MINUTES OF THE REGULAR CITY OF BURTON COUNCIL MEETING
HELD JANUARY 7, 1980 AT 4303 S. CENTER ROAD
BURTON, GENESEE COUNTY, MICHIGAN

The meeting was called to order at 7:55 PM by Council President, Norman Dombrowski. Invocation was given by Councilman Mikulich with the Pledge of Allegiance being led by Councilwoman Nimcheski. Councilmembers Brown, Mann, Nimcheski, Goulet, Mikulich and Dombrowski were in attendance. Councilman Wright was on vacation. Others present included: City Attorney, R. Hamilton; Director and Assistant Director of DPW, J. Rabine and J. Major, respectively; Administrative Assistant, D. Norris; & Deputy Clerk, A. Hesse

Moved by Mikulich, supported by Mann to approve the minutes of the following meetings: Regular Council Meeting, 12/17/79 at 7:30 PM.; Special Council Meetings, 12/17/79 at 6:00 and 6:30 PM. Motion carried by 6-0 vote.

The Official and Unofficial Communications were accepted and placed on file in the Clerk's Office.

PUBLIC HEARING:

PURPOSE: To reaffirm Council action of December 17, 1979 to approve and authorize Standard Resolution for approval of the Genesee County-National Amusement Indoor Cinema Complex Project Plan.

PRESENTATION: Mr. Major explained that Genesee County failed to advertise the Public Hearing on December 17, 1979 for the proper amount of days. Therefore they are requesting that Council reaffirm their action.

AUDIENCE PARTICIPATION: Tony Klimes, 5471 Sycamore asked if the bonds were interest free and who would pay for the road improvements? Mr. Major answered that the bonds are tax free, low interest, and the City and County were under no obligation or financial responsibility. The developers will pay for road improvements across their frontage.

B.J. Hanna, 1272 S. Belsay Road asked what the road improvements would be? Mr. Major explained they would add two (2) additional lanes across their frontage, some 250'. He said this is the same procedure that K-Mart, Kroger's and the Bank used when they built. The City will be widening Court Street between Center and Genesee next year. Each new business will be expected to follow the same procedure, eventually this will result in four lanes on Court Street, from Center to Belsay Road.

Kathleen Forshee, 1159 Arapaho said the traffic makes it nearly impossible to get out of her project now; this will only make it worse. She felt there was no need for additional theatres as the Drive-In is within a mile to the East, and to the West, two miles is the theatre at Eastland Mall. Mr. Major said the City had no way of stopping the construction as the property was properly zoned for this type of business; but they did secure road improvements from the developer. The City recognizes the traffic problem in that area, that is why they added Court Street to the list of streets to be improved on next years schedule. After a traffic study was made the Engineer did suggest using stacking lanes to eliminate traffic from the street while waiting to park vehicles. This method will be used.

Helen Woody, 1271 Arrowhead Drive stated she was against the tax free bonds. It was explained that this was simply a matter of financing that any private business could apply for.

Margaret Kempf, 2229 S. Center Road asked if the Burton residents would have to pay for the widening of Court Street that the City scheduled for next year? Mr. Major replied the cost would come out of Act 51 Monies - Major Street Funding.

The Council President declared the hearing closed.

COUNCIL DISCUSSION: Councilwoman Nimcheski asked to have a brief review of this project.

RESOLUTION: Moved by Mann, supported by Goulet to approve and authorize the first amended resolution approving Project Plan as follows: (1) City Council confirms and reaffirms its approval of the Project Plan as adopted on December 17, 1979; (2) all resolutions or parts thereof in conflict with this resolution are hereby repealed, but only to the extent of such conflict; (3) The City Clerk be, and is hereby directed, to provide four (4) certified copies of this resolution to the Secretary of the Board of the Economic Development Corporation of the County of Genesee. Motion carried by 6-0 vote.

AUDIENCE PARTICIPATION:

Anthony Mansour, 6076 Hugh Street, stated that the Davison-Belsay Road Association did not agree that the November General Election was a mandate from the citizens to build a mall at Davison and Belsay Roads. It may have proved that the citizens wanted a mall in Burton but did not specify location. Therefore, he presented petitions to the City Clerk, through the Council, containing 418 signatures requesting a repeal of the City of Burton's Ordinance 19-51 (C). He also said there were more petitions forthcoming.

B.J. Hanna, 1272 S. Belsay Road questioned the Mayor's statement that he was saving the City $9,000.00 in salaries. He said the three positions eliminated were costing the City $59,739.97, salary of a Buyer, Treasurer and a Controller, respectively. Now we have a combination Treasurer/Controller, an Economic Development Officer and a proposed Fiscal Control Assistant, these three salaries total $60,000.00 plus some $12,000.00 in unemployment fees if these are collected the full 39 weeks, for a total of $72,000.00. He ask that Administration show the savings of $9,000.00. Councilman Dombrowski asked Mr. Norris to check this out.

Mr. Hanna also urged members of the community to attend the next Salary Commission meeting as they were discussing a salary raise for the Mayor and Councilmembers.

Tony Klimes, 5417 Sycamore asked if the Salary Commission consults the Finance Committee before recommending salary increases? Councilman Dombrowski explained the Salary Commission is appointed to determine these salaries. The Council only has veto power (to deny recommendation by a 2/3 vote). If the Council takes no action to deny this the Salary Commission recommendation takes effect.

A resident questioned what has been done about the noise situation at the International Rinks on Davison Road? Councilman Dombrowski said a meeting, with the owners, is being arranged through Attorney Hamilton's Office. Another meeting will be scheduled with the residents. In the meantime he requested any citizen to call him at any hour if they feel the noise is becoming obnoxious, so he could hear it for himself.

Margaret Kempf, 2229 S. Center Road, asked the following questions of the Council. Does Council know the only guidelines for the Senior Citizens Activity Center appears to be a rental contract? Had they checked to see if renting this building was legal? Were they aware there was no Senior Citizen input in this issue, and if the City of Burton is becoming a rental business? Councilman Dombrowski suggested that these questions should properly be put to the Administration. Mrs. Kempf said the Administrative Assistant was representing the Mayor tonight, couldn't he be asked? Councilman Dombrowski said he would ask Mr. Norris to take these questions to the Mayor's Office and get back with Mrs. Kempf as soon as he was able.

Viola Radke, 5418 S. Sycamore, said she is on the Board at the Senior Citizens Building and feels everything is being handled properly.

Lawrence Finnin, 3334 Cheyenne, said he felt this was a matter for Council. He stated no matter what your rental fee is, it never compensates for the destruction that may occur. Who will pay for the repairs to the building?

COUNCIL RECESSED AT 9:40 PM. AND RECONVENED AT 9:51 PM.

COUNCIL DISCUSSION:

Councilman Dombrowski announced there would be no Mayor's Report this evening but he would like to mention a few items for Council's consideration: Snow Removal Ordinance - Last year an Ordinance was attempted but never fully adopted. Since that time the City has installed a great many sidewalks, particularly in the Southend. These sidewalks are mainly to keep foot traffic off the streets, but who is responsible to maintain them? He asked the Legislative Committee to determine if the City should establish an Ordinance, and if so what about the existing sidewalks, the old unrepaired ones that no one uses and future sidewalks. Councilman Dombrowski asked that the Committee address themselves to all facets of the problem.

He also said that Hamady Brothers at Davison and Belsay Roads have filed a Site Plan Review. They are contemplating renovation of their store. This will entail curb cuts and entrances. It is felt that if the mall goes into this area, there may be several such requests. Councilman Dombrowski suggested that Council might want to interview prospective planners to ensure that proper planning results to retain an aesthetic surrounding for the residents of the area. Councilman Mikulich asked if this would supercede the developers plans in anyway? Councilman Dombrowski said no this would be the surrounding area not the mall property. Councilman Mikulich asked if Genesee County Planning Commission could be utilized in this manner? Mr. Major said he could not see any reason why they could not be interviewed. Attorney Hamilton said if this were an item in the Burton City Planning Commissions budget they could hire their own planner. Councilman Dombrowski said perhaps this could be considered prior to the next budget. Councilman Mann said then there is not an allowance now in the budget for this? Mr. Major replied no. Councilman Dombrowski asked Mr. Norris to inform the Mayor that the Council would like the Administration to select firms and/or individuals for interviewing.

Councilman Dombrowski said it has come to our attention that at times there is only a quorum for the Zoning Board of Appeals. He would like the Legislative Committee to take under advisement the possibliity of adding two (2) more members to the committee. These will be Council appointments if the decision is reached to add members.

The Councilman then announced a meeting concerning Community Development monies to be held in the Harris Auditorium in Flint, on January 15, 1980 at 10:00 AM. and a repeat of the meeting will be held on January 17, 1980 at 7:30 PM. This will be conducted by the County and discussion will be held on how and where this money will be spent. He urged all Councilmembers to attend one of these meetings.

Councilman Dombrowski asked Council if they had any objections to modifying the Audience Participation of their meetings? To facilitate business matters at a reasonable hour, he suggested that this time period be limited to one (1) hour, with each participant given five (5) minutes of uninterrupted time. If there was any reason why Council felt the time should be extended they could simply do so by resolution. Moved by Goulet, supported by Mann to limit the audience participation of their meetings to one hour, with each speaker being allotted five minutes; time period could be extended at any meeting by simple resolution. Motion carried 6-0 vote.

Councilwoman Nimcheski requested a large calendar be placed in the Clerk's Office where Council might be able to see the listings of all meetings, without bothering the employees She also asked if it would be possible for the month's meetings to be listed at the bottom of the agenda used at the first regular Council meeting each month. Councilman Dombrowski asked the Acting Clerk to handle this.

Councilman Mikulich discussed the uses of the Senior Citizens Activity Center. It was his opinion that Mr. Schifano had said the building could be used for other things as long as they were incidental and not the primary use. He also said he understood a fee could be charged. Attorney Hamilton agreed but said some non-profit organizations such as scouts might not have to pay a fee. If a fee was charged it should go back to the Senior Citizens fund rather than put into General Fund of the City.

Councilman Mikulich asked if the Parks and Recreation Committee was now active? He questioned if ice skating ponds were going to be flooded this year. Mr. Rabine said Mayor Wurtz had already said this could be done as soon as there was sufficient snow to consturct banks to hold the water. He said there would have to be well power enough wherever these ponds were constructed. Mr. Rabine will have Mr. Howser check if the schools have enough well power for this purpose.

MASTER RESOLUTION:

Moved by Mann, supported by Nimcheski that the Master Resolution (Items 1,2,3,5 & 6 be adopted as printed. (Item # 4 was already adopted during the public hearing portion of the meeting.) Motion carried by 6-0 roll call vote.

Mr. Major asked that Council consider a resolution to accept the petitions for Wells Street paving. They were just turned in and it was too late to get them on the agenda.

Moved by Mikulich, supported by Brown to accept the petitions for Wells Street paving project, from Carmen Street to Northbound Grand Traverse; and to refer the same to the City Assessor for validation. Motion carried by 6-0 vote.

ORDINANCES:

Moved by Mikulich, supported by Brown to table, until the next regular meeting, the introduction of an Ordinance concerning parking at Bentley school. This is being tabled in order to gain input from the school administration. Motion carried by 6-0 vote.

Moved by Brown, supported by Mikulich to adopt (Final Reading) an Ordinance amending Ordinance 19, as amended, for lots 3,4,5,6,7,10 and 11 of Cook's Plat to be rezoned from RM to RO. Motion carried by 6-0 vote.

Moved by Brown, supported by Mikulich to adopt an Ordinance amending Ordinance 19, as amended for lots 705 thru 731 inclusive of Greater Flint Subdivision, Section 31, T7N, R7E, City of Burton, County of Genesee, Michigan to be rezoned from C-2 to R-1B. Councilman Mann asked that he might abstain from voting on this as he is the owner of lot 705. No Councilmember objected to the abstention. Motion to adopt carried by 5-0 vote with one abstention.

ADJOURNMENT:

Time 9:27 PM.

Submitted by,

Ardis L. Hesse
Deputy Clerk
City of Burton