CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
DECEMBER 2, 1991, 7:30 P.M., COUNCIL CHAMBERS

INVOCATION AND PLEDGE OF ALLEGIANCE WAS LED BY COUNCIL PRESIDENT MARTINBIANCO.

This Regular Meeting was called to order by President Martinbianco at 7:30 P.M.

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

Members Absent: None.

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

Cross moved and Zelenko supported the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of November 18, 1991 at 7:30 P.M. and Special Meeting of November 25, 1991 at 7:00 P.M., as printed. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley said that he had toured the Environmental Rubber Specialist Facilitiy and recommended that the Council take such a tour.

He said he was adding item #8 to the agenda to comply with Ordinance 52C regarding the Salary Commission. He also noted that the Chartered Administrators were included in item #6.

COMMITTEE REPORTS:

None.

AUDIENCE PARTICIPATION:

Robert McCullough, 2028 E. McLean, spoke on quality type solid waste disposal. He suggested that the Council invite Mr. Francis Rosica to address them at a future meeting on this subject. He expressed concern on the conduct of the DPW Department. He also said he was against tax abatements.

Fred Edmonds, 4038 Woodrow, encouraged the Council and Mayor to get a Burton resident on the United Way Committee. He said that he did not feel that the Burton residents were getting their fair share of United Way monies. He asked the Council to discuss the matter and bring a report back to a future Council meeting.

Walter Bellah, 2347 Ives, asked the Council to abide by the Charter and require the Attorney to be a resident.

Bud LeGrande, 2105 E. Buder, also expressed concern on the Attorney residency.

Pauline Dargel, 6119 Hugh, said she was opposed to a non-resident attorney. She questioned the fact that the City did not have a contract with the Attorney. She also questioned the Attorney having the right to a deduction for insurances with the City when a citizen did not have that right. She also said that there was no Council resolution authorizing Mr. Becker to make these deductions. She suggested that Mr. Abbey not take part in Attorney deliberations due to a conflict of interest as an employee of the firm.

COUNCIL DISCUSSION:

Mrs. Walls said that she thinks that the motion at a Special Meeting to retain the Attorney was in violation of the City Charter.

Mr. Martinbianco asked Mr. Austin to address the open meetings act and if State Law supercedes the Charter.

The Attorney Guidelines passed by the Council in 1989, calls for reaffirming or reappointing the City Attorney prior to a new fiscal year.

Mr. Austin said that the special meeting notice should have included the subject of the Attorney appointment if such action was going to be taken at the Special Meeting.

Mrs. Walls asked if she voted to approve the minutes of the November 25, 1991 meeting, she would also be approving the Attorney resolution.

Mr. Austin said that the minutes can be approved without the vote implying the approval of the resolution.

Mrs. Walls asked if she could open the matter up after the minute approval, recinding the resolution of November 25, 1991, concerning the Attorney.

Mr. Austin said yes.

Mrs. Zelenko said she did not have enough information to act on items #2, 3, 4 and 7 without an executive session.

Mr. Abbey asked if there was any reason why he should not vote on the reconsideration motion.

Mr. Austin said their was no reason he could not vote on the matter.

Mr. Austin noted that he had a discussion with Mr. Abbey today and that he, Mr. Abbey, had terminated his contract with Mr. Hamilton last July when the work was completed.

Mr. Martinbianco asked what effect the reconsideration motion had on the status of Mr. Hamilton with the City.

Mr. Austin said that whether you act or table the motion, that the City still had Mr. Hamilton as their Attorney.

Mr. Hammon noted that the Charter also provides for an assistant attorney.

Mr. Abbey said that he apologized if he should have refrained from voting last July on attorney matters. He said that the Administration and Council were both aware that he had a contract with Mr. Hamilton. Mr. Abbey also noted that he was not the low bidder the second time around that he has not had a contract with Mr. Hamilton's development company since then.

Mr. Abbey reiterated that his construction company was only low bidder the first time which ended last July.

Mr. Martinbianco noted that after 17 years of service as the City Attorney, that now the residency issue comes into play for some reason.

Mr. Cross said he has talked to Mr. Parks concerning the Central Communications Consortium and the House will be addressing the 911 issue tomorrow and Mr. Parks will be getting back to him after that.

Mr. Cross said he had talked to Dan Harrell on the Metropolitan Alliance Committee and he and Mr. Mahler would be meeting on that committee the second Wednesday of the month.

Mrs. Walls asked about Mr. Edmonds serving on the United Way Board.

Mr. Edmonds said that matter should be referred to the Mayor's office.

Mr. Martinbianco said that the Council will be discussing the matter and will make a recommendation to the Mayor in two weeks.

The clerk noted that the people responsible for the applications in item #5, concerning the CD monies, must have their applications to him by tomorrow. He said that Mr. Nesmith had graciously allowed the City to postpone action till tonight, due to the Council and Mayor election in November but we needed to get the application in immediately after the December 2nd meeting.

Mr. Abbey asked if all seven slots for the Salary Commission were open. Mayor Smiley said yes.

