

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
NOVEMBER 6, 1995, 7:30 P.M., COUNCIL CHAMBERS

Invocation and Pledge of Allegiance Was Led By Councilman Charles Cross.

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

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

Members Absent: Martinbianco.

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

Cross moved and Hammon seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of October 16, 1995 at 7:00 P.M.; Regular Meeting of October 16, 1995 at 7:30 P.M.; Special Meeting of October 23, 1995 at 7:00 P.M. and Special Meeting of October 30, 1995 at 7:00 P.M. and 7:30 P.M., as printed. Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mayor Smiley said that Devil's night in Burton had no incidents.

He said Mr. Centilli would like to buy the Schumacher property for \$5,000.00.

Mr. Walworth said the City would be getting some good press tomorrow, in The Journal, with a featured article on Barb Scharich who will be working with the touch screen and has been an election inspector for over 40 years.

COMMITTEE REPORTS:

None.

AUDIENCE PARTICIPATION:

Dennis Kinder, 1224 S. Genesee, complained that the City was requiring him to put a concrete floor on his remodeling, since he was going to have live stock.

Mr. Major said Mr. Kinder could appeal to the Building Board of Appeals.

Mr. Kinder said that BOCA code does not require concrete floor.

Mr. Hamilton said he had a right to maintain what he has under the non-conforming rights, but he cannot expand those rights, just maintain and repair.

Mr. Kinder said a law was passed in 1994 allowing one to improve a structure and that is what he was doing.

Mr. Hamilton said he would have to research the matter.

Mr. Major said the whole issue started when Mr. Kinder did not apply for a building permit.

Mr. Kinder also complained on the inconsistency of the permit fees.

Mr. Cox asked Mr. Major to check into the matter for him.

Don Sanderlin, 4460 Killarney Park, said that political signs were stolen during devil's night. He wanted people advised that this was against the law for future times. He also asked about a possible spill, as men in white suits were at the facility at Dort and Maple.

Mr. Cox said that it could have been a training session, and that Mr. Sanderlin should get a date so the City could check it out.

Steve Ridley, 1439 S. Packard, wanted the establishment of the industrial development district on tonight's agenda be denied, until the violations are heard by the Zoning Board.

Kelly Loya, said she had just bought the property at 6075 Pearl and wanted the demo removed from tonight's agenda, as she was fixing the house up for herself.

Mr. Major said that it could be removed from the agenda or left on and Council could determine the status at the hearing.

Mr. Cox wanted the new owner to understand that if it was taken off the agenda, then the owner had an obligation to proceed to fix it up or it would go back on the demo list. He said this was a serious matter and the owner should not take the matter lightly.

Larry Stephens, 3049 Vineland, thanked the Mayor and Council for solving residential problems that he addressed to them over the last 4 years. He said he thought he had made a positive impact in the City and on the zoning board. He said the new members should be instructed on the attendance needs of the committee. He said the City has made good strides, and he stands ready to help, as needed.

COUNCIL DISCUSSION:

Mr. Cross asked the Attorney to check on pot belly pigs as domestic or livestock animals. He also asked about the previous bid for Schumacher.

Mr. Cox said it was lower than the original bid.

Mayor Smiley said it was \$500 higher than the reduced price, set by Council, later after no sale.

Mr. Cross asked if we could accept the bid.

Mr. Hamilton said he would like to review the language in the bids and suggested Mr. Centilli give the City a written offer tomorrow.

Mr. Centilli asked about a clean title.

Mr. Major said the title policy would only cover \$1,000.

Mrs. Zelenko said she wanted a discussion on removing 6075 Pearl from the agenda, as she had noticed that the place has a new front door and the yard has begun to be cleaned up.

Mrs. Zelenko reminded the Council that a reception will be held for the new Atherton Superintendent and his wife, at the Atherton Middle School between 6 and 7 p.m. on November 20th. She said that Mr. DuBois and his wife would also be present, as a thank you for his years of service to the district.

Mr. Hammon expressed concern on the possible runoff from 3376 Associates Drive, and on their request for a variance at the November 9, 1995 meeting of the Zoning Board.

Mr. Hamilton said that the building code requires the runoff to be captured in issuing the variance.

Mr. Hammon said he was concerned about the children in the school next door and wanted Mr. Major to walk the property and give a report to him and the Council.

Mr. Hamilton said that the Zoning Board can always put conditions on the variance.

Mr. Hammon said the health, safety and welfare of the kids was the issue with him. He said he wants a code enforcement officer's report before the zoning meeting.

Mr. Abbey asked about setting funds aside for non-profit organizations like a sporting event. Mayor Smiley said it has not been done to date, under the advice of the Controller, and did not think the City should get into this. It was also noted that Council probably had the authority to do this.

Mr. Abbey asked if item #12 met all the requirements. The Clerk said yes.

COUNCIL DISCUSSION ACTION:

Moved by Cross, seconded by Zelenko to remove item #6 from the agenda, referring to Spen Tech Machine Engineering Corp., until after the zoning meeting on November 9, 1995 and to bring the matter back to the Council at the December 4, 1995 meeting. Carried 6-0.

Moved by Zelenko, seconded by Cross to place item #12 on the agenda concerning the request for a sewer license. Carried 6-0.

Moved by Zelenko, seconded by Hammon to remove 6075 Pearl Street from item #11 on the agenda. Carried 6-0.

Moved by Cross, seconded by Walls to group items 2 through 10, excluding item #6, as one motion. Carried 6-0.

COUNCIL ACTION:

Walls moved and Zelenko seconded the following motion:

1. Approve and authorize the Attorney Billing from October 11, 1995 to October 31, 1995 in the amount of \$7,054.50.
Motion carried 6-0.

Walls moved and Abbey seconded the following motion:

2. Approve and authorize Standard Resolution #1 for P-95-1 Brady 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 an engineering firm to prepare Exhibits A & B (cost estimates and district maps).

Motion carried 6-0.

Walls moved and Abbey seconded the following motion:

3. Approve and authorize Standard Resolution #2 for P-95-1 Brady 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 27, 1995 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 6-0.

Walls moved and Abbey seconded the following motion:

4. Approve and authorize Standard Resolution #1 for P-95-5 Packard 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 an engineering firm to prepare Exhibits A & B (cost estimates and district maps).

Motion carried 6-0.

Walls moved and Abbey seconded the following motion:

5. Approve and authorize Standard Resolution #2 for P-95-5 Packard 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 27, 1995 at 7:30 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 6-0.

Item #6 was removed from the agenda, to be brought back at the December 4, 1995 Regular Council Meeting.

6. Approve and authorize the acceptance of an application from Spen Tech Machine

Engineering Corp., for the establishing of an Industrial Development District

and setting the date of December 4, 1995, at 7:00 p.m., for a public hearing to consider the application.

Walls moved and Abbey seconded the following motion:

7. Approve and authorize the acceptance of a paving petition for Parkwood Avenue

from Barnes Avenue to Columbine Avenue in Section 32, using alternative paving standards/Option "C" and forward said petition to the City Assessor for validation of signatures and certification of the percentage in favor of the paving improvements.

Motion carried 6-0.

Walls moved and Abbey seconded the following motion:

8. Approve and authorize the City Assessor's certification of the paving petition for Parkwood Avenue from Barnes Avenue to Columbine Avenue.

Approximately 50% of the taxpayers are in favor of the paving improvement.

Motion carried 6-0.

Walls moved and Abbey seconded the following motion:

9. Approve and authorize Standard Resolution #1 for P-95-20 Parkwood 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 #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 6-0.

Walls moved and Abbey seconded the following motion:

10. Approve and authorize Standard Resolution #2 for P-95-20 Parkwood 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 the Clerk's Office for examination.

C. Determine improvement to be necessary.

D. Accept cost estimate.

E. Set First Public Hearing for Monday, December 11, 1995 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 6-0.

Abbey moved and Walls seconded the following motion:

11. Approve and authorize the acceptance of the Report to the Burton City Council on Investigation of Potential Nuisance or Hazardous Condition of Premises on the following properties located in the City of Burton and set a public hearing date and time to consider any objections and/or favorable comments relative to the referenced premises. Allowing 15 minutes per location, these public hearings can be scheduled from 7:30-9:30 p.m. on December 11, 1995, which follows a yet to be scheduled Special Assessment Public Hearing, should the Council find this favorable or any other date and time Council prefers, allowing 10 days notice to property taxpayers of the scheduled hearings.

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| 1) 6386 Atherton Rd. 7:30 p.m. | 5) 4315 Dort Hwy. 8:30 p.m. |
| 2) 2111 Bristol Rd. 7:45 p.m. | 6) 3318 Gd. Traverse 8:45 p.m. |
| 3) 5371 Davison Rd. 8:00 p.m. | 7) 3406 S. Saginaw 9:00 p.m. |
| 4) 1189 DeCamp St. 8:15 p.m. | |

Motion carried 6-0.

Cross moved and Zelenko seconded the following motion:

12. Approve and authorize a Sewer Installer's License for Danny Mann, dba D. J. Mann Development, PO Box 321 Ortonville, MI.

Motion carried 6-0.

Meeting Adjourned at 8:35 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml