

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
DECEMBER 6, 1993, 7:30 P.M., COUNCIL CHAMBERS

INVOCATION WAS LED BY COUNCIL PRESIDENT KEITH COX.

PLEDGE OF ALLEGIANCE LED BY WEST BENDLE 4TH GRADE STUDENT JERRY MOORE.

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

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

MEMBERS ABSENT: Zelenko.

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

Cross moved and Martinbianco supported the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of November 15, 1993; Special Meetings of November 22, 1993 at 6:00 P.M., 7:00 P.M. and 7:30 P.M.; Special Meetings of November 29, 1993 at 7:00 P.M. and 7:30 P.M. as printed. Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mayor Smiley said the Council Members now have a voice mail box available for use.

He welcomed the Atherton High School Civic class.

Mayor Smiley read a proclamation honoring Alfred Hindes as an outstanding Burton World War II veteran. Mr. Hindes thanked the Mayor and the Council for his proclamation.

COMMITTEE REPORTS:

Mr. Hammon said the Library Advisory Committee had a successful pancake breakfast. He said canisters are being placed at different businesses for donations to the fund. He said Gloria's Palace has graciously donated their hall for a February fund raiser. He said the F.O.P. had also donated their hall for a Fall fund raiser.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh, asked the President about the standing committee's that he has formed for the coming year. She also raised a question on the condensed versions of ordinances in the publications.

Mr. Walworth said State Law allows the change to reduce costs to the municipalities and this supersedes the Charter.

Mr. Hamilton said that zoning is included and he will check on non-zoning publications.

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X She asked about the DPW complaint form and the procedure. Mr. Major said when a case is completed, that a disposition is available to the public.

She asked about the change in the holiday days off. She questioned the Council not taking action on this matter. Mr. McArdle said the Council was notified of the change, at the last Council meeting, and that action was not necessary by them.

X Jim Townsend, 2051 Covert, reviewed the history of the problems at the roller rink. He would like the City to go back to Court to keep the decibels down.

Mr. Abbey asked that the City try to get a professional in the area to test on the decibel level and, if one is not available, to go outside the county.

President Cox said the matter should be resolved and asked the administration to explore the matter further and give a report at the next Council meeting.

Walter Bellah, 1345 Ives, said he is trying to get people to the Council meetings and will work with the news media to see if they will give him a free announcement.

X Gary Card, 2098 Delaney, asked about the litigation on the trucking firm. He was advised that an appearance ticket had been issued and there would be a \$500 fine if guilty.

Mr. Card said he feels that businesses think they can come in and do as they please. Mr. Major noted that the Planning Commission did not require paving, over his objections.

COUNCIL DISCUSSION:

3X Mr. Martinbianco asked about the City looking at the weeds that have grown up on the pie shaped parcel near Gilkey Creek, between Atherton and Belsay Rds. He also asked about the dead end or no outlet sign needed at Scottwood, west of Center. He said he would like a memo from DPW on what has been done.

X Mr. Abbey asked about a complaint he had filed with DPW on junk that had been removed and then brought back again. Mr. Major will check it out.

Mayor Smiley noted that the process has improved under our code enforcement officer.

X Mr. Abbey asked about the water break on Saginaw. Mr. Major said it was an installation problem. Mr. Abbey asked if the criminal watch sign could be put back up or replaced. Mr. Major said he would take care of it.

Mr. Hammon asked about the repeat of the numbers for the traffic control orders in tonight's agenda. Mr. Walworth said he would correct them on the minutes.

Mr. Hammon expressed concern on the petitioner being able to cut the project in half without notifying the dumped part. Mr. Major noted that the City can reduced a paving project, but not increase one, under the present ordinance.

X Mr. Major to notify the other signers on the petition who have been removed from the project.

X Mayor Smiley suggested the Legislative Committee look at allowing the resident owners, who occupy the house, to be able to come to Council for a paving request.

Mr. Abbey said that he would also like to look at HUD houses as a possible exclusion.

Mr. Major reminded the Council that they can pave on a 7-0 vote.

Mr. Hamilton reminded the Council that the petition process was procedural in nature and not functional and their approval of a project was a policy and there is no need to change the ordinance.

Mayor Smiley asked Mr. Martinbianco to set a Finance Committee Meeting before the holidays.

Jean Morgan reminded the Council that they could make a selection from the Christmas tree to give a gift for a needy child.

COUNCIL ACTION:

Martinbianco moved and Abbey supported the following motion:

1. Approve and authorize the Attorney Billing from November 10, 1993 to November 24, 1993 in the amount of \$1,568.00.
Motion carried 6-0.

Cross moved and Martinbianco supported the following motion:

2. Approve and authorize the issuance of a permanent Traffic Control Order to establish a maximum speed limit of 25 miles per hour on Walli Strasse Drive from Lippincott Blvd. to Center Road (TCO #93-0016).
Motion carried 6-0.

Abbey moved and Walls supported the following motion:

3. 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 location of 1467 E. Maple Avenue and Forest at Court Street, this authorization will also serve as the 1993 Blanket/Master Resolution for all future changes, during the calendar year 1993.
Motion carried 6-0.

Walls moved and Martinbianco supported the following motion:

4. Approve and authorize the following resolution:
RESOLVED BY: The City Council of the City of Burton, Genesee County, Michigan
WHEREAS, Act 223, P.A. 1909, as last amended by Act 196, P.A. 1970 provides for the conveyance of State-owned tax-reverted lands to municipal units for public purposes, and
WHEREAS, City of Burton, City Council acquired (See Exhibit "B") for public purposes and when it ceased to be used for public purposes, it shall revert to the State of Michigan.
NOW, THEREFORE BE IT RESOLVED, that the City Council thru the Department of Public Works to make application to the State of Michigan Department of Natural Resources, Real Estate Division for release of the reverter restriction on said land, and
FURTHER BE IT RESOLVED that the City Council thru the City Controller/Treasurer's Office shall set up necessary procedures and controls to provide for the proper distribution of funds arising from the subsequent sale of the acquired property in conformity with the mentioned acts.
Motion carried 6-0.

Abbey moved and Walls supported the following motion:

- AX 5. Approve and authorize the acceptance of a paving petition for Ludwig Street, Section 28, 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.

Martinbianco moved and Walls supported the following motion:

6. Approve and authorize Standard Resolution #1 for P-93-3 Ludwig 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 No. 1, Section 2.
 - C. Instruct the DPW Engineering Division and/or CHMP to prepare Exhibits A & B (cost estimates and district maps.)

Motion carried 6-0.

Abbey moved and Martinbianco supported the following motion:

7. Approve and authorize Standard Resolution #2 for P-93-3 Ludwig 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 Clerk's Office for examination.
 - C. Determine improvement to be necessary.
 - D. Accept cost estimate.
 - E. Set First Public Hearing for Monday, December 20, 1993 at 7:00 PM at City Council's 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 Martinbianco supported the following motion:

8. Approve and authorize the City Assessor's certification of the paving petitions for Ludwig Street from Atherton Road to Hemphill Road. Approximately 52% of the taxpayers have indicated they are in favor of the proposed improvement.

Motion carried 6-0.

Abbey moved and Martinbianco supported the following motion:

9. Approve and authorize the acceptance of a paving petition for Arrowhead Drive Section 28, 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.

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Walls moved and Martinbianco supported the following motion:

- AX 10. Approve and authorize Standard Resolution #1 for P-93-5 Arrowhead Drive 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 No. 1, Section 2.
 - C. Instruct the DPW Engineering Division and/or CHMP to prepare Exhibits A & B (cost estimates and district maps.)

Motion carried 6-0.

Walls moved and Hammon supported the following motion:

11. Approve and authorize Standard Resolution #2 for P-93-5 Arrowhead Drive 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 Clerk's Office for examination.
 - C. Determine improvement to be necessary.
 - D. Accept cost estimate.
 - E. Set First Public Hearing for Monday, December 20, 1993 at 6:30 PM at City Council's 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 supported the following motion:

12. Approve and authorize the City Assessor's certification of the paving petitions for Arrowhead Drive from E. Court Street to Apache Drive. Approximately 50% of the taxpayers have indicated they are in favor of the proposed improvement.

Motion carried 6-0.

Hammon moved and Cross supported the following motion:

- X 13. Approve and authorize the issuance of a permanent Traffic Control Order to prohibit parking on the east and west side of Academy Drive from Maple Avenue to North Terminus. (TCO #93-0017).

Motion carried 6-0.

Walls moved and Martinbianco supported the following motion:

- X 14. Approve and authorize the issuance of a permanent Traffic Control Order to regulate Commercial Truck Traffic as provided for in Ordinance 57C, on Academy Drive from Maple Road to North Terminus. (TCO #93-0018)

Motion carried 6-0.

MEETING ADJOURNED AT 9:05 P.M.

Respectfully Submitted,

William R. Walworth
City Clerk

WRW/cml