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

INVOCATION AND PLEDGE OF ALLEGIANCE WAS LED BY COUNCILWOMAN PAULA ZELENKO.

The Meeting was called to order by Keith Cox, President, at 7:35 P.M.

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

Members Absent: None.

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

Cross moved and Walls supported the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of October 17, 1994 at 7:30 P.M., as printed. Motion carried 6-0. (Zelenko not present for vote)

ADMINISTRATIVE REPORT:

President Cox introduced Judges Hughes and Conover. Judge Hughes thanked the Council and Judge Conover for their support. Judge Conover said he was pleased to have Judge Hughes on the Court with him.

Mayor Smiley said the Council had the Water and Sewer report from Mr. Riess. He said we have 2,350 sewer units left and after our present projects we would have 1,273.

Mayor Smiley introduced Al Moore, Director of Water and Waste. Mr. Moore reviewed the history of the sanitary sewer units and the contract before Council tonight that he would like the Council to consider. He said that Grand Blanc City and Clayton Township said no and all others have agreed. He thought Clayton Township would reconsider after the Supervisor got back and the project was totally explained.

Mr. Hamilton asked if it would be a first come first serve basis for sharing.

Mr. Moore said yes. He also said that when the capacity got to 90%, they would have to look at revenue bonds. He said that on good days we were at about 80% now. Mr. Moore said the value of a unit was about $300.

Mayor Smiley said he thought if we go into the agreement, we would have unlimited tap-ins down the line with the shared agreement.

Mr. Moore said if Grand Blanc City does not sign, they would be outside the agreement and they could not buy more if his recommendations where adopted. He said there were about 18,000 units left. He reviewed the number of units each community still had.

Mayor Smiley said Mr. Ragnone will continue to use up units and wants the agreement to guard against any law suits.

The Council had extended discussions on the advantages and disadvantages of the agreement.

Mayor Smiley said the Water and Waste Committee is meeting Wednesday and asked for Council concerns on tabling the matter for two weeks.

Mr. Hammon said he had lots of questions and would ask Grand Blanc why they want out.

Mr. Abbey said he was concerned about Grand Blanc coming back in at a later date. Mr. Abbey noted that Mr. Ragnone and the County are the ones that would be sued.

Mr. Hamilton said the agreement language does not make sense and expressed concern on its meaning in parts.

Mr. Hamilton reviewed why Burton bought extra units when the district got started. He said Burton wanted the project to go and took on more than it needed at that time.

Mrs. Walls said the Council may need a special meeting to discuss this issue.

Mr. Cox asked Council to look this over during the next two weeks and if a special meeting was needed, he would call it. He said he would try to attend Wednesday's meeting with the Mayor.

Mayor Smiley said he had a letter from MML and the Council needs to designate a Legislative Coordinator for 1995 by November 28th. He said he would be happy to continue to serve in that capacity next year.

Mr. Walworth reviewed the touch screen voting for tomorrow. He said CNN may carry it tomorrow and that the Free Press should have something tomorrow. He said all the news media will probably be at Weston.

Mayor Smiley said the MIOSHA violation has been reduced from $875 to $437. He said we have until January 16, 1995 to comply, but can get an extension, if needed, with an explanation.

COMMITTEE REPORTS:

Mr. Hammon said the Library Committee will sponsor a dance on November 16th at the Senior Center at $4 each from 6 to 9 p.m.. He invited all to attend. He also said that the committee has the FOP hall donated for an event and they are looking at a Vegas Night in late February or early March.

Mr. Cox asked Mr. Abbey if he would have a Legislative Committee soon to clean up some existing matters.

Mr. Cox noted that item #8 is $2,900 not $165,200.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh, asked about the clean up of the property at Davison and Belsay Roads.

Mr. Cox said the County Health Department has the responsibility to remove the tanks. She also asked about the extent of the City's reconstruction in item #7.

Mrs. Dargel asked about the services for private drives. Mr. Major said that when a person requests to build on such a road, they are advised on what services the City can and will offer.

She asked the Council to take time to look at item #14 before acting. She is also concerned about the Wal-Mart drives and the potential problems they may cause.

COUNCIL DISCUSSION:

Mr. Cross again asked about the handicap requirements, especially at the US 23 Market, that has no posts.

Mr. Major said if BOCA requires it, we will order it, but if not, then the Council may have to initiate an ordinance. He said he would get back with Mr. Cross.

Mr. Abbey said the light at Brady and Columbine needs a new lens to stop the birds from continually nesting and hiding the lighting.

Mr. Martinbianco said that with all the rain, some of the existing problems are showing up . He asked Mr. Major to check on the problem in the Hidden Trails area and Mr. Hickman's drainage problem on Maple Rd.

Mr. Major said Mr. Sabo will correct the first problem and that he would look into the Maple Rd. problem.

Mr. Martinbianco also was concerned with the County getting on top of the water excess problems and would appreciate anything Jeff could do to get them to understand the City's needs for drainage in certain areas.

Mr. Martinbianco asked about who was handling Mr. Becker's duties while the administration advertises.

Mayor Smiley said the different staff members and Mr. Perez are sharing the duties along with himself.

Mr. Abbey asked why it was not in the NLC.

Mr. Walworth said that it was in two magazines and three papers recommended by Mr. Becker for a first try. It is very expensive to advertise these days and if the City gets few responses, it will be advertised further.

Mr. Martinbianco asked if we were going to have problems with Wal-Mart during the construction. Mr. Major said no, as he has a good relation with the contractors once the building is started. He said the main problems have been with the roads going in.

Mr. Martinbainco thanked the Administration on handling the problem at the Atherton Condos.

Mrs. Walls asked the Mayor if he would keep a watch on the number of tanks being stored at the Maple/Dort facility. He said he would and that she was welcomed at anytime to drop by and they would take her through the facility.

COUNCIL DISCUSSION ACTION:

None.

COUNCIL ACTION:

Abbey moved and Zelenko supported the following motion:

1. Approve and authorize the Attorney Billing from October 12, 1994 to November 2, 1994 in the amount of $5,710.00.

Motion carried 7-0.

Cross moved and Abbey supported the following motion:

2. Approve and authorize the Assessor's certification of the paving petition for Glendale Avenue from Lapeer Road to East Court Street South, P-94-14. Approximately 60.8% of the taxpayers are in favor of the proposed improvement.

Motion carried 7-0.

Martinbianco moved and Walls supported the following motion:

3. Approve and authorize the Assessor's certification of the paving petition for McLean Avenue from Saginaw Street to West Terminus, P-94-1. Approximately 54.8% of the taxpayers are in favor of the proposed improvement.

Motion carried 7-0.

Cross moved and Walls supported the following motion:

4. Approve and authorize the Assessor's certification of the paving petition for Arrowhead Drive from Apache Drive to Arapaho, P-94-15. Approximately 54.5% of the taxpayers are in favor of the proposed improvement.

Motion carried 7-0.

Hammon moved and Zelenko supported the following motion:

5. Approve and authorize the acceptance of the low bid of Bartman Excavation, Inc., 4068 Dowdall Street, Flint, MI 48506, with bids as follows: 1180 Norton: $2,359.00; 4391 Columbine: $2,559.00; 3429 Marion: $3,959.00; and 4021 Yeager: $2,659.00.

Motion carried 7-0.

Martinbianco moved and Zelenko supported the following motion:

6. Approve and authorize the Mayor and Clerk to enter into contracts with Bartman Excavating, Inc., 4068 Dowdall Street, Flint, MI 48506 in the amounts of Two thousand three hundred fifty nine dollars and 00/100 ($2,359.00) for 1180 Norton; Two thousand five hundred fifty nine dollars and 00/100 ($2,559.00) for 4391 Columbine; Three thousand nine hundred fifty nine and 00/100 ($3,959.00) for 3429 Marion; and Two thousand six hundred fifty nine dollars and 00/100 ($2,659.00) for 4021 Yeager, contingent upon the submittal and approval by the City Attorney of the required bonds and insurance documents.

Motion carried 7-0.

Abbey moved and Hammon supported the following motion:

7. Approve and authorize the Mayor and City Clerk to execute a contract with the Michigan Department of Transportation and the City of Flint on behalf of the City of Burton and its City Council for the reconstruction of Dort Hwy.

(M-54) from Hemphill Road to I-69. Total estimated project total $1,145,500.00, with Burton's share estimated to be $165,200.00. (M-DOT Cont #94-1072, Control Sec. NH25072, Job #33927; Burton DPW Job #94-029-P) contingent upon the approval of the City Attorney and City Controller/ Treasurer.

Motion carried 7-0.

Martinbianco moved and Walls supported the following motion:

8. Approve and authorize the City's Controller/Treasurer to transfer $2,900.00 from the 1994-95 Major Street/Unappropriated Surplus to DPW Job #94-029-P/ Dort Hwy. (M-54) reconstruction project (Hemphill Road to I-69).

Motion carried 7-0.

Martinbianco moved and Hammon supported tabling the following motion until the meeting of November 21, 1994. Motion carried 7-0.

9. Approve and authorize the transfer of $43,370.00 from the 1994/95 Major Street/Unappropriated Surplus to DPW Job #90-007-P/Belsay Road Bridge at Kearsley Creek. (Estimate City share will be $100,370.00 of a total project cost of $705,570.00)

Cross moved and Martinbianco supported the following motion:

10. Approve and authorize the Mayor's request to extend the filling of the Treasurer/Controller vacancy to January 15, 1995 per the City Charter, Section 3.14 (b).

Motion carried 7-0.

Zelenko moved and Walls supported the following motion:

11. Approve and authorize the City Council to grant a waiver to build on a private drive, subject to Lot Split approval by the City of Burton Planning Commission, for properties located at 5206 Lippincott Blvd. and 5194 Lippincott Blvd.

Motion carried 7-0.

Abbey moved and Walls supported the following motion:

12. Approve and authorize the issuance of permanent Traffic Control Orders to prohibit parking at anytime on:
    A) Boatfield Avenue from Barnes Avenue to Fern Avenue;
    B) Ludwig Street;
    C) Arrowhead Drive from E. Court St. North to Apache Drive;
    D) Williamson Avenue from Saginaw Street to W. Terminus;
    E) Dallas Street and Bellingham Court North of Bristol Road;
    F) McLean Avenue from Saginaw Street to Fern Avenue;
    G) Schumacher Avenue from Saginaw Street to E. Terminus;
    H) Bilsky Street from Center Road to Morrish Street;
    I) Rinn Street;
    J) Bennett Drive;
    K) Parkwood Avenue from Pringle Street to E. Terminus;
    L) Norton Street from Camden Avenue to S.B. Grand Traverse;
    M) Savoy Avenue from Barnes Avenue to Fern Avenue;
    N) Ala Street & Avis Drive;
    O) Shaw Street;

P) Statler Drive;
Q) Pearl Street.

Motion carried 7-0.

Hammon moved and Walls supported the following motion:

13. Approve and authorize the Mayor to sign the General Easement and Right of Way Grant for storm sewer construction and maintenance for Courtyard Development Company.

Motion carried 7-0.

Zelenko moved and Hammon supported tabling the following motion until the meeting of November 21, 1994. Motion carried 7-0.

14. Approve and authorize the Mayor and Clerk to sign the attached agreement with the Genesee County Drain Commission relative to the sale of existing sewer units.

Meeting Adjourned at 9:40 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml