CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
OCTOBER 21, 1996, 7:30 P.M., COUNCIL CHAMBERS

INVOCATION AND PLEDGE OF ALLEGIANCE IS LED BY COUNCILPERSON PAULA ZELENKO.

The Regular Meeting was called to order by Ted Hammon, President, at 7:35 P.M.

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

Members Absent: Abbey and Martinbianco.

Others Present: Mayor Charles Smiley; K. McArdle, Personnel Director; J. Major,
DPW Director; B. Becker, Treasurer/Controller; J. Benthall, Police Chief;
B. Mahler, Fire Chief; P. McArdle, Sr. Citizens Director; R. Hamilton, City
Attorney and G. Webster, City Clerk.

Walls moved and Zelenko seconded the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of
October 7, 1996 at 7:30 P.M. and Special Meeting of October 14, 1996 at 7:00 PM.
Motion Carried 5-0.

ADMINISTRATIVE REPORT:

Mayor Smiley reported on the number of sewer units and the availability in our
interceptor. There are seventeen municipalities included in the Sanitary Sewer
District No.1 involving the Interceptor Agreement. This group has agreed to sell
and share the remaining units so all municipalities zero out evenly. There are
still 13,000 units available in the district system. Someday a relief system
will need to be added, which is now under design. Mundy Twp. has -34.51 units
and construction is not being denied. It's time to sell units, but some larger
communities are reluctant to sell their units. The City of Burton has 1,030
units left as of July 31, 1996. All purchases of capacity will be at the rate of
$183.31 per unit for 50 units at a time, unless there are less than 50 units
left.

Mayor Smiley attended a meeting Thursday night in which a decision was made by
the Burton area business people to form a Burton Chamber of Commerce. The interim Chairman is Peter Venos of Coordinated Insurance Service. He has previously worked with the Flint Chamber of Commerce.

The Mayor said the Genesee County Health Department has contacted us in reference to having a full time RN nurse, based in Burton, as a resource person.
The Nurse will begin by assessing the needs of the Community. She will be available as a referral and reference source. The Mayor introduced Martha Goldner to the Council.

Ms. Goldner gave a short introduction on her plans for the City.

The Mayor would like a Finance and a Legislative Meeting called within the next
week.

Mr. Hammon said the meetings will be scheduled after consulting other Committee
Members who were absent from the meeting.

Mayor Smiley said Mr. Major and Mr. Becker recently attended a PROTECT meeting.
We hoped to have Mayor Gato from Dearborn here to provide more details on this
issue. The Mayor thinks this lawsuit is very important and will impact our
Community in terms of telecommunications agreements and franchise fees.

Mr. Major said ideas are still forming from the standpoint of making monetary
commitments. There were many commitments in the form of philosophical support
for PROTEC. We should continue to attend and monitor the PROTEC meetings. There
is a large dollar value connected to this issue. The GenNet issue will be resolved soon and then further determination should be made on what action to
take next.

The Mayor attended a meeting in Lansing, as a member of the Taxation Committee,
of the Michigan Municipal League. Discussion was held in reference to the Revenue Sharing formula on per capita. We took a position not to support that
formula. A committee will be formed to review this issue. The purpose for not

supporting the per capita basis is, even if the City receives a small amount of funds, the larger Cities would experience a huge lost of millions of dollars, while the townships would receive millions of dollars. Under the new per capita proposal, everyone would receive the same amount.

The 911 Resolution was passed by Small Cities and the Consortium. They have asked Burton and other municipalities to adopt it.

Chief Benthall said they have extended the period to 3 months for the State Police to be stepping out of the 911 system. Voting was postponed on this resolution until November 12th, when the Sheriff's Department takes over the 911 Center.

Mr. Hammon asked why Mrs. Zelenko, Council delegate for the 911 Consortium, was not notified of the meeting.

Mayor Smiley did not know why she wasn't notified.

Mr. Hammon would like Mrs. Zelenko, and alternate Mrs. Walls, informed of any upcoming meetings.

Mayor Smiley said he would call Don Parks tomorrow in reference to Council's notification of meetings.

COMMITTEE REPORTS:

Mr. Cox commented on the Zoning Board meeting held last week, pertaining to the agreement for the City to receive a $50,000 payment from Laidlaw Environmental Service.

Mr. Cross clarified that twelve stipulations were required by Laidlaw so the City would have more control over procedures. They are not changing the materials handled, they are changing the process of handling them. They plan to construct a new building, because they are expecting a higher volume of work. Therefore, we are going to need more inspections at the site. In order to cover our additional expenses, one stipulation will require a $50,000 fee.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh, commented on Ordinance 68 (C) and the effective date of the amendment. She said Item #6, referring to a public hearing has already been posted in the Flint Journal.

Mr. Hammon said Items #7, 8 and the Second Reading of an Ordinance #1 pertaining to 68 (C) would be removed from the agenda.

No further comments were made Ordinance 68 (C).

Mrs. Dargel spoke in reference to Item #3. She inquired about engineering firms in regards to recapturing project costs and contracting.

Mr. Hammon said cost are recaptured and included in project costs.

Mr. Hamilton said the City has a contract with CHMP for engineering work.

Mr. Major said the only deviation from this contract, would be if complex engineering is required such as, a water shed study or building water towers. Then, a National firm would be contacted.

Mrs. Dargel commented on an article in reference to the Zoning Board's agreement requiring a fee on services provided by Laidlaw.

COUNCIL DISCUSSION:

Mr. Hammon, as Chair, removed Items #7, 8 and the Second reading of an Ordinance Item #1 from the agenda. He changed the date in Item #12 to Monday, October 28, 1996 at 6:00 for the CD Hearing.

Mr. Cox noted, some developers have hired engineering firms other than CHMP. This is done at the developers own discretion. It's not the practice of local engineering firms to get involved in a bidding war.

Mr. Major said that developers do pick their own engineering firms. The engineering firms often make presentations in securing contracts.

Mr. Cox responded to Mrs. Dargel's comment on the Zoning Board imposing a fee. He asked if this was an imposed fee or a voluntary contribution.

Mr. Hamilton said Laidlaw Environmental Service requested a function of a M-2 use in an M-1 Zone. The Zoning Board of Appeals has the authority to make use variances and grant conditions upon issuance of these variances. One of the conditions is a yearly review, providing the City with the opportunity to oversee operations and make additional modifications or conditions as necessary.
An oversite fee is the amount estimated to cover reimbursement to the city for the cost of doing intensive inspections and regulating activities. The oversite fee is basically directed towards the additional cost being occurred by the city, as a result of, making sure all conditions are met for the issuance of a variance.

Discussion continued pertaining to the oversite fee.

Mr. Hammon thanked Mr. Cross and the Mayor for being part of such an innovative agreement. These variance requirements by the City help nearby residents of Killarney Park feel more secure about the Leadlaw property.

Mr. Cross inquired about Handicap Parking. He wanted to know who receives the fines and enforces the violations.

Mr. Hamilton believes State Laws govern Handicap Parking. If there is a Local Ordinance, 1/3 of the fees go back to the City.

Chief Benthall said the Sheriff Department uses SCAN (Senior Citizens) to write tickets for Handicap Parking violations. The revenue generated is divided by the County, the Court and the City of Burton. The Chief said this takes an additional load off our officers and provides revenue sharing.

Mr. Becker said the District Court revenue has been moved to the Police Fund. A monthly revenue check is sent from Genesee County.

Chief Benthall said all Handicap Parking spaces need to be marked with an upright sign to be legal.

Mr. Cross inquired about the County repairing Belsay Rd. He said the outside lane north of Lapeer Rd. on Belsay Rd. is in terrible condition.

Mr. Major hasn't been updated by the County on this project.

Mr. Cox asked for clarification of the negative sewer units in Mundy Twp. He asked if they could continue development.

Mayor Smiley said they would be able to continue development.

Mr. Major said at a meeting with Mr. Ragnone of the Drain Commission, it was reported there would be no lawsuits to prohibit development by any municipalities from developing in the District 1 sewer system.

Mr. Cox, in reference to Item #9, would like a copy of Mr. Major's notes from the PROTEC meeting held October 10, 1996. He was concerned with the wording "without reservation" in Item #9.

Mr. Major said this wording is to show the intent of strong support. He said Council could revise the resolution if they wish.

Mr. Cox said there is no problem at this time, as long as no dollar amount is attached.

Discussion continued on this issue.

Mr. Cross asked for the percentage in Item #11.

Mr. Major said Item #11 states the percentage is 53.7.

Mayor Smiley said we are having a 25th Anniversary/Veteran's Memorial Celebration in May 1997. One reason for a Finance Meeting is to set money aside for this historical occasion.

COUNCIL ACTION:

Cross moved and Zelenko seconded the following motion:

1. Approve and authorize the Attorney Billing (Prosecutorial - Attorney Richard Austin) from October 2, 1996 to October 16, 1996, in the amount of $1,113.34.

Motion carried 5-0.

Zelenko moved and Walls seconded the following motion:

2. Approve and authorize the Attorney Billing (Non-Prosecutorial - Attorney
   Richard Hamilton) from October 2, 1996 to October 16, 1996, in the amount
   of $965.00.

Motion carried 5-0.

Cross moved and Zelenko seconded the following motion:

3. Approve and authorize Standard Resolution #1 for P-96-7 Eugene Street &
   Milano Street Special Assessment Paving District, Open Ditch Paving Project/
   Option "C".
   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 #1, Section 2.
   C. Instruct the DPW Engineering Division and/or engineering firm to prepare
      Exhibits A & B (cost estimates and district maps).

Motion carried 5-0.

Cross moved and Zelenko seconded the following motion:

4. Approve and authorize Standard Resolution #2 for P-96-7 for Eugene Street
   and Milano Street Special Assessment Paving District, Open Ditch Paving
   Project/Option "C".
   A. Proceed with district for improvement of asphalt paving with limestone
      approaches, including required ditching.
   B. Place preliminary district maps and cost estimates on file with the
      Clerk's Office for examination.
   C. Determine improvement to be necessary.
   D. Accept cost estimate.
   E. Set First Public Hearing for Monday, November 11, 1996 at 7:00 P.M. at
      City Hall, or any later date of City Council 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 5-0.

Zelenko moved and Walls seconded the following motion:

5. Approve and authorize the setting of a 2nd Public Hearing for the vacating of the unimproved Judd Road R-O-W, adjacent to Lot 1 of Wagner Acres on December 2, 1996 at 7:30 P.M.

Motion carried 5-0.

Walls moved and Zelenko seconded the following motion:

6. Approve and authorize the setting of a 2nd Public Hearing for the vacating of the unimproved Furey Street R-O-W, from the north right-of-way line of Proper Avenue north to the south right-of-way line of Gram Avenue (unimproved) on December 2, 1996 at 7:30 P.M.

Motion carried 5-0.

Item #7 was removed by the Chair.

7. Approve and authorize wage and fringe benefits adjustments for the non-charter, non-union employees equivalent to those covered in Ordinance No. 68-20 (C), for the 1996-97 fiscal year and until Ordinance No. 68(C) is amended.

Item #8 was removed by the Chair.

8. Approve and authorize transfer of funds of $15,180 from various fund contingencies to finance the balance of all non-union personnel wage and fringe benefit provisions.

Cross moved and Zelenko seconded the following motion:

9. Approve and authorize the City of Burton, its Mayor and its City Council on behalf of the citizens and taxpayers of the City of Burton, are resolute in their support, without reservation, the cause of the Michigan Coalition to Protect the Public Rights-of-Way from Telecommunications Encroachments (PROTEC) and most specifically the Michigan cities Troy and Dearborn, through any and all means, at our disposal, be it financial, philosophical, or legal resources; pursuant to the Charter and ordinances of the City of Burton, Genesee County, Michigan.

Motion carried 5-0.

Walls moved and Zelenko seconded the following motion:

10. Approve and authorize the acceptance of a paving petition for Williamson Avenue from Barnes Avenue to E. Terminus in Section 32, using alternative paving standards/Option "C".
Motion carried 5-0.

Zelenko moved and Walls seconded the following motion:

11. Approve and authorize the Assessor's Certification of the paving petition for Williamson Street from Barnes Avenue to East Terminus, P-96-9. Approximately 53.7% of the taxpayers favor the proposed improvement.
Motion carried 5-0.

Zelenko moved and Walls seconded the following motion:

12. Approve and authorize setting the date of Friday, October 24, 1996 at 9:00 A.M. for Public Needs Hearing for 1997 Community Development Grant Program.
Motion carried 5-0.

SECOND READING OF AN ORDINANCE:

Item removed by Chair.

1. Approve and authorize the second reading of Ordinance No. 68-20 (C), amending Ordinance No. 68 (C), being an ordinance establishing compensation for Administrative Officers for the City of Burton.

Meeting Adjourned at 8:20 P.M.

Gayle Webster
Burton City Clerk

GW/cml