

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
MAY 15, 1995, 7:30 P.M., COUNCIL CHAMBERS

Invocation and Pledge of Allegiance was led by Vice President Ted Hammon.

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

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

Members Absent: Cox.

Others Present: Mayor Charles Smiley; J. Major, DPW Director; K. McArdle, Personnel Director and W. Walworth, City Clerk.

Abbey moved and Martinbianco supported the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of May 1, 1995 at 6:45 P.M.; Special Meeting of May 1, 1995 at 7:00 P.M. and Regular Meeting of May 1, 1995 at 7:30 P.M., as printed. Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mayor Smiley proclaimed the week of May 21 to 27 as Arson Awareness Week. He introduced Odile Aagesen, President BNHS and the new Director of BNHS, Tammie Coates.

He said he would like an executive session to discuss negotiations.

Mayor Smiley welcomed the Atherton Civics Class to the meeting.

COMMITTEE REPORTS:

Mr. Abbey said he would set a Legislative Committee meeting this evening for next week.

AUDIENCE PARTICIPATION:

Joey Richvalsky, 4387 S. Saginaw, representing David Rachor as his realtor, asked that the demolition at 1360 Hemphill be delayed for 90 days as he (Mr. Richvalsky) had for the Council's review bills on materials and tax bills that are paid.

Attorney Andrew Sass, 118 Lenawee, Lansing, MI, said he represented Mr. Stapish. He asked that the demolition at 1468 Donovan be negated. He presented some pictures of the progress on the building. He said the rest of the work is mostly cosmetic. He asked them to reconsider. Mr. Hammon asked what kind of an extension he wanted and if the work could be done in 90 days. Mr. Sass said he thought it could.

COUNCIL DISCUSSION:

Mr. Abbey asked if the kitchen area was done. Mr. Stapish said progress has been made but it is not completed yet.

Mr. Martinbianco asked about soil being removed during excavation by the developers. He asked if permits were required and what procedures are used to check soil. Mr. Major said that small amounts can and are used to fill some holes in the City. He said that large amounts come under Public Act 347 and a State permit is required.

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Mr. Martinbianco asked about cleanup on isolated spots like on Belsay Rd. between Surrey and Crabtree. Mr. Major said the clean up is scheduled next week by Mr. Riess.

Mr. Martinbianco asked about the lot split requested by Mr. Rizzo that came before Planning May 9th. He said he was concerned about the drainage question.

Mr. Major said the split was for model homes and that it would then be added back into the plat. He said that Mr. Rizzo must submit a site plan review and the drainage would have to be addressed in that plan.

Mr. Martinbianco expressed concern about the process on the condemnation without the Attorney present tonight.

Mr. Major was asked where we are at at this point. He said it was in the Attorneys hands to finalize the bidding and that all the materials are not back yet.

Mr. Abbey asked if the Council reconsiders for 30 days, if that would be a problem. Mr. Major said no.

Mr. Abbey said he does not like to demo property if it can be saved, but is opposed to 90 days.

Mr. Major said that if they are close enough for a temporary occupancy permit in the 30 days, then they automatically have a 90 day period for the occupancy to occur.

Mayor Smiley said he visited the Rachor property and there was not much left to be done.

Mr. Cross said he asked at a previous meeting if 90 days would suffice and was told no. Mr. Rachor said that he understood that Mr. Cross asked for a guarantee and he couldn't say yes to that.

Mrs. Zelenko suggested a postponement for 30 days.

Mr. Abbey said he would like to see if each party could be ready in 30 days for a temporary occupancy permit.

Mr. Martinbianco asked Mr. Abbey if he would include curbstoning in his legislative agenda.

Mr. Martinbianco asked if item #2 needed a performance bond and if the City checks on any back taxes that might be owed the City on contracts before they are let.

Mr. Major said that this is checked.

Mrs. Walls asked if the candidate in item #5 was the only applicant. Mr. Hammon said yes.

Mr. Hammon welcomed the new Director of the BNHS. He also said there is a budget workshop tomorrow night 6:30 p.m.

Executive Session: 8:15 p.m.

Returned: 8:43 p.m.

Mr. Abbey set a legislative meeting for May 23rd at 6:00 P.M.

Mayor Smiley said that Don Parks called him tonight and would like to know our position concerning the Vassar Road project between the two municipalities.

Mr. Martinbianco said he would have an answer after the budget hearings are completed and would be in a better position to determine this then. He said that after tomorrow night's budget meeting he would call a finance meeting to look at this project and its feasibility.

Mr. Martinbianco asked if a resignation had been received from Mrs. Hillaker. He was advised that that would not come to the City, but would go to BNHS and no information was available at this time.

COUNCIL DISCUSSION ACTION:

Moved by Martinbianco, supported by Zelenko to go into a closed session after item #9 on the agenda, under Section 8(c) of the Open Meetings Act. Motion carried 6-0 with a roll call vote.

Moved by Abbey, supported by Walls to postpone action on the demolition at 1360 Hemphill and 1468 Donovan and grant 30 days to come in compliance for a temporary occupancy permit from DPW. Motion carried 6-0.

COUNCIL ACTION:

Cross moved and Zelenko supported the following motion:

1. Approve and authorize the Attorney Billing from April 26, 1995 to May 10, 1995 in the amount of \$3,182.00.
Motion carried 6-0.

Zelenko moved and Abbey supported the following motion:

2. Approve and authorize the low bid of Custom Groundskeeping, 2399 E. Bergin, Burton, MI 48529. The low bid of \$35.00 per 50 foot x 100 foot lot of brush hog cutting, \$45.00 per 50 foot x 100 foot for hand mowing, and \$.003 per square foot for lots larger than 50 foot x 100 foot.
Motion carried 6-0.

Walls moved and Zelenko supported the following motion:

3. Approve and authorize the Mayor and Clerk to enter into a contract with Custom Groundskeeping in the amount as specified on the bid proposal.
Motion carried 6-0.

Cross moved and Zelenko supported the following motion:

4. Approve and authorize moving the Regular Council Meeting dates from July 3rd to July 10th and from July 17th to July 24th, due to the July 4th holiday.
Motion carried 6-0.

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Abbey moved and Martinbianco supported the following motion:

5. Approve and authorize the Council's reappointment of Ian Hohloch, 4222 Hedgethorn Ct., Burton, MI, for a three year term, to the Zoning Board of Appeals, term ending April, 1998.

Motion carried 6-0.

Cross moved and Martinbianco supported the following motion:

6. Approve and authorize acceptance of the certified high bid of Shawn Marie Peters, 4072 Pringle, Burton, MI 48519 in the amount of \$3,375.00 for DPW property #94-09 on Bergin Avenue and direct the Mayor and City Clerk to execute a purchase agreement, direct the City Attorney to prepare a deed of sale and proceed with the closing to finalize the sale.

Motion carried 6-0.

Walls moved and Zelenko supported the following motion:

7. Approve and authorize acceptance of the certified high bid of Glenn Smith, 3357 Leta, Burton, MI 48529 in the amount of \$2,600.00 for DPW property #94-15 pm Term Street and direct the Mayor and Clerk to execute a purchase agreement, direct the City Attorney to prepare a deed of sale and proceed with the closing to finalize the sale.

Motion carried 6-0.

Abbey moved and Zelenko supported the following motion:

8. Approve and authorize acceptance of the certified high bid of Robert D. Guiles, 4397 Columbine, Burton, MI 48529 in the amount of \$1,125.00 for DPW property #94-16 on Jolson Avenue and direct the Mayor and Clerk to execute a purchase agreement, direct the City Attorney to prepare a deed of sale and proceed with the closing to finalize the sale.

Motion carried 6-0.

Martinbianco moved and Zelenko supported the following motion:

9. Approve and authorize setting the date of Monday, June 19, 1995 at 7:00 P.M. for the second public hearing for Zoning Case #206 Maple Pointe Associates, 8469 S. Saginaw, Grand Blanc, MI 48439.

Motion carried 6-0.

Meeting Adjourned at 8:46 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml