

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
OCTOBER 17, 1994, 7:30 P.M. COUNCIL CHAMBERS

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

The Meeting was called to order by Keith Cox, Council President, at 7:30 P.M.

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

Members Absent: Abbey.

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

Zelenko moved and Hammon supported the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of October 3, 1994 at 7:30 P.M. and Special Meeting of October 10, 1994 at 7:00 P.M., as printed. Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mayor Smiley welcomed the students from Mott College, Atherton High School and Powers High School.

He asked for an executive session to discuss negotiations.

The Mayor said the Council had the report from the Fire Chief on the Right to Know information.

Mr. Walworth reported that the absentee voting is heavy and the vote may be 45% and could even go up to 50%.

He said that Mrs. Dargel shared some information with him on the closing of the road into Bentley Jr. High. He said the news media needs to help the City by informing the public of the close and that they will need to use the entrance off Court St. for the November 8th election.

Mr. Walworth also announced that the City and County are working on introducing touch screen voting in Burton and he would have more details for Council as the program is solidified. He said Burton would be the first in the country to combine the touch screen voting with the portable computer verification at the polls and that national news media may pick up on this.

Mr. Cox thanked the Clerk for his work in the voting process in Burton.

COMMITTEE REPORTS:

Mr. Martinbianco discussed the two items he planned to add to the agenda concerning the need of the Building Inspector in the Fire Department and the increase of DPW fees. He also said that Mrs. Hillaker made a presentation requesting more funds for BNHS from the CD allocation. Mr. Martinbianco said he had talked with Mr. Searles about the curbstoning issue and hoped it could be resolved this week.

AUDIENCE PARTICIPATION:

Greg Miller, 2048 E. Bergin, discussed the needs of the BNHS and asked for an increase to 25%.

Don Sanderlin, 4460 Killarney Park Dr., expressed concern on phone calls about voting rights after a person got the ballot. He was advised that under the Freedom of Information Act, the public has access to this information. He also asked about the new owners of the salvage company behind his sub and the non-conforming rights.

Mr. Major said that it may be just a family transfer, which does not change non-conforming rights. He said that he would look into the matter and if it was a change to new owners, not part of the family, he would look at the rights of the new owners.

Mr. Sanderlin also complained about the number of dumping at the facility at Dort and Maple.

Jim Swearingen, 2146 McLean, presented a petition asking that No Parking be removed from the south side of the road.

Sue Layman, 1079 Arrowhead, said she wants to be sure that No Parking is on both sides of the her street.

Mr. Major said that with the 22 ft. option, No Parking was on both sides except for special events on request.

Robert Koenders, 1451 E. Schumacher, asked about the lot sales by the City.

Mayor Smiley said that about 15 lots would be put up soon and there would be sealed bids. He said the neighboring properties would also be notified.

Pauline Dargel, 6119 Hugh, asked again about the new owners at Davison and Belsay. She also expressed concern about the road going into the new Wal-Mart and if it could handle the large trucks that will be going in. She also asked about the accounting of time that the Personnel Director is away from City Hall.

Mr. Cox said that if Mr. McArdle is away from his job, then he accounts for his time.

She also asked if the Right to Know allows the City to also look at schools. She was advised yes.

She also noted that Mr. Hammon had said in the past, that if he ran for Mayor he would never negotiate union contracts during an election year. She noted that contracts are not settled and we are getting closer to the 95 elections.

Dwaine Defreese, 4071 Fenton Rd., suggested that the person handling the Right to Know information should be permanent and not 3 months.

COUNCIL DISCUSSION:

Mr. Cross asked for an update at 5050 Davison Rd.

Mr. Major said he had put the materials in his packet and that it was a demo prospect at this time. Mr. Major said he the property needs to be cleaned up. He said he does not believe that he can remove the tanks without liability and that no State funds are available at this time. He said he will explore a new state law that allows us to acquire property with limited liability.

Mr. Cross asked about the Bristol Road problem and was advised that they have been notified to clean up the site.

Mr. Cox said the clean up issue was discussed at MML and he had information for Mr. Major from that Conference.

Mr. Martinbianco thanked Mr. Major for the calendar of special assessments for 1995 and asked when they are due back . Mr. Major said they are due in December.

Mr. Cox asked about the turning radius for the new Wal-Mart. Mr. Major said that was the full responsibility of the County and we have determined four lanes at a minimum.

Mr. Cox asked about enforcement of speeds on Arrowhead and the No Parking signs.

Mr. Major said that No Parking on both sides is required for a 22 ft. road and if the owners had petitioned for a 30 ft. road, they could have had parking on the road.

Mrs. Walls asked about the policing of the dumping station at Dort and Maple.

Both the Mayor and Mr. Major have been watching this facility and will make sure it stays in compliance with the agreements. Mayor Smiley noted that the containers on the ground are empty and there is a time restriction on full containers remaining on the trucks in the yard.

Mrs. Walls asked if a storage building was required. She was advised yes.

Mrs. Walls asked about CD funds and the district, but none of them for the parking lot and the water allocation. She said that BNHS should have 25%.

Mr. Hammon asked if the parking lot has been bid yet. He was advised no. He asked if 15% was max for the senior citizens salary. He also noted that it appears that the Council is just throwing another 5% on BNHS and taking away from others.

Mr. Martinbianco wanted to be sure that the moneys in item #5 are only used for the right to know project, and that when the building inspector is used by DPW, that that money comes from their budget. He was advised yes.

COUNCIL DISCUSSION ACTION:

Moved by Martinbianco, supported by Zelenko to add items # 4 and 5 to the agenda concerning added fees and the Fire Department request. Motion carried 6-0.

Moved by Hammon, supported by Walls to go into a closed session after item #5 under Section 8(c) of the Open Meetings Act. Motion carried 6-0 with a roll call vote.

COUNCIL ACTION:

Cross moved and Zelenko supported the following motion:

1. Approve and authorize the Attorney Billing from September 28, 1994 through October 12, 1994 in the amount of \$1,762.00.
Motion carried 6-0.

Walls moved and Zelenko supported the following motion:

2. Approve and authorize setting the date of November 21, 1994 at 7:00 P.M. for a special council meeting for the second public hearing for Job #P-94-021. Proposed vacating of the 1/2 unimproved R.O.W. of Lombardy St., situated North of Lapeer Rd. and adjacent to the west property line of Lot 1 of Suburban Homesites. (Edith Roberts, 4141 Lapeer Rd., Burton, MI 48509, petitioner)
Motion carried 6-0.

Martinbianco moved and Zelenko supported the following motion:

3. PROJECT NAME	ALLOCATION (PERCENTAGE)
Burton NHS	15%
Street and Sidewalk Improvements	20%
Senior Citizens Director's Salary	15%
Ditching	10%
Senior Citizens Parking Lot	20%
Southend Water Improvements	20%

The current allocation of \$195,346.32 would be distributed on the above referenced basis in the following amounts.

PROJECT NAME	ALLOCATION (DOLLARS)
Burton NHS	\$ 39,069.26
Street and Sidewalk Improvements	\$ 39,069.26
Senior Citizens Director's Salary	\$ 29,301.95
Ditching	\$ 19,534.64
Senior Citizens Parking Lot	\$ 39,069.26
Southend Water Improvements	\$ 39,069.26

Should the allocation be altered in the future, the projects would receive their pro-rata share of the final allocation based on the percentage split defined above.

Martinbianco moved and Zelenko supported the following amendment to the main motion as follows:

PROJECT NAME	ALLOCATION (PERCENTAGE)
Burton NHS	20%
Street and Sidewalk Improvements	18%
Senior Citizens Director's Salary	15%

Ditching	09%
Senior Citizens Parking Lot	18%
Southend Water Improvements	20%

The current allocation of \$195,346.32 would be distributed on the above referenced basis in the following amounts.

PROJECT NAME	ALLOCATION (DOLLARS)
Burton NHS	\$ 39,069.26
Street and Sidewalk Improvements	\$ 35,162.34
Senior Citizens Director's Salary	\$ 29,301.95
Ditching	\$ 17,582.77
Senior Citizens Parking Lot	\$ 35,162.34
Southend Water Improvements	\$ 39,069.26

Should the allocation be altered in the future, the projects would receive their pro-rata share of the final allocation based on the percentage split defined above.

Amended motion carried 6-0 followed by the main motion passing as amended 6-0.

Zelenko moved and Walls supported the following motion:

4. Approve and authorize the transfer of funds from the general fund to the Fire Department in the amount of \$12,000 for the Building Inspector, for a period ending January 31, 1995, to bring City of Burton businesses into compliance with the "Right to Know" law.

Motion carried 6-0.

Cross moved and Zelenko supported the following motion:

5. Approve and authorize the increase of Lot Split application fees to \$200.00 and Special Use Permit application fees to \$200.00 to cover all costs and incidentals.

Motion carried 6-0.

Executive Session 9:00 P.M.

Reconvened at 9:55 P.M.

Meeting Adjourned at 9:55 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml