CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
NOVEMBER 16, 1992, 7:30 P.M., COUNCIL CHAMBERS

INVOCATION AND PLEDGE OF ALLEGIANCE WAS LED BY COUNCILMAN CHARLES CROSS.

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

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

Members Absent: Abbey and Cox.

Others Present: K. McArdle, City Administrator; J. Major, DPW Director and W. Walworth, City Clerk.

Hammon moved and Zelenko supported the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of November 2, 1992 at 7:30 P.M.; Special Meetings of November 9, 1992 at 6:00 P.M., 7:00 P.M. and 8:00 P.M., as printed. Motion carried 5-0.

ADMINISTRATIVE REPORT:

On behalf of the Mayor, Mr. McArdle said that the Council should add a Police ...ir in the South End, as a possible consideration for next Monday's CDBG monies.

COMMITTEE REPORTS:

Mr. Hammon said the Finance Committee met on November 11th and had recommendations on the agenda concerning the comcast agreement and the Salt facility.

In Mr. Abbey's absence, Mrs. Walls said the Legislative Committee had set aside Ordinances 6-L, and 41-1 for further study. She said the Committee was recommending Ordinances 82, 54, 67, and deletion of references to political signs in Ordinance 19, as the issue is handled in Ord. 61.

AUDIENCE PARTICIPATION:

Jim Townsend, 2051 Covert Rd., asked for more explanation on the first reading of Ord.67-12.

Mr. Hamilton said it dealt with the size of the maze container allowed.

Mr. Hammon explained the changes to Ord. 20-A (C) on the 4% franchise fee.

Manford Plourde, 1073 Davenport, complained about not being able to burn leaves for at least one week in the Fall and one week in the Spring.

..r. Martinbianco noted that between now and 1995, we will be required to find a ..ay to handle the leaf problem.

Mr. Plourde commended the City on a job well done at Bristol and Dort.

arry Flood, 4495 S. Belsay, expressed concern on the request before the Council for the Maple Bel Manor #2, as it related to the width of the roads and the number of homes in the plat.

Mr. Martz said he hoped to start with road, sewer and water construction by February or March next year.

Mr. Flood said he would like the project tabled.

Phillip Fisher, 4251 Lapeer, complained that he had not heard on a refund on his garbage fees paid and he was going to ask for 4% interest on the money, as it was his money.

Mr. Hamilton said he did not think the Council was prohibited from taking care of the matter now, if they wished.

Mr. McArdle said the City is still waiting for a final ruling from the prosecutor's office.

John Stapish, 6160 Atherton Rd., had a series of questions concerning the agenda and asked for explanations on items #2, 8, 9, 11, and the first reading of Ord. 19.

Pauline Dargel, 6119 Hugh, applauded the Mayor for taking action on item #7 of the agenda. She asked questions on item #10, concerning ownership of the project nd items 11, 12 and 13. She also expressed concern on the first reading of Ord. 82. She did not feel there had been enough discussion by the Council on this matter.

She commended Mr. Cross on his invocation.

COUNCIL DISCUSSION:

Mr. Cross commended the Clerk and the election workers for a job well done at the Presidential Election on Novwember 3rd.

He asked about the Council paying interest on the garbage fees held back. Mr. Hamilton said it was within the scope of the City's authority.

Mr. Cross asked about CD monies for the Salt Barn. He was advised that CD monies probably would not apply for this project.

Mrs. Zelenko asked if the residents can request temporary parking in item #2. She was advised yes.

Mr. Cross asked about our liability in item #7. Mr. Hamilton said the Circuit Judge decides who is responsible for the charges in Court and that the City was not going to take title and we are not going to expose ourselves to any of the cleanup requirements. He said he will coordinate with DNR and the City would not be liable for any contamination.

r. Hamilton explained the langauge in Ord 82 concerning General Commmon Elements and Limited Common Elements.

Mr. Hamilton said he should include an appeal process for the Council in Ordinance 82 and he would add that in the second reading.

. Martinbainco expressed concern on the changes to the Township Ordinance, as recommended by the Legislative Committee, on Ordinance 54. He said he was concerned that many people had payed already, and there was no provision for a reduction for present payers on a project they may not want.

Mr. Hamilton said that if the Council passes this Ordinance, they should also pass a policy, with guidelines, on availability of funds each year and the criteria for each project submitted for City payment.

The matter was then tabled for further study.

Mr. Cross asked about the maze requirement in Ordinance 67. He also asked about the amount of increased revenue in the comcast changes.

COUNCIL ACTION:

Cross moved and Walls supported the following motion:

1. Approve and authorize the Attorney Billing from October 27, 1992 to November 9, 1992 in the amount of $3,146.00.

Motion carried 5-0.

Walls moved and Zelenko supported the following motion:

2. Approve and authorize Traffic Control Orders #92-024 through #92-028 which call for the installation of No Parking on both sides of the street on various streets. These TCO#'s relate to the 1992 Local Street Community Development Paving Program.

Motion carried 5-0.

Zelenko moved and Cross supported the following motion:

3. Approve and authorize the acceptance of the paving petition for Amy Street-Lippincott Blvd. to South Terminus in Section 22, using alternate 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 improvement.

Motion carried 5-0.

Walls moved and Zelenko supported the following motion:

4. Approve and authorize Standard Resolution #1 for P-92-7 Amy Street Special Assessment Paving District Open Ditch Paving Project.
   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.

lls moved and Zelenko supported the following motion:

5. Approve and authorize Standard Resolution #2 for P-92-7 Amy Street Special Assessment Paving District Open Ditch Paving Project.
   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 14, 1992 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 5-0.

Walls moved and Zelenko supported the following motion:

6. Approve and authorize the Assessor's certification of the paving petition for Amy Street from Lippincott Blvd. to South Terminus. Approximately 55.6% of the taxpayers have indicated they are in favor of the proposed improvement.

Motion carried 5-0.

oss moved and Walls supported the following motion:

7. Approve and authorize the location commonly known as 5516 Davison Road, Parcel Q-89-A (vacant structure/formerly Sunshine Food Store Outlet) as a Hazard and Nuisance pursuant to Section 9.6 of the City Charter and direct the City Attorney to commence legal proceedings in Circuit Court to abate the property.(NOTE: Underground storage tanks, service pipes and pumping equipment, vehicles for sale, and a commercial site/structure in need of repair are the existing code violations. The site/structure was posted on 11-9-92 for these violations.

Motion carried 5-0.

Walls moved and Zelenko supported the following motion:

8. Approve and authorize the Mayor and Clerk, on behalf of the Burton City Council, to execute Exhibits A & B with CHMP as design engineers for DPW Job #92-005-W.

Motion carried 5-0.

Walls moved and Hammon supported the following motion:

9. Approve and authorize the Mayor and Clerk, on behalf of the Burton City Council, to execute Exhibits A & B with CHMP as design engineers for DPW Job #92-006-W.

Motion carried 5-0.

ılls moved and Zelenko supported the following motion:

10. Approve and authorize the preliminary plat - final approval for the Maple Bel Manor #2, the Northeast corner of Maple and Belsay Roads, Section 36, R-1B zoned. (Maple Bel Associates, 6384 S. Belsay Road, Grand Blanc, MI 48439.)

Motion carried 5-0.

Hammon moved and Zelenko supported the following motion:

11. Approve and authorize the City Controller/Treasurer to transfer $81,350.00 from the 1992-93 Motor Pool Contingency to Motor Pool Capital Projects/Salt Barn Replacement/DPW Job #92-016-D to supplement insurance payment, due to collapse from storm/wind damage.

Motion carried 5-0.

Hammon moved and Zelenko supported the following motion:

12. Approve and accept the low bid of R.L. White Development Corp., 8359 Office Park Drive, Grand Blanc, MI 48439, in the amount of $89,550.00 for the construction/replacement of the DPW Salt/Construction Materials Facility/DPW Job #92-016-D.

Motion carried 5-0.

Hammon moved and Walls supported the following motion:

13. Approve and authorize the Mayor and Clerk to enter into a contract on behalf of the City of Burton and its Council with R. L. White Development Corp., 8359 Office Park Drive, Grand Blanc, MI 48439 in the amount of $89,550.00 for the construction/replacement of the DPW Salt/Construction Materials Facility/DPW Job #92-016-D, contingent upon approval of the City Attorney with the submission of mandatory bonds and insurance policies. The total project cost approval shall be $100,000.00, inclusive of architectural fee of CHMP, Inc. and a contingency allowance.

Motion carried 5-0.

<u>FIRST READING OF ORDINANCES:</u>

Hammon moved and Zelenko supported the following motion:

1. Approve and authorize First Reading of Ordinance No. 82 (C), an ordinance establishing Site Condominium Projects and Regulations thereof.

Motion carried 5-0.

Walls moved and Hammon supported the following motion:

2. Approve and authorize Ordinance No. 54-25 (C), amending Ordinance No. 54, as amended, being an ordinance providing for sewer use rates for service, connection charges, and industrial cost recovery in the City of Burton Sanitary Sewer System which is part of the Genesee County Sewage Disposal District No. 1.

Zelenko moved and Walls supported to table Ordinance No. 54-25 (C), amending Ordinance No. 54, and refer the matter back to the Legislative Committee for review and further evaluation.

Tabling Motion carried 5-0.

Walls moved and Zelenko supported the following motion:

3. Approve and authorize Ordinance No. 67-12 (C), amending Ordinance No. 67 (C), as amended, being a Firearms, Dangerous Weapons and Hunting provisions of the Criminal Code of the City of Burton.

Motion carried 5-0.

Hammon moved and Zelenko supported the following motion:

4. Approve and authorize Ordinance No. 20-A-5 (C), amending Ordinance No. 20-A (C), covering the increase of the Comcast Franchise fee from 3% to 4%.

Motion carried 5-0.

Zelenko moved and Walls supported the following motion:

5. Approve and authorize amending Ordinance No. 19, by deleting Section 5.28, Subsection 1-L in reference to political signs.

Motion carried 5-0.

SECOND READING OF AN ORDINANCE:

Walls moved and Hammon supported the following motion:

1. Approve and authorize Zoning Case No. 197 to rezone property located at 3259 Iron St., from R-1C to M-2, described as Lots 141 thru 143 and the W 25 ft. of Lot 144 and Lots 170 thru 174 and the W 25 ft. of Lot 175 of Holland Heights. (James Patton, 3401 N. Dort, Flint, Michigan 48506.)

Motion carried 4-1 with Mr. Cross voting no.

Meeting Adjourned at 9:10 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml