CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JUNE 5, 1995, 7:30 P.M., COUNCIL CHAMBERS

INVOCATION AND PLEDGE OF ALLEGIANCE IS LED BY KEITH COX, COUNCIL PRESIDENT.

The Meeting was called to order by Keith Cox, President, at 7:35 P.M.

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

Members Absent: Zelenko.

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

Cross moved and Abbey supported the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of May 15, 1995 at 7:30 P.M., as printed. Motion carried 6-0.

ADMINISTRATIVE REPORT:

President Cox said that the blank in item #6 has been determined as .027.

No administrative report was given.

COMMITTEE REPORTS:

Mr. Abbey said the Legislative Committee had met and the Code of Ethics has been modified for a first reading next meeting.

Mr. Martinbianco said the Ordinance on curbstoning was ready for a first reading, at the next meeting, as given to the Council tonight. He said this was a first step in handling the sale of items on vacant lots. He said there would be another first reading as the one last year has had major changes since then.

Mr. Abbey said that the changes in Ordinance 19 Section 5.37, addressing notification, would go directly to Planning for their review and recommendation to Council.

AUDIENCE PARTICIPATION:

Jim Townsend, 2051 Covert, asked for a report on what is happening with the roller rink. Mr. Hamilton said there has been a change of ownership and there were violations last weekend on "Do Not Occupy".

Mr. Major said the property was tagged for no occupancy until there is a site plan review. He said the matter may need to go to court if they continue to violate the order. Mr. Townsend wanted the neighbors notified when Planning takes up the issue. Mr. Major said he will let Mr. Townsend know in plenty of time so he can let the neighbors know. Mr. Cox also asked to be advised when the matter is to be taken up by Planning.

Mr. Townsend wants the community notified when a matter of concern to the community comes before the Planning Committee.

Mr. Cox said he would take the matter under advisement.

Mr. Major said that he is also studying the matter.

Luden Cills, 1254 Arrowhead, asked about item #6 and the added tax. Mr. Cox said the Public Hearing is to allow the Council to levy taxes at the same level as last year.

Mr. Martinbianco explained the truth-in-taxation procedures to Mr. Cills.

Theda Norman, 6053 Pearl, wanted to know what the Council planned to do about the water request. She also asked about the developments getting water. Mr. Cox explained the difference between her request and the requests of subdivision developers.

Mr. Major said it would take one year to go through the special assessment procedure. He said the three ways are 1. cash up front 2. special assessment and 3. CD monies which would not apply in this case.

Christine Hyman asked about a water hookup and how it could be paid.

Mr. Major said he thought it was feasible to do the project and all 10 owners would pay about the same.

Mr. Cox said the agenda items would require the City to come up with the funds and then install, with no guarantee of when pay backs would come.

Susan Layman, 1079 Arrowhead, said they are still having a problem on speed limit enforcement.

Mr. Martinbianco asked if she had called the Mayor. She said she was speaking for a neighbor who could not be in attendance tonight.

Mr. McArdle said he and the Mayor had met with the Police Chief and a procedure has been developed for patrolling and the appropriate people would be notified. It was suggested that the license plat be noted and a complaint filed if possible. Mr. Cox asked that Mrs. Layman's neighbor be notified on the process.

COUNCIL DISCUSSION:

Mr. Abbey said he had a memo from Mr. Lowthian concerning the EDC guidelines for the IDD's. He said he will put the matter on the next legislative agenda.

Mr. Martinbianco asked about a weed cutting need at Grand Traverse and Bristol. He also asked about resealing and what the road commission is doing to improve the roads in Burton.

Mr. Major said that Tom Long would like to resolve the Belsay Road Bridge issue.

Mr. Martinbianco said that the next administration may need to address the potential new gas tax monies and who will get what.

Mr. Cross said that the vacant lot at Donovan and Grand Traverse needs to be cut.

Mr. Major said this was not a city lot but he would get at it.

Mr. Martinbianco asked what the next step would be on the sale of lots that are left.

Mr. Hamilton said they can accept offers at anytime for Council approval. He said it was a policy issue, not an ordinance problem. He suggested flyers in the area, as this seems to be where the buyers are at.

Mr. Major asked if they wanted to lower the price again. It was agreed that a further reduction at this time should be pursued.

Mr. Martinbianco said he wanted to discuss items # 7 and 8 when they come up and that there is a budget session tomorrow night.

Mrs. Walls said she wants the Council to consider putting two more members on the zoning board, as some issues require 5 votes and only four or five show up.

Mr. Cox said they may have to address the absentee issue.

Mr. Hammon noted that Mr. Gooding has resigned and they need a replacement as soon as possible.

Mr. Hamilton said the law addresses that zoning must be more than x number, but does not think there is a restriction the other way. He will check into the matter.

Mr. Martinbianco said he was glad he had a chance to talk to Mrs. Norman on the issue of item #7. He said he thought the issue could have been addressed before now by the administration.

Mr. Cross said that Mrs. Norman came to the DPW last February and wanted to know why she was not given petitions to circulate.

Mr. Abbey asked how long a special assessment would take. Mr. Major said one year.

Mr. Cox thought it was a highly unusual agenda item.

Mr. Major said the State does not want community wells started when water is in an area. He said that they would be pumping money (no pun intended) back into the water system.

Mr. Martinbianco asked why an 8 inch pipe. Mr. Major said the cost is so close that they use an 8 inch so they can add to it later.

Mr. Martinbianco asked why they had to go through an engineering firm and not do it in house. Mr. Major said they might save some money but the State will require a seal for certification.

Mr. Martinbianco asked if they could create a separate district that was unique by $25. Hamilton said it could be done by resolution.

Mr. Major suggested they consider a contract with these people and get a 100% agreement.

Mr. Hamilton said the bond issue was only to get the funds and they could enter into a contract.

Mr. Hammon asked if there were any other community wells in the City. Mr. Major said he did not know.

Mr. Hammon said this is a unique situation and other requests would be different.

Mr. Martinbianco asked if Mr. Hammon was supporting a mandatory tap in. Mr. Hammon said the Council could not force anyone to tap in.

Mrs. Walls asked if they would be allowed to drill another well if water was available. She was advised that no one can be forced to hook up under this situation and it is not like a new development.

After a lengthy discussion on the issue the Council proceeded with a vote.

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 Martinbianco, supported by Cross to have the administration draw up a resolution to decrease the sale price on the properties left by another 25% for Council action at the next regular meeting. Motion carried 6-0.

COUNCIL ACTION:

Cross moved and Abbey supported the following motion:

1. Approve and authorize the Attorney Billing from May 10, 1995 to May 31, 1995 in the amount of $4,060.50.

Motion carried 6-0.

Hammon moved and Martinbianco supported the following motion:

2. Approve and authorize Sanitary Sewer Installer's License for Dave Throop, dba Throop, Inc., 10704 S. Center Rd., Grand Blanc, MI 48439.

Motion carried 6-0.

Abbey moved and Walls supported the following motion:

3. Approve and authorize Sanitary Sewer Installer's License for Flavins Loren, dba F. J. Loren & Sons, 8467 S. Jennings Rd., Fenton, MI 48430.

Motion carried 6-0.

Walls moved and Cross supported the following motion:

4. Approve and authorize Watermain Installer's License for Flavins Loren, dba F. J. Loren & Sons, 8467 S. Jennings Rd., Fenton, MI 48430.

Motion Carried 6-0.

Martinbianco moved and Cross supported the following motion:

5. Approve and authorize the acceptance of an application from Flint Riggers & Erectors, Inc., for the establishing of an Industrial Development District and setting the date of July 10, 1995, at 7:00 p.m., for a public hearing to consider the application.

Motion carried 6-0.

Walls moved and Abbey supported the following motion:

6. Approve and authorize the calling of a public hearing on June 19, 1995, at 6:45 P.M., for the purpose of considering the proposed additional .027 mill to be levied for General Fund Operating purposes on the 1995 tax roll. This hearing is pursuant to Act 5, P.A. of 1982, as amended.

Motion carried 6-0.

Martinbianco moved and Hammon supported the following motion:

7. Approve and authorize the construction of an 8" public municipal water system for Pearl Street (Belsay Road to Blanch Avenue), Section 13, at an estimated project cost of $37,000.00 (DPW Job #95-006-W).
   Motion failed with Hammon voting yes as follows: Cox, no; Martinbianco, no; Cross, no; Walls, no; Abbey, no and Hammon, yes. Motion failed 1-5.

Moved by Hammon and died for lack of a support as follows:

8. Approve and authorize the transfer of $37,000.00 from the 1994/1995 Water Department/Unappropriated Surplus Account to DPW Job #95-006-W, subject to reimbursement through the collection of a front foot fee, in addition to the mandatory tap-in and meter/inspection fee.

Meeting Adjourned at 9:40 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml