

MINUTES OF THE REGULAR CITY OF BURTON COUNCIL MEETING
HELD JUNE 17, 1974 AT G-4303 S. CENTER ROAD, BURTON,
GENESEE COUNTY, MICHIGAN

Meeting was called to order at 8:15 P.M. by John L. Speck, Council President.

Invocation was given by Council Mikulich and Pledge of Allegiance was lead by Councilman Church.

Clerk called the roll. Council members present: Brown, Edwards, Estep, Card, Church, Mikulich and Speck. Others present: G. Thomas, Mayor, S. Blackhurst, Clerk, L. Finnir Treasurer and R. Hamilton, Attorney.

Moved by Church, supported by Mikulich to approve the minutes of the Regular Meeting held June 3, 1974, as printed. Motion carried unanimously.

Moved by Card, supported by Church to approve the minutes of the Special Meeting held June 10, 1974, as printed. Motion carried unanimously.

Moved by Estep, supported by Edwards to approve the minutes of the Special Meeting held for a Public Hearing on the proposed Zoning Ordinance, June 12, 1974, as printed. Motion carried unanimously.

The minutes of the June 12th meeting should show that the meeting was called to order by John R. Mikulich instead of John L. Mikulich.

MEETING WAS OPENED TO THE FLOOR

Gene Brooks, 1498 Martha, wondered if anything has been done about his request to have a policy adopted on travel expenses.

Moved by Card, supported by Church to have the Attorney draft a resolution possibly using the City of Flint's policy as a guideline.

Councilman Mikulich suggest/^{ed} Council Committee be established to study this and bring a report back to the Council.

Motion and support was withdrawn.

Councilman Speck appointed a committee of three conduct a study and make a report to the Council. Councilman Mikulich, Councilman Card and Councilwoman Estep. Councilmen Brown and Edwards declined.

Carol Mast, 4062 Leith St. presented a petition to have a 25 mile an hour speed limit signs posted on Leith St. between Center & Covert Roads. There is an additional report on this matter under the Mayor's Report.

Don Novack, owns a body shop on the corner of S. Saginaw St. & James St. He wants to connect to the sewer but has no lead and requested that one be provided. This was referred to the Mayor's office for proper disposition.

Steve Richvalsky, 11644 Schram St., addressed the Council in regards to problem he has with motorcycles and mini-bikes harrassing people near the corner of Belsay & Atherton Rds. He owns property there and leases it to a Beauty Shop. The house next door is empty and being vandalized and he felt if something was done with this home it might abate his problem to some degree. The cyclists use his parking lot to get to an empty field. The Attorney said it is the owners responsibility to prevent people from using their property and the City can do nothing about it unless they want to condemn it as a public nuisance and take the owner to Circuit Court.

The situation of the vacant home was referred to the Mayor's office for investigation.

OLD BUSINESS:

Sub-Committee Reports. None given.

Tabling of Special Meeting minutes, held May 28, 1974.

The Clerk asked who the minutes were to be reviewed by and what specifically was wrong

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Councilman Edwards said he would like to review the tape of the minutes or he would have to abstain from voting on them because he was not present at the meeting. The minutes were not removed from the table.

The Mayor asked permission of the Chairman to speak in regards to the above mentioned meeting. He read a prepared statement in which he said he felt the Charter needed clarification as to the number of votes needed at a Special Meeting and answered Mrs. Estep's statement made at the June 3rd meeting.

Mr. Hamilton said he had been doing some research about the number of votes needed and has been trying to contact Mr. Dombrowski to get copies of the Charter Commission minutes before making a final opinion, but right now he would have to say it takes 4 affirmative votes to take official action at a Special Meeting.

Mr. Mikulich said he had reviewed all the minutes of the Special Meetings and found none to be at fault, in regards to 4 votes, except the 5-28-74 meeting.

Resolution adopting Ordinance 30-231 (Zoning Case 571): Robert W. Giesey, et al requesting rezoning of property located at: North side of E. Court St., N. approx. 164 ft. East of the intersection of E. Court St., N., and Genesee Road, from present zoning classification of RA-B to C.

Moved by Mikulich, supported by Estep to adopt the Resolution adopting Ordinance 30-231. Motion carried unanimously.

Resolution order directing abatement of nuisance by City and Resolution of Special Assessment of Cost against the Premises - 5444 Potter Rd. Bldg. Dept. reports nothing has been done and recommends the excavation be pumped and the area fenced and the house boarded-up as windows are missing. The Mayor recommended the excavation be pumped and a snow-fence installed and the building made secure and the cost added to the tax roll. Moved by Church, supported by Card to adopt the Resolution and concur with the Mayor's recommendation. Roll call vote. All ayes, no nays. Motion carried unanimously.

Resolution order directing abatement of nuisance by City and Resolution of Special Assessment of Cost against the Premises - 1174 Allen St. Bldg. Dept. reports progress is being made and the new owner has requested a 30 day extension to complete the tearing down of the building. Mayor recommended a 30 day extension be granted. Moved by Card, supported by Mikulich to concur with the Mayor's recommendation and grant a 30 day extension. Motion carried unanimously.

Resolution order directing abatement of nuisance by City and Resolution of Special Assessment of Cost against the Premises - 2423 S. Belsay Rd. Bldg. Dept. reports nothing has been done and recommends the house be torn down and debris cleaned-up. Mayor recommends the property be appraised and after proper appraisal proceed with the recommendations of the Bldg. Dept.

Moved by Brown, supported by Card to adopt the Resolution and concur with the Mayor's recommendation. Roll call vote. All ayes, no nays. Motion carried unanimously.

Resolution order directing abatement of nuisance by City and Resolution of Special Assessment of Cost against the Premises - 2225 Kosta. Bldg. Dept. reports nothing has been done since the water was pumped out of the basement. Mr. Pierson reports as soon as deal has been closed at the Bank they will proceed with repairs. The Mayor recommended the Resolution be tabled until the next Regular Meeting of July 1st.

Moved by Estep, supported by Edwards to table the Resolution until the next Regular Meeting of July 1st, in concurrence with the Mayor's recommendation. Motion carried unanimously.

Resolution order directing abatement of nuisance by City and Resolution of Special Assessment of Cost against the Premises - 3263 Farley St. Bldg. Dept. reports nothing has been done but Flint Excavating has been hired by the owner to clean-up the property as soon as weather permits. The Mayor recommends the Resolution be tabled until the

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Moved by Estep, supported by Card to table the Resolution until July 1, 1974. Motion carried unanimously.

Resolution order directing abatement of nuisance by City and Resolution of Special Assessment of Cost against the Premises - 2202 E. Webber. Bldg. Dept. reports nothing has been done. Mr. Pierson is trying to find a buyer for the premises.

Moved by Mikulich, supported by Card to table Resolution until July 1st. Motion carried unanimously.

Resolution order directing abatement of nuisance by City and Resolution of Special Assessment of Cost against the Premises - NW corner of Atherton & Genesee Rds. Bldg. Dept. reports that debris has not been removed, parts of motors, cars, etc. are still littering property, weeds have not been cut and they are excavating on property without permit. Mayor has instructed the Building Dept. to issue a violation and proceed with the authority vested in them to process under city ordinances.

Mr. Jake Adams addressed the Council and presented pictures that had been taken at 6:00 P.M. and said most of the debris had been cleaned-up.

Councilman Brown asked what was remaining. Mr. Adams said there were 3 trucks that are licensed and insured, everything that does not run has been removed.

Moved by Edwards, supported by Estep to table any further action until July 1st. Motion carried unanimously.

NEW BUSINESS:

Resolution introducing Ordinance 18: An Ordinance requiring the issuance of a franchise as a prerequisite to the operation of a community antenna television system as herein defined, within the City of Burton; setting forth the circumstances under which such franchise shall be issued and providing penalties for the violation hereof. Mayor recommends approval.

Moved by Mikulich, supported by Estep to give Ordinance 18 1st reading. Motion carried unanimously.

Resolution introducing Ordinance 54-9: An Ordinance amending Ordinance 54, providing for the operation of public sewers and sewerage systems within the City of Burton, connections thereto, and rates and charges for connections thereto and use thereof; providing penalties for violation hereof and providing for other related matters. Mayor recommends approval.

Moved by Brown, supported by Church to give Ordinance 54-9 1st reading in concurrence with the Mayor's recommendation. Motion carried unanimously.

Resolution introducing Ordinance 54-11: An Ordinance amending Ordinance 54, and all amendments thereto, being an ordinance providing for the operation of public sewers and sewerage systems within the City of Burton, connections thereto and rates and charges for connections thereto and use thereof; providing penalties for violation hereof and providing for other related matters. Mayor recommends approval.

Moved by Card, supported by Estep to give Ordinance 54-11 1st reading. Motion carried unanimously.

Resolution determining premises to be a Public Nuisance and Hazard - 2129 McLean St. Bldg. Dept. report attached. Recommendations to abate: Clean-up junk and garbage Board-up windows and doors. Mayor recommends the owner be given until July 15th to abate nuisance in accordance with the Bldg. Departments recommendations.

Moved by Estep, supported by Edwards to concur with the Mayor's recommendation and adopt the Resolution. Motion carried unanimously.

Resolution approving and authorizing: An agreement between the Michigan State Highway Commission and the City of Burton for landscaping I-475 from Bristol Road north to the North limits of the City of Burton, at a cost of 8.75% of the cost of the work, estimated to be \$443.63. Attorney's review showed the agreement to be satisfactory.

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Moved by Mikulich, supported by Brown to adopt the Resolution as read. Roll call vote. All ayes, no nays. Motion carried unanimously.

Resolution approving and authorizing: An Architectural contract between Nelson, Mc Kinley, Reed and Associates, Inc. and the City of Burton for the erection of an addition to Burton Fire Station No. 2 and further authorize the Mayor and Clerk to execute the agreement on behalf of the City. Mayor recommends approval.

The Attorney's review pointed out that the fee is higher than it was on the Motor Pool Garage, but this is due to the Fire Station being an addition instead of new construction and the City will be committed to pay 8% of construction cost if the project is dropped. Moved by Card, supported by Estep to concur with the Mayor's recommendation and adopt the Resolution. Roll call vote. Ayes- Brown, Edwards, Estep, Card, Church and Mikulich. Nays - Speck. Motion carried.

Resolution approving and authorizing: Transfer of Funds as shown on the attached list. Mayor recommends approval.

Moved by Mikulich, supported by Brown to approve the transfer of funds as shown on the attached list. Motion carried unanimously.

ADDITIONS TO THE AGENDA:

Portion of Wagner Ave. that is a private drive, builder wishes to bring street up to City standards at his cost.

Moved by Card, supported by Mikulich to place on the agenda. Motion carried unanimously. The Mayor stated a policy would have to be established if the City is going to accept private drives. Either they would have to be brought up to gravel road standards, or be paved with open ditch, or paved with curb and gutter. This particular drive is outside of the Plat of Wagner Subdivision and connects to a gravel road, it must be improved before a building permit can be issued.

Moved by Estep, supported by Card to table any action until July 1, 1974, to give the Council an opportunity to study the area. Motion carried unanimously.

Resolution approving and authorizing: That during the summer quarter, residential customers who are paying sewage treatment fees based on water consumption, will be charged at the rate of 36¢ per hundred cubic feet to a maximum of 5400 cubic feet and there will be no charge for sewage disposal greater than 5400 cubic feet.

Moved by Edwards, supported by Estep to place on the agenda. Motion carried unanimously. The Attorney explained that the rates are set by Ordinance, therefore any change would have to be an Ordinance Amendment.

Moved by Card, supported by Estep to have the Attorney draft the proper Ordinance Amendment. Motion carried unanimously.

Moved by Edwards, supported by Brown to call a Special Meeting on June 26, 1974, 4:00 P.M. for the Sewer Ordinance Amendment to be passed as an emergency Ordinance. Motion carried unanimously.

Resolution introducing and adopting, as an emergency ordinance, the proposed Zoning Ordinance, map and text.

Moved by Card, supported by Estep to place on the agenda. Motion carried unanimously.

Moved by Mikulich, supported by Brown to adopt as an emergency ordinance the proposed Zoning Ordinance, map and text. Roll call vote. All ayes, no nays. Motion carried unanimously.

Moved by Brown, supported by Card to place on the agenda to have the Consulting Engineer present Exhibits A & B relative to sewer projects that were passed earlier at the Special Meeting. Motion carried unanimously.