CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
OCTOBER 2, 1995, 7:30 P.M., COUNCIL CHAMBERS

Invocation and Pledge of Allegiance was led by Councilperson Paula Zelenko.

The Meeting was called to order by Keith Cox, President, at 7:40 P.M.

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

Members Absent: None.

Others Present: Mayor Charles Smiley; K. McArdle, Personnel Director; J. Major, DPW Director; B. Walworth, City Clerk.

Zelenko moved and Hammon supported the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of September 18, 1995 at 7:30 P.M., as printed. Motion carried 6-0.

OPEN PUBLIC HEARING FOR COMMUNITY DEVELOPMENT FUNDS FOR 1996: 7:44 P.M.

PRESENTATION:

Mayor Smiley said that funds are needed in the following areas:
Street Improvements
Water & Water Main Improvements
Ditching
Senior Citizen Services
BNHS

AUDIENCE PARTICIPATION:

Tammy Coates, 5121 Raymond, presented materials on behalf of BNHS, as attached.

Pauline Dargel, 6119 Hugh, asked about percentages being placed on the recommendations for expenditures. This will appear in the resolution at the next meeting. Mrs. Dargel asked that the Senior Service on a Dial-A-Ride type program be added to the list. She also asked that Fire Hydrant painting be added.

COUNCIL DISCUSSION:

Mr. Martinbianco asked about unspent funds from this year and to be sure that any area not mentioned yet, be included tonight if it qualified or it could not be considered later.

Mayor Smiley said that an income survey must be done for an area before it could qualify. He said that the Senior Services item is one way to keep other funds available.

Mr. Cox asked if the Atherton project qualified. Mayor Smiley said he had met with Ms. Hinterman and it did not.

CLOSE PUBLIC HEARING: 7:50 P.M.

ADMINISTRATIVE REPORT:

President Cox introduced Judge Conover from the audience.

Mayor Smiley said the Council would need to allocate $135,000 for the Kra-Nur Farms asphalt reconstruction project. He also said that the DPW needs an additional $70,000 for a dump truck and the Maple Pointe Sub #6 needs to be addressed tonight.

Mayor Smiley said Pollard will still honor leaf bags pick up if they are transparent. He said that curbside recycling will start January 1st and go until May. He said that containers will be issued by December 1st. The Mayor said that as of July 1, 1995, the cost will be based on the success of the recycling program, which will be every two weeks. He said he hoped that this met with the Council's approval.

Mayor Smiley said the City has received $1,000 from NBD, $500 from Burton Rotary, $500 from Citizens and $1,150 from the spagetti dinner for the Veteran's memorial. He said he hoped that the spagetti sauce will be donated and if not, it will have to come from the $1,150.

Mr. Abbey asked about the yard trash pickup. Mayor Smiley said that would continue.

COMMITTEE REPORTS:

Mr. Hammon said that the second annual golf outing for the Library on September 15th brought in $4,634.59 for the Library fund. Mr. Hammon presented a check to the Mayor.

Mr. Martinbianco applauded Mr. Hammon on the golf outing. He said that there was no report from the Finance Committee but the Council needs to act on the Maple Pointe Sub, as the asphalt season is coming to an end.

Neil Martz gave a report on the Maple Pointe project #6. He said they are developing 77 acres to the north and there will be 55 lots in phase #6.

Mr. Hammon asked how many homes in the 77 acres. Mr. Martz estimated 268. He said that Mr. Martz has an outstanding track record and asked how long phase #5 was needed to complete.

Mr. Martz said this winter or spring and phase #6 before the middle of summer. He hoped to have the next phase done by 1997.

Mr. Abbey asked how many not closed. Mr. Martz said 22 and they should be done by the end of the year.

Mr. Martinbianco asked if Mr. Martz had any problem in a Council restriction on the number of years on closing out the water funding.

Mr. Martz said none.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh, asked if the Council was in compliance with the Open Meetings Act in adding all these items without the audience having knowledge of the amounts.

President Cox read the items from the work sheet.

She asked how the fees are to be paid.

Mr. Major said by the indirect method with subdivision developers for both water and sewer.

Mr. Cox asked for motions to add the other items outlined by the Mayor to the agenda.

Mr. Martinbianco said he had no problem with the dump truck, but was concerned with the addition of the Kra-Nur Farm project. He asked how he was to answer the people on E. Court St. South, when they cannot be taken care of due to the monies going to the Kra-Nur project. He said he had problems justifying most of the remaining funds going to Kra-Nur in an election year. He said he had not seen so many streets done in the last 3 weeks in any political year before.

Mr. Cross said that he only wished the items to be placed on the agenda.

Kevin Burge, 1415 S. Genevieve, asked about the additions to the agenda and requested a recess so the Clerk could type them up for the audience to see.

Jim Townsend, 2051 Covert, said he would defer to the Council President, as a meeting has been set up for Thursday at 10 a.m. with City officials to go over the roller rink problem.

David Sturgill, 2069 Covert, asked about what has transpired on settling the roller rink issue.

Mr. Hamilton said they reduced the number of speakers, set new closing times and restricted the amplifying equipment use. He said that there are provisions they must follow in the site plan review by the Planning Commisison.

Mr. Sturgill said he would call the attorney next time he has a problem on the sound.

Mr. Cox said he had changed his route home to observe the situation and only heard it at Jim's house. He said he has set up a meeting with concerned parties for Thursday.

Mr. Hamilton said that he observed the situation from the parking lot and had them turn the volume down when a song got loud. He said that last week he did not observe any problems.

COUNCIL DISCUSSION:

Mr. Cross asked about cigarette advertising and any violation to ordinances.

Mr. Hamilton said there is no local ordinance.

Mr. Cross asked about State regulations.

Mr. Hamilton said he would have to research the matter.

Mr. Cross asked about the progress of Just We Three. Mr. Major reviewed the progress to date, and said he did not know what the time lines where on the landscaping. He said he needed to check the Planning Commission's compliance minutes. Mr. Cross requested a report when it is available.

Mr. Cox said he went to DPW and noticed all the added equipment, due to the efforts of the Police Chief.

Mayor Smiley said there is more equipment coming.

Mr. Cox said he saw this as tax dollars coming back to the City and he commended the Police Chief.

Mrs. Zelenko asked for an update on the Main Manufacturing problem.

Mr. Hamilton said that Main Manufacturing filed a law suit against Waste Management and the City of Burton.

Judge Neithercut heard the case and relieved the City from that case. He said that Friday the Judge will hear the matter and we are not in it.

Mr. Hamilton said that in the final analysis, the Zoning Board may have to interpret what is and what is not allowed.

Mr. Major said that all 3 sites will go to Planning for action by them.

Mr. Martinbianco set Thursday, October 12, 1995 at 4:30 P.M. for a Finance Committee meeting to discuss Kra-Nur Farms and other matters that might arise.

Mr. Martinbianco asked about the MERS resolution and the benefit to the City to manage the monies of the POAM and COAM, rather than transferring all now.

Mr. McArdle said that the monies can only be used for the MERS payments and that it is a gain for the City, due to present interest rates.

Mr. Martinbianco asked if the total cost of the military would be by the employee.

Mr. McArdle said yes. He said they could not do it without an agreement by the Council.

Mr. Hammon asked how many were effected.

Mr. McArdle said maybe one or two at this time, but there could be more down the road.

Mr. Abbey noted that this would bring in younger officers at a lower cost.

Mr. McArdle said it was a win win situation.

Mr. Cox asked if we could put dump trucks on our shopping list for the Chief to get for us.

COUNCIL DISCUSSION ACTION:

Moved by Martinbianco, supported by Hammon to add items 4,5,6,7,8,9 and 10 concerning Maple Pointe #6 to the agenda. Motion carried 7-0.

Moved by Cross, supported by Zelenko to add items #11 and #12 concerning Kra-Nur Farms resurfacing and item #13 concerning the dump truck to the agenda.

Moved by Martinbianco, supported by Zelenko to amend the main motion by referring items #11 and #12 to the Finance Committee. Amendment carried 7-0. The main motion carried 7-0 with item #13 becoming item #11.

COUNCIL ACTION:
Resolutions 4 thru 10 corrected 10-6-95.

Cross moved and Abbey supported the following motion:

1. Approve and authorize the Attorney Billing from September 13, 1995 to September 26, 1995 in the amount of $4,075.20.

Motion carried 7-0.

Cross moved and Abbey supported the following motion:

2. Approve and authorize the issuance of permanent Traffic Control Orders to prohibit parking at anytime on:
   A) McLean Avenue from Saginaw Street to West Terminus;
   B) Wells Street from Saginaw Street to N.B. Grand Traverse;
   C) Kenneth Street from Saginaw Street to Barnes Avenue;
   D) Glendale Avenue from Lapeer Road to E. Court St. South;
   E) Arrowhead Drive from Arapaho Drive to Apache Drive.

Motion carried 7-0.

Martinbianco moved and Zelenko supported the following motion:

3. Approve and authorize the City of Burton to amend the MERS coverage for POAM and COAM employees to include the ability to purchase up to 36 months of previous military service time. The employee will be responsible for 100% of the total cost (employee and employer cost). MERS will actuarially determine the cost of this purchase based on the projected compensation of the officer at projected retirement age, including any accrued compensation in computing the final average compensation.

Motion carried 7-0.

Hammon moved and Walls supported the following motion:

4. Approve and authorize the construction of a 8" public municipal water system for Phase IV Funding of Maple Pointe Subdivision #6 (a single family development), Section 36, at an estimated project cost of $138,000.00 (DPW Job #95-009-W).

Motion carried 6-1 with Mr. Cross voting no.

Martinbianco moved and Hammon supported the following motion:

5. Approve and authorize the transfer of $138,000.00 from the 1995/96 Water Department/Unappropriated Surplus Account to DPW Job #95-009-W, subject to reimbursement through the collection of a front foot/lot fee, in addition to the mandatory tap-in and meter/inspection fee.
   (NOTE: A 100% payback will be received by the City through a front foot/lot fee from Phase IV Funding of Maple Pointe Subdivision #6 and paid back at the time of sale of lot per contract with the City. The water fund transfer

will be paid in full within five (5) years of the final plat approval with appropriate financial assurances.) Motion carried 6-1 with Cross voting no.

Hammon moved and Walls supported the following motion:

6. Approve and authorize the Mayor and Clerk to execute Exhibits "A" and "B" on behalf of the City of Burton and its City Council with CHMP, Inc. for engineering services in the amount of $10,917.00 for DPW Job #95-009-W.

Motion carried 6-1 with Mr. Cross voting no.

Hammon moved and Zelenko supported the following motion:

7. Approve and authorize the construction of an 8" public municipal sanitary sewer system for Phase IV Funding of Maple Pointe Subdivision #6 (a single family development), Section 36, at an estimated project cost of $180,000.00.
(DPW Job #95-008-SS).

Motion carried 6-1 with Mr. Cross voting no.

Hammon moved and Zelenko supported the following motion:

8. Approve and authorize the transfer of $180,000.00 from the 1995/96 Sanitary Sewer Department/Unappropriated Surplus Account to DPW Job #95-008-SS, subject to reimbursement through the collection of a front foot/lot fee, in addition to the mandatory tap-in and inspection fees. (Note: A 100% payback will be received by the City through a front foot/lot fee from Phase IV Funding of Maple Pointe Subdivision #6 and paid back at time of sale of lot per contract with the City).

Motion carried 6-1 with Mr. Cross voting no.

Hammon moved and Zelenko supported the following motion:

9. Approve and authorize the Mayor and Clerk to execute Exhibits "A" and "B" on behalf of the City of Burton and its City Council with CHMP, Inc. for engineering services in the amount of $14,369.00 for DPW Job #95-008-SS.

Motion carried 6-1 with Mr. Cross voting no.

Hammon moved and Zelenko supported the following motion:

10. Approve and authorize the Mayor and Clerk to amend original contract of November 3, 1993 with the City and Maple Pointe Associates relative to Phase IV Funding for Maple Pointe Subdivision #6, that the payment of sanitary sewer and watermain front foot fee shall be with the sale of the lot.

Motion carried 6-1 with Mr. Cross voting no.

Martinbianco moved and Zelenko supported the following motion:

11. Approve and authorize the transfer of funds of $70,000 from the Motor Pool contingency to capital projectas-Vehicle replacement for the purchase of a dump truck. Motion carried 7-0.

Meeting Adjourned at 9:00 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml