

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
AUGUST 7, 2000, 6:30 P.M., COUNCIL CHAMBERS

Councilperson Laurie Tinnin led the Invocation and Pledge of Allegiance.

This Regular Meeting was called to order by Council President Paula Zelenko, at 6:30 P.M.

MEMBERS PRESENT: Brawner, Centilli, Cross, Martinbianco, Tinnin and Zelenko.

MEMBERS ABSENT: Hammon.

OTHERS PRESENT: Mayor C. Smiley; C. Abbey, Personnel Director; Attorney R. Hamilton and G. Webster, City Clerk.

Cross moved and Tinnin seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of July 17, 2000 at 7:00 P.M. and Regular Meeting of July 17, 2000 at 7:30 P.M. Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mayor Smiley thanked Ralph LaDuke for a job well done directing the youth program. He indicated that 300 children had participated in the program.

The Mayor thanked Mr. Centilli for pouring the pad for the pavilion at Kelly Lake. This saved the Parks and Recreation Commission \$1,000.

The Mayor announced the next Parks and Recreation meeting was scheduled for August 16th at 4:00 p.m.

The Mayor said there was a ribbon cutting ceremony for the opening of Old Navy. He said it was a positive factor that nationally owned store chains are interested in locating in Burton.

Mr. Abbey indicated that tentative agreements had been reached with the unions. He requested a Special Council Meeting be held next Wednesday or Thursday for discussion and possible action on the union contracts. He will distribute information to Council regarding the contracts.

COMMITTEE REPORTS:

None.

AUDIENCE PARTICIPATION:

Terryl Sperlich, 1253 Howe Rd., was concerned for the wildlife at Kelly Lake and wanted to know what pesticides had been used at that site. She spoke in opposition to meeting guidelines.

Pauline Dargel, 6119 Hugh, spoke on the deed restriction for Mr. Rizzo's property, a previous FOIA request and FOIA policies. She wanted to know if the attorney's billing was complete and who paid for the deed restriction to be drafted.

Beverly Palm, Shannon Rd., spoke on the status of Safety Klean. She heard rumors that the company had filed bankruptcy and would like a report on this issue. She wanted to know how the assistant fire chief's position would be funded, if the business closed.

Carl McMillin, 6033 Nelson Court, spoke on the resurfacing of Nelson Court. He wanted to know if the work would be done this year.

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Linda Burris-Croley, 6223 Crabtree Lane, commented on the lack of a Master Plan update, uncontrolled growth, electrical outlets in City Hall and the use of a city owned car, as it relates to the zero tolerance policy.

Jan Bolen, 1169 Howe Rd., was concerned with the animals and wetlands at Kelly Lake after the use of pesticides. She asked if the city had any intentions of selling an adjacent piece of property at the end of Howe Road. In addition, she wanted to know what type of gate would be added to that area. She opposed audience having meeting guidelines.

James Delano, 5349 E. Maple Rd., spoke in opposition to the condo property on Maple Rd. He felt the Mayor should not influence zoning or planning issues.

Al Roberts, 4301 Great Oaks Dr., commented on the city web page and the need for a computer administrator to oversee the city's file server. He suggested Mott College students could help update the web page.

Gary Kautz, 4062 Woodrow, commented on a recently passed condo project and the personal use of city vehicles.

Kim Farmer, 4408 S. Belsay, spoke in opposition to the condo project on Maple Rd.

Larry Petrella, 1081 Howe Rd., wanted to know who would enforce the zero tolerance policy. He opposed audience guidelines at council meetings.

COUNCIL DISCUSSION:

In response to Ms. Palm's comments on Safety Klean, Mr. Brawner indicated that this issue would be discussed at the next Planning Meeting held August 15th. He said the assistant fire chief plans to give a report on the status of the company at that time.

In response to Ms. Sperlich's concerns with pesticides being used at Kelly Lake, Mr. Martinbianco asked Mr. Abbey if MSDS sheets were available to the public. He thought residents should be notified if pesticides were going to be used in the area.

Mr. Abbey will contact the DPW in regards to this issue. It will then be made available upon request.

Mr. Martinbianco asked for clarification on Item #5 in relation to an upgrade of the building inspector.

Mr. Abbey explained that building inspectors are in great demand our area. They have to have specialized training and be state certified. To keep Burton's only building inspector, an upgrade was offered. He said the money was in the budget for this position and Item #5 could be removed from the agenda. When another building inspector is hired, a transfer will be needed. He indicated that upgrades were an administrative decision, and this had nothing to do with union negotiations and the contracts.

Mr. Martinbianco was concerned that the shortage of qualified building inspectors might put the city in a bid war process with other communities. He suggested the possibility privatizing this work.

Mr. Martinbianco indicated that a Thursday evening meeting would be better for his schedule.

Mr. Martinbianco suggested tabling item #5 until it was necessary to address this issue.

Mr. Cross suggested the chair remove Item #5 from the agenda.

Mrs. Zelenko removed Item #5 with consent of the council.

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Mr. Martinbianco referred to city policies dealing with the usage of city cars. He said we should know who's driving city cars home at night and that they should be used for city business only. Policies should be uniform and apply to everyone.

In response to Ms. Sperlich's comments on Kelly Lake, Mr. Centilli indicated that there were numerous tracks from off road vehicles leading up to nearby homes. He thought this type of traffic in a passive park posed more danger to the wildlife than recent park work. In addition, he thought that continuous negative comments from the same few residents were unwarranted.

Mr. Centilli spoke in favor of the condo project. He felt it would be a beneficial housing project, providing 15 million dollars in tax base to the city. He was proud of the City of Burton. The city has good roads, offers a variety of housing options, park programs, a good Mayor and administrative staff and the city is financially sound.

Mrs. Tinnin said there should be accountability on the zero tolerance policy for those whose drink and drive city vehicles. She indicated policies should be enforced. She asked several questions in regards to driving a city car and if the Mayor received any gifts from the developer, Mr. Rizzo. She thought city cars should be well marked, so taxpayers knew what was being done with the cars.

Mayor Smiley said no employee drives cars for their own personal use. If there are any violations of this policy, it should be reported to his office. He reviewed the events of the last meeting date. He indicated that he did not violate any city policies and there was no wrong doing by city officials.

In reply to audience comments, Mayor Smiley spoke briefly on Kelly Lake, the deed restriction, the paving of Nelson Ct, the Master Plan update, the Howe Rd entrance, the web page and the city policy book.

Mr. Abbey said the policy book was going to print and would be distributed in the near future.

Mayor Smiley said he did not take any gifts from the developer. He set a town hall meeting for September 19th at 6:00 p.m. at Atherton High School. He will be glad to speak to residents on any concerns they might have on city business.

The Mayor spoke on the positive attributes of the city, including residential development, increased home values, retail growth and road improvements. He said networking with organizations is a must to accomplish future goals of Burton. He indicated that he loved Burton and it was a great city to live in.

Mr. Cross would like all council members informed of city events.

Mrs. Tinnin continued to speak on the deed restriction and enforcing city policies.

Attorney Hamilton said that he would make sure that the deed restriction was recorded at the county and copies would be provided to Council.

Mrs. Tinnin asked if there was going to be a legislative meeting.

Mr. Martinbianco will set a legislative meeting to review city policies, as well as other issues. After committee review, information will be sent to the council as a whole.

Mrs. Tinnin said she would be able to attend a special council meeting on Wednesday or Thursday. She made reference to Mr. McMillin's comments on paving Nelson court.

Mr. Martinbianco asked if there were a couple of other small road projects that could be rolled into a small bond issue.

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Mr. Hamilton said he had a discussion with our bond attorney Mr. Neiman on this issue. He indicated that reserve funds could be used to fund this project. Later, the funds could be reimbursed through a special assessment district.

Mr. Martinbianco asked the attorney to reduce this opinion to writing for the finance committee to review.

In response to Mrs. Dargel's comments on FOIA requests, Mrs. Tinnin wanted to know about the time frame of the response.

Mr. Abbey explained that the city receives numerous requests. The city answers the requests as soon as they possibly can.

In regards to Mrs. Dargel's request, Mrs. Webster indicated that she complied with all aspects of the Freedom of Information Act.

Mr. Cross said he welcomes communication between the Council and the Mayor.

Mr. Cross thanked Mr. LaDuke for overseeing the youth baseball program. He would like to be a team sponsor next year.

Mr. Cross asked Mr. LaDuke to check into what pesticides were used at Kelly Lake.

Mr. Cross thought the developer should pay for having the deed restriction drafted. He would like a copy of this document once it is registered.

In reply to Mr. Roberts' comments, Mr. Abbey said the web page is up and running.

In reference to Item #5, Mr. Cross did some research on the issue and he supports the upgrade of city employees.

Mr. Cross and Mrs. Tinnin felt that all city vehicles should be well marked, including the Mayor's.

Mr. Abbey said all city cars are marked, "Property of the City of Burton," except for the Mayor's and unmarked police vehicles.

In regards to Item #6 and #7, Mr. Brawner wanted to know what streets would be paved and when the work would be done.

In reply to audience comments, Mr. LaDuke said a small portion of pesticides was used on the existing lime stone driveway as a weed killer. Kelly Lake was not polluted and to his knowledge no wild life was harmed.

Mr. LaDuke gave an update on the roads that would be paved this year. There are no plans at this time to do Lapeer Rd. This project could be arranged jointly with the county and the support of city council. Nelson Court would need to be approved by council now, for it to be done in this construction year.

Mr. Centilli hoped that the press would focus more on the good points of the council meetings, rather than dwelling on the few negative issues discussed.

Mr. Martinbianco asked that the Attorney finalize and publish Zoning Case #252 in a timely fashion.

The Mayor suggested that council members attend the annual MERS workshop scheduled in September. Anyone that would like to attend should contact Mr. Abbey.

COUNCIL ACTION:

Centilli moved and Brawner seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from July 12, 2000 to August 2, 2000, in the amount of \$3,026.50.
Motion carried 6-0.

Cross moved and Centilli seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from July 3, 2000 to July 13, 2000, in the amount of \$922.50.
Motion carried 6-0.

Centilli moved and Martinbianco seconded the following motion:

3. Approve and authorize the setting of a 2nd Public Hearing for Zoning Case #255 on Tuesday, September 5, 2000 at 7:00 P.M.
Motion carried 6-0.

Tinnin moved and Centilli seconded the following motion:

4. Approve and authorize the date of August 21, 2000 at 7:00 p.m., or any other later date and time as a Special City Council Meeting for review and approval/denial of an application for a wireless communication system to co-locate on an existing cell tower WCS #00-02 by Nextel Communications, 27755 Stansbury, Farmington Hills, MI 48334, at a proposed location of 1300 Proper Avenue.
Motion carried 6-0.

Removed by the Chair with consent of Council.

5. Approve and authorize transfer of funds of \$12,600 from General Fund-Contingency to the Building Fund-Salaries Permanent and Fringe Benefits.

Centilli moved and Martinbianco seconded the following motion:

6. Approve and authorize acceptance of the certified low bid of Saginaw Asphalt Paving Co., 3200 Carrollton Road, Carrollton, MI 48724, in the amount of \$158,001.06 for Division A---2000 CD Paving Project and Division B---2000 Major Street Intersection Improvements and direct the Mayor and City Clerk to enter into a contract with Saginaw Asphalt Paving after all contract documents have been reviewed and approved.
Motion carried 6-0.

Brawner moved and Centilli seconded the following motion:

7. Approve and authorize acceptance of the certified low bid of Bituminous Pavers, Inc., PO Box 190177, Burton, Michigan 48519, in the amount of \$281,617.20 for Division C---2000 Local Street Resurfacing and direct the Mayor and City Clerk to enter into a contract with Bituminous Pavers, Inc., after all contract documents have been reviewed and approved.
Motion carried 6-0.

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Cross moved and Centilli seconded the following motion:

8. Approve and authorize acceptance of the certified low bid of Jennings of Michigan, Inc., 2764 Armstrong Dr., Lake Orion, MI 48360, in the amount of \$20,097.00 for the play structure at West Bendle Elementary using CD authorized funds; and direct the Mayor and City Clerk to enter into a contract with Jennings of Michigan, Inc. after all contract documents have been reviewed and approved.

Motion carried 6-0.

Cross moved and Centilli seconded the following motion:

9. Approve and authorize the appointment of Charles Abbey as the Officer Delegate and Bradley Becker as the Officer Alternate to the annual MERS meeting.

Motion carried 6-0.

Cross moved and Centilli seconded the following motion:

10. Approve and authorize the certification of Debbie Piornack as the Employee Delegate and Ken Wright as the Employee Alternate to the annual MERS meeting.

Motion carried 6-0.

SECOND READING OF AN ORDINANCE:

Martinbianco moved and Brawner seconded the following motion:

1. Approve and authorize the Second Reading of an Ordinance for Zoning Case #252, Ordinance #19, Zoning Ordinance Text Change, Section 5.15 Accessory Buildings (City of Burton, 4303 S. Center Rd., Burton, MI 48519).

Motion carried 6-0.

Meeting Adjourned at 8:20 P.M.

Gayle Webster
Burton City Clerk

GW/cml