CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 18, 1995, 7:30 P.M., COUNCIL CHAMBERS

Invocation and Pledge of Allegiance was led by Council President Keith Cox.

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; K. McArdle, Personnel Director; B. Becker, Treasurer/Controller; J. Major, DPW Director and W. Walworth, Clerk.

Zelenko moved and Abbey supported the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of September 5, 1995 at 7:30 P.M., as printed. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley asked the Council for a 60 day extension on the appointment of a Fire Chief.

He said that Pollard Disposal has again agreed to handle the leaf pickup, the same as last year, in the clear plastic bags.

Mayor Smiley said he agrees with the 50-50 split between the City and the Bentley School District regarding Belsay and Roberta St. and asked for the Council's support.

He said the proposed surplus of $157,000 will be raised by an additional $47,000 in the final audit for this year.

Mayor Smiley said the Veteran's would like to have a memorial for all the Veterans next to the Police facility. He said that all costs to date have been donated, but now they need seed money to continue. He said he is sending requests to the business people in the community for contributions and asked the Council for an additional $15,000 in the Parks and Rec budget from the general fund for seed money to be paid back at a later date. He said the dedication will be November 11th at 11:00 a.m.

Ken McArdle reported on the success of the Paint for Pride on behalf of Pat McArdle, who was unable to be present tonight. He thanked all involved and said the project was a tremendous success.

Mr. Major said he would like item 8 removed and replaced with the one year extensions for final approval for Maple and Brookwood Pointe subs.

Mayor Smiley gave an update on the subdivision pay backs as attached. He said he also approves of the extensions outlined by Mr. Major.

COMMITTEE REPORTS:

Mr. Hammon said the golf outing Friday, was a success for the Library Fund. He said he did not have a final report as Mr. Perez was off on a bereavement leave.

AUDIENCE PARTICIPATION:

LLoyd Johnson, 3241 Alpena, expressed concern on the Coleman fence. He asked for a reaffirmation from the Council on its intent not to pay to have the fence moved if the zoning board turned Mr. Coleman down.

Mr. Cox said he thought that was the Council's intent not to pay for the moving of the fence.

Mr. Johnson also said that the comments, at the last meeting by Mrs. Dargel, were incorrect. He also questioned the fee structure for taping and getting copies of documents.

Jim Townsend, 2051 Covert, asked for information on the status of the roller rink.

Mr. Hamilton said the testing report by the audio company was not in yet.

Mr. Townsend said he wants a regulator put back on the building.

Mr. Cox asked why legal action has not been taken to settle this matter for the Council and the neighborhood.

Mr. Hamilton said he had not been contacted recently on any complaints and assumed the process in place was o.k.

Mr. Martinbianco said that Mr. Townsend has had this problem for a long time and we need to evaluate if this is a public nuisance, and if so, close them down.

COUNCIL DISCUSSION:

Mrs. Walls said that in the Coleman case, the Zoning Board fee was waived and she understood that when Mr. Coleman threatened to sue, that Mr. LaDuke withdrew the offer to pay to move the fence.

Mr. Abbey said he had a letter from Mr. Wallace and he did not want to be in violation of the ordinance in his Teen center.

A lengthy discussion took place on the issue of "mechanical amusement devices".

The Council thought there was no need to rewrite the ordinance and that the Police would not have a problem in distinguishing the different aspects of the ordinance in the enforcement procedures.

Mr. Hammon said if a problem did develop, then it could be brought back and addressed.

Mr. Martinbianco asked about a two year extension on one of the projects in item #8 and only one year on the other two. He said he thought they all should be one year and they could come back if a two year extension was needed on Brookwood Pointe #4.

Mrs. Zelenko asked for an update on the Main Manufacturing situation. Mr. Major said they received their ten day notice and the matter was to come before

Planning in September. The surveyors got backed up and the company requested an extension until the October meeting. He said he saw no reason to issue an appearance ticket until after Planning meets and the company still is in violation.

Mr. Abbey asked if the Fire department was running smoothly.

Mayor Smiley said the administration and assistant chiefs have both dealt with the administration problems and that he, the Mayor, would be handling open houses and fire prevention programs. He said the fire staff are handling the maintenance and fire runs. He noted that Tiene Deal was doing an outstanding job.

Mrs. Walls asked if the land next to the Police facility was dedicated for a fire station #4. Mayor Smiley said not to his knowledge.

Mr. Major said there was another plot of land for a station #4, if required at some future date.

Mrs. Zelenko asked about the surplus in the general fund.

Mr. Becker said after the books were closed, there was a higher surplus than had been projected. Mr. Becker reviewed the surplus and the fund balance. He said the surplus as of August was $198,765.

Mr. Martinbianco wanted the motion on the Veteran Memorial transfer to hold the City harmless for any required transfers at the end of the year. He said that Ordinance 68 (C) was not settled yet and was concerned about expenditures in the 1995 fiscal year costs.

He said he was not against a memorial but he thought the issue was brought up now for political gains.

He said the library was handled over a period of years and this should be the same. He said he wants item #10 referred to the finance committee for study. He made that motion which died for lack of a second.

Mayor Smiley said he was sorry to see politics raised on this issue. He said the old memorial may not be moved and that the Veteran's would decide. He said the $15,000 was only seed money for the project so that the dedication could be on Veteran's Day November 11th.

Mayor Smiley said Ordinance 68 (C) contained a 2 1/2 % raise and an increase of $100 for optical, as was contained in the other contracts.

President Cox asked that this regular Council meeting not be used as a forum for politics.

Mr. Cross said he wanted to be sure the property was not dedicated for anything else.

Mr. Hamilton said he was not aware of any restrictions on the old or new memorial properties.

Mr. Hammon said that as a Council member and a veteran he thinks that the veterans from both the Korean and Vietnam Wars should be recognized. He applauded the Veterans for pursuing this beautiful tribute to our veterans and welcomed the memorial to our City.

He said the spaghetti dinner this Thursday is for the project.

Mrs. Walls expressed concern that the Council had not been brought in on this project earlier. She said the Council should have been apprised before it appeared in the press.

Mayor Smiley said he was approached by the Veterans and now that there was a surplus in the budget he thought the project should proceed at this time.

Mr. Martinbianco said that everything can be on a fast track if you have the money. He said everything has a time and place and the present memorial has been there a long time. He said he has a responsibility to the people and hoped that the memorial becomes a reality, but a fast track is not needed. He said we could proceed next year,as it does not have to take place on Veterans Day 1995. He said he also wants Ordinance 68 (C) answered tonight.

President Cox called a recess at 8:55 P.M.
Reconvened 9:03 P.M.

Mr. Cox said the staff did a good job of cleaning up the property at 5050 Davison Rd. He said he would like a report on the other problem from Mr. Major.

Mr. Martinbianco said he would also like to see a report. He said that the light at Belsay and I-69 was long overdue and applauded the work of Rob and Vickie Brown and said he is glad it is finished. He said Ordinance 68 (C) is long overdue and wanted it brought back to Council. He said he had no problem if it went back to the Legislative or the Finance Committee. He said he wanted it on the agenda next meeting with Chartered and non-chartered.

Mr. Abbey said it was his understanding that the administration would look it over and bring it back to Council.

Mayor Smiley said he was not present and the Clerk may know more on the matter. He said he was bothered by the fact that Ordinance 68 (C) ends up in the political arena every time it comes up. He said the only changes are the 2 1/2 % and the $100 optical increase. He said he may bring it back as originally presented by the administration.

Mr. Walworth said it was referred to the Mayor by the Council so that he could negotiate the matter with the administrators before it came back for an ordinance reading.

Mayor Smiley reminded the Council that they could end up with another union if they let other contracts sail through and hold Ordinance 68 (C) up for hostage. He said Ordinance 68 (C) does not have to be brought back until there are changes to be made.

Mr. Cross said he thought the Council was not holding up 68 C and questioned the mayor about his remarks. He also asked about who was doing the code enforcement work.

Mayor Smiley said the duties were being taken up by the Supervisor Ralph LaDuke.

Mr. Martinbianco asked if there were any other requests from schools similar to Bentley's request in item #7.

Mayor Smiley said none to date.

Mr. Martinbianco said this could set a precedent for other similar cases and said this may be good for the City.

Mr. Martinbianco asked what line item the money would come from. Mr. Major thought from Major Streets.

Mr. Becker will have to determine how this type of project is to be charged.

Mr. Martinbianco noted that future costs of the energy must be looked at by Bentley and the City on a shared basis.

Mr. Cross asked when the changes to Ordinance 67 C would be effective. He was advised 15 days after enactment tonight or publication date if it was later than the 15 days.

Mr. Martinbianco asked about the ZBA Ordinance. Mr. Walworth said it did not go before Planning in September, as the administration needed 10 days to advertise. He said it would go before Planning in October and then back to the Council for a second reading if passed by Planning.

COUNCIL DISCUSSION ACTION:

Moved by Hammon, supported by Abbey to replace item #8 in the agenda dealing with the execution of the final plat of Brookwood Pointe #8 and replace with the extensions of time on the approval of Maple and Brookwood Pointe Subs.

Moved by Martinbianco, supported by Cross to amend the motion to change the Brookwood Pointe #4 request to one year. Amendment carried 7-0. Amended motion then carried 7-0.

Moved by Zelenko, supported by Hammon to add item #9 to the agenda concerning a 60 day extension on the hiring of a Fire Chief. Motion carried 6-1 with Martinbianco voting no.

Moved by Zelenko, supported by Hammon to add item #10 to the agenda on transferring $15,000 to the Parks and Rec budget for the Veterans Memorial. Motion carried 6-1 with Martinbianco voting no.

COUNCIL ACTION:

Zelenko moved and Cross supported the following motion:

1. Approve and authorize the Attorney Billing from August 30, 1995 to September 13, 1995 in the amount of $1,000.00.

Motion carried 7-0.

Cross moved and Zelenko supported the following motion:

2. Approve and authorize the Assessor's Certification of the paving petition for Brady Street from Saginaw Street to Fern Avenue, P-95-1. Approximately 53.8% of the taxpayers are in favor of the proposed improvement.

Motion Carried 7-0.

Zelenko moved and Martinbianco supported the following motion:

3. Approve and authorize the acceptance of an Application for Industrial Facilities Exemption Certificate, filed by Soroc Products, Inc., and the calling of a public hearing on October 16, 1995 at 7:00 P.M., for consideration of the application.

Motion carried 7-0.

Abbey moved and Martinbianco supported the following motion:

4. Approve and authorize the confirmation of the Mayor's appointment of Daniel Harrell, as the Municipal Emergency Management Coordinator for Genesee County.

Motion carried 7-0.

Hammon moved and Zelenko supported the following motion:

5. Approve and authorize the acceptance of the low bid of Flint Road Builders, 3251 E. Bristol Road, Burton, MI 48529, in the amount of $82,964.08 for the project known as 1995 CD Paving Project, Project #95-010-P, Pringle Street (Bristol Road - Parkwood Avenue) & Columbine Avenue (Block &1/2 north of Judd Road).

Motion carried 7-0.

Hammon moved and Zelenko supported the following motion:

6. Approve and authorize the Mayor and City Clerk to enter into contract with Flint Road Builders in the amount of $82,964.08 for the project known as 1995 CD Paving Project, Project #95-010-P, Pringle Street (Bristol Road - Parkwood Avenue) & Columbine Avenue (Block & 1/2 north of Judd Road).

Motion carried 7-0.

Abbey moved and Hammon supported the following motion:

7. 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 Robert Street at an estimated cost of $3,600.00. The City and Bentley School District shall each pay 50% of the installation and future energy costs. 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.

Motion carried 7-0.

Hammon moved and Zelenko supported the following motion:

8. Approve and authorize a one year extension of preliminary plat final approval of Maple Pointe #5 pursuant to section 303 of Ordinance 41. and

Approve and authorize a one year extension of preliminary plat final Approval of Brookwood Pointe #3 pursuant to section 303 of Ordinance 41. and

Approve and authorize a one year extension of preliminary plat final Approval of Brookwood Pointe #4 pursuant to section 303 of Ordinance 41.

Motion carried 7-0.

Hammon moved and Zelenko supported the following motion:

9. Approve and authorize a 60 day extension on the filling of the Fire Chief's position by the Mayor.

Motion carried 5-2 with Cross and Martinbianco voting no.

Hammon moved and Zelenko supported the following motion:

10. Approve and authorize the transfer of $15,000 from the general fund to the Parks and Rec budget for the development of a Veteran Memorial next to the Police facility.

Motion carried 7-0.

SECOND READING OF AN ORDINANCE:

Cross moved and Zelenko supported the following motion:

1. Approve and authorize the second reading 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.

Meeting Adjourned at 9:30 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml