

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JUNE 17, 1991, 7:30 P.M., COUNCIL CHAMBERS

INVOCATION AND PLEDGE OF ALLEGIANCE IS LED BY COUNCILWOMAN WALLS.

This Regular Meeting was called to order by Council President Cross at 7:30 P.M.

Members Present: Abbey, Card, Cross, Hammon, Martinbianco, Smiley and Walls.

Members Absent: None.

Others Present: Mayor Jane L. Nimcheski; W. Walworth, City Clerk; B. Becker, Treasurer/Controller; D. Lowthian, Assessor; S. Perez, Purchasing Agent; C. Sanford, Fire Chief; A. James, Administrative Assistant and J. Major, Assistant DPW Director.

Card moved and Martinbianco supported the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of June 3, 1991 at 6:30 P.M.; Special Meeting of June 3, 1991 at 6:45 P.M.; Special Meeting of June 3, 1991 at 7:00 P.M. and Regular Meeting of June 3, 1991 at 7:30 P.M., as printed. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Nimcheski advised the Council that she had given them a letter from Senator Cherry concerning their resolution opposing Senate Bill 271. She said she also had the job descriptions they had asked for in the budget workshops.

The Mayor said she would answer any questions they might have concerning the resolution on the agenda concerning the recaptured Community Development Block Grant monies.

AUDIENCE PARTICIPATION:

X Sherry Conklin, 1114 Rinn, expressed concern on the complaints raised against her by a neighbor. She also wanted to know what the regulations were on fencing a pool with a removable ladder.

X Dawn Jordan, 1096 Rinn, also asked about the regulations on pools and complained about the neighbor using barbed wire fencing.

X Bud LeGrande, 2105 E. Buder, complained about the taxes on his property, the Schramn Drain interest monies and the initial monies expended on paving project. He asked for information on the expenditures of the police millage.

John Stapish, 5160 E. Atherton, asked a series of questions on most of the items on the agenda. He was also concerned about the ordinance accessing penalties for no insurance.

X Beverly Grush, 5082 Kendall, asked Mr. Major if she could purchase a Compiled Ordinance Book. She was told she can pick it up at the DPW.

Fred Perkins 4349 Woodrow complained about increases in fees such as the rubbish removal fee. He also wants more of a voice in the discussion of the agenda.

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Jim Townsend, 2051 Covert Rd., commented about taxes and how they are accessed. He asked about the rubbish fee and noted that Council is the legislative body of the City.

X Jean Morgan, 1462 Merle, wanted to be able to comment during the Council actions section of the agenda. She also complained about the process of the paving projects and wants it done by front footage and not buildable lots.

X Christine Wachendorfer, 2185 E. Boatfield, asked a series of questions on paving project procedures.

X Gary Jackson, 5606 Lippincott, wanted to get a lot split but his case was postponed from the Planning Commission and he was referred to the City Council. After a lengthy discussion, Attorney Hamilton said the Council had the right to waive Ordinance 45 and issue a building permit to build on land that is not serviced by a public road. Mr. Hamilton recommended that before the Council acts, that Mr. Jackson give them assurances on the maintenance of the right of way and the permission of the owners for him to use their right of ways. He also needs permission of his parents to split the lots into two ten acre parcels. Mr. Jackson was advised that Mr. Strasser could give Mr. Jackson the information on the property owners involved in the right of way.

Mr. Cross said that Mr. Jackson could request to be put on the agenda of a regular meeting after he has obtained all the materials suggested by the Attorney.

COUNCIL DISCUSSION:

Mr. Cross read a letter awarding \$1,080 from the Commission on Services to the Aging for ceiling fans for the Burton Senior Citizen Center.

Mr. Smiley asked the Attorney about regulations on in and out of ground pools.

Mr. Hamilton said he did not know the difference in the rules for pools.

X Mrs. Walls said she would not be voting for the rubbish increase as she felt it was a hardship on the seniors and minimum wage households.

