CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
MAY 6, 1996, 7:30 P.M., COUNCIL CHAMBERS

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

The Meeting was called to order by Ted Hammon, President, at 7:42 P.M.

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

Members Absent: None.

Others Present: J. Major, DPW Director; J. Benthall, Police Chief; R. Hamilton, City Attorney and C. Ladd, Deputy City Clerk.

Cross moved and Abbey seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Meetings of April 15, 1996 at 5:30 P.M.; 6:30 P.M. and 7:00 P.M.; Regular Meeting of April 15, 1996 at 7:30 P.M. and Special Meeting of April 29, 1996 at 7:00 P.M., as printed. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Chief Benthall said the Administration had nothing to report tonight.

COMMITTEE REPORTS:

Mr. Cox gave an update on the recommendations of the Finance Meeting which was held on April 29th. He asked that items 8 thru 14 and items 15 thru 21 be voted on in block form, as they all pertain to the Pine Creek Estates #2 and Maple Pointe Sub #7, respectively.

AUDIENCE PARTICIPATION:

Jim Townsend, 2051 Covert Rd., asked Attorney Hamilton if the report had been returned to the City regarding the accident with the teenagers on Dort Highway. He also inquired about the settlement for this case.

Mr. Hamilton said he had spoken with Attorney Reising and he was told that the report had been completed and would be sent to the City.

Mr. Hammon said Mr. Townsend would have to file a Freedom of Information form in the City Clerk's Office regarding the settlement of the case.

Lyle Hippensteel, 6112 E. Carpenter Rd., Flint, MI, asked that Council consider his applications for water and sewer installer's license. He said he had submitted the application in January and for one reason or another it was never put on the agenda.

Mr. Hammon asked Mr. Major why this hadn't come before Council prior to tonight.

Mr. Major said denial was recommended by Rick Riess, due to a situation in Pine Creek and Mr. Hippensteel not paying the fee for damages in the amount of $788.00. Mr. Major said he spoke with Mr. Hamilton prior to the meeting and was advised that the license could be approved based on past working record and resolving the pending issues with the City.

Donna Glann, 1475 Ives, spoke regarding Item #3 on the agenda. She asked what the definition of "use" is in a zoning district. She also inquired about getting information on the zoning history of the property at the corner of Davison and Ives.

Mr. Hammon explained that he would be removing Item #3 from the agenda as recommended by the City Attorney and this item would be coming back before Council after Mr. Hamilton reviews it. He said Mrs. Glann could possibly get the history through research of the ZBA and Planning Commission by the Clerk's Office.

Mr. Major said there is a variance history on the property. Discussion was continued regarding the use of property in R-O zoning.

Larry Petrella, 1081 Howe Rd., gave the Council a copy of an article regarding planning of land use, for the Council to read at their leisure. He said he would like further discussions held regarding this issue.

Pauline Dargel, 6119 Hugh St., spoke concerning the information she submitted for Site Plan Review #96-24. She gave each Council member a copy of the Appeal Request regarding this site plan. She asked that the Council request the Planning Commission to review this site plan with regards to the environment.

Ian Hohloch, 4422 Hedgethorn Ct., ZBA Chairman, asked if the Council had received a request from him regarding the issue of having site plan reviews being stamped by a certified engineer and changing the ordinance requesting this be done.

Mr. Hammon said the Council has received no communication regarding this issue.

Mr. Hohloch said Council would be receiving a letter from him this week.

Gary Kautz, 4062 Woodrow, spoke concerning the use of water and sewer funds for the construction projects. He asked about the time frame for paybacks. Mr. Cox said for Maple Pointe, the payback is a 5 year period and for Pine Creek Estates, it's a 7 year period.

COUNCIL DISCUSSION:

Mr. Hammon said he is removing Item #3 on advice of the City Attorney.

Mr. Cross recognized two students from Atherton High School and welcomed them to the meeting.

Mr. Martinbianco said the first three (3) catch basins on the west side of Connecticut Street need to be cleaned out.

Mr. Martinbianco asked how many people are working on Code Enforcement in the City. He said he noticed junk laying along Belsay Road.

Mr. Major said someone had been evicted on Belsay Road and that was where the junk came from. He also stated that one person is assigned full time as a Code Enforcement Officer and several others on a part-time basis, when they are working between water and sewer street projects. Mr. Major said complaints are handled through referrals only.

Mrs. Walls asked if a person had to give their name when calling in a complaint.
She was advised yes, but once the complaint is made, the DPW becomes the complainant.

Mr. Martinbianco asked if Mrs. Dargel has some validity on the court case issue.

Mr. Hamilton said he doesn't see anything in the information received from Mrs. Dargel this evening to change his opinion on the site plan appeals. Further discussion continued regarding this issue.

Mr. Cox said the Council should have a copy of the update for the request from Mr. Grylicki at the County Road Commission requesting a breakdown in Act 51 monies.

Mr. Cox said William Weatherford was the only applicant who applied for the Zoning Board of Appeals Alternate. He said Mrs. Weatherford serves as a regular member on that board.

Mr. Cross asked Chief Benthall if the department has an idea who may have done the spraying of buildings in the Belsay Road area. Chief Benthall said they have an idea who it may be. They have arrested juveniles for curfew violations. A meeting has been set up for Thursday, May 9th at 7:00 P.M. at Fire Station #2 to discuss this issue.

Mr. Cross said he would like the DPW to keep an eye out for the mini car lots and keep on top of the Curbstoning Ordinance.

Mr. Martinbianco set a Legislative Committee Meeting for Monday, May 13th at 5:00 P.M. to discuss the items of licensing and inspection fees for rental units and portable signs. We will dedicate 45 minutes to the rental fees and the last 30 minutes to the signs.

COUNCIL DISCUSSION ACTION:

Moved by Abbey and seconded by Zelenko to add Item #22 to the agenda regarding the water and sewer installer license for Lyle Hippensteel. Motion carried 7-0.

Moved by Cox, seconded by Zelenko to add Item #23 to the agenda regarding the appointment of William Weatherford as alternate member to the Zoning Board of Appeals. Motion carried 7-0.

Moved by Cox, supported by Cross to vote on items 8 through 14 in block form. Motion carried 7-0.

Moved by Abbey, supported by Martinbianco to vote on items 15 through 21 in block form. Motion carried 7-0.

COUNCIL ACTION:

Cox moved and Abbey seconded the following motion:

1. Approve and authorize the Attorney Billing from April 10, 1996 to May 1, 1996 in the amount of $2,216.00.

Motion carried 7-0.

Abbey moved and Cross seconded the following motion:

2. Approve and authorize the acceptance of an Application for Industrial Facilities Exemption Certificate, filed by Flint Boxmakers, Inc., and the calling of a public hearing on June 3, 1996 at 7:00 P.M., for consideration of the application.

Motion carried 7-0.

No action taken. Item #3 was removed from the agenda.

3. Approve and authorize the City Council to reaffirm approval of Zoning Case #212 as reviewed with recommendation of approval to City Council by Burton City Planning Commission. Rezoning of property to be by legal description depicted on print presented to Burton City Planning Commission, not by SPID numbers.

Cox moved and Zelenko seconded the following motion:

4. Approve and authorize a transfer of $8,075.00 from the 1996-96 Major Street Fund/Unappropriated Surplus to DPW Job #96-007-P (Potter Road resurface from Vassar Road to Egleston Avenue) for a total project funding approval of $8,075.00 not to exceed. (The City's share equal to Genesee Township share, Genesee County Road Commission pays $10,550.00 for a total estimated project cost of $26,700.00).
Motion carried 7-0.

Cox moved and Zelenko seconded the following motion:

5. Approve and authorize the Mayor and Clerk to execute a contract on behalf of the City of Burton and its City Council with the Genesee County Road Commission and Genesee Township relative to the single chip and seal of Potter Road from Vassar Road to Egleston Avenue (DPW Job #96-007-P) subject to review by the City's Controller/Treasurer and City Attorney as to the funding and form. (The maximum City contribution will be $8,075.00).
Motion carried 7-0.

Cross moved and Zelenko seconded the following motion:

6. Approve and authorize Finance Committee's recommendation to deny a transfer of $81,600.00 from the 1995-96 Major Street Fund/Unappropriated Surplus to DPW Job #96-008-P (Vassar Road resurface from Lapeer Road to Bristol Road) for a total project funding approval of $81,600.00 not to exceed. (The City's share equal to Davison Township share, Genesee County Road Commission pays $8,200.00 for a total estimated project cost of $171,400.00).
Motion carried 7-0.

Martinbianco moved and Zelenko seconded the following motion:

7. Approve and authorize Finance Committee's recommendation to deny the Mayor and City Clerk to execute a contract on behalf of the City of Burton and its City Council with the Genesee County Road Commission and Davison Township

relative to the resurfacing of Vassar Road from Lapeer Road to Bristol Road
(DPW Job #96-008-P) subject to review by the City's Controller/Treasurer and
City Attorney as to funding and form. (The maximum City contribution will be
$81,600.00).
Motion carried 7-0.

Martinbianco moved and Abbey seconded the following motion:

8. Approve and authorize the construction of an 8" public municipal water system
for Phase II of Pine Creek Estates #2 (a single family development), Section
22, Parcel Q-225-2 at an estimated project cost of $99,000.00 (DPW Job
#96-004-W).
Motion carried 7-0.

Martinbianco moved and Abbey seconded the following motion:

9. Approve and authorize the transfer of $99,000.00 from the 1995/1996 Water
Department Unappropriated Surplus Account to DPW Job #96-004-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 Pine Creek
Estates #2 and paid back at time of sale of lot per contract with the City).
Motion carried 7-0.

Martinbianco moved and Abbey seconded the following motion:

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 Del-Tec
Engineering for engineering services in the amount of $8,700.00 for DPW
Job #96-004-W.
Motion carried 7-0.

Martinbianco moved and Abbey seconded the following motion:

11. Approve and authorize the construction of an 8" public municipal sanitary
sewer system for Phase II of Pine Creek Estates #2 (a single family

development), Section 22, Parcel Q-225-2 at an estimated project cost of
$178,000.00 (DPW Job #96-004-SS).
Motion carried 7-0.

Martinbianco moved and Abbey seconded the following motion:

12. Approve and authorize the transfer of $178,000.00 from the 1995-1996 Sanitary Sewer Department/Unappropriated Surplus Account to DPW Job #96-004-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 Pine Creek Estates #2 and paid back at time of sale of lot per contract with the City.
Motion carried 7-0.

Martinbianco moved and Abbey seconded the following motion:

13. 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 Del-Tec Engineering for engineering services in the amount of $12,700.00 for DPW Job #96-004-SS.
Motion carried 7-0.

Martinbianco moved and Abbey seconded the following motion:

14. Approve and authorize the Mayor and Clerk to execute a contract on behalf of the City of Burton and its City Council with Alfred R. Kloss, President of Daystar Development Company, 615 Broad Street, Linden, MI 48451 relative to Phase II funding for Pine Creek Estates #2, that the payment of sanitary sewer and watermain front foot fee shall be with the sale of the lot. The water fund transfer will be paid in full with 7 years of final plat approval by the developer with appropriate financial assurances.
Motion carried 7-0.

Cox moved and Abbey seconded the following motion:

15. Approve and authorize the construction of an 8" public municipal water
system for Phase V Funding of Maple Pointe Subdivision #7 (a single family
development), Section 36, at an estimated project cost of $143,000.00
(DPW Job #96-002-W).

Motion carried 7-0.

Cox moved and Abbey seconded the following motion:

16. Approve and authorize the transfer of $143,000.00 from the 1995/96 Water
Department/Unappropriated Surplus Account to DPW Job #96-002-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 V Funding of
Maple Pointe Subdivision #7 and paid back at time of sale of lot per
contract with the City).

Motion carried 7-0.

Cox moved and Abbey seconded the following motion:

17. 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 $12,000.00 for DPW Job #96-002-W.

Motion carried 7-0.

Cox moved and Abbey seconded the following motion:

18. Approve and authorize the construction of an 8" public municipal sanitary
sewer system for Phase V Funding of Maple Pointe Subdivision #7 (a single
family development), Section 36, at an estimated project cost of $191,000.00
(DPW Job #96-003-SS).

Cox moved and Abbey seconded the following motion:

19. Approve and authorize the transfer of $191,000.00 from the 1995/96 Sanitary
Sewer Department/Unappropriated Surplus Account to DPW Job #96-003-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 V Funding of Maple Pointe Subdivision #7 and paid back at time of sale of lot per contract with the City).

Motion carried 7-0.

Cox moved and Abbey seconded the following motion:

20. 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 $15,000.00 for DPW Job #96-003-SS.

Motion carried 7-0.

Cox moved and Abbey seconded the following motion:

21. Approve and authorize the Mayor and Clerk to amend original contract of November 3, 1993 with the City and Maple Pointe Associates relative to Phase V Funding for Maple Pointe Subdivision #7, that the payment of sanitary sewer and watermain front foot fee shall be with the sale of the lot. The water fund transfer will be paid in full within 5 years of final plat approval by developer with appropriate financial assurances.

Motion carried 7-0.

Zelenko moved and Cox seconded the following motion:

22. Approve and authorize the issuance of a sewer installer's license and a water installer's license for M.L.C. Contractors, Inc., Lyle Hippensteel, contingent upon satisfaction of the Department of Public Works of the completion of an approved site plan on Atherton Road property and the resolution of a disputed invoice with the Water Department.

Motion carried 7-0.

Cross moved and Walls supported the following motion:

23. Approve and authorize the appointment of William Weatherford, 3084 S.

Genesee Rd., Burton, MI to fill the vacancy as alternate on the Zoning Board of Appeals. Term to expire 1999.
Motion carried 7-0.

SECOND READING OF AN ORDINANCE:

Cox moved and Abbey seconded the following motion:

1. Approve and authorize the second reading of Zoning Case #215 to rezone property from SE to R-1A for the purpose of developing a subdivision on Genesee Road, Parcel #59-35-100-021, Section 35 (James Carnwath & James Hewines, 1112 Ottawa, Royal Oak, MI 48073).

Motion carried 5-2 with Cross and Martinbianco voting no.

Meeting Adjourned at 8:52 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML