

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
OCTOBER 4, 1993, 7:30 P.M., COUNCIL CHAMBERS

INVOCATION AND PLEDGE OF ALLEGIANCE WAS LED BY COUNCILMAN CHARLES CROSS.

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: K. McArdle, Personnel Director; J. Major, DPW Director and W. Walworth, City Clerk.

Abbey moved and Walls supported the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of September 20, 1993 at 7:00 P.M. for ZC #199 and Special Meeting of September 20, 1993 at 7:00 P.M. for ZC #201 and Regular Meeting of September 20, 1993 at 7:30 P.M., as printed. Motion carried 7-0.

ADMINISTRATIVE REPORT: None.

COMMITTEE REPORTS:

Mr. Abbey said the Legislative Committee had met to discuss a process to sell City owned lots, which should go back on the tax roll. He said he will set another meeting tonight for the committee to meet to recommend a process to the total Council.

AUDIENCE PARTICIPATION:

Ken Canada, 5480 Lapeer Rd., said he has not received any answers to the problem of the dirt on his property since the last meeting of the Council and would like some answers from the Council.

Bernard Meader, 4033 Woodrow, expressed concern on where signs are placed and the size of signs allowed by the City, especially political signs. He also was concerned on hot lines down that were not handled right away by Consumers or Comcast. He commented on wood used in wood burning stoves and also his concern on the national and local debt. He was reminded by the Council President that the City is not allowed to have a deficit budget under State law.

Jim Townsend, 2051 Covert, complained about the trucking company on Davison Rd. He was concerned by the lack of paving at this time.

Dale Doyle, 2262 Williamson, was concerned that he has not been reimbursed for the damage to his basement due to a sewer back up.

Robert McCullough, 2028 E. McLean, wanted to know what the Council was going to do about his wood burning stove being questioned by the Fire Chief. Mr. McArdle read a memo from the Fire Chief that he would re-examine the stove to see that it was in compliance. Attorney Hamilton noted that no citation had been issued. Mr. McArdle noted that the City was looking into the matter because Mr. McCullough requested it. Mr. McArdle said he will not allow the City to inspect the wood burning stove at this time.

REGULAR COUNCIL MEETING MINUTES

OCTOBER 4, 1993/7:30 P.M.

PAGE -2-

Ms. Laurie Gerds, reporter from the Tri-County News, expressed concern on the safety and welfare of people as it related to the wood burning stove. She wondered why the issue had gone on for 13 years. Mr. Martinbianco said that usually these matter only come up if property changes owners and an inspection is needed or if there is a complaint. He noted that the BOCA code has improved over the years.

Walter Bellah, 1345 Ives, talked about the hazard to his health on the smoke from the wood burning stoves and wondered if the Council could restrict the type of wood burned.

COUNCIL DISCUSSION:

Mr. Abbey asked about Mr. Canada's complaint. Mr. Major said Mr. Riess had cleaned up materials from our work. Mr. McArdle said he would get with Mr. Riess and have the dirt removed from the property.

Mr. Abbey asked about Mr. Doyle's problem. Mr. Hamilton said this problem was not unique to Mr. Doyle and that governmental units have been given immunity in the matter of sewer backup. Mrs. Morgan said she was not aware of the damage when Mr. Doyle called her, as no paper work had been filed on the matter. She said she filed the necessary paper work to the insurance company after Mr. Doyle's call to her. Mr. Martinbianco said he would look into the matter and get answers for Mr. Doyle by the next meeting.

Mr. Abbey asked about the MML letter that referred to "municipalities creating a problem". Mr. Hamilton said he would look into it. Mr. Martinbianco said he wants that information before the next meeting.

Mr. Cox asked about the overrun on costs in item #7. Mr. Major said this had been handled by Mr. Riess and he could only guess on the cost difference. Mr. Major said the project is ready to go now.

Mr. Martinbianco asked if there was time to do surveys on the CD funds for next year. Mr. Major said he believed that only the south end would qualify. Mr. Martinbianco said he may have to ask the County for answers on this matter.

Mr. Abbey asked about machinery being housed inside in item #6. Mr. Major said they need additional area to house all their vehicles.

Mrs. Zelenko asked if the project could be downsized. Mr. Major said he was not sure and would have to talk to Mr. Riess.

Mr. Abbey asked if the money, in item #9, was up front and would be payed back. Mr. Major said yes.

Mr. Martinbianco asked about handling the vote on item #6 and #7. Mr. Major said they would have to use the existing budget to complete the job, as the contract was approved by Council, but the additional monies were denied.

Mr. Abbey set a Legislative Meeting for October 14, 1993 at 5:00 p.m. He will let the Clerk's office know what items he wishes to cover at the meeting.

REGULAR COUNCIL MEETING MINUTES
OCTOBER 4, 1993/7:30 P.M.
PAGE -3-

COUNCIL ACTION:

Abbey moved and Cross supported the following motion:

1. Approve and authorize the Attorney Billing from September 16, 1993 to September 29, 1993 in the amount of \$3,415.20.
Motion carried 7-0.

Walls moved and Zelenko supported the following motion:

2. Approve and authorize setting the date of Monday, November 8, 1993 at 7:00 P.M. for Public Needs Hearing for 1994 Community Development Grant Program.
Motion carried 7-0.

Cross moved and Abbey supported the following motion:

3. Approve and authorize setting the date for First Public Hearing for Zoning Case #200 for Monday, October 18, 1993 at 6:30 P.M.
Motion carried 7-0.

Cross moved and Hammon supported the following motion:

4. Approve and authorize the attached agreement between the City of Burton and Maple Pointe Associates.
Motion carried 7-0.

Walls moved and Zelenko supported the following motion:

5. Approve and authorize the attached resolution concerning adoption and administration of rate regulations in accordance with FCC rules.
Motion carried 7-0.

Cross moved and Walls supported the following motion:

6. Approve and authorize the Mayor and City Clerk to execute a Construction Contract on behalf of the City of Burton and its City Council with Fornari Contracting Co., Inc., 54416 Blue Cloud Drive, Shelby Twp., Michigan 48315 for the construction of an addition to the Water/Sewer Maintenance Garage in the amount of \$49,625.00, with an estimated project total of \$65,000.00 contingent upon certification by CHMP, Inc. of acceptable references and financial data as required by Standard AIA Specifications and submission of the mandatory bonds and insurance coverage for review and approval by the City Attorney.
Motion carried 4-3, with Cox, Cross and Zelenko voting no.

Walls moved and Abbey supported the following motion:

7. Approve and authorize the City Controller/Treasurer to transfer an additional \$7,500.00 for the 1993-1994 Water Department/Unappropriated Surplus and \$7,500.00 for the 1993-1994 Sanitary Sewer Department/Unappropriated Surplus for a total of \$15,000.00 to DPW Job #93-026-D/Maintenance Garage (Water & Sewer Division) Expansion/Capital Projects Budget. The total project budget will be \$65,000.00.
Motion failed 4-3 with Cox, Cross and Zelenko voting no. (5 votes needed for transfer of funds).

Hammon moved and Abbey supported the following motion:

8. Approve and authorize the Clerk to sign an agreement between Genesee County and the City of Burton, stating that the monies to meet the principal and interest requirements and all bond obligations for water and sewer facilities will be secured from the following funds:

Funds already available	\$ 25,138.32
Tap-In Fees to be Collected	\$ -0-
Funds from Monthly Rates for Services	\$ -0-
General Fund	\$ 229.04
Ad-Valorem Levy	\$ 1,024,000.00
Other	\$ 321,009.00
Grand Total	<u>\$1,370,376.36</u>

Motion carried 7-0.

Cox moved and Abbey supported the following motion:

9. Approve and authorize the acceptance of the low bids as received by Chuck Sekrennes/Brookwood Development Co. for Phase I of Brookwood Pointe Subdivision #1, watermain in the amount of \$12,062.50 and for sanitary sewer in the amount of \$12,320.00 from Johnson & Sons Excavating, 10025 Gale Road, Goodrich, Michigan 48438 with the Department of Public Works certification of acceptable unit prices. (DPW Job #93-003-W and DPW Job #93-002-SS).

Motion carried 7-0.

Abbey moved and Zelenko supported the following motion:

10. Approve and authorize the Mayor and Clerk to enter into a contract on behalf of the City and its City Council with Chuck Sekrennes, President of Brookwood Development Co., 2405 N. Vassar Rd., Burton, Michigan 48509; for the construction of sanitary sewer at \$12,320.00 and watermain at \$12,062.50 for Phase I of Brookwood Pointe Subdivision #1, using Johnson & Sons Excavating, 10025 Gale Road, Goodrich, Michigan 48438 as the prime contractor, contingent upon submission of the mandatory bonds, insurance documents, and acceptable assurances as directed by Ordinance #41, with the City Attorney's review. (The project costs estimated to be \$19,000.00 for the sanitary sewer/DPW Job #93-002-SS and \$19,000.00 for the watermain/DPW Job #93-003-W. Funding approval by the City Council on 4-19-93 was tentatively set at \$25,000.00 for sanitary sewer and \$26,000.00 for watermain).

Motion carried 7-0.

SECOND READING OF AN ORDINANCE:

Cross moved and Abbey supported the following motion:

1. Approve and authorize second reading of Zoning Case #199, Lots 326 & 436 Greater Flint Sub., Section 32 (Mike Pylypiw, G-4371 S. Saginaw St., Burton, MI 48529) for commercial development.

Motion carried 7-0.

REGULAR COUNCIL MEETING MINUTES
OCTOBER 4, 1993/7:30 P.M.
PAGE -5-

Hammon moved and Zelenko supported the following motion:

- X 2. Approve and authorize second reading of Ordinance No. 20-A-6, amending Ordinance No. 20-A, being an ordinance concerning Cablevision Fees.
Motion carried 7-0.

MEETING ADJOURNED AT 9:01 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml