

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
DECEMBER 16, 1996, 7:30 P.M., COUNCIL CHAMBERS

Invocation and Pledge of Allegiance was led by Councilman Charles Cross.

The Meeting was called to order by Ted Hammon, 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; R. Hamilton,
City Attorney and C. Ladd, Deputy City Clerk.

Zelenko moved and Walls seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of
December 2, 1996 at 7:00 P.M. and Regular Meeting of December 2, 1996 at 7:30 P.M., as printed. Motion carried 5-0.

ADMINISTRATIVE REPORT:

Mayor Smiley said he is circulating a report to the Council from Environmental Services to give you an overview of the curbside recycling. According to the statistics, the program has been very successful, to date.

Mayor said he wanted to remind the Council that City Hall will be closed from noon on Christmas Eve to January 2nd. There will be some essential employees working in the DPW and Police Department.

Mr. Major said he was asked to comment about a home going up on Packard St. He explained that the lot was vacant after the house burned down and it was purchased by someone and they are putting a modular home on the property. The house sits higher on the property than the others in the neighborhood, but the Local City Ordinance and State Ordinances don't designate the height of the first floor of the house. He said he understands the residents in the area are unhappy with the house, but it does meet minimum codes and there are no existing violations.

Mrs. Walls asked if the water run-off will be taken care of so the neighbors don't flood. Mr. Major said whatever the direct waterflow was is the way it must remain.

COMMITTEE REPORTS:

None.

AUDIENCE PARTICIPATION:

Dennis Delling, 1409 N. Packard, said he lives across the street from the house being constructed on N. Packard. He explained that it looks like a doublewide mobile home and he is very dissatisfied with it going in. He said it probably was worth about \$40,000 and the other homes are more like \$100,000. He said he thinks the neighbors should have been contacted prior to the house being started.

Mr. Major said the State and Federal laws prohibit local governmental units from stopping mobile/modular homes from going into a residential area as long as they meet the proper criteria.

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Pauline Dargel, 6119 Hugh St., spoke concerning the property on N. Packard. She asked about the publication of Ordinance 68-20 (C) not being published in its entirety. She also inquired about the difference between the defined benefit and defined contribution pension plans.

J. Stapish, 5160 E. Atherton Rd., made a complaint about having to pay for a curb box that was replaced by the Water Department, at one of his rental units. He asked that the Council inquire to MML about to see what is common practice of situations like this. He said he had no prior knowledge that the curb box was defective or going to be replaced.

Larry Petrella, 1081 Howe Rd., inquired about the portable sign ordinance and

whether it was voted on not to have them in the City. He said Home Depot has one and he would like it checked to see if it is in the right of way. (This will be checked by the DPW per Mr. Major). Mr. Petrella also inquired about a traffic study being done on Court Street and asked if any results were in. He was advised that the County Road Commission recommended denial of the traffic signal, as the number of accidents, tickets, etc. did not warrant a light at this time. He was advised this would be discussed at a future Legislative Meeting in 1997.

COUNCIL DISCUSSION:

Mr. Cox said in regard to Mrs. Dargels' comment about the ordinance being published in its entirety, this has been done in the past.

Mrs. Walls said in regards to a traffic study on Court St., she recommends that the person at the Road Commission try to drive that area, and especially at this time of year.

Mr. Hammon read a correspondence from Jim Iacovacci regarding the fire at this home at 4305 S. Genesee Rd. He expressed his gratitude for the gentleman who reported the fire and the fine job done by the Burton Fire Department. He said because of the quick actions, he didn't lose any of his horses and was grateful for everything that was done.

Mr. Cox said he thinks a traffic study should be done on Center Road between Atherton and Lippincott, because of the businesses that have gone up in that area. If the County doesn't want to do it, possibly the City could approach the businessmen to see if they want to do this.

Mr. Cox also said the Water and Sewer Department has a new process, whereby they can keep the developments updated.

He said he also spoke with the Barnett's on Kenneth Street about a paving petition and they still want to proceed.

Mr. Cox inquired about item #4, BRE Communications, on the agenda. He asked if all of the other municipalities had signed the agreement.

Mr. Hammon advised him that eight (8) have not signed. He gave an account of the different municipalities that he spoke with concerning this issue. He explained that several of the communities have meetings dates set with the company representatives to come in and explain exactly what it is they are planning to do.

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Mr. Cross said he has had several phone calls in regards to the intersection at Davison and Genesee Roads. People are asking to have a traffic study done for a left turn lane. He was advised by Mr. Major that this has been done in the past and according to the study, there is nothing that warrants a turn lane.

Also, Mr. Cross said he would like it brought to the Police Officers attention that before the wreckers leave the scene of an accident, that all of the glass be swept up so cars are not having to drive on the glass.

Mr. Hammon recognized Tom Drouse, Business Manager for Phone Michigan, Rochester Hill, Michigan. There was a question and answer period held concerning some of the operations of the business.

After a lengthy discussion regarding BRE/Phone Michigan, it was decided that it would be best to have the representative come in and explain, in detail, what they are proposing to do. The Council agreed to set the meeting for January 13, 1996 at 7:00 P.M.

Mr. Major noted that Item #3 on the agenda needs to have a time set by Council as this will be a special meeting before the regular meeting.

COUNCIL ACTION:

Cross moved and Abbey seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from November 26, 1996 to December 11, 1996 in the amount of \$816.00.
Motion carried 7-0.

Cox moved and Zelenko seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from November 26, 1996 to December 11, 1996 in the amount of \$1,169.00.
Motion Carried 7-0.

Cross moved and Martinbianco seconded the following motion:

3. Approve and authorize the setting of a 2nd Public Hearing for Zoning Case #219, on January 20, 1997 at 6:30 P.M.
Motion carried 7-0.

Cox moved and Abbey seconded the motion to table Item #4 until the regular council meeting of January 20, 1997 at 7:00 P.M., as this item relates to the special meeting to be held on January 13, 1997.

4. Approve and authorize the request for a telecommunication permit agreement from BRE Communications, Inc., dba Phone Michigan of 4565 Wilson Ave., SW, Grandville, MI 49418, pursuant to the formal agreement and letter explanation by Varnum, Riddering, Schmidt & Howlett/Patrick Miles, dated November 6, 1996.
Motion to table carried 7-0.

Meeting Adjourned at 9:05 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML