshops involving department heads will follow at a later date.

Mayor Smiley announced a fund raiser for the Veteran's Memorial will be held April 26, 1997 at the FOP Hall. Linda Hammon is the Chair of the event. The lights and fountain are completed at the Memorial and it is a very impressive sight.

COMMITTEE REPORTS:

Mr. Cox requested an addition to the agenda for the formation of a Citizen Committee to look into the financial status and practices of Burton Neighborhood Housing.

AUDIENCE PARTICIPATION:

Donna Glann, 1475 Ives Ave., spoke against the proposed mobile home park at Genesee and Davison Rd. to go before the Planning Commission April 8, 1997. She said the City of Burton has enough mobile home parks. This proposed park would cause traffic problems, overflow of students in Kearsley Schools, lower property values, bring in transient residents and Burton would be known as Trailer Park City.

The Mayor said the developer asked to cancel the meeting for this project to a later date. He is not in favor of the mobile home park.

Mr. Major announced the meeting would be held to postpone it to a later date in M ay. Therefore, no renotification is needed.

Elizabeth Madden, 1394 N. Packard St., agreed with Mrs. Glann. She spoke against the proposed mobile home park. Also, she spoke against the placement of a mobile home on Packard St. and to the legality of permits.

Mr. Cox asked Mr. Major if all permits were correct and all guidelines were followed with the placement of the modular home.

Mr. Major guaranteed him all permits were correct and all guidelines were followed. The Committee overseeing modular home placement attended a meeting in Lansing last week. The Mobile Home Commission, State Laws and court rulings all suggested the placement of the home was 100% legal. The issue of the dirt and landscaping will still be addressed.

Discussion continued on this matter.

The Mayor said the City could address such things as roof pitch and foundation footings to make the homes look more aesthetically pleasing to the eye. If this was addressed, it would include all homes including stick built.

Mr. LaDuke said the Mobile Home Commission would have no problem approving these suggestions.

Pauline Dargel, 6119 Hugh, spoke on the following issues: funding for roads and Act 51 dollars, the formation of the Citizen's Committee to review BNHS, the possibility of reallocation of CD funds for the paving of Mandeville and the

Zoning Enabling Act. She said a rezoning case was published in the Journal 3-29-97, which did not allow the 15 day notification that is required.

Attorney Hamilton said the two zoning cases should be postponed and republished to reflect the 15 days. He will check into the late publishing of the rezoning case.

Larry Petrella, thought the residents of the rezoning case should be renotified due to the postponement. Also, he submitted to Council a Code of Ethics Ordinance to review. (On file in Clerk's Office - AN ORDINANCE TO REGULATE THE ACTIVITIES OF CITY OFFICIALS.)

Fran Rowland, 1096 Mandeville, spoke for the Mandeville Street paving project. She thinks the circulating petition now has the required 50% plus to pave the street.

Mr. Hammon asked if the 7-0 vote could be accomplished by a waiver, due to the absence of two Council members.

Mr. Hamilton said this could be done.

John Stapish, 5160 Atherton Rd., commented on the burn permits and the proposed Emergency Ordinance.

The Mayor clarified the Emergency Ordinance. He said the recent ice and wind storms are examples of City services being used by public utility companies to help with downed wires. These companies should reimburse the City for usage of services.

Mr. Stapish agreed the Ordinance would benefit Burton residents.

Thomas Berge, 6153 Greenview Ct., volunteered to be part of the proposed Citizen's Committee.

Mr. Cox will call Mr. Berge if this committee is formed.

COUNCIL DISCUSSION:

Mr. Martinbianco requested graffiti be removed from a vacant building at Term and Atherton. Also, he made reference to ditching, drainage and street composition problems at 3246 Berent St. between Kleinpell and Term. He commented on the Fire Department's policy in reference to Burning Permits. He thinks the original policy was adequate and served the residents better than the current revised policy. He would like the reasons for the revisions submitted to him in writing.

Mayor Smiley said the teens that paint the graffiti will probably reorganize this summer.

Mr. Martinbianco inquired about agenda Item #13, which is a resolution pertaining to the adoption of the ordinance and the Emergency Ordinance itself. He wanted to know if we were required to follow this procedure.

Mr. Hamilton said we only need to declare the nature of the emergency and the reason for adopting it as an emergency ordinance.

Mr. Major suggested that resolution #13 be removed from the agenda.

Through consensus, Mr. Hamilton, as Chair, removed item #13 from the agenda.

Mr. Cox commented on the number of illegal portable signs in Burton, especially around the Dort and Davison Road area. Also, he thinks the notification procedure is an important issue and we should adhere to the time schedule of these notices.

Mr. Hamilton said his office is responsible for notifications and the hearings set for tomorrow night should not take place, if they weren't published in a timely fashion. He will look into this matter.

After further discussion, Mr. Hamilton said the rezoning cases pertaining to the modular home park will need to be rescheduled and republished. The special use permit hearing will be able to continue as planned. The attorney will look into these matters.

Mr. Cox commented on the ongoing parking problem on Vineland Ave.

Mr. Abbey commented on the Mandeville Street paving project. He said that 50% of the signatures would probably be obtained according to Mrs. Rowland. He had no problem with setting a public hearing for this project.

In reference to Item #7, Mr. Major pointed out the date of May 7th, 8th, or 14th would be set, after Council determination has been made.

In reference to Items #11 and 12, Mr. Cox thinks Mandeville St. should meet the same requirements and follow the same process as all others do, including a 50% signed petition.

Mr. Major plans to propose a second bond issue with several other projects expecting to meet paving requirements. He plans to address this issue by requesting a First Public Hearing being set at the April 21st Council Meeting.
He thinks Mandeville St. will have a valid petition by that time and would like it added to the next paving district.

After a lengthy discussion on the Mandeville Street paving project, Mr. Abbey requested that Items #11 and 12 be removed from the agenda and addressed at a later date.

Regarding the formation of a Citizen's Committee to review Burton Neighborhood Housing's financial status, the following provisions were agreed upon by the Council and the City Attorney before voting on the resolution. The committee will consist of two Council members (Mrs. Walls and Mr. Cox) and three residents selected from volunteers by the Council President with Council approval. The function will be to review BNHS's financial status and make a recommendation in regards to Community Development funding. The Committee will report back to the Council within 60 days.

In reference to Emergency Ordinance #1, Mr. Hamilton amended the Ordinance by striking out, the 7th day of April, A.D., 1997, to be replaced with the following phrase, upon publication in a newspaper in circulation in the City of Burton.

COUNCIL DISCUSSION ACTION:

Mr. Hammon as Chair, removed Items #11 and #12 from the agenda to be addressed at a later date.

Moved by Cox, seconded by Walls to add to the agenda, as Item #14, to approve and authorize the formation of a Citizen's Committee to review Burton Neighborhood Housing's financial status and practices, with the stated provisions. Motion carried 5-0.

COUNCIL ACTION:

Walls moved and Abbey seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from March 12, 1997 to April 2, 1997, in the amount of $2,551.00.

Motion carried 5-0.

Abbey moved and Walls seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from March 12, 1997 to April 2, 1997 in the amount of $699.50.

Motion carried 5-0.

Martinbianco moved and Abbey seconded the following motion:

3. Approve and authorize the date of April 14, 1997 at 6:00 P.M. for a Water Distribution and System Storage Study Workshop at the Police/Fire Administrative Offices.

Motion carried 5-0.

Abbey moved and Walls seconded the following motion:

4. Approve and authorize the request from W.C.E., Inc., to transfer ownership of 1996 Class C licensed business with Dance Permit, located at G-3085 S.

Dort, Burton, MI 48529, Genesee County, from Embers Lounge, Inc.; cancel existing Entertainment Permit; and request a new Entertainment Permit without dressing rooms.

Motion carried 5-0.

Walls moved and Abbey seconded the following motion:

5. Approve and authorize transfer of funds of $5,300.00 from General Fund-Contingency to Fire Department Salaries and Fringe Benefits to funds recent Fire Department contract settlement.

Motion carried 5-0.

Martinbianco moved and Abbey seconded the following motion:

6. 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 1997 pursuant to Act 279, Public Acts of Michigan, 1909, as amended in the principal amount of not to exceed Three Hundred Twenty Thousand Dollars ($320,000.00).

Motion carried 5-0.

Abbey moved and Walls seconded the following motion:

7. Approve and authorize the combined bond resolution for the sale of Special Assessment Limited Tax Bonds, Series 1997, for the street paving districts of P-96-5 Bergin Avenue, P-96-7 Eugene and Milano Streets, and P-96-9 Williamson Avenue in the amount of $320,000.00. (Bids for the bonds will be received on May 7, 1997 at 4:00 p.m. and a special City Council meeting will be held at 6:30 p.m. the same day to award the sale, as confirmed by the City Council).

Motion carried 5-0.

Martinbianco moved and Abbey seconded the following motion:

8. Approve and authorize the Mayor's appointment of Ludin Cills, 1254 Arrowhead Drive, Burton, MI to the Salary Commission to complete the term of

Arnold Chema. Term will expire October, 1998.
Motion carried 5-0.

Abbey moved and Walls seconded the following motion:

9. Approve and authorize the Mayor's appointment of Frances Rowland, 1096 Mandeville, Burton, MI 48529 to the Salary Commission, replacing Dan Osmon.
Term will expire October, 2003.
Motion carried 5-0.

Abbey moved and Walls seconded the following motion:

10. Approve and authorize setting a public hearing for April 21, 1997 at 6:00 P.M. to discuss the proposed budget for the fiscal year of 1997-1998.
Motion carried 5-0.

Item #11 was removed by the Chair.

11. Approve and authorize Standard Resolution #1 for P-97-3 Mandeville Street Special Assessment Paving District Open Ditch Paving Project/Option "C" by 7-0 vote.
    A. Determine to improve subdivision streets by asphalt paving with limestone approaches including required ditching.
    B. Determine that improvement to be assessed against the lands and premises as indicated in Standard Resolution No. 1, Section 2.
    C. Instruct the DPW Engineering Division and/or an Engineering firm to prepare Exhibits A & B (cost estimates and district maps.)

Item #12 was removed by the Chair.

12. Approve and authorize Standard Resolution #2 for P-97-3 Mandeville Street Special Assessment Paving District Open Ditch Paving Project/Option "C" by 7-0 vote.
    A. Proceed with district for improvement of asphalt paving with limestone approaches, including required ditching.
    B. Place preliminary district maps and cost estimates on file with Clerk's Office for examination.
    C. Determine improvement to be necessary.
    D. Accept cost estimate.
    E. Set First Public Hearing for Monday, April 28, 1997 at 7:00 P.M. at City Hall, or any later date of City Council choice; (a minimum of

fourteen (14) days is required between this Council Meeting and the proposed public hearing date), and instruct the Clerk's Office, through the DPW, to publish and mail notices as per City Ordinance #12.

Item #13 was removed by the Chair.

13. Approve and authorize the emergency adoption of Ordinance No. 85 (C), being an ordinance to provide for reimbursement, for actual costs, to the City for the utilization of City employees and equipment in the event of a facility malfunction of a public utility or hazardous conditions are created through normal operations requiring the use of Burton City personnel and equipment.

Cox moved and Martinbianco seconded the following motion:

14. Approve and authorize the formation of a Citizen's Committee, agreed upon per Council Discussion April 7, 1997, to review Burton Neighborhood Housing's financial status, and practices. Upon conclusion, the Committee will make recommendations to the Council regarding future funding. (See Council Discussion Action 4-7-97).

Motion carried 5-0.

EMERGENCY ORDINANCE:

Walls moved and Cox seconded the following motion:

1. Approve and authorize an Emergency Ordinance being an Ordinance to provide for reimbursement, for actual costs to the City for the utilization of City employees and equipment in the event of a facility malfunction of a public utility or hazardous conditions are created through normal operations requiring the use of Burton City personnel and equipment, as amended by Attorney Hamilton.

Motion carried 5-0.

Meeting Adjourned at 9:15 P.M.

Gayle Webster
City Clerk

GW/cml