COUNCIL DISCUSSION ACTION:

Moved by Cross, supported by Hammon to include item #8 on the agenda. Motion carried 7-0.

Moved by Zelenko, supported by Cox to go into a closed session after the Council discussion, under Section 8(c) of the Open Meetings Act. Motion carried 7-0 with a roll call vote.

Moved by Walls, supported by Cross to reconsider the action taken at the November 25, 1991 special meeting concerning retaining Attorney Hamilton as the City council. Motion carried 7-0.

Council went into Executive Session at 8:30 P.M. and returned at 9:00 P.M.

COUNCIL ACTION:

Cox moved and Hammon supported the following motion:

1. Approve and authorize the Attorney Billing from November 13, 1991 to November 25, 1991 in the amount of $2,911.45.

Motion carried 7-0.

Cross moved and Abbey supported the following motion:

2. Approve and authorize Mayor and Clerk to enter into a three year contract with the COAM Union from July 1, 1991 to June 30, 1994.

Motion carried 7-0.

Abbey moved and Zelenko supported the following motion:

3. Approve and authorize transfer of funds of $12,975.00 from General Fund-Contingencies to Police Lieutenants and Sergeant's salaries and fringe benefits to provide funding for the COAM Labor Contract settlement for the fiscal year 1991-1992.

Motion carried 7-0.

Walls moved and Abbey supported the following motion:

4. Approve and authorize Resolution for Adopting the Municipal Employees' Retirement Plan for all COAM Union personnel.

Motion carried 7-0.

Cross moved and Abbey supported the following motion:

5. Approve and authorize appropriation of the 1991 Community Development Block Grant monies on the following basis.

Project Name	% of Total Allocation
Burton N. H. S.	30%
South End Water Improvement	20%
Senior Citizens Center, Director's Salary	20%
Street & Sidewalk Improvement	30%

The current allocation of $116,304.00 would be distributed on the above referenced basis in the following amounts:

Project Name	ALLOCATION
Burton N.H.S.	$34,891.20
South End Water Improvement	$23,260.80
Senior Citizens Center, Director's Salary	$23,260.80
Street & Sidewalk Improvement	$34,891.20

Motion carried 7-0.

Cross moved and Walls supported the following motion:

6. Approve the Mayor's reaffirmations of the following Administrative Officers of the City of Burton:

City Clerk - William Walworth
Treasurer - Bradley Becker
Assessor - Dennis Lowthian
Police Chief - Herman Clark
Fire Chief - Charles Sanford

Motion carried 7-0.

Cross moved and Cox supported the following motion:

7. Pursuant to the provisions of Section 11.1 (A) of the City Charter, the Mayor is hereby authorized to enter into employment agreements with non-union, non-charter administrators on an "at-will" basis only.

Motion carried 7-0.

Cross moved and Zelenko supported the following motion:

8. Approve and authorize the Mayor's appointments to the Salary Commission as follows:

Arnold Chema, 2254 McLaren St., Burton, MI., term to expire October, 1998;
Mike Ellithorpe, 2222 McLaren St., Burton, MI., term to expire October 1997;
Dan Osmon, 3202 Eastgate St., Burton, MI., term to expire October 1996;
Ken Wright, 3323 Shannon Rd., Burton, MI, term to expire October, 1995;
Monty Mansfield, 3490 Lippincott, Burton, MI, term to expire October, 1994;
Coleen Smith, 5312 Arnold, Burton, MI, term to expire October, 1993;
Dave Chandanais, 5188 Ottawa, Burton, MI, term to expire October, 1992.

Motion carried 7-0.

Meeting Adjourned at 9:07 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml

CITY OF BURTON
SPECIAL COUNCIL MEETING MINUTES
DECEMBER 2, 1991, 7:15 P.M., COUNCIL CHAMBERS

This Special Meeting was called to order by President Martinbianco at 7:15 P.M.

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor Charles H. Smiley; K. McArdle, Administrative Assistant; J. Major, Acting DPW Director and W. Walworth, City Clerk.

PURPOSE OF THE MEETING: Public Hearing for Transfer of Real Property known as Outlet C Meadowcroft Estates No. 2 (Q-7329-65) Sec.22

PRESENTATION:

Mr. Major said that the Council had a packet of materials for him showing the approval by the City for the acquisition of the property in Meadowcroft Estates. Since the County made an error in transferring the land to us, we are obligated to transfer it back to the State of Michigan and then they in turn can transfer the land to the correct applicant. He said our only interest was to prevent a land lock situation for the City.

AUDIENCE PARTICIPATION:

None.

COUNCIL DISCUSSION:

None.

COUNCIL ACTION:

Abbey moved and Zelenko supported the following motion:

1. Approve and authorize Transfer of Real Property known as Outlet C Meadowcroft Estates No. 2 (Q-7329-65) Sec.22 to the State of Michigan due to an error by the County of Genesee, Treasurer's Office realative to the non-payment of taxes (1984), that in fact were paid and instruct the Burton City Attorney or an approved Title Company to prepare a Deed of Sale/Disposal of said property.

Motion carried 7-0.

Meeting adjourned at 7:22 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml