

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
DECEMBER 4, 1995, 7:30 P.M., COUNCIL CHAMBERS

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

The Meeting was called to order by Paula Zelenko, Vice President, at 7:30 P.M.

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

Members Absent: Hammon.

Others Present: J. Major, DPW Director and W. Walworth, City Clerk.

Wall moved and Cross seconded the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of November 20, 1995 at 7:30 P.M.; Special Meetings of November 27, 1995 at 6:30 P.M., 7:00 P.M. and 7:30 P.M., as printed. Mr. Cross asked that the November 20, 1995 meeting reflect that the motion to elect the Vice President was made by Mr. Abbey and not Mr. Cox. Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mr. Walworth welcomed the Atherton and Powers High School Senior Civic classes to the meeting.

He said that he received a sealed bid that afternoon for the Schumacher property and needed to know what to do with it.

Attorney Hamilton requested an executive session to discuss litigation in the Main Manufacturing case.

COMMITTEE REPORTS:

Mr. Cross said he had met with the Metropolitan Alliance Committee last week for a discussion on the Governor's MDOT committee and the cutbacks that need to be addressed.

Mr. Major said Mr. Sekrenes would like a meeting with the Finance Committee to discuss water and sewer for Brookwood Pointe #4. Mr. Cox said he would set a date later.

AUDIENCE PARTICIPATION:

Judge Hughes requested that the Council and Mayor present a Burton flag to the 67th District Court on January 22, 1996. He plans to display the flag in his Court room as Judge Conover has done. Judge Conover attended tonight's meeting with Judge Hughes and will participate in the ceremony on the 22nd.

Dennis Kinder, 1224 S. Genesee, asked about his situation and what is included in livestock. Mr. Hamilton said he believes that Mr. Kinder's animals come under the definition of livestock.

COUNCIL DISCUSSION:

Mr. Cox said the Genesee County Recycling Committee would like to have three drop off centers next year, as was done earlier this year. He said they are looking for dollars, as they will not be funded this year for the project. They estimate that they will need \$2000 from the Burton Community. He said he would make a report at a later time to the Council.

Mr. Cross asked about the Pearl St. demolition.

Mr. Major said that the owner has not complied with the Council's request for her to upgrade the property. She has not taken out a building permit to date.

Mr. Cox noted that there could be extenuating circumstances.

Mr. Abbey said she had an obligation to the Council and it needs a solution.

Mr. Cross said his motion was intended for her to be able to present her case on December 11th.

Mr. Hamilton said the Council could unseal the Schumacher bid.

Mr. Martinbianco asked if they could review sealed bid.

Mr. Hamilton said the Council has the final authority to accept or reject a bid.

Mr. Martinbianco asked the Attorney to review the process and let Council know what their options are.

Mr. Cross asked the Legislative Committee to review the Attorney guidelines.

Mr. Abbey said this should be done at budget time.

Mr. Cross said this would be o.k.

Mrs. Zelenko said that Mrs. Walls would be unable to serve on the BNHS and that when Mr. Hammon returned that he could fill the vacancy.

Mr. Cross asked how the Attorney billed the City.

Mr. Hamilton said portal to portal.

Mr. Martinbianco asked if the changes of the meeting time in January would interfere with Planning or Zoning. He was advised no.

The Council discussed item #7 on the IRS and the pension and decided to refer the matter to the Finance Committee.

Mr. Abbey asked about Mr. McDougall's letter and a response back.

Mr. Cox said the Council had asked Mr. McDougall for information that he gave them, and now the Council needs to look at his salary.

Mr. Cox said he would like an adjustment for this year and finance will give a the Council a recommendation.

Mr. Martinbianco asked for more time to review the Clerk's memo on saving tapes. He asked that implementation be delayed until February 28, 1996.

Mr. Hamilton said that Zoning tapes should be kept and thought there was unique statutory record requirements to keep the tapes.

COUNCIL DISCUSSION ACTION:

Moved by Martinbianco, seconded by Walls to go into a closed session after item #10 in the agenda, under Section 8(e) of the Open Meetings Act. Motion carried 6-0 with a roll call vote.

Moved by Cross, seconded by Abbey to rescind the actions of Council on November 6, 1995 and place the Pearl St. property back on the demo list for December 11, 1995 at 9:30 p.m. Motion carried 6-0.

COUNCIL ACTION:

Cross moved and Abbey seconded the following motion:

1. Approve and authorize the Attorney Billing from November 15, 1995 to November 29, 1995 in the amount of \$2,311.50.
Motion carried 6-0.

Walls moved and Abbey seconded the following motion:

2. Approve and authorize changing the Regular Council Meeting date from Monday, January 1, 1996 to Monday, January 8, 1996 due to the holiday and City Hall being closed; and change the Regular Meeting of Monday, January 15, 1996 to Monday, January 22, 1996.
Motion carried 6-0.

Abbey moved and Walls seconded the following motion:

3. 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 January 8, 1996 at 7:00 P.M., for a public hearing to consider the application.
Motion carried 6-0.

Cross moved and Martinbianco seconded the following motion:

4. Approve and authorize the acceptance of the Report to the Burton City Council on Investigation of Potential Nuisance or Hazardous Condition of Premises for the property located at 2262 N. Center Road in the City of Burton, and approve a Public Hearing for December 11, 1995 at 9:15 p.m. This date was originally set aside for 6075 Pearl St., which has been put on hold per the Burton City Council, at the Regular Council Meeting of November 6, 1995.
Motion carried 6-0.

Martinbianco moved and Abbey seconded the following motion:

5. Approve and authorize the Mayor and City Clerk to execute the authorization for changes in the standard street lighting contract with Consumers Power Company for the five (5) new locations in Brookwood Pointe Subdivision #3 (at the developers sole cost), and an additional location of Amy Street at the south dead end invoiced to the City.
Motion carried 6-0.

Cross moved and Martinbianco seconded the following motion:

6. Approve and authorize the issuance of a permanent Traffic Control Order to prohibit parking at anytime on the west/northwest side of Zuni Drive from Apache Drive to Arrowhead Drive.

Motion carried 6-0.

Abbey moved and Walls seconded the following motion:

7. Approve and authorize the Mayor to execute amendment #1 to the City of Burton Employees' Pension Plan and Trust and submit to the Internal Revenue Service for their approval.

Cox moved and Martinbianco seconded tabling of item #7. Motion carried on a role
call vote 6-0.

Cross moved and Cox seconded the following motion:

8. Approve and authorize the setting of a second public hearing on Monday, December 18, 1995 at 7:15 P.M. for Zoning Case #210 (Burton City Planning Commission, for Text Change - Site Plan Review).

Motion carried 6-0.

Abbey moved and Martinbianco seconded the following motion:

9. Approve and authorize the Department of Public Works to file a formal application on behalf of the City of Burton with the Department of Natural Resources, State of Michigan, pursuant to Act 223, Public Acts of 1909 as amended, for the Department of Public Works designated parcel or lot numbers 95-01, 07, 13, 15 & 16 from Exhibit "A" dated July 27, 1995 prepared by the Michigan Department of Natural Resources (attached) for public uses.

Motion carried 6-0.

Walls moved and Abbey seconded the following motion:

10. Approve and authorize the following appointments, by the Mayor, to the Salary Commission: Jim Osborne, 3214 S. Belsay Rd., Burton, MI 48519, term expires 2001; William Kalanquin, 1198 Carlson Dr., Burton, MI 48509, term expires 2000 and Estella Mata, 1456 Webber St., Burton, MI 48529, term expires 2002.

Motion carried 5-1 with Martinbianco voting no.

Executive Session 8:25 p.m.
Returned 9:05 p.m.

Meeting Adjourned at 9:05 P.M.

Respectively Submitted,

William R. Walworth
Burton City Clerk
WRW/cml