

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
OCTOBER 5, 1992, 7:30 P.M., COUNCIL CHAMBERS

INVOCATION AND PLEDGE OF ALLEGIANCE WAS LED BY TOM MARTINBIANCO, COUNCIL PRESIDENT.

The Regular Meeting was called to order by Tom Martinbianco, Council 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; R. Hamilton, City Attorney; B. Becker, Treasurer/Controller; J. Benthall, Police Chief; J. Major, DPW Director and C. Ladd, Deputy City Clerk.

Abbey moved and Cross supported the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of September 21, 1992 at 7:30 P.M. and Special Meeting of September 28, 1992 at 7:00 P.M., as printed. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley said he would like to have the Finance Chairman schedule a Finance Committee meeting. The Mayor also said the City has received \$1,700.00 back from the County for the tornado siren.

Mayor Smiley said a certified letter has been sent to the C & O Railroad Company in regards to several of the railroad tracks throughout the City. All claims and damages received by the City will be forwarded to C & O Railroad Company. To date, there has been no response. He would like the Council to direct the City Attorney to meet with C & O. The County has also sent a letter to C & O regarding the same issue.

Mayor Smiley then read a proclamation for Fire Prevention Week.

COMMITTEE REPORTS:

Mr. Hammon said a Finance Meeting was held regarding the fee structure at the Police Department and a recommendation by the Committee was to make several changes in fees for the Police Department. Mr. Hammon reviewed the changes. He said the City will receive \$13,925.00 per year with these fees and they will be put into General Fund.

AUDIENCE PARTICIPATION:

Robert Sanders, 6228 Woodmoor Dr., complained about the unsightly buildings on Belsay Road of the Belsay Lumber Company. He said they are a potential fire hazard and a hindrance to the development of the Belsay Road corridor. The Fire Marshal should investigate and make an assessment of this area.

Ludin Cills, 1254 Arrowhead Dr., spoke on the cost of the 911 Resolution.

Mr. Cross said the increase will be \$1.00 and the maximum charged can be no more than \$1.50.

Pauline Dargel, 6119 Hugh St., asked about notices be posted for the upcoming Special School Election and the Political Sign Ordinance. She said the Zoning Ordinance contradicts the Regular Ordinance on this issue. She also asked for clarification of whether a person could put more than one sign in their yard if they are signs for different political offices.

Mr. Abbey responded and said there was an Attorney General's opinion that it is unconstitutional to regulate how many signs could be placed in a yard. The City can regulate the size of the sign and the length of time they can be placed in the yards.

Walter Bellah, 1345 Ives, said something needs to be placed at the corner of Ives and Way Streets to prevent speeders from having an accident on the curve.

Mr. Martinbianco said he would refer this request to the Police Department and the DPW Department for their review and possibly the Mayor's Office could check to see how many accidents have occurred and make a report at the next meeting.

Dan Bonk, 1296 Ives, said a sign was placed on this corner and people run over them and tear them down.

Ralph LaDuke, Building Supervisor, said the Belsay Lumber Company has been purchased by the Tile Company across the street and they have taken out a demolition permit to tear down some of the buildings.

Arthur Busch, 9172 Neff Rd., Clio, Michigan, said he is running for Genesee County Prosecutor and wanted to stop by to say hello and thank Burton residents for their support of his campaign. He looked forward to working with Burton to decrease the crime rate for Genesee County.

COUNCIL DISCUSSION:

Mr. Cross recognized ex-Police Chief Herman Clark in the audience.

Mrs. Zelenko recognized the Government Students in attendance from Atherton High School.

Mr. Abbey said the MML Conference was quite beneficial and he had materials from the lectures and would be giving them to the Mayor and City Council.

Mrs. Zelenko asked about the Attorney Billing and the September 23rd telephone conference with the Mayor and Mr. Hamilton regarding the recreation commission.

Mayor Smiley said the call was concerning clarification for Mrs. Zelenko on the recreation commission.

Mr. Hamilton gave a brief explanation of the MERS Resolution because of the specialized language in the resolution. Mr. Hamilton said the Council could amend the motion and eliminate the word "not" in Section 1 of the resolution.

Mrs. Zelenko asked if the words "picked up" had to be used. Attorney Hamilton said that is the term used in the law.

Mr. Cox referred to Item #8 and said he has no objection to Mr. Berry serving on this Board, but would like to see more citizens get involved and be appointed to the various boards.

Mayor Smiley said if Council knows of anyone who would be interested in serving on any of the boards, please contact his office as he has several vacancies which could be filled.

Mr. Hammon said he would like to see a list of the boards which have openings and possibly a notice could be published to let the residents know of the openings.

Mr. Cross asked if the Council could take action on Items #9 and #10 without the signatures being notarized. Also, if it is possible to license the business and not the person applying for the license.

Mr. Abbey asked the Deputy Clerk if the applications were signed in the Clerk's Office and was told yes. Mr. Abbey then asked to have the staff notarize the applications.

Mr. Martinbiano said the State Plumbers License is his brother-in-law and he asked Mr. Hamilton if this would have any bearing on his voting on this issue.

Mr. Hamilton replied that as long as there was no interest in the license, there was no reason Mr. Martinbiano could not vote on this issue.

Mrs. Walls said in items #13 and #15 she would like to have CHMP replace the words an engineering firm in item C of each resolution.

Mr. Mayor said the cost estimates were done in-house and have been completed for these projects.

Mrs. Walls said she would like to have CHMP do the cost estimates when they cannot be done in-house.

COUNCIL DISCUSSION ACTION:

Moved by Abbey, supported by Cross to adopt the proclamation for Fire Prevention Week, read by Mayor Smiley, as a resolution. Motion carried 7-0.

Moved by Hammon, supported by Zelenko to add the Police Department Fee Structure as Item #21 to tonight's agenda. Motion carried 7-0.

Moved by Walls, supported by Hammon to have CHMP do the cost estimates for paving project when they cannot be done in-house. Motion carried 7-0.

COUNCIL ACTION:

Abbey moved and Walls supported the following motion:

1. Approve and authorize the Attorney Billing from September 14, 1992 to September 29, 1992 in the amount of \$2,992.50.

Motion carried 7-0.

Abbey moved and Cox supported the following motion:

- X 2. Approve and authorize the attached resolution concerning tax deferment of a Michigan Municipal Employees' Retirement System contribution for AFSCME Local 1918 Chapter N employees.

Abbey moved and Cox supported to amend the motion to read as follows:

Approve and authorize the attached resolution, eliminating the word "not" in Section 1, concerning tax deferment of a Michigan Municipal Employees' Retirement System contribution for AFSCME Local 1918, Chapter N employees.

Amended motion carried 7-0.

Motion as amended carried 7-0.

Cross moved and Zelenko supported the following motion:

- 2X 3. Approve and authorize the acceptance of the low bid of Bartman Excavating 4068 Dowdall Street, Flint, Michigan 48506 at (\$1820.00) One Thousand Eight Hundred Dollars for the demolition of 1482 E. Scottwood Avenue.

Motion carried 7-0.

Walls moved and Zelenko supported the following motion:

- 2X 4. Approve and authorize the acceptance of the low bid of Vedrody Trucking, 6386 E. Atherton Rd., Burton, Michigan 48519 at (\$1700.00) One Thousand Seven Hundred Dollars for demolition of 2170 McLean Street.

Motion carried 7-0.

Cross moved and Abbey supported the following motion:

- 2X 5. Approve and authorize the acceptance of the low bid of MLC Contracting, 3178 S. Dye Road, Flint, Michigan 48507 at (\$1565.00) One Thousand Five Hundred Sixty Five Dollars for the demolition of 1419 Donovan Street and (\$3333.00) Three Thousand Three Hundred Thirty Three Dollars for the demolition of 3131 Term Street.

Motion carried 7-0.

Zelenko moved and Cross supported the following motion:

- X 6. Approve and authorize setting the date of Monday, November 9, 1992 at 7:00 P.M. for Public Needs Hearing for 1993 Community Development Grant Program.

Motion carried 7-0.

Cross moved and Zelenko supported the following motion:

- X 7. Approve and authorize the efforts of the Genesee County Communications Consortium and recommend and urge all citizens to vote yes on the 9-1-1 November 3rd ballot proposal as outlined on the attached resolution.

Motion carried 7-0.

O Abbey moved and Walls supported the following motion:

- X 8. Approve and authorize the Mayor's reappointment of Homer Berry, 1415 E. Bristol Road, Burton, MI 48529, to the Flood Board of Appeals. Term to expire August, 1996.

Motion carried 7-0.

Abbey moved and Walls supported the following motion:

9. Approve and authorize the application for a Watermain Installer's License for Khalil A. Nemer, dba Woodside Builders, Inc., 4500 S. Morrish Rd., Swartz Creek, MI 48473.

Cross moved and Zelenko supported to amend the motion to read as follows:

Approve and authorize the application for a Watermain Installer's License for Woodside Builders, Inc., 4500 S. Morrish Rd., Swartz Creek, MI 48473.

Amended motion carried 7-0.

Motion as amended carried 7-0.

Cross moved and Zelenko supported the following motion:

10. Approve and authorize the application for a Sanitary Sewer Installer's License for Woodside Builders, Inc., 4500 S. Morrish Road, Swartz Creek, MI 48473.

Cross moved and Zelenko supported to amend the motion to read as follows:

Approve and authorize the application for a Sanitary Sewer Installer's License for Woodside Builders, Inc., 4500 S. Morrish Rd., Swartz Creek, MI 48473.

Amended motion carried 7-0.

Motion as amended carried 7-0.

Walls moved and Zelenko supported the following motion:

11. Approve and authorize the acceptance of paving petition for Brookwood Drive Belsay Road to West Terminus in Section 2, 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.

Walls moved and Zelenko supported the following motion:

12. Approve and authorize the acceptance of the paving petition for Ellis Park Drive - Bristol Road to North Terminus, in Section 27, 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 Abbey supported the following motion:

13. Approve and authorize Standard Resolution #1 for P-92-4 (Brookwood Estates Subdivision Special Assessment District, Open Ditch Paving Project.)
- A. Determine to improve subdivision streets by asphalt paving with limestone approaches including required ditching.
 - B. Determine that improvement to be assessed against the lands and premises as indicated in Standard Resolution No. 1, Section 2.
 - C. Instruct the DPW Engineering Division and/or an Engineering firm to prepare Exhibits A & B (cost estimates and district maps.)

Motion carried 7-0.

Abbey moved and Cross supported the following motion:

14. Approve and authorize Standard Resolution #2 for P-92-4 (Brookwood Estates Subdivison Special Assessment District, Open Ditch Paving Project.)
- A. Proceed with the district for improvement of asphalt paving with limestone approaches, including required ditching.
 - B. Place preliminary district maps and cost estimates on file with Clerk's Office for examination.
 - C. Determine improvement to be necessary.
 - D. Accept cost estimate.
 - E. Set First Public Hearing for Monday, October 26, 1992 at 7:00 P.M. at City Hall, or any later date of City Council's choice; (a minimum of fourteen (14) days is required between this Council Meeting and the proposed public hearing date), and instruct the Clerk's Office, through the DPW, to publish and mail notices as per City Ordinance #12.

Motion carried 7-0.

Walls moved and Zelenko supported the following motion:

15. Approve and authorize Standard Resolution #1 for P-92-8 (Beechwood Estates #1 and Madarasz Acres Special Assessment District, Open Ditch Paving Project.)
- A. Determine to improve subdivision streets by asphalt paving with limestone approaches including required ditching.
 - B. Determine that improvement to be assessed against the lands and premises as indicated in Standard Resolution No. 1, Section 2.
 - C. Instruct the DPW Engineering Division and/or an Engineering firm to prepare Exhibits A & B (cost estimates and district maps.)

Motion carried 7-0.

Cross moved and Zelenko supported the following motion:

16. Approve and authorize Standard Resolution #2 for P-92-8 (Beechwood Estates #1 and Madarasz Acres Special Assessment District, Open Ditch Paving Project.)
- A. Proceed with the district for improvement of asphalt paving with limestone approaches, including required ditching.
 - B. Place preliminary district maps and cost estimates on file with Clerk's Office for examination.
 - C. Determine improvement to be necessary.
 - D. Accept cost estimate.
 - E. Set First Public Hearing for Monday, October 26, 1992 at 8:00 P.M. at City Hall, or any later date of City Council's choice; (a minimum of fourteen (14) days is required between this Council Meeting and the proposed public hearing date), and instruct the Clerk's Office, through the DPW, to publish and mail notices as per City Ordinance #12.

Motion carried 7-0.

Walls moved and Cox supported the following motion:

17. Approve and authorize the Assessor's certification of the paving petition for Ellis Park Drive from Bristol Road to North Terminus. Approximately 62% of the taxpayers have indicated they are in favor of the proposed improvement.

Motion carried 7-0.

Abbey moved and Zelenko supported the following motion:

18. Approve and authorize the Assessor's certification of the paving petition for Brookwood Drive from Belsay Rd. to West Terminus. Approximately 76.9% of the taxpayers have indicated they are in favor of the proposed improvement.

Motion carried 7-0.

Walls moved and Zelenko supported the following motion:

19. Approve and authorize the Assessor's certification of the paving petition for Schumacher Avenue from Saginaw Street to West Terminus. Approximately 54.8% of the taxpayers have indicated they are in favor of the proposed improvement.

Motion carried 7-0.

Cross moved and Zelenko supported the following motion:

20. Approve and authorize the Assessor's certification of the paving petition for Morris Avenue from Saginaw Street to Fern Avenue. Approximately 54.7% of the taxpayers have indicated they are in favor of the proposed improvement.

Motion carried 7-0.

Cross moved and Zelenko supported the following motion:

21. Approve and authorize the Fee Structure for the Police Department, effective December 1, 1992, as recommended by the Legislative Committee.

Motion carried 7-0.

Meeting Adjourned at 8:47 P.M.

Respectfully Submitted,

Cheryl M. Ladd, CMC
Deputy City Clerk

CML