CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 1, 1998, 7:30 P.M., COUNCIL CHAMBERS

Invocation and Please of Allegiance was led by Council Person Alta Walls.

The Regular Meeting was called to order by Councilman, Keith Cox at 7:30 P.M.

MEMBERS PRESENT: Centilli, Cox, Cross, Martinbianco and Walls.

MEMBERS ABSENT: Hammon and Zelenko.

OTHERS PRESENT: J. Major, DPW Director and G. Webster, City Clerk.

Walls moved and Cross seconded the following motion:

Approve and authorize the minutes of the following meeting(s): Special Meeting of August 17, 1998 at 7:00 P.M.; Regular Meeting of August 17, 1998 at 7:30 P.M.; Special Meetings of August 24, 1998 at 6:00 P.M.; 6:15 P.M. and 6:30 P.M., as printed. Motion carried 5-0.

ADMINISTRATIVE REPORT:

Mrs. Webster said the Mayor was unable to attend the meeting. The administration requested a Finance meeting to review a computer contract submitted by Computer Consultants and Services. This contract is a very important to the City, as we prepare for future computer needs. The agreement would address such topics as the year 2000 millennium problem, creating a City of Burton web page and networking departments.

COMMITTEE REPORTS:

Mr. Cox had concerns with the bidding process in regards to the Rizzo project and how it relates to City policy.

Mr. Cross plans to meet with the Journal editorial staff and Chief Halstead in regards to user fees for fire runs. A Legislative Meeting will be set in the near future to address this issue and other pending matters.

Mr. Cox, as chairman, asked that two items be added to the agenda. One concerning MML delegate representation and the other in regards to a FOIA appeal hearing.

Mrs. Walls moved and Mr. Martinbianco seconded the motion to add as item #8, to approve and authorize Ted Hammon and Bob Centilli as the official delegates to the MML annual business meeting.

Mrs. Walls moved and Mr. Martinbianco seconded the motion to add as item #9, to approve and authorize setting a hearing date of September 14, 1998 for the FOIA appeal hearing.

Mr. Martinbianco asked if this appeal would be conducted under the recent guidelines set for FOIA appeals.

Mrs. Webster agreed that we would be using FOIA Policy #102.

AUDIENCE PARTICIPATION:

George North, 2060 E. McLean, objected to the code enforcer issuing him a violation for yard debris, when his neighbor at 2028 E. McLean has a significant amount of debris in his yard and hasn't been cited. Also, he spoke in regards to sign replacement on his street.

Mr. Cox stated that complaints are handled by DPW on a call in basis. He asked Mr. Major to check into these matters concerning McLean St.

Mr. Major said he would check on these issues.

Gerald Smith, 2292 Timber Run, spoke in opposition to a recent Zoning Board decision made on August 20, 1998, that would allow for a pool to be placed in a front yard at 2296 Timber Run. He suggested a white dry erase board be added to the Council chambers for diagramming information presented at meetings.

Mr. Cox said the Council can't reverse or overthrow Zoning Board decisions.

Mr. Cross said the only recourse is to file an appeal with Circuit Court. He thought there was a time frame in which this issue must be addressed.

Mr. Cox said he would be glad to discuss Ordinance 19 with Mr. Smith.

Mr. Major suggested another alternative. Mr. Smith could contact his subdivision association with this matter.

Mr. Martinbianco said the Zoning Board is governed by parliamentary procedures of Robert's Rules of Order. He said Mr. Smith could approach the Zoning Board to rescind the action that was made at the previous meeting. This can only be done by a 2/3 vote of the board at the next regular meeting.

Mr. Cross suggested Mr. Smith contact the Clerk's Office to obtain the list of the Zoning Board members to discuss this matter.

Karen Costello, 2291 Timber Run, spoke in opposition to a pool being placed in the front yard at 2296 Timber Run.

Pauline Dargel, 61129 Hugh, spoke on the recent Zoning Board decision involving Hidden Trails, the upcoming special assessment bond sale, bike pathways along Hemphill Rd. and the Mayor’s appointments to the Planning Commission and Election Commission. Mrs. Dargel thought Zoning Board decisions couldn’t be rescinded. They could only be addressed in Circuit Court.

Mr. Major commented on the $1,444,000 Bond Sale set for September 14, 1998.

In regards to bike paths, Mrs. Walls said Mrs. Zelenko has been looking at some maps, but no decisions have been made.

In regards to the Mayor’s appointments, Mr. Cox said the Mayor selects the names for Planning Commission and submits them for Council’s approval. He doesn’t know if the Mayor has a review procedure or a candidate file.

Linda Burris-Crowley, 6223 Crabtree Lane, commented on the fine job the police department is doing. Also, she spoke on the police contracts and her displeasure with recent Zoning Board decisions.

Mr. Cox said Mr. Abbey has not contacted him with any information in regards to the COAM or POAM contracts.

Doug Halstead, Police Chief, reviewed the Michigan Fire Marshal Summary for the City of Burton. There has been an increase in fire runs and structure fires in Burton. The Chief plans to concentrate on fire prevention and arson related issues. Also, he will be applying for federal grant dollars. Chief Halstead said a tentative agreement has been reached with the Fire Department. The agreement will be sent to Council shortly for their approval.

Larry Petrella, 1081 Howe Rd., commented on the tentative agreement with the fire department.

Mr. Cox said Mr. Abbey has not contacted him in regards to this issue.

Mrs. Walls has spoken with Mr. Abbey on this issue.

Mr. Petrella commented on his displeasure with the July 20, 1998 minutes and recent Zoning Board decisions. He submitted Section 27.04 1 a. of Ordinance 19, Sketch Development Plan, in reference to a Zoning Board decision that he opposed.

Mr. Cox said the minutes represent a synopsis of the meeting, not a verbatim record of all conversations. He said the Clerk generally captures the ideas expressed at the meeting.

COUNCIL DISCUSSION:

Mr. Cross suggested training for new Zoning Board members. He would like to set up a parliamentary procedure class for all board members and the administration.

Mr. Cross would like a HASMAT report from the fire department.

Chief Halstead gave a brief update on this issue.

A short discussion followed in regards to the HASMAT data base.

Mr. Cross would like Mr. Major to check on a complaint made by Mrs. Robinson, Lot 87 at the Maple Grove Trailer Park, in regards to water and ant problems. The problems might be related to the creek at Maple and Fenton Rd. or the Sherwood Drain in that area.

Mr. Major said the park has community wells. He said the smell in the water would be under the jurisdiction of the Genesee County Health Department. Also, the ant problem can referred to the Health Department.

Mr. Martinbianco commented on the cost of the Gilkey Creek project.

Mr. Major said the $47,000 cost would be spread across the entire district. Assessments would not be out of the ordinary. He will send a report to Council with the actual cost break down.

Mr. Martinbianco asked about the road improvement status of East Court St. North.

Mr. Major said work will be begin on this project within the next two to three weeks. He said wedging and chip seal will be done on this road.

Mr. Martinbianco commented on the poor job of side dressing on Belsay Rd. He was happy with the shoulder work done on Atherton Rd.

Mr. Cox suggested a dry erase board be installed in the Council chambers. He said it would be helpful to visually understand people's comments. He would like a cost on the board.

Mr. Major said the DPW would install the board.

Mr. Cox commented on the reversal of ZBA decisions. This matter should be addressed under the guidance of the City Attorney.

In regards to Item #3, Mrs. Walls said Mr. Grantner is a good appointment for the Planning Commission.

In regards to Item #4, Mr. Cox did not receive a written resignation from Mrs. Millard.

Mrs. Webster said the Mayor received a written resignation from Mrs. Millard.

Mrs. Walls reported that Mrs. Millard resigned at the last Planning Meeting, because she was moving to another community.

In regards to Item #5, Mr. Major had concerns with the notation of W-98-1. He noted the project number might be W-98-2. Council agreed that the correct notation could be added to the resolution.

In reference to Item #6, Mr. Martinbianco suggested the appointment of Larry Brawner to the Election Commission be tabled to the next meeting. He had concerns with the same person sitting on two boards. He felt there were other qualified applicants for this position. He suggested another applicant be selected for the Election Commission.

Mr. Martinbianco withdrew his tabling motion for further discussion of this issue.

Mrs. Webster suggested that Mr. Brawner would make a good candidate for the Election Commission, due to some prior experience with the election process.

A short discussion followed in regards to the appointment of Larry Brawner to the Election Commission.

Mr. Martinbianco felt there were other qualified candidates for this position and made the motion to table Item #6 until the next Regular Council Meeting.

In reference to Item #7, Mr. Martinbianco said he understood the relevance of Jeanette Brown being selected as an Election Commission candidate.

In reference to Item #10, Mr. Martinbianco suggested in addition to the published notice for Zoning Board Alternate, a public service announcement be placed in the Suburban News and the Flint Journal in regards to this matter.

Mrs. Webster said there are no applications on file at this time.

Mrs. Walls clarified that the Zoning Board Alternate does not get paid, unless called to attend the meeting.

Mr. Cox agreed with this statement.

COUNCIL DISCUSSION ACTION:

Moved by Walls, Seconded by Martinbianco to add as agenda Item #8, to approve and authorize Council President, Ted Hammon as the official representative at the Annual Business Meeting of the MML and Councilman, Bob Centilli as the Official Alternate Representative. Motion Carried 5-0.

Moved by Walls, Seconded by Martinbianco to add as agenda Item #9, to approve and authorize Council to set the date of Monday, September 14, 1998, at 7:30 P.M., for final determination of FOIA Appeal submitted by Eric Vance Shaw. Motion Carried 5-0.

Moved by Martinbianco, Seconded by Cross to add as agenda Item #10, to approve and authorize Council to accept the resignation of Wendy Sak, Zoning Board of Appeals Alternate. Motion Carried 5-0.

Moved by Martinbianco, Seconded by Cross to table Item #6 until the next Regular Council Meeting of September 21, 1998. Motion Carried 3-2, with Walls and Centilli voting no.

COUNCIL ACTION:

Cross moved and Walls seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from August 12, 1998 to August 26, 1998, in the amount of $1,482.00.

Motion carried 5-0.

Walls moved and Centilli seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from August 12, 1998 to August 26, 1998, in the amount of $660.00.

Motion carried 5-0.

Walls moved and Cross seconded the following motion:

3. Approve and authorize the Mayor's reappointment of Gerald Grantner, 1409 Clairwood Dr., Burton, MI 48509, to the City of Burton Planning Commission with term expiring, September, 2001.

Motion carried 5-0.

Martinbianco moved and Centilli seconded the following motion:

4. Approve and authorize the Mayor's appointment of Larry Brawner, 2440 Briar Creek, Burton, MI 48509, to the City of Burton Planning Commission with term expiring September, 2001. (This appointment is due to resignation of Sue Millard).

Motion carried 5-0.

Cross moved and Martinbianco seconded the following motion:

5. Approve and authorize the date of September 14, 1998 at 7:00 P.M. for the sale of Special Assessment Bonds for the following special assessments: SS #98-1, W-98-1 and P-98-5.

Motion carried 5-0.

Martinbianco moved and Cross seconded to table Item #6 to the next Regular Council Meeting of September 21, 1998.

6. Approve and authorize the Mayor's appointment of Larry Brawner, 2440 Briar Creek, Burton, MI 48509, to the City of Burton Election Commission with term expiring September, 2002. (This appointment replaces Sue Millard).

Motion carried 3-2 with Centilli and Walls voting no.

Martinbianco moved and Walls seconded the following motion:

7. Approve and authorize the Mayor's appointment of Jeanette Brown, 3365 Shannon Rd., Burton, MI 48529, to the City of Burton Election Commission with term expiring September, 2002. (This appointment replaces Christi Brown).

Motion carried 5-0.

Martinbianco moved and Walls seconded the following motion:

8. Approve and authorize Council President, Ted Hammon as the official representative at the Annual Business Meeting of the MML and Councilman, Bob Centilli as the Official Alternate Representative.

Motion carried 5-0.

Martinbianco moved and Walls seconded the following motion:

9. Approve and authorize Council to set the date of Monday, September, 1998, at 7:30 P.M., for final determination of FOIA Appeal submitted by Eric Vance Shaw.

Motion carried 5-0.

Walls moved and Centilli seconded the following motion:

10. Approve and authorize Council to accept the resignation of Wendy Sak, 3172 Eastgate, Burton, Mi. 48509, Zoning Board of Appeals Alternate effective September 1, 1998. Motion Carried 5-0.

Motion carried 5-0.

Meeting Adjourned at 8:55 P.M.

Gayle Webster
City Clerk

GW/cml