Mr. Smiley expressed concern on the 400 missing rubbish collection locations.

Mayor Nimcheski said that this was discussed at length during the budget workshops and the administration has and will continue to do extensive research to identify the number of stops. One problem noted was identifying duplex and three apartment dwellings that have not been declared.

Mr. Becker said that if the Council did not pass the \$95 fee that there would be a short fall of \$77,920 in the 1991-92 budget which had to be made up somehow that evening, as the budget had to be passed at a regular meeting in June.

After a lengthy discussion on the reconsideration rubbish fee motion, Mr. Hamilton said that if everyone on Council understood the compound reconsideration motion and no Council member objected, then the compound motion was in order.

X Mr. Smiley said that the new ordinance (81C) should come to the Legislative Committee before the first reading before Council.

Mr. Hamilton said that the request was made by the police department to deal with violations of people who do not have insurance on a vehicle.

COUNCIL ACTION:

Hammon moved and Card supported the following motion:

1. Approve and authorize the Attorney Billing from May 29, 1991 to June 7, 1991 in the amount of \$2,681.25.

Motion carried 7-0.

Card moved and Abbey supported the following motion:

2. Approve and authorize the allocation of recaptured Community Development Block Grant Monies in the amount of \$10,308.00 to Street and Sidewalk Improvements.

Motion carried 7-0.

Martinbianco moved and Hammon supported the following motion:

3. Approve and authorize transfer of funds of \$50,000 from the Police Fund to Capital Improvements-Police Vehicles and Equipment.

Motion carried 7-0.

Card moved and Abbey supported the following motion:

4. Approve and authorize transfer of funds of \$25,000 from the Fire Department to Capital Improvements-Fire Vehicle, Station Improvements and Equipment.

Motion carried 7-0.

Martinbianco moved and Card supported the following motion:

5. Approve and authorize transfer of funds of \$3,500 from the Election's Department to the Clerk's Department.

Motion carried 7-0.

Walls moved and Abbey supported the following motion:

6. Approve and authorize the 1990-1991 debt service budgets for the special assessment district P-89-3 Lapeer Heights, P-89-5 Dixel Park, P-89-6 Garden Acres and P-90-1 Killarney Park #2.

Motion carried 7-0.

Walls moved and Card supported the following motion:

7. Approve and authorize transfer of funds of \$1,000 from Sewer Debt-Contingency to Sewer Debt-Agent Fees.

Motion carried 7-0.

Martinbianco moved and Hammon supported the following motion:

8. Approve and authorize the following tax millages and fees to be levied for the 1991-1992 fiscal year:
General Operating (base tax rate) 4.919 mills; Voted Police (base tax rate) .9838 mills; Sewer Bond Debt Retirement 2.75 mills; a \$93.00 dollar rubbish removal fee on all residential improved parcels and those other parcels that utilize the service; a Property Tax Administration Fee of 1% on all tax statements and an additional 4% late penalty charge when delinquent.

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Walls moved and Card supported the following motion:

Amend the previous motion to vote on each item separately.

Motion carried 6-1 with Martinbianco voting no.

Card moved and Walls supported the following motion:

8-A. Approve and authorize the General Operating (base tax rate) 4.919 mills.

Motion carried 7-0.

Martinbianco moved and Abbey supported the following motion:

8-B. Approve and authorize Voted Police (base tax rate) .9838 mills.

Motion carried 7-0.

Martinbianco moved and Card supported the following motion:

8-C. Approve and authorize Sewer Bond Debt Retirement 2.75 mills.

Motion carried 7-0.

Martinbianco moved and Hammon supported the following motion:

8-D. Approve and authorize a \$93.00 dollar rubbish removal fee on all residential improved parcels and those other parcels that utilize the service.

Motion failed 3-4 with Card, Cross, Smiley and Walls voting no.

Walls moved and Card supported the following motion:

8-E. Approve and authorize changing the \$93.00 dollars to an \$85.00 dollar rubbish removal fee on all residential improved parcels and those other parcels that utilize the service.

Motion carried 4-3 with Abbey, Hammon and Martinbianco voting no.

Martinbianco moved and Walls supported the following motion:

8-F. Approve and authorize a Property Tax Administration Fee of 1% on all tax statements.

Motion carried 7-0.

Walls moved and Martinbianco supported the following motion:

8-G. Approve and authorize an additional 4% late penalty charge on all tax statements when delinquent.

Motion carried 6-1 with Abbey voting no.

8-H. See motion on Page 6 after Item #19.

Martinbianco moved and Walls supported the following motion:

9. Approve and authorize General Operating additional millage rate, Act 5 levy of .081 mills for the 1991-1992 fiscal year (Total General Operating Millage 5.0 mills).

Motion carried 7-0.

Card moved and Hammon supported the following motion:

10. Approve and authorize Voted Police additional millage rate, Act 5 levy of .0162 mills for the 1991-1992 fiscal year (Total Voted Police Millage 1.0 mills).

Motion carried 7-0.

Martinbianco moved and Hammon supported the following motion:

11. Approve and authorize budget amendment #1 to the City of Burton 1991-1992 fiscal year budget and to incorporate the said amendment into the City of Burton 1991-1992 fiscal year budget.

Motion carried 7-0.

Martinbianco moved and Walls supported the following motion:

12. Approve and authorize budget amendment #2 to the City of Burton 1991-1992 fiscal year budget and to incorporate the said amendment into the City of Burton 1991-1992 fiscal year budget.

Motion carried 7-0.

Martinbianco moved and Walls supported the following motion:

13. Approve and authorize budget amendment #3 to the City of Burton 1991-1992 fiscal year budget and to incorporate the said amendment into the City of Burton 1991-1992 fiscal year budget.

Motion carried 7-0.

Card moved and Martinbianco supported the following motion:

14. Approve and authorize budget amendment #4 to the City of Burton 1991-1992 fiscal year budget and to incorporate the said amendment into the City of Burton 1991-1991 fiscal year budget.

Motion carried 6-1 with Smiley voting no.

Hammon moved and Card supported the following motion:

15. Approve and authorize the Burton City Budget for all General Appropriation Act Funds for the 1991-1992 fiscal year (pages 12-79) and that the Burton City Budget be adopted on a departmental basis.

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

Card moved and Walls supported the following motion:

16. Approve and authorize a millage levy (base tax rate) of 1.94 mills for the Downtown Development Authority in the affected district.

Motion carried 7-0.

Martinbianco moved and Card supported the following motion:

17. Approve and authorize the proposed 1991-1992 fiscal year Downtown Development Authority Budget.

Motion carried 7-0.

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Martinbianco moved and Card supported the following motion:

18. Approve and authorize transfer of funds up to \$18,500 from General Fund-1990-1991 Surplus to P-89-4 Wilmar/Farmcrest Construction to balance accounts at year end.

Motion carried 7-0.

Card moved and Martinbianco supported the following motion:

19. Approve and authorize transfer of funds up to \$20,500 from General Fund-1990-1991 Surplus to P-89-7 Forest Construction, to balance accounts at year end.

Motion carried 7-0.

Card moved and Walls supported the following motion:

- 8-H. Approve and authorize reconsidering the \$85.00 dollar Rubbish Removal Fee and set a \$93.00 dollar Rubbish Removal Fee on all residential improved parcels and those other parcels that utilize the service.

Motion carried 4-3 with Cross, Smiley and Walls voting no.

FIRST READING OF AN ORDINANCE:

Card moved and Walls supported the following motion:

1. Approve and authorize First Reading of Ordinance No. 81 (C) making it illegal to operate a motor vehicle in the City of Burton without the mandatory insurance as required by the State of Michigan, and authorizing the impounding of any vehicle for violation thereof.

Motion carried 7-0.

Meeting Adjourned at 10:02 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml