CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JULY 6, 1998, 7:30 P.M., COUNCIL CHAMBERS

INVOCATION AND PLEDGE OF ALLEGIANCE IS LED BY COUNCIL VICE PRESIDENT TED HAMMON.

The Regular Meeting was called to order by President, Ted Hammon at 7:30 P.M.

MEMBERS PRESENT: Centilli, Cox, Cross and Hammon.

MEMBERS ABSENT: Martinbianco, Walls and Zelenko.

OTHERS PRESENT: Mayor Charles Smiley; Attorney Richard Hamilton; H. Throop, Street Supervisor and G. Webster, City Clerk.

Cox moved and Cross seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Meetings of June 15, 1998 at 7:15 P.M and 7:30 P.M. and Regular Meeting of June 15, 1998 at 7:30 P.M.; Special Meetings of June 29, 1998 at 6:00 P.M., 6:15 P.M., 6:30 P.M. and 6:35 P.M., as printed. Motion carried 4-0.

ADMINISTRATIVE REPORT:

Mayor Smiley announced that the Parks and Recreation meeting was canceled for Wednesday, July 8, 1998. Also, the Regular Council Meeting of August 3rd will begin an hour earlier, at 6:30 P.M.

The Mayor requested Items 4, 6 and 7 be removed from the agenda due to the lack of Council members present to act on these issues. He would like them rescheduled for the next regular council meeting of July 20th.

He reported that the Court Street Area Block Club met to discuss the potential of a new Lowe's and Pep Boys being built in the area. The Mayor is having on going conversations with Lowe's in regards to this issue.

In reference to Item #5, Mayor Smiley explained the circumstances in regards to the removal of parking signs on Carman St. He referred to a memo sent to him by Howard Throop, stating that an error had been made in issuing a no parking signs to the South side of Carman St. The resolution would rescind previous Council action to install the signs.

Mr. Throop said the procedure followed on Carman Street, from Grand Traverse east, for the first three adjoining properties, was done through the 100% petition process. However, during the paving process, residents paid for wider roads, curbs and gutters to allow for parking on the south side of the road. He was available for further comments.

Mr. Hammon, as chair, removed items 4, 6 and 7 due to the lack of Council members present to transfer funds. He would like them to be rescheduled to the next regular council meeting of July 20, 1998.

COMMITTEE REPORTS:

Mr. Cox said a Finance meeting was held to discuss Item #6, the transfer of funds for Meadowcroft Subdivision-Street Reconstruction. He will address this topic at the next meeting, because Item #6 was removed from the agenda.

Mr. Cross said the Legislative committee will address the Fireworks Ordinance in the near future when the Fire Chief returns from vacation.

AUDIENCE PARTICIPATION:

Bruce Kimosh, 1413 Carman St., spoke in opposition to Item #6. He would like to have no parking signs near the corners on Carman St. due to safety hazards of parking on the road. He presented a petition to prohibit parking within 150 feet of the corner.

Bob Taylor, 1424 Carman St., was in favor of Item #6. He opposed no parking signs and suggested a watch for children sign could be posted. He presented a petition to allow parking on Carman St. He commented on the Day Care located at 1343 Carman.

Lisa Windsor, 1310 Carman St., would like no parking signs for the safety of the children. She would like to see a slow children playing sign added to the street.

Tom Daly, 1155 N. Belsay Rd., commented on Daly Farm/ Alvanche Dr. issue in regards to a recent newspaper article. He will have legal counsel present at the July 20th Council Meeting to address this issue.

Sherry Sherman, 1315 Carman St., opposed no parking signs. She paid to park on the south side of the street and wants to continue to do so. She thinks a slow children sign would be appropriate.

Catherine Nelson, 1323 Carman, opposed no parking signs.

Phil Paliani, 2313 Deer Hallow, said there was a problem with roads and the ditches in his subdivision. He wants the developer, Mr. Sabo, to make the needed repairs.

Mr. Hamilton said discussion was held with Mr. Sabo and he plans on making repairs.

Mayor Smiley said street and ditches are to be fixed at Sabo's cost. Also, a dumping problem will be resolved.

Mr. Cross asked about the street lighting.

Mr. Paliani said the street lighting is completed.

Mrs. Dargel, 6119 Hugh, commented on notices, a previous FOIA request and MISHDA funding in regards to a senior housing project.

Mr. Hamilton said the special assessment notice was an intent to issue bonds notice.

Mrs. Webster will research the special assessment notice and provide Mrs. Dargel with more details.

The Council has received information in regards to Mrs. Dargel's past FOIA request.

Linda Burris Croley, 6223 Crabtree Lane, commented on potential problems with the Parks and Recreation Plan. She opposes the Kelly Lake project.

Jan Bowen, 1169 Howe Rd., opposes the Kelly Lake project. She spoke on potential problems with the Park and Recreation Plan and Daly Farm/Avalanche Drive.

COUNCIL DISCUSSION:

Mr. Cox said at the present time, Mrs. Zelenko has only proposed a few park benches and a small parking lot for Kelly Lake. He had some concerns on the Daly Farm/Avalanche Dr. issue. He asked the attorney if there was any pending litigation on the matter.

Mr. Hamilton said a legal representative for Mr. Daly will be present at the next Council meeting to discuss this issue. There is no pending litigation.

Mr. Cox asked what authority the Council had in this matter.

Mr. Hamilton said the determination will need to be made if it is a legislative or an administrative decision to be made.

Mr. Centilli said Daly Farm Dr. was a private street when the city took over. There was a request made to the DPW, by the developer, to name the street Avalanche. The City took the street over and renamed it.

In reference to millage remarks, Mr. Centilli said a millage would need to be voted on by the people. It could not be imposed without a vote of the people.

In regards to Kelly Lake, Mr. Centilli said plans for Kelly Lake include a road and some benches. There are no intentions of disturbing the wetlands.

Mr. Centilli asked about the prospect of reconstruction on Maple, Vassar and Genesee roads. He wanted to know if the city had more information in regards to taking over the county secondary roads. He hoped the road improvements could be made this year.

The Mayor would like to take over county secondary roads. The attorney will be meeting with neighboring communities to see if they are willing to contribute to restoration of these roads. We would need to pay 50% of the reconstruction cost and later provide general street maintenance to these roads. He would like to see the work done this year.

Mr. Hamilton has met with Davison and Grand Blanc. They are willing to participate in reconstruction and street improvements.

Mr. Centilli read a letter the Mayor received from Mr. Arkan Jonna, Rite Aide developer. Mr. Jonna thanked the City of Burton for being courteous, efficient and professional during the development process.

Mr. Cross commented on resolving crime issues with Briar Creek. The block club, Chief Benthall, Mr. Downer and Mr. Cross are providing input on this issue.

Mr. Cross said Lowe's is a good store chain and Burton would be fortunate to have it locate in the city. He would like the Mayor to keep Council informed on any further development with the project.

In reference to Carman St., Mr. Cox said the parking situation had been determined by the DPW. However, there might be an ordinance stating the parking distance from an intersection.

Mr. Throop gave clarification on the Carman St. parking issue. A children playing sign could be installed. All no parking signs will be removed.

Mr. Hamilton suggested that intersection limitations would be found in the vehicle codes.

Mr. Cox requested we research parking restrictions for intersections.

COUNCIL ACTION:

Cox moved and Centilli seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from June 11, 1998 to July 1, 1998, in the amount of $2,471.00.

Motion carried 4-0.

Centilli moved and Cross seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from June 11, 1998 to July 1, 1998, in the amount of $2,460.50.

Motion carried 4-0.

Centilli moved and Cox seconded the following motion:

3. Approve and authorize the Mayor and Clerk to execute Exhibits A & B on behalf of the City of Burton and its City Council for sanitary sewer projects, DPW Job #98-004-SS, authorized in the 1997/98 Budget with engineering fees of $12,255.00 with an estimated construction cost of $146,500.00, with contingency and inspection, for a total project cost of $188,000.00 as budgeted.

Motion carried 4-0.

Removed due to the lack of Council members present for money transfer. Add to Regular Council Agenda, July 20, 1998.

4. Approve and authorize the Controller/Treasurer to transfer $188,000.00 from the 1998/99 Sanitary Sewer Contingency Fund to DPW Project #98-004-SS.

Cross moved and Centilli seconded the following motion:

5. Approve and authorize the rescinding of Traffic Control Orders for Carman Street from Grand Traverse to the east lot lime of 1324 Carman Street, on the south side, relative to a no parking zone.

Motion carried 4-0.

Removed due to the lack of Council members present for money transfer. Add to Regular Council Agenda, July 20, 1998.

6. Approve and authorize recommendation to City Council to transfer $100,000.00 from General Fund Contingency to Local Street - Meadowcroft Subdivision Street Reconstruction.

Removed due to the lack of Council members present for money transfer. Add to Regular Council Agenda, July 20, 1998.

7. Approve and authorize transfer of funds of $21,800.00 from various fund contingencies to salaries and fringes to finance the recent AFSCME contract amendment.

Cross moved and Centilli seconded the following motion:

8. Approve and authorize the issuance of a permanent Traffic control Order for east and westbound Carman Street traffic to stop at Morrison Street.

Motion carried 4-0.

Cox moved and Centilli seconded the following motion:

9. Approve and authorize the issuance of a permanent Traffic Control Order for east and westbound Kenneth Street traffic to stop at Morrison Street.

Motion carried 4-0.

Meeting Adjourned at 8:45 P.M.

Gayle Webster
City Clerk

GW/cml