CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
MAY 2, 1994, 7:30 P.M., COUNCIL CHAMBERS

Invocation and Pledge of Allegiance Was Led By Council President Keith Cox.

The Regular Meeting is called to order by Keith Cox, President, at 7:37 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; S. Perez, Purchasing Agent; R. LaDuke, Building Supervisor and W. Walworth, City Clerk.

Martinbianco moved and Abbey supported the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of April 14, 1994 at 7:00 P.M.; Special Meeting of April 18, 1994 at 7:00 P.M. and Regular Meeting of April 18, 1994 at 7:30 P.M., as printed. Motion carried 5-0.

ADMINISTRATIVE REPORT:

Mayor Smiley called on Mr. Hammon to announce our preliminary award for the Library.

Mr. Hammon said $90,000 has been reserved for our project and he thanked Joanne Ladd from the Library group, Bill Caya from Wade/Trim and Bev Browning our grant writer. He thanked Steve Perez for his work on the grant.

Mr. Perez said he hoped to get more funds from foundations and other funding sources. He explained the grant and said he hoped construction would start by the Spring of '95. He thanked Mr. Hammon for his efforts and commended him on his excellent leadership for this project.

Mayor Smiley said there would be a ceremony at 10:00 a.m. tomorrow to paint the thermometer at the Library as we advance toward our goal.

The Mayor congratulated Mr. Walworth on winning the First Annual Technology Award for Excellence given by the IIMC. He noted that the City is the Grand Prize Winner.

He welcomed the Atherton Civic Class to the meeting.

The Mayor said he will give a report on the City tomorrow night at 7:00 p.m. at the Police/Fire Facility and hoped the Council could attend.

He also reviewed the memo from Mr. Riess on the water and sewer projects pay backs from the developers.

Mr. Cox asked for an executive session after item 11 on the agenda.

COMMITTEE REPORTS:

Mr. Martinbianco reviewed the recommendation on the Maple Pointe Sub. He said the Committee is comfortable in the recommendation, due to the rapid rate of the sale of the lots and the use of the front foot fee at the time of the sale of the lot. He noted that in item 11 on the pay back on 8 lots in the original project. He also noted that the $60,000 in item #6 will not be until fiscal year 1995.

AUDIENCE PARTICIPATION:

Jim Townsend, 2051 Covert complained again about the roller rink noise and wants action taken by the Attorney. Mr. Cox will contact the Attorney on this matter. Mr. Townsend complained about the drain on the trucking companies property off Davison Road.

Dennis Kinder, 1224 Genesee, asked if the animals on his property are against the City Charter. He said this situation has existed for over 20 years. He wanted to know if his situation is grandfathered in. He also asked about whether the firefighters were employees and if monies had been appropriated to fight the firefighters organizing.

Kevin Burge, 1415 S. Genevieve, asked about the allocation of $20,000 for labor relations matters.

Mr. McArdle said the UAW had requested that the two Attorneys meet to see what differences the parties might have in the matter of the organizing issue.

He also asked if he was an employee. He was advised that for the purpose of collective bargaining, that would have to be determined by MERC.

Daniel Bonk, 1296 Ives, complained about having to pay for a culvert and some dirt dumped for him.

Mr. Cox said the DPW would send him the report that had been given to him earlier on these matters.

Caryle Petrella, 1081 Howe, asked how appointments were made to committees.

Mayor Smiley said some committees are appointed by the Council and some by the Mayor and she should send the Council President and the Mayor a letter if she was interested in being considered for a committee in the future.

John Stapish, 5160 E. Atherton, complained on a response to a 911 call. He also asked about the illegal parking on Bergin.

Mr. Cox asked the administration to look into the parking situation on Bergin.

Bob Walls, 2400 Meadowcroft, said it was difficult to hear the Council and asked that they look at a better sound system for Council Chambers.

Tracy Friend, 2041 Boatfield, asked about her husband's role when working at a fire.

Nancy Card, 2098 Delaney, complained about the drainage tile on the back of the trucking company on Davison Rd.

Mr. Major said it was on the property and was their responsibility.

Mr. Hamilton said he would mention the matter when they meet with the company, as they have been cited on other matters and a jury trial is pending.

COUNCIL DISCUSSION:

Mr. Martinbianco noted that the Attorney billing was in error and needed to be reduced by $20. He asked about the concrete work for Meadowcroft.

Mr. Major said sweeping is taking place at this time and the concrete work would come later.

Mr. Cox asked the Attorney if the billing on 4-20-94 included other people than the Attorney himself. He was advised yes.

Mr. Cox asked if there were two resignations on EDC. Mayor Smiley said he was going to talk to someone else who might be interested but wanted to be sure that the members can make the meetings before making more appointments.

Mr. Cox also asked about the sale of the lots in Maple Pointe. Mr. Martz said that all but 8 have been covered or spoken for in phase 1.

Mrs. Walls asked about the EDC. Mayor Smiley said that will be covered at the meeting tomorrow night and Mr. Young will give a presentation.

Mrs. Walls noted that Betty Howlett is attempting to get a Cracker Barrell in Burton on I-69.

Mr. Major asked if the monies were in order on item #3.

Mr. Cox asked why the item was on the agenda when all the conditions had not been met. Mr. Hamilton said he needed the engineer's assurance that ample funds had been committed to complete the plat.

Mr. Hamilton added language to the resolution to cover the matter.

Mr. Martinbianco noted that if there is a short fall, then the resolution is invalid. Mr. Hamilton said he would not have the Clerk sign off till all conditions are met.

Mr. Cox said he appreciated the finance committee's work on the Maple Pointe project, but he could not support it due to the fund balance in the water line item.

Mr. Abbey questioned the Council proceeding on the Maple Pointe resolutions since the transfer of money would fail with only 4 votes.

Mr. Martinbianco asked the Mayor to cover our present developments and future direction of the City at his meeting tomorrow night.

Mayor Smiley said people are looking at Burton with all its development and he will review all this tomorrow night.

COUNCIL DISCUSSION ACTION:

Moved by Martinbianco, supported by Walls to go into a closed session after the last item on the agenda, under Section 8(c) of the Open Meetings Act regarding strategy and negotiation sessions. Motion carried 5-0 with a roll call vote.

Moved by Abbey, supported by Hammon to table items #8-9-10 until the next regular meeting. Motion carried 5-0. It was also suggested that item #6 be brought back to the table at the next regular meeting.

Mr. Martinbianco read the resolution recognizing Municipal Clerks Week of May 1, 1994 through May7, 1994 into the record. (see attachment to the minutes)

COUNCIL ACTION:

Hammon moved and Walls supported the following motion:

1. Approve and authorize the Attorney Billing from April 13, 1994 through April 27, 1994 in the amount of $4,050.16.

Motion Carried 5-0.

Hammon moved and Martinbianco supported the following motion:

2. Approve and authorize the Genesee District Library Resolution for Burton Memorial Library LSCA Title II Grant, as attached.

Motion carried 5-0.

Abbey moved and Martinbianco supported the following motion:

3. Approve and authorize the granting of Final Plat Approval for Brookwood Pointe Subdivision #1, instructing the City Clerk to execute on behalf of the City of Burton and its City Council said approval of the final plats, contingent upon the attorney approval of the financial reserves.

Motion carried 4-1 with Cox voting no.

Hammon moved and Abbey supported the following motion:

4. Approve and authorize the Mayor's appointment of Sue Millard, 3442 Griffith Ct., Burton, Michigan, to the Economic Development Corporation with term to expire December, 1995.

Motion carried 5-0.

Martinbianco moved and Abbey supported the following motion:

5. Approve and authorize the construction of an 8" public municipal water system for Phase II of Maple Pointe Subdivision #4 (a single family development), Section #36, at an estimated project cost of $60,000.00 (DPW Job #94-004-W).

Motion carried 4-1 with Cox voting no.

Abbey moved and Walls supported the following motion:

6. Approve and authorize the transfer of $60,000.00 from the 1994/95 Water Department/Unappropriated Surplus Account to DPW Job #94-004-W, subject to reimbursement through the collection of a front foot/lot fee, in addition to the mandatory tap-in and meter/inspection fee. (NOTE: A 100% payback will be received by the City through a front foot/lot fee from Phase II of Maple Pointe Subdivision #4 and paid back at time of sale of lot per contract with the City).

Motion failed 4-1 with Cox voting no.

Martinbianco moved and Walls supported the following motion:

7. Approve and authorize the Mayor and Clerk to execute Exhibits "A" and "B" on behalf of the City of Burton and its City Council with CHMP, Inc. for engineering services in the amount of $4,505.00 for DPW Job #94-004-W.

Motion carried 4-1 with Cox voting no.

Moved by Abbey, supported by Hammon to table Items 8, 9 and 10. Motion carried 5-0.

8. Approve and authorize the construction of an 8" public municipal sanitary sewer system for Phase II of Maple Pointe Subdivision #4 (a single family development), Section 36, at an estimated project cost of $120,000.00 (DPW Job #94-003-SS).

9. Approve and authorize the transfer of $120,000.00 from the 1994/95 Sanitary Sewer Department/Unappropriated Surplus Account to DPW Job #94-003-SS, subject to reimbursement through the collection of a front foot/lot fee, in addition to the mandatory tap-in and inspection fees. (NOTE: A 100% payback will be received by the City through a front foot/lot fee from Phase II of Maple Pointe Subdivision #4 and paid back at time of sale of lot per contract with the City).

10. Approve and authorize the Mayor and Clerk to execute Exhibits "A" and "B" on behalf of the City of Burton and its City Council with CHMP, Inc. for engineering services in the amount of $8,375.00 for DPW Job #94-003-SS.

Martinbianco moved and Walls supported the following motion:

11. Approve and authorize the Mayor and Clerk to amend original contract dated November 3, 1993, with the City and Maple Pointe Subdivisions #1, #2, & #3 for balance of eight (8) lots to have the payment of sanitary sewer and watermain front foot fee with sale of lot.

Motion carried 5-0.

Council adjourned for Executive Session at 9:20 P.M.

Council reconvened from Executive Session at 10:35 P.M.

Meeting Adjourned at 10:36 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml