CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
NOVEMBER 5, 2001, 6:30 P.M., COUNCIL CHAMBERS

Council President Bob Centilli led the Invocation and Pledge of Allegiance.

The Regular Meeting was called to order by Council President Bob Centilli at 6:30 P.M.

MEMBERS PRESENT: Bement, Brawner, Centilli, Cross, Martinbianco, Tinnin and Wells.

MEMBERS ABSENT: None.

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

Martinbianco moved and Cross seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of October 15, 2001 at 7:00 P.M. and Regular Meeting of October 15, 2001 at 7:30 P.M. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley asked that Rob Coffman, Genesee County Director of Elections give his presentation on Item #3, since he had to be in Fenton at 8:00 P.M.

Cross moved and Bement seconded the motion to suspend with the regular council agenda until Mr. Coffman gave his presentation. Members were in agreement to support the motion 7-0.

Mr. Coffman indicated that this resolution would authorize the County to take bids on an optical scan voting system. He indicated that the punch card system was originally purchased in 1966 and it is hard to find parts to repair the equipment. Optical scan equipment has proven to be user friendly technology. The voter uses a paper ballot that is scanned by a precinct tabulator. This equipment provides instant feedback, alerting the voter to overvotes, undervotes and cross-party votes. This system will tabulate election results when the polls close. After receiving the competitive bids, the county will purchase the equipment through the sale of bonds. Municipalities will be able to purchase the equipment from the County through a variety of payment options. Mr. Coffman was available for any questions Council might have on this issue.

Cross moved and Martinbianco seconded the motion to have Council move back into the regular order of the council agenda. The motion carried 7-0.

On October 21st Mayor Smiley attended the rededication service at United Methodist Church. The church has been a part of the City of Burton for thirty years. They have done a nice job remodeling the church.

In reference to Items 6-9, Mayor Smiley said there was a problem with the low bidder. The contractor did not fulfill his commitment to the city. To continue the process we need to get the second low bidder in motion. If the Council does not act on this tonight, the next time it can be addressed is December 3rd. He hoped that Mark Udell would show up later in the meeting to provide more information on these issues.

COMMITTEE REPORTS:

None.

AUDIENCE PARTICIPATION:

Robert Horton, 1263 S. Belsay, complained that ambulance sirens have been disturbing him. He wanted to know what could be done to stop the loud noise. He spoke on zoning issues with the ambulance business.

Mr. Abbey will forward Mr. Horton's information to the police department. He heard that the ambulance service was moving in the near future.

Ellis Cronkright, 1513 Kra-Nur Dr, complained of loud motorcycles driving down his street. He discussed this matter with the police department. He would like the city to enforce the existing noise ordinance in residential areas.

Fred Edmonds, 4038 Woodrow, thanked the City for doing a super job repaving his street.

Dawn Elford, 6072 Hedgerow, spoke in regards to the administration's campaign ethics and other election issues.

Pauline Dargel, 6119 Hugh St, spoke in favor of continuing the hazard waste collection in Genesee County. She commented on a soil erosion permit regarding property at I-69 and Belsay Rd., the competitive bid process relating to fiber optic equipment and a report from Genesee County Planning regarding the city's roads conditions. She wanted to know Burton's host web site provider.

Linda Burris-Croley, 6223 Crabtree, spoke in favor of having meetings and minutes published in the Flint Journal and Suburban News. She commented on the Master Plan, a potential development in Grand Blanc Township and the upcoming council election.

Larry Petrella, 1081 Howe Rd, spoke on the timeliness of ballots being delivered to the county.

Mrs. Webster indicated that the city was following the same procedure for delivering ballots as they have done for many years. Hopefully, in the near future we will acquire optical scan equipment that will provide faster tabulation of the ballots.

Sherry Mys-Curtis, 2030 Ridgemoor Ct, spoke in regard to campaign ethics in the recent council race.

Mr. Abbey said the meeting was not a political forum.

Mary Crawford, 6302 Briggs, thought there should not be any campaigning in the council chambers.

COUNCIL DISCUSSION:

Mr. Martinbianco asked for clarification on the Kelly Lake property title. He wanted to know when this issue would be brought before Council for approval.

Mr. Hamilton has received a copy of the title, the deed and a survey. In addition, he has reviewed the environmental studies of the site. The title on the property is clear, but there are some use restrictions relating to a small portion of it. The environmental report indicated that there was no evidence of contaminants on the site. In reference to accepting the conveyance, it was his understanding that a previous council had done this. He will look into the status of this issue.

Mr. Martinbianco wanted to know if the City Council had the obligation to accept this parcel of land. He deferred this issue to the attorney for further review.

Mr. Martinbianco asked for further explanation on the optical scan voting equipment.

Mrs. Webster said optical scanning equipment has proven to be reliable, user friendly and reasonably priced. About 56% of the state's precincts are already served by an optical scan system. There is a house bill pending, which would require all local units of government to purchase an optical scan voting system. This bill is consistent with the Secretary of State's recommendation.

Mr. Martinbianco referenced the MDOT road survey. He wanted to know if Mr. LaDuke took part in that survey.

Mr. LaDuke said his report was independent of the MDOT report.

Mr. Martinbianco said the Council would like to compare the two reports, so they will be able to make a better judgement on these issues.

Mrs. Tinnin referenced audience comments that dealt with the loud Harley motorcycles driving through residential areas.

Mayor Smiley said that he spoke with Mr. Cronkright earlier in the day on this issue. He has contacted the police chief on the matter.

A brief discussion continued into the elimination of loud noise in residential areas.

Mrs. Tinnin requested the administration meet with Mr. Cummings to help alleviate this situation.

Mrs. Tinnin asked for clarification on Burton's computer host. She wanted to know if the minutes are being published on the web.

Mayor Smiley was not sure who the computer host was at this time. He thought the minutes were being posted on the web. The minutes are put on the web after they are approved.

Mrs. Tinnin asked for clarification on the soil erosion permit that was issued to property at I-69 and Belsay Road. She wanted to know how the fines would be implemented.

Mr. Hamilton had no information on the Belsay Road site. He suggested checking with the Department of Public Works to determine if there was a permit or a violation. If there was a violation, a notice could be issued. If they do not comply with the warning, a citation can be issued.

A brief discussion continued on the excavation site at I-69 and Belsay Rd.

Mrs. Tinnin suggested Mr. Hamilton look into this situation and contact Mrs. Dargel with his findings.

Mr. Brawner asked for further clarification on Items 6-9 in regards to the fiber optic connections.

The Mayor said Mark Udell has worked very hard on the fiber optic project. The low bidder has not fulfilled their agreement. If the vender does not show up by Thursday, Mr. Udell would like permission to award the work to the second lowest bidder.

Discussion continued on the bid prices and the fiber optic project. The difference in the bid prices was $1,577.00.

Mr. Brawner wanted to know where the additional money would come from.

Mr. Abbey said that if the cable was dropped earlier today adopting the second low bid might be premature. He hoped that the fiber optic cables would be in the ground before winter. He said Mr. Udell was not available for further comment.

In regards to the first bidder, Mr. Martinbianco wanted to know if the city required a performance bond.

The Mayor indicated that the City hadn't awarded the contract, yet.

Mr. Martinbianco wanted to know if we advertised the proposal request. In addition, he wanted to know if this matter could be addressed at the next council meeting.

Mr. Abbey felt this issue could be dealt with at the next meeting. He thought there might still be a problem with the low bid company. He said only certain companies are equipped and would bid this size job for the fiber optic work. Mr. Udell tried to find as many bidders as possible.

A brief discussion continued on the fiber optic project.

Brawner moved and Martinbianco seconded the motion to table Items 6-9 until the next regular council meeting of November 19th. Motion carried 7-0

COUNCIL DISCUSSION ACTION:

Cross moved and Bement seconded the motion to suspend the regular council agenda until Mr. Coffman gave his presentation. Members were in agreed to support the motion 7-0.

Cross moved and Martinbianco seconded that Council move back into the regular order of the council agenda. The motion carried 7-0.

Brawner moved and Martinbianco seconded the motion to table Items 6-9 until the next regular council meeting of November 19th. Motion carried 7-0

COUNCIL ACTION:

Cross moved and Bement seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from October 10, 2001 to October 31, 2001 in the amount of $2,640.50

Motion carried 7-0.

Cross moved and Brawner seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from October 1, 2001 to November 1, 2001 in the amount of $1,854.00.

Motion carried 7-0.

Brawner moved and Cross seconded the following motion:

3. Approve and authorize the City of Burton to support the purchase of an Optical Scan Voting System at the request of the Genesee County Clerk’s Office, not to exceed $66,000.00.

Motion carried 7-0.

Martinbianco moved and Cross seconded the following motion:

4. Approve and authorize the date of December 3, 2001 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. New application WCS #01-06 by Voicestream Wireless, 12170 Merriman Rd., Livonia, MI 48150, at a location of 1300 Proper St.

Motion carried 7-0.

Tinnin moved and Martinbianco seconded the following motion:

5. Approve and authorize the following resolution:

   WHEREAS, the City of Burton has a need to pay the County of Genesee the sum of $1,048,677.37 to meet the bond and principal requirements on all bond obligations for water and sewer facilities in; and
   WHEREAS, there are several means by which the funds can be secured to meet this payment; and
   WHEREAS, all various means of securing these funds have been reviewed and considered,
   NOW, THEREFORE, BE IT RESOLVED BY THE City of Burton, that the monies to meet the principal and interest requirements and all bond obligations for water and sewer facilities will be secured from the following funds.

General Fund	$ 214.72
Ad-Valorem Levy	$1,048,462.65
Other	$ 0.00
Grand Total	$1,048,677.37

Motion carried 7-0.

*Items 6-9 were tabled until the next regular council meeting of November 19th.

6. Approve and authorize acceptance of the second low bid of $7,889.00, with a project total of $9,466.80, and authorize a purchase from TES Networks, 3210 Tri Park Drive, Suite 200, Grand Blanc, MI 48439 hardware and components necessary for the completion of the City of Burton Fiber Optic Data LAN Project per bid.

7. Approve and authorize transfer of funds in the amount of $9,466.80 from General Fund-Contingency to Capital Improvement-Computer System Improvements.

8. Approve and authorize the second low bid and authorize a contract with TES Networks, 3210 Tri Park Drive, Suite 200, Grand Blanc, MI 48439 in the amount of $22,986.00, with a project amount of $27,578.00 for Fiber Optic Data LAN installation per bid as an alternate should low bidder not perform.

9. Approve and authorize the Controller to transfer an additional $6,433.78 in the event the second low bidder is used.

Meeting Adjourned at 7:40 P.M.

Gayle Webster, CMC
City Clerk

GW/cml