

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
MAY 18, 1992, 7:30 P.M., COUNCIL CHAMBERS

INVOCATION AND PLEDGE OF ALLEGIANCE IS LED BY COUNCILPERSON ALTA WALLS.

This Regular Meeting is called to order by Council President Tom Martinbianco at 7:30 P.M.

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

Members Absent: None.

Others Present: Mayor Charles H. Smiley; K. McArdle, City Administrator; J. Major, DPW Director, W. Walworth, City Clerk and John Benthall. (Mayor's selection for Police Chief)

Hammon moved and Zelenko supported the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of May 4, 1992 at 7:30 P.M. NOTE: The Special Meeting of May 11, 1992 at 7:00 P.M. and the Special Meeting of May 11, 1992 at 7:30 P.M. were cancelled at the request of the petitioners. Their letters of withdrawal are to be filed with the meeting agendas on file in the Clerk's office. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley said that he is recommending John Benthall to be the new Police Chief. He said that he gave Council a copy of Mr. Benthall's resume and letters of recommendation from the following Police Chiefs:

Fay Peek-Flushing Township
Joseph DeKatch-Flint Township
Bruce Howe-Grand Blanc Township
Clydell Duncan-City of Flint

The following people spoke in favor of the appointment of John Benthall as Police Chief and addressed his outstanding record with the City of Flint:

Joe Wilson-Chairman of the Selection Committee and County Sheriff
Bob Weiss-County Prosecutor
Fay Peek- Chief of Police-Flushing Township

Mayor Smiley then introduced Mr. Benthall.

Mr. Benthall said that he had worked in or has been in charge of every area in the Flint Police Department. He said that he and his wife have been driving around Burton looking at housing. He said he will give his all in the new job and appreciated the opportunity to serve as the City of Burton Police Chief. Mayor Smiley asked for the Council's support to confirm his appointment.

COMMITTEE REPORTS:

X Mr. Abbey asked that Ordinance 70(C) be repealed concerning the storage of guns as the Ordinance does not conform to state statutes.

X Mr. Abbey also said that he would have his committee look at the structure of the Planning Commission to be sure that it meets state statutes at his meeting on Tuesday May 19, 1992.

AUDIENCE PARTICIPATION:

X Vicky Brock, 4441 Robindale, complained about a front yard fence being constructed by a neighbor and advised Council that she had not been advised as required by ordinance. Mr. Major said he had put a stop order in as Mr. Stewart did not realize that the fences came under the zoning ordinance when the fences were put up on the sides of the yard leading to the front yard, and the failure to notify was an accident. Mrs. Brock complained that she would have to pay \$50 to take the matter before the zoning board when she was not the person putting up the fence. Mr. Martinbianco said that he would meet with the Mayor on the matter.

X Larry Brown, 3216 Berent, said he was opposed to zoning case #194 being approved as he does not want Industrial zoning on his street.

X James Hackney 4465 Robindale, complained about the asphalt breakup on his street and on Sunnydale. Mr. Martinbianco said that less tax monies are recieved by the City as gas consumption is down but that street repair will be looked at this week as it related to the new budget. Mr. Hammon said that monies will be put aside for the most severe cases. Mr. Major said that Robindale is on the list for sweeping and the loose asphalt will be picked up.

X Pauline Dargel, 6119 Hugh, noted that by Charter the Council has time to decide on the Police Chief. She asked about the Personnel Director also being referred to as an administrator. Mayor Smiley said that all his Department Heads are administrators along with their specific title. She asked a series of questions about Site Condos and how they fit in the zoning ordinance. Mr. Major said that single family site condos are single family housing in the ordinance. He said that Mr. Strasser will be asking for a change to the ordinance to clarify this point. Mr. Hamilton said that that it is easier to use the Condo Act over the Plat Act as the Plat Act is antiquated and the process is quicker in the Condo Act. Mrs. Dargel said that she will also be looking at the zoning ordinance as it relates to the \$50 fee being required of Mrs. Brock.

X Walter Bella, 1345 Ives, asked when the paving would take place for Ives. Mr. Major said the hearings are on schedule for September or October as soon as he could package it with other projects.

Stanley Rykulski, 2107 Casaloma, Flint said he was appealing the Planning Commission's denial of his request for lot splits. He said that no reason was given in the resolution. Mr. Martinbianco said he wanted to review it with the DPW and it would be an agenda item for the June 1st meeting.

COUNCIL DISCUSSION:

2X Mrs. Walls expressed concern on Mrs. Brock having to pay the \$50 to go before the Zoning Board. Mr. Hamilton said that Council has the authority to waive the fee. He said that they may want to waive the fee for this person and have a sub-committee look at the fee structure and make a modification. Mr. Cross said that the DPW is human and can make mistakes just like all of us.

X Mr. Cox again asked about the trailers being removed. He was advised by Mr. Major that they were cited today and now it is in the hands of the Courts.

Mr. Cross thanked the dignitaries for coming tonight and noted that Commissioner Ensley was also in the audience.

X Mr. Cross noted that no action had been taken on Zoning Case #195 of May 11, 1992 due to the cancellation of the meeting. Mr. Martinbianco said that the matter had been taken care of in the approval of the minutes resolution. Mr. Hammon asked if additional action needed to be taken. Mr. Hamilton said no.

X Mr. Cross asked why the Attorney and not the Assessor was certifying the signatures as it related to the Caon Zoning Case #194. Mr. Hamilton said that the issue comes under State Statutes and Mr. Lowthian would not have the expertise as he would have in Special Assessments. Mr. Hamilton said that his search of the deeds and the signatures did not produce the required 20% to force a 5 vote decision. Mr. Hamilton noted that Lorena Symonds was the only signatue for property owned by her and an Anthony Symonds which would disqualify that piece as part of the required 20%. Mr. Cross asked what the recommendation of the administration is. Mr. Major said that the area did have Industrial Zoning at one time and was rezoned so the residents could get mortgages. He said that the request was legitimate.

X Mayor Smiley noted that past appointments by the Mayor were brought to Council after the person was on board. He asked that the Council approve the appointment tonight so there would be no undue hardship on Mr. Brawner who has been acting Chief. The Mayor said that Mr. Benthall had to give a 30 day notice and if the Council did not approve the appointment tonight then Mr. Benthall would have to delay his retirement from Flint another 30 days. Mr. Abbey said that the credentials of Mr. Benthall were outstanding but that Council has not had enough time to review the candidates background.

Mr. Cox asked about the Entertainment Permit in item #4. Mr. Walworth said that that was sent to the Police Chief for his approval before coming to Council. Mrs. Zelenko noted that the approval form contained a reference to the entertainment permit as Contests. Mr. Abbey said he had talked to the owner and now that the alleys are covered up he will need to put in a second bar area. Mr. Abbey thought the request was o.k. to approve.

COUNCIL DISCUSSION ACTION:

Moved by Abbey, supported by Cross to add a first reading of ordinance 70-1(C) to the agenda. Motion carried 7-0.

Moved by Walls supported by Abbey to waive the fifty dollar fee for Vicky Brock 4449 Robindale, as it relates to her appeal to the Zoning Board concerning the c construction of a front yard fence at 4449 Robindale. Motion carried 7-0.

Moved by Cross supported by Walls to deny the Planning Commissions recommendation concerning zoning case #195. Motion failed 2-5 with Cross and Walls voting yes.

COUNCIL ACTION:

Walls moved and Hammon supported the following motion:

1. Approve and authorize the Attorney Billing from April 29, 1992 to May 13, 1992 in the amount of \$4,096.65.

Motion carried 7-0.

Abbey moved and Zelenko supported the following motion:

2. Approve and authorize a change in the Standard Street Lighting Contract with Consumers Power Company for the conversion at: 3129 Kleinpell, installation within the City, per the attached Consumer Power Work Order, from Incandescent to High Pressure Sodium.

Motion carried 7-0.

Cross moved and Walls supported the following motion:

3. Approve and confirm the Mayor's appointment of John D. Benthall as the City of Burton Police Chief.

Abbey moved and Zelenko supported the following motion: Table item #3 until the next regular meeting of the City Council on June 1, 1992.

Motion Carried 6-1, with Cross voting no.

Abbey moved and Zelenko supported the following motion:

4. Approve and authorize the request from Nightingale Gardens, Inc. for a new Entertainment Permit in conjunction with 1991 Class C licensed business with Dance Permit, located at 4403 Davison Rd., Burton, Michigan, Genesee County.

Motion carried 7-0.

Walls moved and Hammon supported the following motion:

5. Approve and authorize the setting of the 2nd Public Hearing for Zoning Case #196 for Monday, June 15, 1992 at 7:00 P.M. to rezone property described as Lot 331 of Lapeer Heights, from R-1B to C-1 for the purpose of commercial development. (Robert Rackel, 1323 Alberta, Burton, MI 48509)

Motion carried 7-0.

FIRST READING OF AN ORDINANCE:

Abbey moved and Walls supported the following motion:

Approve and authorize the First Reading of Ordinance No. 70-1(C), repealing Ordinance No. 70 (C) in reference to licensing Firearms Dealers and regulating the storage of firearms and ammunition within the City of Burton.

Motion carried 7-0.

SECOND READING OF AN ORDINANCE:

Hammon moved and Zelenko supported the following motion:

1. Approve and authorize Zoning Case #194 to rezone property at the northeast corner of Kleinpell and Iron Streets. Lots 125-127 and Lots 156-158 of Holland Heights, from R-1C to M-2 for compliance with the existing use of the property. (Joe Caon, 5103 E. Atherton Rd., Burton, MI 48519)

Motion carried 6-1, with Cross voting no.

Meeting adjourned at 8:50 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/jb