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

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

The Meeting was called to order by Keith Cox, President, at 7:37 P.M.

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

Members Absent: Absent.

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

Zelenko moved and Hammon supported the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of July 24, 1995 at 7:00 P.M.; Regular Meeting of July 24, 1995 at 7:30 P.M. and Special Meeting of July 31, 1995 at 7:00 P.M., as printed. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mr. McArdle reported that the City has collected over $5,400 from individual contributions. He said the Police DARE grant is $33,000 and that Chief Benthall has been able to make $40,000 available through different projects he has undertaken. He said this is over a total of $78,000 for the City.

Mr. Walworth advised the Council that they have the report from the Division of Water Services, dated July 20, 1995, regarding the Genesee County Interceptor and Treatment Facilities Capacity Utilization report, which will be made a part of the official minutes.

He asked the Council to consider referring Ordinance 68 (C) back to the administration so that the Mayor could meet with the administrators before his bringing the matter back to the Council.

Mr. Walworth said Ordinance 85 (C) needed the changes suggested by Mr. Abbey before they took action tonight.

He asked Mr. Martinbianco if he could set a finance meeting before August 15th as he needed direction before that date.

Mr. Walworth said Mr. Major had two additional items concerning the senior center paving and the bid on a piece of property.

Mr. Walworth also said that Mr. Lowthian will need a legislative meeting so the Committee can go over his Tax Abatement Guidelines recommendation.

Mr. Major asked that the Council look at the added monies needed to complete the paving at the senior center. He said they have a sealed bid on one of the properties, which is late, but which they may want to consider before turning the rest of the lots over to BNHS.

COMMITTEE REPORTS:

Mr. Abbey said the legislative committee had met and recommended modifying the retiree medical to only people who had 5 years of service and age 60. He suggested the ordinance be sent back to the administration for their review.

Mr. Cox asked about the modification of the Fire Chief's salary in the Ordinance.

Mr. Abbey said the total ordinance would be going back to the Mayor.

Mr. Abbey said the ordinance, as presently printed, was as he intended and suggested it be referred to the State for an Attorney General's opinion.

Mr. Cross asked how it would get there. Mr. Abbey said it would be handled by the Clerk.

Mr. Hammon said the library dedication was a huge success.

AUDIENCE PARTICIPATION:

Larry Petrella, 1081 Howe, asked why the Code of Ethics was referred for an Attorney General ruling before audience participation.

Mr. Abbey said there was still to be a first reading and that referrals to the Attorney General's Office did not need audience participation.

He said he supported Mr. Abbey's decision.

Laurie Tinnin, 2340 Harmony, asked if it was customary for the Mayor to send a letter to people whose road is to be recycled and repaired. She was advised yes. She asked about the letter going out before Council approval.

Mr. Major said that the costs are in the budget and Council then only approves the low bid.

She said she agrees that Ordinance 68-19 (C) should go back to the administration and that no one should be qualified for the retiree medical until they have 5 years of service.

Larry Stephens, 3049 Vineland, said he did not see how a code of ethics benefitted the City.

Mr. Cox said it was designed to strengthen the State Guidelines for local officials. Mr. Abbey said he thought it enhanced the Council's accountability.

Mr. Stephens said professionals have Codes, but is not sure we can legislate morality. He said we are creating laws to do something we should already be doing.

COUNCIL DISCUSSION:

Mr. Cross asked about a press conference with Channel 5 concerning the Muscular Dystrophy fund raiser.

Mr. McArdle said he is not aware of it at this time.

Mr. Abbey asked about the increase in the senior center paving. Mr. Major said the paving was 7 1/2 inches in some areas and had been bid as a maximum of 4 inches.

Mr. Hammon asked about increasing the number of members on the ZBA in some way. He asked Mr. Abbey if his committee would look into the matter.

Mr. Martinbianco set a finance committee meeting for 6:00 p.m. on Monday August 14, 1995 to discuss the request to purchase UniLect voting equipment.

Mr. Cox said he would appreciate it if the City would save the old phone books for recycling and he would get back with staff on who will pick them up.

He thanked Mr. Sanderlin for his persistence on getting recycling advertised. He said we were in the Journal as a location for recycling.

Mr. Cox said he was still concerned about the Main Manufacturing rubbish problem.

Mrs. Zelenko said she was over there and there is also a health problem.

Mr. Major said they had been given to Friday to correct the problem and now they would proceed to see if compliance was done.

Mrs. Zelenko said she would like a report from the DPW by the next Council meeting.

Mr. Cox asked Council what they wanted to do with the sealed bid.

Mr. Major said they would turn over to BNHS what was left that they did not sell, per Council desire.

Mr. Hamilton said all they need is a resolution on file in the Clerk's Office for 30 days.

Mr. Hammon noted that the BNHS sales do not go back on the roles till a house is built, whereas the sale of the lot puts them back on the role at the next role time.

Mr. Cox noted that the final date had passed and his concern is on violating the deadline date. He said they could package with the next bid group later and we do not have to give them to BNHS.

Susan Goodman, 2258 E. Whittemore, said she owned the original lots (410 and 411) and sold them years ago. She now wants them back and has the money to buy them.

Mr. Abbey thought they could open and accept, if the bid meets the requirements.

Mr. Cross noted that no one else can bid on them with Mr. Abbey's motion.

Mr. Martinbianco said it was the intent of the committee to get the lots back on the tax roles, if possible.

Mr. Cox said he did not want the rest of the lots deeded to BNHS until they see what might happen after tonight's action on these lots.

Mr. Martinbianco and Mr. Abbey said they want to sit on the BNHS sales for now and then deed the rest to BNHS by Council action later.

Mr. Martinbianco asked if there were any changes from the preliminary plat and final plat in item #4. He was advised no.

Mr. Martinbianco asked if Bentley will have to give us official notice before Mr. Major proceeds in item #9. Mr. Major said yes. He said they must approve at one of the Board meetings.

Mr. Martinbianco asked if there had been any progress on the light on Belsay Road and I-69.

Mr. Major said he had been in contact with Mr. Long and it should be up by late summer or this Fall.

Mr. Martinbianco asked the Clerk if he could get the last wage, before MERS, for the 5 positions listed for the original item #10 on the agenda.

Mr. Abbey said the legislative committee would meet at 6:45 p.m. on Monday to discuss the ZBA membership and the tax abatement guidelines.

COUNCIL DISCUSSION ACTION:

Moved by Abbey, supported by Zelenko to refer the second reading of ordinance 68-19C back to the administration for their review and to remove item #10 concerning the at-will employees salary schedule from the agenda.
Motion carried 7-0.

Moved by Abbey, supported by Walls to refer Ordinance 85 (C) to our State Representative and State Senator for an Attorney General's ruling as to possible conflicts between the charter and the union and chartered employees.
Motion carried 7-0.

Moved by Hammon, supported by Zelenko to add a new item #10 to the agenda concerning the reallocation of the 1995 Community Development Block Grant monies.
Motion carried 7-0.

Moved by Hammon, supported by Zelenko to add item #11 to the agenda concerning the amendment of the resurfacing contract.
Motion carried 7-0.

Moved by Abbey, supported by Walls to accept the sealed bid of Susan Goodman, 2258 E. Whittemore, under the old '95 advertisement, of Lots 410 and 411 of Bendlecrest, if it meets the criteria of the bidding notice, except for the final bid date.
Motion carried 7-0.

COUNCIL ACTION:

Walls moved and Zelenko supported the following motion:

1. Approve and authorize the Attorney Billing from July 19, 1995 to August 2, 1995 in the amount of $4,114.00.

Motion carried 7-0.

Cross moved and Martinbianco supported the following motion:

2. Approve and authorize moving the Regular Meeting of Monday, September 4, 1995 to Tuesday, September 5, 1995 due to the Labor Day holiday.

Motion carried 7-0.

Walls moved and Zelenko supported the following motion:

3. Approve and authorize the administration to appoint Dennis Lowthian as officer delegate and Brad Becker as officer alternate and Ken Wright as employee delegate and Ralph LaDuke as employee alternate to the MERS' 1995 Annual Meeting.

Motion carried 7-0.

Cross moved and Abbey supported the following motion:

4. Approve and authorize the City Clerk to execute the final plat of Pine Creek Estates #1 on behalf of the City of Burton and its City Council.

Motion carried 7-0.

Martinbianco moved and Cross supported the following motion:

5. Approve and authorize the appointment of Paula Zelenko as the official representative to the MML Annual Business Meeting in Detroit in October and Alta Walls as the alternate representative.

Motion carried 7-0.

Hammon moved and Abbey supported the following motion:

6. Approve and authorize the City Clerk on behalf of the City, its Mayor and the City Council to execute a resolution for a traffic signal (GCRC #T-022) future maintenance and energy costs at E. Court Street North and Wal-Mart Drive (DPW Job #94-035-P) with the Genesee County Road Commission. (Note: The City will assume all future maintenance and energy charges as billed by the G.C.R.C., with Wal-Mart responsible to pay 100% of these charges per our previous agreement prior to installation).

Motion carried 7-0.

Hammon moved and Zelenko supported the following motion:

7. Approve and authorize the Mayor on behalf of the City and its City Council to execute a cost agreement with the Genesee County Road Commission for (DPW Job #95-014-P) the upgrading of the traffic signal (GCRC#T-209) at E. Court Street North and Belsay Road (new signal with left turn phase) at an estimated cost of $25,243.00. The installation costs, future maintenance and energy charges to be shared on a 50-50 basis.

Motion carried 7-0.

Cross moved and Zelenko supported the following motion:

8. Approve and authorize the City's Controller to transfer $12,621.50 from the 1995-96 Major Street/Unappropriated Surplus to DPW Job #95-014-P, the upgrading of the traffic signal at E. Court Street North and Belsay Road.

Motion carried 7-0.

Abbey moved and Zelenko supported the following motion:

9. Approve and authorize the City Clerk on behalf of the City, its Mayor, and the City Council to execute a resolution for the installation of two (2) beacon flasher illuminated school crossing signs (DPW Job #95-015-P) at Belsay Road and Roberta Avenue at an estimated cost of $3,000.00. The City shall pay 100% of the installation and future energy costs, with reimbursement by the school district. The Genesee County Road Commission will pay for 100% of the future maintenance costs. Installation will be subject to written approval by the Bentley School District officials for installation costs and future energy charges.

Motion carried 7-0.

Zelenko moved and Walls supported the following motion:

10. Approve and authorize the reallocation of the 1995 Community Development Block Grant monies relative to 2 items: 1)Streets, Sidewalks and Ditching from $93,468.00 to $78,468.00 and 2)Senior Citizens Parking Lot from $40,124.00 to $55,124.00, all others to remain the same.

Motion carried 7-0.

Zelenko moved and Abbey supported the following motion:

11. Approve and authorize an amended contract with Black & White Asphalt, Inc. for the reconstruction of the Senior Citizens Parking Lot in the amount of $50,452.20. (Contract increase of $13,407.25 with original contract of $37,044.95 and contingency at $4,671.80)

Motion carried 7-0.

INTRODUCTION OF AN ORDINANCE:

Abbey moved and Walls supported the following motion:

Item also sent to Attorney General for opinion. Second Reading will not be scheduled until opinion is rendered.

1. Approve and authorize the introduction of Ordinance No. 85 (C), being an ordinance to regulate the activities of City Officials and City Employees and to provide penalties for the violation thereof.

Motion carried 7-0.

SECOND READING OF AN ORDINANCE:

Item referred back to the administration as outlined in Council Discussion Action.

Approve and authorize the second reading of Ordinance 68 (C), amending Ordinance No. 68-18 (C), an ordinance establishing compensation for Administrative Officers of the City of Burton.

Item referred back to the administration as outlined in Council Discussion Action.

Approve and authorize wage and fringe benefit increases for the non-charter, non-union employees equivalent to those covered in Ordinance

No. 68-19 (C), for the 1995-96 fiscal year and until Ordinance No. 68 (C) is amended.

Meeting Adjourned at 9:00 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml

NON-UNION, NON-CHARTERED ADMINISTRATIVE SALARIES

POSITION	WAGES 2/92	WAGES 3/92	CURRENT WAGE	PROPOSED WAGE
Jeff Major, DPW Director	$45,797.44	$45,797.44	$50,282.30	$51,539.36
Ken McArdle, Administrative Asst/ Personnel Director	$39,684.40	$39,684.40	$43,570.62	$44,659.88
Steve Perez, Fiscal Control Assistant	$35,921.29	$34,305.99	$37,665.51	$38,607.15
Pat Pero-McArdle SR. Citizens Director	$30,043.41	$28,803.25	$32,572.61	$33,386.93
Jean Morgan Adminis. Secretary	$23,432.00	$23,432.00	$25,726.64	$26,369.81