

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 5, 1995, 7:30 P.M., COUNCIL CHAMBERS

Invocation and Pledge of Allegiance was led by Councilman Ted Hammon.

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

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

Members Absent: None.

Others Present: Mayor Charles Smiley; R. LaDuke, Building Supervisor and W. Walworth, City Clerk.

Cross moved and Martinbianco supported the following motion:

Approve and authorize the minutes of the Regular Council Meeting of August 21, 1995 at 7:30 P.M., as printed. Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mayor Smiley welcomed the Atherton Senior Civics class to the meeting.

The Mayor said he was pleased to see that the City of Burton is the leading municipality in Genesee County on new construction. He thanked the Journal for their excellent article and said we should all be proud of our City.

Mr. Cox asked about the Valley Rubbish problem. Mr. LaDuke said they will be going before Planning.

Mr. Cox asked about the drivers for Station #1 as Mrs. Zelenko had not arrived yet and had expressed concern at the last meeting.

Mayor Smiley said they are down some men but have drivers now. He said he plans to advertise for fire fighters.

Mr. Cross thanked the fire fighters for collecting over \$37,000 for Muscular Dystrophy.

Mr. Cox asked about the request of Mr. Coleman. Mr. LaDuke said the issue would be addressed by the Zoning Board on September 23rd.

COMMITTEE REPORTS:

Mr. Abbey said that the legislative committee had met and had three items on the agenda tonight for approval by the total Council. These include changing the membership on the zoning board, the criminal code dealing with minors and curfews and the tax abatement guidelines.

Mr. Martinbianco said he was pleased to see a section in the guidelines allowing the Council to negotiate a service fee for a large project.

Mr. Cox said that these are still only guidelines and the Council still makes the final call.

AUDIENCE PARTICIPATION:

Lloyd Johnson, 3241 Alpena, expressed concern on the fence in the Coleman case being allowed to stay while the case is being investigated. He wanted to know if the City still planned to pay for its moving if denied at Zoning.

Mr. Abbey said that anyone can complain on an ordinance violation and that the zoning board then makes the decision.

Mrs. Walls said she does not believe in selective enforcement.

Mr. Martinbianco clarified some of the statements Mr. Johnson said he made to him.

Larry Petrella, 1081 Howe, said he worked the MD campaign and commended the firefighters.

William Walworth, City Clerk, 1390 Iva St. gave a summary of the computer voter project for the record. He said that phase I, dealing with computer voter verification, would not have been possible if Mayor Nimcheski did not give the Clerk the go ahead in spite of objections from the State Elections Division. He said that the support of the Council was also important for the phase I success. He said that included Mr.s' Abbey, Card, Cross, Hammon, Martinbianco, Smiley, and Mrs. Walls. This success produced four major awards for the City from the MML, Rutgers University, City & County Magazine, and IIMC.

Phase II, which is the touch screen voting, was only possible with the support of Mayor Smiley and his willingness to take a chance with a new and unproven approach to voting. This was followed by the full support of the finance committee chaired by Mr. Martinbianco and includes Mrs. Walls and Mrs. Zelenko.

The final approval came from this Council which also includes Mr.s' Abbey, Cox, Cross and Hammon. To this point we have received national publicity on CNN and hopefully will be in line for 5 major awards, including an award of up to \$100,000. There are already surprising spin offs to the project including the establishment of the system in at least 5 Michigan municipalities by next year. We received some very fine publicity in the Advance Newspaper and front page coverage in the Flint Journal. The Flint Journal plans to follow this up with a write up about the lady who has spearheaded this project with me and has over 40 years of service as an election inspector.

A more recent development last week is the interest shown in the project by an international organization representing over 15 nations around the world. They would like to develop a voting section under Internet in cooperation with the federal government. They have asked me if I would like to be the resource person for the project. They will be meeting with Vice President Gore in October and I will give you a report at a later date.

My Congratulations to the Mayor and the Council for being forward looking and sticking their neck out, which is rare in government today. My hat is off to each one of the 7 Council members and especially Mayor Smiley. Thank you.

COUNCIL DISCUSSION:

Mr. Hammon thanked the legislative committee for their action on the ZBA membership.

Mr. Cox said that the item would have to go to Planning before final approval by Council.

Mrs. Walls asked the Clerk to give a summary of the changes to the presidential preference primary.

Mr. Walworth said it would be an open primary similar to our August primary on the even years. He said that it may be advisory for the democratic party as their rules require a closed primary.

Mr. Cox asked the Clerk to distribute the information on a planning and zoning workshop by MML on September 20th.

Mr. Abbey asked about the street signs to be erected. He was advised they are on order.

It was decided that if the introduction of an ordinance was defeated that it would come back for a second reading for final action.

Mr. Walworth said the Public Hearing for the Block Grant funds would be incorporated into the regular meeting, as this is the direction public hearings are going.

Mr. Cross noted that the metropolitan alliance is doing the same thing on public hearings.

Mr. Cross asked for more Police visibility now that students are coming and going from school.

Mayor Smiley asked if Mr. Cross could give him some specific cases, as the Police cannot be everywhere. He also noted that the police have been writing more tickets on speeding and that should help encourage people to slow down in school areas.

Mr. Abbey asked who's term is up on DDA. Mayor Smiley said Binder, Winston and Hillaker.

COUNCIL DISCUSSION ACTION:

Moved by Cross, supported by Martinbianco to group items #4 through #11 under one resolution. Motion carried 6-0.

COUNCIL ACTION:

Cross moved and Walls supported the following motion:

1. Approve and authorize the Attorney Billing from August 16, 1995 to August 30, 1995, in the amount of \$2,344.00.
Motion carried 7-0.

Walls moved and Zelenko supported the following motion:

2. Approve and authorize the Mayor's appointment of Don Kinder, Burton Printing Company, P.O. Box 114, 4270 S. Saginaw St., Burton, MI 48529, to the Downtown Development Authority. Term to expire April of 1998.

Motion carried 7-0.

Martinbianco moved and Zelenko supported the following motion:

3. Approve and authorize the Mayor's appointment of Bob Crawford, Pro Clean, 1364 E. Bristol Rd., Burton, MI 45829, to the Downtown Development Authority. Term to expire April of 1998.

Motion carried 7-0.

Martinbianco moved and Abbey supported the following motion:

4. Approve and authorize the acceptance of a paving petition for Allen Street from Saginaw Street to North Bound Grand Traverse in Section 30, using alternative paving standards/Option "C" and forward said petition to the City Assessor for validation of signatures and certification of the percentage in favor of the paving improvements.

Motion carried 7-0.

Martinbianco moved and Abbey supported the following motion:

5. Approve and authorize the acceptance of a paving petition for DeCamp Street from Saginaw Street to North Bound Grand Traverse in Section 30, using alternative paving standards/Option "C" and forward said petition to the City Assessor for validation of signatures and certification of the percentage in favor of the paving improvements.

Motion carried 7-0.

Martinbianco moved and Abbey supported the following motion:

6. Approve and authorize the acceptance of a paving petition for Norton Street from Saginaw Street to North Bound Grand Traverse in Section 30, using alternative paving standards/Option "C" and forward said petition to the City Assessor for validation of signatures and certification of the percentage in favor of the paving improvements.

Motion carried 7-0.

Martinbianco moved and Abbey supported the following motion:

7. Approve and authorize the acceptance of a paving petition for Buder Street from Saginaw Street to Fern Avenue in Section 32, using alternative paving standards/Option "C" and forward said petition to the City Assessor for validation of signatures and certification of the percentage in favor of the paving improvements.

Motion carried 7-0.

Martinbianco moved and Abbey supported the following motion:

8. Approve and authorize the Assessor's Certification of the paving petition for Norton Street from Saginaw Street to North Bound Grand Traverse, P-95-4. Approximately 63% of the taxpayers are in favor of the proposed agreement.

Motion carried 7-0.

Martinbianco moved and Abbey supported the following motion:

9. Approve and authorize the Assessor's Certification of the paving petition for Buder Street from Saginaw Street to Fern Avenue, P-94-6. Approximately 50.8% of the taxpayers are in favor of the proposed agreement.

Motion carried 7-0.

Martinbianco moved and Abbey supported the following motion:

10. Approve and authorize the Assessor's Certification of the paving petition for Allen Street from Saginaw Street to North Bound Grand Traverse, P-94-11. Approximately 50.9% of the taxpayers are in favor of the proposed agreement.

Motion carried 7-0.

Martinbianco moved and Abbey supported the following motion:

11. Approve and authorize the Assessor's Certification of the paving petition for DeCamp Street from Saginaw Street to North Bound Grand Traverse, P-95-2. Approximately 56.9% of the taxpayers are in favor of the proposed agreement.

Motion carried 7-0.

Abbey moved and Martinbianco supported the following motion:

12. Approve and authorize the proposed tax abatement guidelines, as attached.

Motion carried 7-0.

Cross moved and Zelenko supported the following motion:

13. Approve and authorize setting the date of Monday, October 2, 1995 at 7:30 P.M. for Public Needs Hearing for 1996 Community Development Grant Program as part of the regular meeting time.

Motion carried 7-0.

INTRODUCTION OF AN ORDINANCE:

Cross moved and Zelenko supported the following motion:

1. Approve and authorize the acceptance of the introduction of an ordinance, amending Ordinance No. 67-14 (C) Article XV, The Criminal Code of the City of Burton by the regulation of conduct by minors during evening hours and by the imposition of responsibility upon the parents of minors, and providing for the enforcement thereof and prescribing penalties thereof.

Motion carried 7-0.

Martinbianco moved and Abbey supported the following motion:

2. Approve and authorize the acceptance of the introduction of an ordinance No. 19-154 (C), amending the City of Burton Zoning Ordinance No. 19 (C), as amended, to provide for the appointment of two (2) alternate members to the City's Zoning Board of Appeals and refer to the Planning Commission for their approval before the Second Reading of Ordinance No. 19-154C.

Motion carried 7-0.

SECOND READING OF AN ORDINANCE:

Hammon moved and Walls supported the following motion:

1. Deny Zoning Case #207 for the rezoning of property at 5434 Lapeer Rd., Burton, MI 48509 from C-1 to C-2 for the purpose of a wider market, Lots 42 and 43 and E 1/2 of 41 and Lot 331 Lapeer Heights (Beverly Bowman, 1324 Alberta, Burton, MI 48509).

Carried 6-1 with Martinbianco voting no.

SECOND READING OF AN ORDINANCE CONTINUED:

Hammon moved and Martinbianco supported the following motion:

2. Approve and authorize the second reading of Zoning Case #208 for the rezoning of property located at 2224 S. Center Rd., Burton, MI 48509, from R0 to C-2 for the purpose of expanding the potential uses of this 525 feet of Center Road frontage, Lots 59, 60 and 61 of Supervisor's Plat of the City of Burton (Robert Keely, Pres., Keely Realty, Inc., 715 W. 12th Street, Flint, MI 48503).

Motion carried 7-0.

Meeting Adjourned at 8:30 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml