

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 8, 1992, 7:30 P.M., COUNCIL CHAMBERS

Invocation and Pledge of Allegiance was led by Councilman Keith Cox.

The Meeting was called to order by Tom Martinbianco, President, at 7:30 P.M.

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

Members Absent: None.

Others Present: Mayor Charles H. Smiley; K. McArdle, City Administrator;
J. Major, DPW Director and W. Walworth, City Clerk.

Cross moved and Zelenko supported the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of August 17, 1992 at 7:30 P.M.; Special Meetings of August 24, 1992 at 6:00 P.M.; 6:15 P.M.; 6:30 P.M.; 6:45 P.M. and 7:00 P.M., as printed. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley congratulated the Fire Department on collecting \$30,204 for Muscular Dystrophy over the Labor Day weekend. He said this topped all previous records for the firemen.

Mayor Smiley said he attended the American Public Works Association Conference in Boston last week, since appointed and elected officials are now encouraged to attend the conference of this association. He said there were classes from 8:30 to 5:00 and he brought back many new ideas for the City. He encouraged the Council to consider attending in the future, if budget permitted.

Mayor Smiley announced that the City and Mr. Becker had been awarded the Certificate of Achievement for Excellence in Financial Reporting for 1990-91. He congratulated Mr. Becker and presented him with the award.

He asked that the Legislative Committee set a meeting to study the weed ordinance and other matters that have come to his attention.

He asked that the Finance Committee meet to look at the Police Department Fees and permit structure.

Mayor Smiley advised the Council that a meeting was coming up for those in the ASR medical coverage program. He said that Mr. Martinbianco, Mrs. Zelenko and Mr. Abbey might want to attend, as they are presently covered under the program. He also said that other Council members might want to attend to bring them up to date on this program.

The Mayor also advised the Council of the upcoming meetings on the pension program, which is also being looked at by the different groups at the City.

COMMITTEE REPORTS:

None.

AUDIENCE PARTICIPATION:

Phillip Fisher, 4251 Lapeer Rd., expressed concern on being assessed an excessive amount on his garbage fee for the last two years. He said he has a right to know why he was assessed \$372 this year and last year, when only he and his wife lived in the house and the fee should have been \$93.

Mayor Smiley said the matter was under investigation and should not be discussed by him (Mayor Smiley) or the Council until the investigation is completed.

Mr. Becker stated he had been advised by this administration and the last administration to refer any questions on the garbage fees to the Administrative Assistant to the Mayor.

Mr. Fischer said he would go to the Mayor's office and have a further discussion with him.

President Martinbianco asked that he be advised by the Mayor as to the outcome of Mr. Fisher's complaint.

Mr. Cox asked if the Council had been made aware of the investigation. Mayor Smiley said yes and the Council had a memo from him dated August 27, 1992.

Mr. McArdle stated that this administration was making no accusations at anyone and had only announced that it had asked the State Police to investigate some things that had happened during the previous administration. He said he had no control on what the news media did or did not print.

Pauline Dargel, 6119 Hugh, expressed concern about checks and balances at the local level. She also thought that matters, like an investigation, should be made a part of the minutes of a Council meeting. She asked why the Treasury Department was not notified as had been done in another case back in 1981.

Mr. Martinbianco asked if the State Police could ask the Treasury Department to come into the case. He was advised yes.

Mrs. Dargel stated that she wanted the memo, from the Mayor to the Council advising them of the investigation, be made a part of the record.

Mrs. Dargel asked about how the duties of the Clerk would be handled while he also assisted the Kearsley Board.

Mayor Smiley said he and the Council had been advised by the Clerk as to how the process would work and Mr. Walworth is the only administrator that is turning in a weekly time sheet so there would be no question on the split duties.

Again Mrs. Dargel asked that in matters like this that the Council be advised at official meetings of the Council.

Mrs. Dargel asked about the new pamphlet developed on the process of conducting meetings. She also expressed concern on the lack of cutting of weeds at three different properties.

Mr. Abbey said the Council was advised of the investigation by the Mayor on August 27, 1992 and asked how this all came about.

Mr. Smiley said citizens came to him with discrepancies in their tax bill, which precipitated further study by him.

Rhonda Young, 2038 Covert Rd., said she and her husband wanted to thank the Council and the Mayor for allowing Mr. Walworth to help the Kearsley District during these very trying and difficult times. She said that she was very grateful to them and that Kearsley needed someone with integrity at this time and that Mr. Walworth brought this to the school district.

Dave Angus, 6327 Brian Circle, said that he would like to support Mrs. Young's comments. He said their District was left in turmoil and needed immediate assistance. He said there were few people around with his credentials and that on advice of their Attorney, they should go outside until the investigation was completed. He made it clear that this in no way was a reflection on the administration at Kearsley. He thanked the Mayor and the Council for lending Mr. Walworth to them at this time.

Mr. Martinbianco wished the District well in putting things back together again.

Bill Walworth, 1390 Iva St., said he did not care to comment on the Kearsley District, as they are presently in an investigation, as is the City. He said he was attempting to develop a pamphlet, reflecting the President's desire that all citizen's be heard on issues before them, but especially if any issues came up during the discussion and acted on at the meeting, which was not on the agenda. He said he would not revise the pamphlet until after the Council reorganizes in November of 1993.

COUNCIL DISCUSSION:

Mr. Major said he planned to proceed with the demolition of the property at 3131 Term St., as the notification process was in order, if the Council had no objections.

Mr. Abbey said they should continue.

Mr. Cross said the Council was willing to have a special meeting if the owners wanted a stop order and their request had merit.

The Attorney saw no problem and Mr. Martinbianco reaffirmed the order.

Mr. Cox asked about the monies that had been set aside for additional work on the streets in the Meadowcroft area. He asked the DPW to check on the Belsay Rd. process vs. the old chip and seal method to see what would be best in this case.

Mr. Cox asked about a building permit on Darlene Street.

Mr. Hammon said that he would get back with the Mayor on a Finance Meeting after he has checked with Mrs. Zelenko, whose schedule is very tight at this time.

Mr. Cox asked about the ditching report.

Mr. Martinbianco said the Council did not get the report.

Mayor Smiley asked Jean if she would make copies and get the document in the Council's hands tonight.

Mr. Abbey asked the Attorney about his review of ordinances. Mr. Hamilton said he is waiting for the Legislative Committee to meet.

Mr. Abbey set a Legislative Meeting for September 16th at 4:00 p.m. to look at the site condo ordinance, water distribution program, weed ordinance, private roads and other matters that might be of importance for them to study at this time.

Mrs. Walls praised the BNHS and the people that helped out on the distribution of food by the BNHS on the free food they had received. She said she appreciated the work done by both the Fire and the Police Chiefs. Mrs. Walls said the BNHS will be receiving more food to distribute, due to the help they received in getting the present supply to needy people.

Mr. Cox asked about item #2 on the agenda. Mr. Major said that it was needed under the new rules, as the Clerk's office needed to time stamp the petitions so that anyone who wished to remove their name would know if they were within the guidelines allowed.

COUNCIL ACTION:

Cox moved and Zelenko supported the following motion:

1. Approve and authorize the Attorney Billing from August 13, 1992 to August 31, 1992 in the amount of \$2,940.50.
- Motion carried 7-0.

Cross moved and Walls supported the following motion:

2. Approve and authorize the acceptance of a paving petition for Ives Avenue and Way Street in Section 11, using alternate paving standards/Option "C" and forward said petitions to the City Assessor for validation of signatures and certification of the percentage in favor of the paving improvements.
- Motion carried 7-0.

Cross moved and Walls supported the following motion:

3. Approve and authorize the Assessor's certification of the paving petition for Brian Circle Lane and Natzke Court. Approximately 61.5% of the taxpayers are in favor of the proposed street improvement.
- Motion carried 7-0.

Meeting Adjourned at 8:30 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml