CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 3, 1996, 7:30 P.M., COUNCIL CHAMBERS

Invocation and Pledge of Allegiance was led by Councilman Charles Cross.

The Meeting was called to order by Ted Hammon, President, at 7:35 P.M.

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

Members Absent: Abbey.

Others Present: Mayor Charles Smiley; R. LaDuke, Building Supervisor; B. Mahler, Fire Chief; R. Hamilton, City Attorney and C. Ladd, Deputy City Clerk.

Cross moved and Zelenko seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of August 19, 1996 at 7:00 P.M. and Regular Meeting of August 5, 1996 at 7:30 P.M., as printed. Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mayor Smiley said Paint for Pride will be held on September 21st and he would like to invite Council to paint with the City Hall team. There will be a meeting held on Friday, September 6, 1996 at 8:00 a.m., and anyone interested is welcome.

The Mayor said he would like to have a Finance Meeting set to discuss Maplewood Meadows Phase 2 and Ordinance 68 (C).

Mayor Smiley gave a report on the recycling program from City Environmental Services. He said there is approximately 40% participation in the City.

Bill Mahler, Fire Chief, explained that a van has been donated by Kearsley Rescue to the City at no cost. It is a 1984, one-ton Ford ambulance and will be turned into a squad vehicle to transport firefighters and equipment. There is 54,000 miles on it and presently, it is in the body shop getting painted. We hope to have it in operation within the next two to three weeks.

Mayor Smiley referred to a memo he gave Council concerning the railroad crossing

repairs on Bristol Road between Dort and Center on September 9th & 10th
and on
Maple Avenue between Dort & Center on September 11th & 12th. These dates
are
tentative.

COMMITTEE REPORTS:

Mr. Cox set a Finance Meeting for Monday, September 9, 1996 at 9:00 a.m.
to
discuss Ordinance 68 (C), Maplewood Meadows Phase 2 and city funded
street
lighting.

Mayor Smiley said he would have Brad Becker and Jeff Major at the
meeting.

AUDIENCE PARTICIPATION:

Jim Townsend, 2051 Covert Rd., asked the Mayor for an explanation as to
why he
was not reappointed to the Election Commission. He also said he is
disappointed
in the City Attorney for not trying to save his position on the election
commission and in the case of the roller rink.

Mayor Smiley asked Mr. Townsend to make an appointment and meet at his
office
to discuss the issue, as it is a personnel matter and he does not wish to
discuss personnel matters in a public meeting.

Terry Parker, 4360 Sunnymead, spoke concerning a ZBA meeting held June
26, 1995
where a dance studio was approved at 6045 E. Atherton Road. He said it is
his
understanding that a permit has been requested for a curbcut on Eugene
Street
for the dance studio. At the ZBA meeting, the residents objected to any
curbcuts
and they were assured by the ZBA members no curbcuts would be put in, as
this
would cut down on the parking area. Mr. Parker said when the request was
made,
he thinks the applicant should have been sent back to the Board for a
decision.
He said he wants to see that the needs of the people on Eugene Street are
being
met.

Mayor Smiley said he met with DPW and the owner of the studio. However, he was unaware of any restrictions placed on this case by the Board. He said when children are being dropped off, it is an unsafe condition with the cars backing out, so we were trying to find a solution to the problem.

Mr. LaDuke said he thinks this is a driveway tube toward the rear of the property, not an actual driveway.

Mr. Hammon asked Mr. LaDuke to look into this matter and make a report back to Council.

Mr. Cross asked if the permit had already been issued and Mr. LaDuke said he was uncertain, but would check into this matter.

Mary Atkins, 1484 Wells, said since the paving of her street a year ago, her driveway, along with her neighbors, approach is crumbling. There is sand in the ditch and her driveway is eroding.

Mr. LaDuke said all driveways are completed the same way after a paving project, but he will look at it and see what the problem may be. There is a one year maintenance bond on the street paving projects.

John Stapish, 5160 E. Atherton Rd., spoke concerning items #4 and #6 on the agenda. He asked if he would be able to get a copy of minutes from the MML meeting. He also asked about the shortfall in the budget for the Mayor's car. Mr. Stapish addressed the issue of house numbers being on all of the homes per the BOCA building codes, as he thinks this is a health and safety issue.

Pauline Dargel, 6119 Hugh, spoke concerning item #6, Mayor's vehicle. She asked if the car was being purchased with the best competitive bid. She also inquired about the necessity of the Mayor driving a city car and if there is some kind of accounting kept by the Mayor for the use of the car.

Mayor Smiley said bids were being taken from the different Buick dealerships in the area. He said it would be difficult to carry out his duties as Mayor without having the use of a vehicle.

Larry Petrella, 1081 Howe Rd., asked Mayor Smiley if he planned to spend a night in his neighborhood so he could hear the noise coming from Home Depot. He also asked about the Mayor getting a pep vehicle or a discount from GM.

Mayor Smiley said he is receiving less calls from Home Depot, and at this time, he is not planning to spend a night in the neighborhood. Also, the Mayor said he is unable to get a pep vehicle or a GM discount for the City vehicles.

Don Sanderlin, 4460 Killarney Pk. Dr., said the Mayor deserves to have a car. Those objecting to a car, don't go to school board meetings every year and object to the Superintendents getting a new car, whether they need it or not. The City should be able to afford a new car every seven (7) years or so.

Larry Stephens, 3049 Vineland, stated he doesn't think there should be two full-time members, from the same family, appointed to the ZBA. Applicants may think they are not being treated fairly.

COUNCIL DISCUSSION:

Mr. Cross thanked Mr. LaDuke for keeping a close eye on the curbstoning situation throughout the City. He also referred to the Mayor's vehicle concerns. He said the Mayor doesn't use the vehicle for his own use, but many times there are dignitaries who come into our City, and there is a need for the Mayor to transport them from one place to another. Mr. Cross also asked Chief Mahler what the estimated cost is for getting the donated fire vehicle painted, etc.

Chief Mahler said he thought it would be $5,000 or less.

Mrs. Walls said the first annual picnic will be held for Maple Court at 2:00 p.m. until whenever. Sometime during the day, there is a plan to hold a meeting concerning the noise from Home Depot. She said everyone is invited to attend the picnic, as well as the meeting, and bring their concerns about this issue at that time.

Mr. Cox said he would ask the fire chief to set up a tour of each fire station with the Council, and review where the department stands in the equipment and building areas. He also asked about the portable sign at the dance studio, as it was his understanding that the signage that was there was to have been adequate.

Mr. LaDuke said he thinks the sign issue is in Legislative Committee. Six months ago DPW did a study and there were 130 signs in the City.

Mr. Cox asked about the portable garage. Mr. LaDuke said the gentleman has moved the garage on a foundation and he has a building permit and it must be completed within one year.

Mr. Cox commented that he read the article by County Commissioner Ken Hardin, concerning the use of the Patriot Voting System. Mr. Cox said he hopes that Mr. Carr and others will re-evaluate the computer voting system and seriously consider the purchase of the Patriot throughout the County.

Mr. Hammon said he would be moving items #2 and #3, thru the Chair, to the end of the agenda, after the second readings. Also, he said the word "permanent" should be removed from item #2.

Mr. Cox asked if the City Attorney could write some type of language regarding the use of a city car by the Mayor.

Mr. Hamilton said the Mayor's use of a car and the fringe benefits are in the Council's hands through the budget process. This is an item that has historically been included in the budget.

Mr. Cross inquired if all the charter administrators are presently living in the City. Mayor Smiley replied, yes, to his knowledge.

Mr. Cross asked what type of dance permit is being requested for item #5. Mayor Smiley said there will be no dressing rooms allowed.

Mr. Martinbianco questioned if a policy is in place when purchasing General Fund vehicles.

Mayor Smiley said he asked Mr. Perez to put bids together and he is now in the
process of getting the bids.

Mr. Cox inquired about the number of sewer units vs. the number of residents and
asked about the Genesee County Sector 1 Agreement between the 17 municipalities
and the Drain Commissioner's Office, that prohibits against building.

COUNCIL ACTION:

Cox moved and Walls seconded the following motion:

1. Approve and authorize the Attorney Billing from August 14, 1996 to August 29, 1996 in the amount of $669.00.

Motion carried 6-0.

Walls moved and Martinbianco seconded the following motion:

4. Approve and authorize the appointment of Ted Hammon as the official representative to the MML Annual Business Meeting on Mackinac Island, in September, and Paula Zelenko as the alternate representative.

Motion carried 6-0.

Martinbianco moved and Zelenko seconded the following motion:

5. Approve and authorize the request from Cocking Corp., to transfer ownership of 1996 Class C licensed business with Dance Permit, located at G-4061 Fenton Road, Burton, MI 48529, Gensee County, from SILK, LIMITED.

Motion carried 6-0.

Cox moved and Zelenko seconded the following motion:

6. Approve and authorize transfer of funds of $7,000 from General Fund-Contingency to Mayor's-Vehicle.

Motion carried 5-1, with Mr. Martinbianco voting no.

SECOND READING OF AN ORDINANCE:

Zelenko moved and Walls seconded the following motion:

1. Approve and authorize the second reading of ZC #218 to rezone property at 6449 E. Maple-vacant land, 59-36-400-029, from Residential-Suburban to R-1A for the purpose of a site condo (Ron Bell, 3497 Dolan Dr., Flint, MI).

Motion carried 6-0.

Martinbianco moved and Zelenko seconded the following motion:

2. Approve and authorize the second reading of an ordinance for ZC #212 to
rezone property at Southwest corner of I-475 & Bristol Rd., 59-31-100-026 and
59-31-300-002 from C-4 & RM to RMH for the purpose of Mobile Home Community
(John Stewart, 1765 Eastern Ave., Traverse City, MI 49686).
Motion carried 5-1 with Mr. Cross voting no.

Council Recessed at 8:40 P.M.

Council Reconvened at 8:52 P.M.

Discussion was held concerning the process in appointing the regular ZBA member
from the current alternates, or from all the applicants. Also discussed was
whether to listen to each applicant, one at a time, prior to the appointment.

Mrs. Walls said she would like to see all four (4) names put in nomination
with an open vote.

Council then gave the applicants an opportunity to speak, if they so desired,
prior to the vote.

Dave Davis, 2456 Howe Rd., Bldg. 13, Apt. 6, Burton, MI, said the Council has
a copy of his resume' and he wanted to introduce himself to them.

Marguerite Scott, 2378 Harmony Dr., said she has been a resident of Burton for
more than 40 years and enjoys the City.

COUNCIL DISCUSSION ACTION:

Moved by Cross, seconded by Martinbianco to place all four (4) names into
nomination for appointment to the ZBA. Motion carried 6-0.

Moved by Cox, seconded by Cross to bring M. Scott and D. Davis into nomination
for the alternate position to the ZBA. Motion carried 6-0.

COUNCIL AGENDA ITEMS:

Council voted with a roll call vote for the following motion:

2. Approve and authorize the appointment of Susan Layman, as the newly appointed Zoning Board of Appeals Member, to fill the vacancy left by the resignation of Larry Foust. Term will expire November, 1998.

Motion carried 6-0.

Council voted with a roll call vote for the following motion:

3. Approve and authorize the appointment of Marguerite Scott, as an alternate Zoning Board of Appeals member. Term will expire November, 1998.

Motion carried 4-2 with Mrs. Zelenko and Mr. Hammon voting for Mr. Davis.

Meeting Adjourned at 8:58 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML