CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
NOVEMBER 4, 1996, 7:30 P.M., COUNCIL CHAMBERS

Invocation and Pledge of Allegiance was led by Ted Hammon, Council President.

The Meeting was called to order by Ted Hammon, President, at 7:40 P.M.

Members Present: Abbey, Cox, Cross, Hammon and Martinbianco.

Members Absent: Walls and Zelenko.

Others Present: K. McArdle, Personnel Director; J. Major, DPW Director; B. Becker, Treasurer/Controller; B. Mahler, Fire Chief; D. Halstead and G. Webster, City Clerk.

Cross moved and Abbey seconded the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of October 21, 1996 at 7:30 P.M. and Special Meeting of October 28, 1996 at 6:00 P.M., as printed. Motion carried 5-0.

ADMINISTRATIVE REPORT:

Mr. McArdle introduced Doug Halstead to the Council and announced the Mayor's appointment of Mr. Halstead as Fire Chief was item #4 on the agenda.

COMMITTEE REPORTS:

Mr. Cox said the Finance Committee met to discuss the following areas:

1. Kenneth Street Paving - This was taken under advisement and no recommendation was made.
2. Approval of a Fire Marshal - This was taken under advisement and no recommendation was made.
3. The 25th Anniversary/Veteran Memorial Celebration - It was unanimously recommended to approve $10,000 be transferred to line item Public Service to help support this occasion.

Mr. Martinbianco said a Legislative Meeting will be set for later this month after he contacts the Mayor.

AUDIENCE PARTICIPATION:

Gary Kautz, 4062 Woodrow, inquired about Mr. Mahler being an assistant Fire

Chief after his resignation and about the City having two Fire Chiefs for one month.

Mr. McArdle did not know if Mr. Mahler would be an Assistant Fire Chief after his resignation. He clarified that the overlap of personnel provided a transitional period for the Fire Department.

Mr. Abbey said there would be two employees for one month.

Mr. Martinbianco asked for clarification on the resignation of Mr. Mahler being November 30th and the appointment of Mr.Halstead being official December 2nd.

Mr. Becker said this period would be an interim period with both individuals receiving the same base pay.

Pauline Dargel, 6119 Hugh, inquired about Ordinance 68-20 (C) in reference to the effective date for the proposed increase, and a merit raise based on evaluation of job performance. Also, she commented on the E. Court Street South resurfacing.

Mr. McArdle said the raises will be effective as of July 1, 1996. Evaluations are made through the Mayor's office. There is no other form of performance record.

Mr. Hammon said a 2-1/2% raise was agreed upon during budget negotiations and an additional 2-1/2% was proposed with the removal of Section 6.

Mr. Major said the E. Court Street South repaving was suggested by Councilperson Walls. In our evaluation, it needed to be done. Several projects were distributed around the City.

Mr. Stapish, 5160 Atherton Rd., commented on Item #4 in reference to the appointment of the Fire Chief, his opposition to CD funding going to BHNS and the lack of enforcement of house numbers.

Mr. Hammon said the Fire Chief's appointment was determined by the Mayor and CD Funding was not on the agenda for tonight.

Mr. McArdle said the City encourages house numbers and education will be provided by the Fire Department to help make people aware of this matter.

Larry Petrella, 1081 Howe Rd., commented on the muddy road conditions at Center and Court due to the construction of the new Speedway gas station, blowing debris from Home Depot and raise pertaining to Ordinance 68-20 (C).

Mr. Hammon said the Mayor thinks his Administration deserves the raise.

Mrs. Tinnin, 2340 Harmony, commented on Items #7/8 in reference to Ordinance 68-20 (C) and the appointment of the new Fire Chief.

Mr. Hammon said all the information pertaining to Ordinance 68-20 (C) has been reviewed by the Finance Committee and the recommendation was made to support the original 2-1/2% raise and provide an additional 2-1/2% raise in lieu of the removal of Section 6 of Ordinance 68(C).

Mr. Hammon said the Mayor had a qualified replacement in mind at the time of Bill Mahler's resignation.

COUNCIL DISCUSSION:

Through Mr. Cross, Mr. Hammon, as Chairman, changed the date of the First Public Hearing to read December 2, 1996 at 7:00 in Item #6.

Through Mr. Major, Mr. Hammon, as Chairman, tabled Item #11 in reference to BRE Communications to November 18, 1996 until more information was provided on this topic.

Through Mr. Abbey, Mr. Hammon, as Chairman, tabled Items #7, 8, and the Second Reading of an Ordinance Item #1 until December 2, 1996. Mr. Abbey said it was important all members were present to make this determination. Also, he would like to discuss with the Mayor, the issue of new Fire Chief and what impact this would have on his salary.

Through Mr. Martinbianco, Mr. Hammon, as Chairman, tabled Item #4 in reference to the appointment of Doug Halstead as Fire Chief to November 18, 1996. Mr. Martinbianco wanted the opportunity to speak with Mr. Halstead before making a decision.

Discussion continued on the new Fire Chief's appointment. Council would like a memo explaining the interim appointment pertaining to salary issues.

Mr. Martinbianco inquired about the oversite fee for Laidlaw Environmental Services, passed by the City's Zoning Board on October 7th. He asked Attorney Dick Austin whether a company could pay the city $50,000 in exchange for a Zoning Board Variance and questioned if the Board even had the authority to so.

Attorney Austin said he would research the issue and render a formal written opinion.

Mr. Martinbianco complained about the phone answering system which plays a radio station when the caller is put on hold. He said residents are being exposed to political ads when put on hold.

A discussion continued on this issue.

Mr. Martinbianco made a motion to turn the system off on Election Day. The motion died for lack of support.

Mr. Hammon suggested sending this issue to Legislative Committee for review.

Mr. Martinbinco commented on the CSX railroad crossings that are not being repaired. He appreciated DPW contacting the company.

Mr. Major said they would continue to pursue the issue.

Mr. Martinbianco commented on the poor job the Road Commission did in repairing Vassar Rd.

Mr. Major discussed this matter with Bill Ayres of the Road Commission. He said this project did not cost Burton or Davison any local dollars. Even if the work does not meet our standards, it's better than large potholes being in the road.

Mr. Martinbianco said resident, Leona Stephens of Vineland, has complained about the excessive noise due to Ameritech installing a switching box in the Right-of-Way.

Mr. Major will check into the complaint.

Mr. Cross, as a member of the Zoning Board, clarified the Laidlaw agreement. He said Mr. Hamilton was aware of and prepared the agreement. The Killarney Park residents were satisfied with the regulations imposed on Laidlaw to continue doing business. He said the City recoups costs through fees for such things as building permits. The Zoning Board did not sell the variance in exchange for cash.

Discussion continued on this issue.

Mr. Cross referred to Item #2, pertaining to the attorney's billing. He wanted to know which attorney would be responding to the legal request of Councilman Martinbianco. Mr. Hamilton was involved in the Laidlaw agreement and has prior knowledge of this information.

Mr. Austin said he would respond, in writing, to any requests made at the Council meetings he attends.

Mr. Hammon commented on Item #3, pertaining to the resignation of Bill Mahler. He said it was a pleasure to have Bill Mahler as the Burton Fire Chief. In the short time he's worked for the City, he has done an excellent job.

COUNCIL ACTION:

Cox moved and Abbey seconded the following motion:

1. Approve and authorize the Attorney Billing (Attorney Richard Austin) from October 16, 1996 to October 30, 1996 in the amount of $2,560.00.
Motion carried 5-0.

Abbey moved and Cox seconded the following motion:

2. Approve and authorize the Attorney Billing (Attorney Richard Hamilton) from
   October 16, 1996 to October 30, 1996 in the amount of $565.60.
Motion carried 5-0.

Martinbianco moved and Cross seconded the following motion:

3. Approve and authorize the acceptance of the resignation of William Mahler,
   Fire Chief, effective November 30, 1996.
Motion carried 5-0.

Item #4 was tabled until November 18, 1996.

4. Approve and authorize the appointment of Doug Halstead as Fire Chief,
   effective December 2, 1996.

Cross moved and Martinbianco seconded the following motion:

5. Approve and authorize Standard Resolution #1 for P-96-9 Williamson Avenue
   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 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 5-0.

Abbey moved and Martinbianco seconded the following motion:

6. Approve and authorize Standard Resolution #2 for P-96-9 Williamson Avenue
   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 Clerk's
      Office for examination.
   C. Determine improvement to be necessary.
   D. Accept cost estimate.
   E. Set First Public Hearing for Monday, December 2, 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.

Item #7 was tabled until December 2, 1996.

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 tabled until December 2, 1996.

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 Abbey seconded the following motion:

9. Approve and authorize the issuance of permanent Traffic Control Orders to prohibit parking at anytime on:
   A) DeCamp Street from Saginaw Street to N.B. Grand Traverse;
   B) Norton Street from Saginaw Street to N.B. Grand Traverse;
   C) Allen Street from Saginaw Street to N.B. Grand Traverse;
   D) Buder Avenue from Saginaw Street to Fern Avenue;
   E) Parkwood Avenue from Barnes Avenue to 292' E. of Columbine Avenue;
   F) Brady Avenue from Saginaw Street to Fern Avenue;
   G) Packard Street from Lapeer Road to North Terminus.

Motion carried 5-0.

Martinbianco moved and Abbey seconded the following motion:

10. Approve and authorize a Sanitary Sewer Installer's License and a Watermain Installer's License for Taft Builders at 6400 Lucas Rd., Flint, MI 48506.

Motion carried 5-0.

Item #11 was tabled until November 18, 1996.

11. Approve and authorize the denial of a request for a telecommunication permit agreement from BRE Communications, Inc. dba Phone Michigan of 4565 Wilson Ave., SW, Grandville, MI 49418.

Abbey moved and Cross seconded the following motion:

12. Approve and authorize the City of Burton to meet the principal and interest requirements on all bond obligations for water and sewer facilities during the calendar year 1996, as follows: General Fund, $201.95; Ad-Valorem Levy, $1,055,000.00; other, $250,259.67, for grand total of $1,353,945.99. Motion carried 5-0.

Second Reading of Ordinance tabled until December 2, 1996 Meeting.

SECOND READING OF AN ORDINANCE:

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 8:45 P.M.

Gayle Webster, City Clerk

GW/cml