CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
NOVEMBER 3, 1997, 7:30 P.M., COUNCIL CHAMBERS

INVOCATION AND PLEDGE OF ALLEGIANCE WAS LED BY COUNCIL PRESIDENT TED HAMMON.

The Regular Meeting was called to order by Ted Hammon, Council President, at 7:30 P.M.

MEMBERS PRESENT: Centilli, Cox, Cross, Hammon, Martinbianco, Walls and Zelenko.

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor Charles Smiley; C. Abbey, City Administrator; J. Major, DPW Director and G. Webster, City Clerk.

Cross moved and Zelenko seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Council Meetings of October 20, 1997 at 6:30 P.M. and 7:00 P.M. and Regular Meeting of October 20, 1997 at 7:30 P.M.
Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley said Mr. Lowthian received a letter from Mr. Salomon of the First Centrum Corporation, indicating that they cannot build the senior apartments on the Atherton Road site, due to the inability to obtain MSHDA funding. Mr. Lowthian and the Legislative Committee worked hard on this project and the Mayor was disappointed it was canceled.

The Mayor gave an update on grants that the Burton Police Department has obtained during the fiscal year of 1997-1998. The Bureau of Justice Assistance has awarded us a grant for $46,963.00 for the purpose of hiring a police officer. He thanked Chief Benthall for writing the grants. The officers are doing a fine job. Arrests for OUIL has increased to 186.

Mr. Abbey requested an Executive Session for Council to discuss SEIU, as it relates to the MERS pension. A petition has been submitted by the membership, offering a contract extension to be adopted. Mr. Becker was present to answer any financial questions.

Mr. Abbey responded to a fax received from Ronald Beaton, MERS, Director of Marketing in regards to an election handbill that was published in the Suburban News. Mr. Abbey said the statements in the paper were false and misleading. Mr. Beaton's response was read into the minutes. (See MERS correspondence dated November 3, 1997.)

Bill Halvaty and Jim Merrell presented a proclamation, a commemorative plate and a key to the City of Montourseville, Pennsylvania to Mayor Smiley and Council President Ted Hammon. Montourseville lost 16 students and 5 parents on TWA Flight 800. Mr. Halvaty was instrumental in collecting donations for a Memorial Fund on behalf of those who had perished in the crash. The proclamation formally established a Sister City relationship between the Cities. Also, Chief Benthall was presented with patches from the Montourseville's Police Department.

Mayor Smiley thanked Mr. Halvaty and Mr. Merrell for their outstanding commitment in representing the City of Burton as goodwill ambassadors.

The Mayor is on the MML Steering Committee and affiliated with finance and taxation. Two important upcoming issues to be addressed will be revenue sharing and transportation.

COMMITTEE REPORTS:

Mr. Cox said the finance committee met to discuss the possibility of adding additional secretarial staff. No action was taken on this matter. This topic will be addressed during mid year budget review.

On October 20th, Councilman Cross, Mayor Smiley, Councilman Centilli, Fire Marshall Dennis Lacey and residents Don Sutherland and Dave Phelps visited the Laid Law property to make sure they were in compliance with their contract.

Paula Zelenko reported the Parks and Recreation Commission met October 22nd . The internal organization has been set and the bylaws have been adopted. The Commission will begin working on details of the 5 Year Master Plan. One requirement is to submit a list of current recreational facilities and providers. This group will be asking for Citizens input as the plan is developed. The meetings are held the 2nd and 4th Wednesday of the month. The next meeting will be held November 12, 1997 at 4:00 P.M.

AUDIENCE PARTICIPATION:

Helen Roy, 4220 Risedorph, commented on the City's phone services and procedures.

Mr. Abbey said after a list of extension numbers is given, it is the receptionist's job to direct incoming calls to the proper department. He will discuss this issue with the receptionist.

Bernard Meader, 4033 Woodrow, commented on the phone services and the placement of political signs. Also, he would like the Police Department to do something about the speeding in his subdivision.

Pauline Dargel, 6119 Hugh, commented on the contribution levels of the MERS pension and the status of Attorney Richard Austin.

Mr. Abbey responded to the question concerning the contribution level of the City vs. the employee.

Mr. Hammon said the attorney will retain his seat. At this time, the accusations are purely allegations.

Mr. Austin said there is no reason why he should not continue providing legal services for Burton.

Mary Crawford, 6203 Briggs, agreed with Mr. Austin's statement. Also, she would like to see a Graffiti Ordinance enacted in Burton.

Mr. Martinbianco said the Legislative Committee plans on meeting in the next two weeks. They have several issues that will be addressed at that time.

John Stapish, 5160 E. Atherton Rd., spoke on the semantics and usage of the words Commission and Committee in regards to Parks and Recreation.

Mrs. Zelenko said the proper usage is Parks and Recreation Commission. The Mayor has the authority to appoint to a board or commission such as this one. A Citizen's Committee is created and appointed by the Council. She will look into the issue of the July 21st meeting and give a response at the next meeting.

COUNCIL DISCUSSION:

Mr. Hammon reported the previous clerk, Bill Walworth, has received his second sustaining membership in the Michigan Municipal Clerk's Association.

Agenda Item #4 was removed by the chair at the request of Mr. Rizzo.

Mr. Cox thanked Mr. Halvaty and Mr. Merrell on behalf of the City for their participation in the Mountoursville's project.

Mr. Cox said the trees on Vineland have not yet been trimmed. This is causing an obstruction of view in a school loading zone and is a potential safety hazard.

Mr. Major said this area is in the jurisdiction of a County right-a-way zone. He has the passed the complaint on to Howard Throop. Bids for tree trimming are being taken.

Mr. Cox told Mr. Meader to contact Council members if he has concerns with the day to day operations of the City and most issues can be cleared up immediately.

Mr. Cox asked the attorney to check into the status of ongoing ordinance work that needs to be completed.

Mr. Martinbianco expressed disappointment in the cancellation of the senior project that was to built by First Centrum. He feels there is a need for this type of project in Burton.

Mr. Martinbianco asked that a bulldozer and other heavy equipment be removed from the Eugene and Vineland area. The equipment hasn't been removed even though the paving work is done. Also, he has received a complaint of a driveway, culvert and fence that need to be repaired on Genesee Rd., due to road work that has been done. He would like Mr. Major to look into these issues.

Mr. Martinbianco said House Bill #1534 which deals with local land use authority is coming before the House of Representatives. He feels we shouldn't relinquish the control of our own roads.

Mr. Hammon agreed with this point of view.

Mrs. Zelenko moved, supported by Mr. Cross to go into Executive Session after Council action, for discussion of contract negotiations and the MERS pension issue. Motion carried 7-0.

Mr. Martinbianco wanted to know if Council could choose the participants of the Executive Session.

Attorney Austin said it was important to include only the individuals that are specifically involved in the business at hand.

Mr. Cross asked that the Legislative Committee review the sign ordinance in regards to political sign placement.

In reference to Item #3, Mr. Cox asked if it was a land locked parcel.

Mr. Major said it was a land locked parcel.

Executive Session was called at 8:40 P.M.
Executive Session 8:45-9:35 P.M.

Regular Council Meeting resumed at 9:40 P.M.

Mr. Hammon announced in Executive Session no decisions were made.

Mrs. Zelenko moved, seconded by Mr. Cross to go into Executive Session after Council action, for discussion of contract negotiations and the MERS pension issue. Motion carried 7-0.

COUNCIL ACTION:

Walls moved and Zelenko seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from October 16, 1997 to October 29, 1997, in the amount of $1,613.00.

Motion carried 7-0.

Cox moved and Zelenko seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from October 15,1997 to October 29, 1997 in the amount of $880.00.

Motion carried 7-0.

Centilli moved and Zelenko seconded the following motion:

3. Approve and authorize acceptance of the certified high bid of Roxana Sweet, 5410 Maple Park Terrace, #6, Flint, MI 48507 in the amount of $2,010.00 for DPW property #97-01, Parcel #59-31-527-225 and direct the Mayor and City Clerk to execute a purchase agreement, direct the City Attorney to prepare a deed of sale, and proceed with the closing to finalize the sale.

Motion carried 7-0.

*Removed by the Chair at Mr. Rizzo's request.

4. Approve and authorize the discontinuance of the street name Pine Grove Drive "Maplewood Meadows", Section 34 to Rizzo Drive; due to the duplicate name being found in Hidden Trails Subdivision.

SECOND READING OF AN ORDINANCE:

Cross moved and Zelenko seconded the following motion:

1. Approve and authorize the second reading of Zoning Case #230 to rezone property at Parcel #59-31-200-002, Section 32, Bristol Road, from R-1C to M-1 for Light Industrial Use (Mid State Bolt & Screw, 2435 S. Grand Traverse, Burton, MI 48529).

Motion carried 7-0.

Cross moved and Zelenko seconded the following motion:

2. Approve and authorize the second reading of Zoning Case #231 to rezone property at 4007 S. Saginaw St., Lots 1-9, 469-471, 576-579 of Bendlecrest Sub., Section 32, C-2 Zoned (Rite Aid Pharmacy, by A.F.

Jonna, 2555 S. Telegraph, Ste. 443, Bloomfield Hills, MI 48302).
Motion carried 7-0.

Meeting Adjourned at 9:40 P.M.

Gayle Webster
City Clerk

GW/cml