

CITY OF BURTON
REGULAR COUNCIL MEETING AGENDA
JULY 6, 1992, 7:30 P.M., COUNCIL CHAMBERS

INVOCATION AND PLEDGE OF ALLEGIANCE WAS LED BY COUNCILMAN CHARLES ABBEY.

This Regular Meeting was called to order by Tom Martinbianco, Chairman, at 7:30 P.M.

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

Members Absent: Abbey.

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

Cross moved and Zelenko supported the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of June 15, 1992 at 7:00 P.M. and Regular Meeting of June 15, 1992 at 7:30 P.M., as printed. Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mayor Smiley requested an executive session to discuss pending litigation. He said the City had installed a blue light to indicate if someone needed to be let in the back door due to a handicap. He also stated that a sign has been posted to be sure the door is left unlocked. The light was installed in case the door is locked.

COMMITTEE REPORTS:

None.

AUDIENCE PARTICIPATION:

Walter Bellah, 1345 Ives, expressed a concern about cars pulling into the left lane from the right side of two vehicles at a stop light. The Police Chief will look into the matter and the Council President asked for a report by the next meeting.

Mr. Bellah complained about mail boxes being hit. He thanked the Council for their treatment and suggested a special meeting be advertised and held elsewhere for handicap and others to observe.

Jim Townsend, 2051 Covert, asked the Council to consider the other side of the problem presented by Mr. Bellah, as some cars in the left lane are turning left which would cause people to go to the right lane.

Peggy Goodall, 6404 E. Potter, complained about the water problems that could get worse by the new homes in Brian Creek Estates. She wanted some assurances that they would not be adversely affected.

X Gary Clase, 6426 E. Potter, said his pump goes on every 30 seconds and will lose his basement if storm sewers are not installed for the new houses.

Mr. Hamilton said that the developers are required to handle the water problems before building so that the adjoining property owners are not adversely affected.

X Mr. Major said the master storm drain plan was not in yet and he would be checking it before they could proceed. He said he believed that it would be open ditching.

Mr. Hammon noted that the problems in Eastgate were decreased after the new homes went in, due to the new storm drains. He said that Kraft Engineering's plans in the Potter Road area should not cause a bigger problem and may, in fact, help with the water problem in that area.

Mr. Hamilton explained the differences between lot splits, site condos and the plat act.

Mr. Martinbianco asked if the site condo act was a state act. Mr. Hamilton said yes and he is preparing an ordinance for the legislative committee to address this issue.

Jane Nimcheski, 2429 N. Genesee, asked about the transfer of monies for Ordinance 68-17 C and the increase of \$1,200 to opt out of the City hospitalization plan. Mr. McArdle replied he had spoken with the unions about a survey to see how much money could be saved by encouraging employees to go on a plan outside the City. He said that the auditors had suggested this amount to encourage these possible savings.

X Pauline Dargel, 6119 Hugh, raised the issue of protocol and encouraged the Council to have the legislative committee address issues like the site condo act before coming to Council. She asked that the Council allow discussion by the audience on motions occurring after audience participation. She also felt that the Attorney hiring should have been handled differently since it was advertised.

COUNCIL DISCUSSION:

Mr. Hammon said that he was recommending a change in the Attorney fee so that the ordinance does not get behind present market amounts which would force the Council to raise the amount significantly in the future.

Mrs. Walls asked, that in the future, this be done during budget discussions.

X Mr. Cox asked about the site plan review for the Potter Rd. area. He was assured that when it came in, it would be reviewed for possible future water problems.

Mr. Cross asked if it was a natural creek or man made. He was advised it was a natural water course.

Q Mr. Cox asked if item #3 included the remaining part of Burton that was without sewers. He was advised yes.

Mr. Major said the project includes Grand Blanc and he had not heard from them as yet. He said he would come back to Council if there was a problem with Grand Blanc's participation.

Mr. Martinbianco set a special meeting for July 20, 1992 at 7:00 p.m. to interview the two applicants for the ZBA appointment. He asked the Clerk to advise them of the meeting.

He also commended the Mayor and staff for their work on the 20th Anniversary program.

Mayor Smiley said the dunk tank raised \$316 for Easter seals.

COUNCIL DISCUSSION ACTION:

Moved by Cross, supported by Walls to go into a closed session after the second reading of ordinances, item #2, under Section 8(e) of the Open Meetings Act. Motion carried 6-0 with a roll call vote.

Moved by Hammon, supported by Walls to amend the second reading of ordinance 68-17C, Section 7 to read \$80.00 per hour instead of \$75.00 per hour for the Attorney fee. Motion carried 5-1 with Cross voting no.

Moved by Cox supported by Hammon to:
Authorize the law firm of Plunket-Cooney to settle the pending litigation Myott v Burton, according to the recommended settlement, including the provisions for non-disclosure. Motion carried 6-0

COUNCIL ACTION:

Cox moved and Zelenko supported the following motion:

1. Approve and authorize the Attorney Billing from June 9, 1992 to June 29, 1992 in the amount of \$3,028.05.
Motion carried 6-0.

Hammon moved and Zelenko supported the following motion:

2. Approve and authorize the Clerk to sign an agreement between Genesee County and the City of Burton, stating that the monies to meet the principal and interest requirements and all bond obligations for water and sewer facilities will be secured from the following funds:

Funds already available	\$ 5,071.68
Tap-In Fees to be Collected	-0-
Funds from Monthly Rates for Services	-0-
General Fund	232.75
Ad-Valorem Levy	\$ 957,000.00
Other	<u>\$ 372,653.00</u>

Grand Total	\$1,334,957.43
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Motion carried 6-0.

Cross moved and Walls supported the following motion:

3. Approve and accept the low bid of Palmar Enterprises, Inc. of 6425 Gratiot Avenue, St. Clair, MI 48079 in the amount of \$618,528.00 for the construction of the 1992 City of Burton/Charter Township of Grand Blanc Sanitary Sewer Program, City Contract #37, Divisions A-F (City DPW Job #90-003-SS); Maple Avenue from Center Road to Belsay Road and adjacent laterals, contingent upon compliance with Section 1.02.01A (Competency of Bidders) in the City of Burton Supplemental Specifications (pg. SS-2) of the Standard Contract Documents and approval of the City/Township Attorneys and City/Township DPW Directors/Superintendents.
Motion carried 6-0.

Hammon moved and Zelenko supported the following motion:

4. Approve and authorize transfer of funds of \$11,420.00 from General Fund-Contingency to provide funding for non-charter, non-union personnel wage and fringe benefits and those covered by Ordinance No. 68-17 (C) for the fiscal year 1992-1993, contingent upon passage of Ordinance No. 68-17 (C).
Motion carried 6-0.

SECOND READING OF ORDINANCES:

Walls moved and Hammon supported the following motion:

1. Approve and authorize the 2nd Reading of an Ordinance for Zoning Case #196 to rezone property described as Lot 331 of Lapeer Heights, from R-1B to C-2 for the purpose of commercial development. (Robert Rackel, 1323 Alberta, Burton, MI 48509)
Motion carried 6-0.

Hammon moved and Walls supported the following motion:

2. Approve and authorize the 2nd Reading of an Ordinance amending Ordinance No. 68-16 (C) being an ordinance establishing compensation for Administrative Officers of the City of Burton, as amended above concerning the Attorney fee.
Motion carried 6-0.

Council adjourned for an Executive Session at 8:25 P.M. and returned at 8:42 P.M.

Meeting Adjourned at 8:45 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml