CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 21, 1992, 7:30 P.M., COUNCIL CHAMBERS

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

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

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

Members Absent: None.

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

Zelenko moved and Cross supported the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of September 8, 1992 at 7:30 P.M., as printed. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley said he would be asking the Council to go into executive session later on in the meeting.

He said there will be a meeting next Monday night at 7:00 p.m. at the Police facility with the Bentley Board of Education.

COMMITTEE REPORTS:

4X Mr. Abbey said he wanted to wait until the next regular meeting to present his committee's recommendations so the Attorney could finish the ordinances and ordinance changes that will be presented.

Mrs. Zelenko said the EDC Business Survey was in front of the Council and it will be distributed this week.

AUDIENCE PARTICIPATION:

Ray Branch, candidate for prosecuting attorney, said he was looking forward to working with the Council next year.

X Bill Harris, 5074 Way St., expressed concern on the new approach to paving.

Mack Rainwater, 5080 Way St., wanted to be sure that the City engineers had approved the approach to paving Way. He was advised that the City is responsible, during the fifteen years the bonds will be floated.

Dan Bonk, 1296 Ives, complained about people going into his ditch and also destroying his mailbox. He thought there should be a guard rail installed.

Walter Bellah, 1345 Ives, said he had been pulled out by Mr. Bonk in the past and also expressed concern on the drain being raised up to help correct the problem of going into that ditch.

Mr. Martinbianco expressed his concern with speeding and problems at railroad crossings.

Geraldine Searles, 1487 Ives, said she would go along with the paving if the majority said yes, but had reservations and wanted to be sure it would be done right.

Robert McCullough, 2028 E. McLean, complained about the DPW and the building inspectors. He asked Mr. Hamilton to react to his problems.

Mr. Hamilton said there is a pending misdemeanor case and he did not care to comment. Mr. Hamilton said he had not seen the letter from Mr. McCullough's attorney.

Helen Kmiecik, 5398 Lippincott, complained about the drainage into her property and the pigs and goats next door.

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Mr. Major noted this is a difficult case, as the people had non conforming rights from township days.

Alex Kmiecik, 5398 Lippincott, also complained about the drainage into his yard.

Mr. Major will speak to the County Drain Office to see if a drain could be constructed to Gilkey Creek. Mr. Major will report back to Council and the Kmieciks'.

COUNCIL DISCUSSION:

Mrs. Walls read a report from the BNHS on the Food Distribution Program and that report is attached to the minutes.

Mr. Cox asked if item #2 had been checked and verified. Mr. Major said he relies on the DNR.

Mrs. Walls asked about a person in item #5, which Mr. Major said was on a different list.

Mr. Cox asked about speed bumps in item #7 and was advised that this could create problems in snow removal and liability.

Mr. Cross asked about fixing the curve on Way and was advised by Mr. Major that that would be taken under advisement in the design specs.

Mr. Cross asked if Mr. Sanford had money in his budget for item #10. Mr. Sanford advised no.

Mr. Cox noted that Mr. Hohloch also sits on the zoning board.

Mayor Smiley said he had asked Mr. Hohloch to serve, due to his background in engineering.

Mr. Hamilton said there may be a question on Mr. Hohloch serving on two boards and he would check into it.

Mr. Hammon noted that Mr. Bagnall, from Kearsley, had been contacted by one of our employees, on City time, to work on a political campaign. Mr. Hammon said he wanted that type of action to stop now.

Mayor Smiley said the employee will be disciplined. Mr. Hammon said he did not want it to go that far.

Mayor Smiley said that no one will be involved at City hall during working hours on any political campaign and he intended to discipline the employee in question.

Mayor Smiley asked the Council to go into executive session at 8:20 p.m. under section 8(a) of the open meetings act, based on an employee's request, as Sergeant Jenkins was now present.

COUNCIL DISCUSSION ACTION:

Moved by Hammon, supported by Cross to go into a closed session under Section 8(a) of the Open Meetings Act.
Motion carried 7-0 with a roll call vote.

COUNCIL ACTION:

Abbey moved and Zelenko supported the following motion:

1. Approve and authorize the Attorney Billing from September 1, 1992 to September 13, 1992 in the amount of $2,246.00.

Motion carried 7-0.

Abbey moved and Walls supported the following motion:

2. Approve and authorize the Department of Public Works to file a formal application on behalf of the City of Burton with the Department of Natural Resources, State of Michigan, pursuant to Act 223, Public Acts of 1909 as amended, for the Department of Public Works designated parcel or lot numbers 92-01 & 03, 04, 07, 12, 13 & 23 from Exhibit "A" dated September 15, 1992 prepared by the Michigan Department of Natural Resources (attached) for public uses (i.e., street right-of-way, drainage area for storm sewer and flood plain) for a nominal fee as set by the Michigan DNR, subject to a redemption period and for the distribution of any funds generated by possible future sale, should take place.

Motion carried 7-0.

Walls moved and Abbey supported the following motion:

3. Approve and authorize the setting of the 2nd Public Hearing for Zoning Case #197 for Monday, October 19, 1992 at 7:00 P.M. to rezone property at 3259 Iron Street, described as Lots 141 thru 143 & the W 25 Ft. of Lot 144. Also, Lots 170 thru 174 & the W 25 ft. of Lot 175 of Holland Heights, from R-1C to M-2 (James Patton, 3401 N. Dort Hwy., Flint, MI 48506)

Motion carried 7-0.

Cross moved and Abbey supported the following motion:

4. Approve and authorize the acceptance of paving petitions for Schumacher Avenue - Saginaw Street to West Terminus in Section 32, 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.

Cross moved and Walls supported the following motion:

5. Approve and authorize the acceptance of paving petitions for Morrish Street-Farley Street to South Terminus in Section 11, and Pawnee Drive-Arrowhead Drive to E. Court Street in Section 10, 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.

Abbey moved and Cross supported the following motion:

6. Approve and authorize the acceptance of paving petitions for Morris Avenue - Saginaw Street to Fern Street in Section 32, 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 Hammon supported the following motion:

7. Approve and authorize the Assessor's certification of the paving petition for Ives Avenue and Way Street. Approximately 60% of the taxpayers are in favor of the proposed street improvement.

Motion carried 7-0.

Cross moved and Cox supported the following motion:

8. Approve and authorize the Assessor's certification of the paving petition for Pawnee Drive. Approximately 66.6% of the taxpayers are in favor of the proposed street improvement.

Motion carried 7-0.

Abbey moved and Hammon supported the following motion:

9. Approve and authorize the Assessor's certification of the paving petition for Morrish Street from Farley to South Terminus. Approximately 56% of the taxpayers are in favor of the proposed street improvement.

Motion carried 7-0.

Cross moved and Hammon supported the following motion:

10. Approve and authorize a transfer of funds from General Fund-Contingency to Fire Department-New Equipment, for the expenditure of up to $30,000.00 for a Breathing Air Compressor Cascade System.

Motion carried 7-0.

Abbey moved and Walls supported the following motion:

11. Approve and authorize the Mayor's appointment of Jeff Major, DPW Director, to the Flood Board of Appeals, with a term expiring in August, 1996.

Motion carried 7-0.

Cross moved and Abbey supported the following motion:

12. Approve and authorize the Mayor's appointment of Tom Strasser, City of Burton Deputy Planning Official, as alternate to the Flood Board of Appeals, with a term expiring in August, 1996.

Motion carried 7-0.

Hammon moved and Abbey supported the following motion:

13. Approve and authorize the Mayor's appointment of Ian Hohloch, 2196 Howe Rd., Burton, MI, to the Flood Board of Appeals, with a term expiring in August, 1996 with eligibility to be determined by the Attorney.

Motion carried 7-0.

Meeting Adjourned at 9:19 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml