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

THE INVOCATION AND PLEDGE OF ALLEGIANCE WAS LED BY COUNCILPERSON LAURIE TINNIN.

THIS REGULAR MEETING WAS CALLED TO ORDER BY VICE PRESIDENT ROBERT CENTILLI AT 6:30 P.M.

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

MEMBERS ABSENT: Zelenko.

OTHERS PRESENT: Mayor C. Smiley; C. Abbey, Personnel Director; B. Becker, Controller; D. Lowthian, Assessor; Attorney R. Hamilton, G. Webster, City Clerk.

Approve and authorize the minutes of the following meetings: Special Meeting of October 16, 2000 at 7:00 P.M. and Regular Meeting of October 16, 2000 at 7:30 P.M.

Moved by Martinbianco, Seconded by Wells, Carried 6-0.

ADMINISTRATIVE REPORT:

The Mayor gave a brief report on agenda Items #3 and #4 that dealt with the intersection of Potter and Belsay roads. He met with representatives from the County Road Commission to discuss this issue and they seemed to be reconsidering their position. A letter from the County made reference to safety hazards at that intersection. He suggested the city approve an activated traffic light at that corner rather than a 4-way stop.

Mr. Major agreed that a traffic-actuated signal would be the best alternative to accommodate the motorists in the Belsay and Potter road area.

Mayor Smiley said the ribbon cutting ceremony was held at Kelly Lake Park. He received positive comments from some residents in the area. Mr. LaDuke is in the process of organizing a “Friends of the Park” group to help with park issues.

The Mayor indicated that Item #10 dealt with the approval of $453,000 of CD allocation funds. We will be given allocations covering a three-year period. The administration has recommended continuing normal projects as well as 15% of the allocations going to the senior citizens salary.

In reference to Item #14, the Mayor indicated the Planning Commission approved ZC #249. This case will go before council on November 20th at 6:00 p.m. Two residents spoke in favor of the project. Two residents spoke against the project and another audience member was neutral on the issue. Attorney Hamilton and Attorney Iamarino drew up an agreement for the project.

The Mayor said that Ordinance 68-23C was on the agenda as a First Reading of an Ordinance, Item #2. He suggested an executive session to review details of the ordinance.

COMMITTEE REPORTS:

Mr. Martinbianco said the Legislative Committee met to review the Pilot Ordinance for CK Gardens. This ordinance mirrors a similar Pilot Ordinance adopted for Meadowview Gardens, a senior complex on Center Rd. The committee recommends approval of the Pilot Ordinance. This appears on the agenda as a First Reading of an Ordinance, Item #1.

AUDIENCE PARTICIPATION:

Don Sanderlin, 4460 Killarney Park, announced that the Burton American Legion Post #130 had been approved by the State Council. The first meeting will be held December 6th. All war veterans are welcome to attend the meeting. The group plans to be involved with a youth baseball program in the spring.

Keith Cox, 4349 Chicory, asked for clarification on the light that was to be installed on Center Rd by the senior citizen high rise. In addition, he spoke on recent vandalism at the senior facility and Mr. Benthall's application for a business license.

The Mayor said that McDonalds's would help fund the Center Road light, however, the County Road Commission has denied a traffic light for that area. He said the police do patrol and answer calls at the high rise. He planned to look into this issue.

Police Chief Benthall said the department has responded and taken complaints at the senior project. He has recently acquired a private investigators license.

Linda Burris-Croley, 6223 Crabtree Lane, spoke on parliamentary procedure, signing park minutes, FOIA requests, agenda items going through committee and switches in the council chambers.

Al Bontumasi, 1450 Alberta Ave, wanted to know when the Alberta Road water main project would be completed. He had concerns with yard clean up and sidewalk costs.

The Mayor said Consumers Energy is adding gas lines to this area at the same time the water project is being done.

Mr. LaDuke felt the project and clean up would not be completed until spring.

Mr. Major did not know if the city would help with sidewalk costs. He said existing sidewalks are usually the responsibility of the homeowner.

John Stapish, PO Box 190134, spoke on the need for waterline clean up on DeCamp. He opposed the administration compensation package.

Warren Nimcheski, 2429 N. Genesee, commented on a breaking and entry case and spoke in favor of implementing a cost recovery ordinance for structure fires.

Pauline Dargel, 6119 Hugh, suggested the Legislative Committee address a pond ordinance, designated hunting areas and unleashed hunting dogs. She asked for clarification on ZC #249. In addition, she commented on FOIA requests dealing with attorney opinions and proposed ordinances.

Mr. Hamilton gave a brief explanation of the zoning changes that would take place under the approval of ZC #249. Basically the existing R-1C area would be rezoned to M-1 except for 12 residential lots. He said a color graphic was presented at the planning meeting designating these zoning changes. This is part of the city record and should be available at the DPW.

Roy Richards, 6258 E. Potter Rd., complained about a nuisance property at 6269 Potter Rd. He complained of loud noise, excessive traffic, auto repairs, garbage, long grass and underage drinking at the home. He wanted to know what the police department could do to stop this ongoing nuisance. He said the home was in disrepair and the property should be condemned.

Chief Benthall indicated that several arrests had been made at that address.

The Mayor said several arrests have been made and the police department is trying to alleviate the situation. He thought a jury trial had been set.

Mr. Martinbianco suggested condemnation and eviction procedures should be sought. This might force the offending party into cleaning up the site.

Mr. Hamilton said a log should be kept, followed by an investigation and finally this matter could be taken to Circuit Court to implement a nuisance abatement on the property.

Jan Bolen, 1169 Howe Rd., spoke in opposition to building permit fees she was charged. She thanked Mrs. Tinnin for all her help dealing with this matter.

Leona Stephens, 3049 Vineland, discussed a neighbor's building permit and spoke in favor of Mrs. Bolen's issues.

Larry Petrella, 1081 Howe Rd., commented on the shielding lights at Lowe's and the rezoning of property on Genesee Rd.

Mr. Centilli said that Lowe's management indicated that they had already dimmed and shielded the lights.

The Mayor has discussed this issue with the new management at Lowe's.

Mr. Abbey has recently discussed the ongoing lighting issues with Lowe's. They have contacted their corporate office for further determination on this issue.

The Mayor indicated that there would be an informational town hall meeting scheduled to discuss the proposed development on Genesee Rd.

Denise Paliani, 2313 Deer Hollow, commented on police matters.

COUNCIL DISCUSSION:

Mr. Cross made reference to a news report that dealt with stolen yard signs. He felt that the city should pursue adding a traffic light at Lapeer and Vassar.

Mr. Cross suggested adding a discussion of attorney's opinion item on the agenda before audience participation. While on vacation, Mr. Cross thought Attorney Hamilton would be sending a copy of his opinion to the clerk's office. Mr. Cross provided Mrs. Webster with a copy of the September 19th attorney's opinion regarding the succession of the Chair.

Mrs. Webster noted for the record that she had not received the September 19th attorney's opinion until tonight's meeting.

Mr. Cross reviewed the list of Zoning Board applicants that was to be submitted by October 23rd.

Mrs. Tinnin questioned the need for an executive session to review Ordinance 68-23C.

Mr. Hamilton explained that Ordinance 68C dealt with the city implementing wages for administrative officers. The city is essentially entering into a contract with these individuals.

In reference to Mrs. Bolen's building permit fees, Mrs. Tinnin suggested that the Legislative Committee review Ordinance 26 and make any needed modifications to clarify and set specific guidelines for collecting permit fees.

Mr. Martinbianco said the Legislative Committee planned to review the permit fee resolution and Ordinance 26 to determine if text changes are needed. He felt permit fees should be uniform and that everyone should be fairly charged.

Mrs. Tinnin felt that Ordinance 68C did not deal with a collective bargaining unit, therefore, a close session was not warranted. She suggested that this matter be referred back to the council as a whole for careful consideration.

Mr. Martinbianco said traditionally Ordinance 68 C was dealt with after other union contracts were settled. He felt the timeline should be taken into to consideration. He felt council should act on the first reading of the ordinance and if necessary changes could be made before the second reading.

Mrs. Tinnin made a motion to send Ordinance 68-23C to the body as a whole.

Mr. Hamilton suggested that a special council meeting could be set to review Ordinance 68-23C. He indicated that a second reading could not be adopted less than one week after the introduction. The adoption of the ordinance should be done at a regular council meeting.

Mr. Abbey suggested that the council address the first reading of Ordinance 68-23C tonight. Any revisions could be incorporated into the second reading at the next regular council meeting. He indicated that he would not be available next week or November 20th to discuss matters concerning the ordinance. However, he would be available this week to answer any questions council might have on this issue.

Discussion continued in reference to Ordinance 68-23C.

Mrs. Tinnin moved and it was seconded by Cross to add as Item #15, to approve and authorize setting a Special Council Meeting for Thursday, November 9th at 6:00 p.m. for the purpose of discussion and possible recommendation of Ordinance 68-23 C. The motion carried 6-0.

Mr. Cross asked for clarification on how the city charged for lots to hook up to waterlines.

Mr. Major said the city charges a standard front foot fee per lot to hook up to the waterlines. New sewer users pay a tap-in fee when they are connected.

Mr. Hamilton said there is no special assessment for sewers other than in new developments.

Mr. Martinbianco referred to Items #3 and #4 dealing with the Belsay and Potter road intersection. He felt that any intervention would warrant an actuated signal to allow traffic to flow along Belsay Road. He planned to offer amendments to those resolutions during council action.

The administration agreed that a full service light would be more beneficial at that intersection.

Discussion continued in reference to adding a traffic actuated signal at the Belsay and Potter road intersection.

In reference to Mrs. Croley's comments, Mr. Martinbianco thought a licensed contractor installed the south wall circuit in the late 60's.

In reply to Mr. Nimcheski's remarks, Mr. Martinbianco hoped to have a cost recovery ordinance that would protect the city and reflect the insurance dollar value that is allowed. He appreciated Mrs. Tinnin's hard work on Mrs. Bolen's building permit fee issues. He said the Legislative Committee planned to work on the cost recovery ordinance, Ordinance #26 and the pond ordinance in the near future. He asked for clarification on Ms. Paliani's road reconstruction project.

Mr. Major said the time to complete the roadwork in the subdivision had expired October 31st. A letter will be issued to the developer stating that the city will now use the bond money to reconstruct the streets.

Mr. Martinbianco made reference to the Introduction of an Ordinance Item #1, dealing with the Pilot Ordinance for CK Garden. He indicated that the strategic implementation of this ordinance mirrored a similar ordinance used for Meadowview Gardens.

Mr. Brawner asked for clarification on the when Brookwood subdivision would be recapped.

Mr. Major indicated that certain dollars were set aside in an escrow account to repave this area. With the help of Mr. Hamilton this project can be started.

Mr. Cross requested a ten-minute recess at 8:40 p.m.

Council discussion continued at 8:55 p.m.

Mr. Cross moved and it was seconded by Mrs. Tinnin to add all applicants' names into nomination to fill the position of recently expired Zoning Board member Bobbie Weatherford. Applicants Jamie Curtis, James Baliko, Larry Petrella, Frankie DeFreese and Bobbie Weatherford were then put into nomination. Motion carried 4-2 in favor of Jamie Curtis as the next Zoning Board of Appeal member with his term expiring August 2003.

In reference to Items #3 and #4, Mr. Martinbianco offered the following amendments.

Approve and authorize the Mayor to execute on behalf of the City of Burton and its City Council, a traffic signal control agreement for modification of a traffic actuated signal at Belsay and Potter Roads with Genesee County Road Commission at an estimated cost of $50,000 to be split 50% each, with Potter Road to be traffic actuated.

Approve and authorize the Department of Public Works authority to request the Genesee County Road Commission to prepare a preliminary design and cost estimate for an intersection improvement and upgraded signalization at Belsay Road and Potter Road, with purpose of future construction through use of Federal Aid to Urban System and/or local (city/county) funding.

Mr. Martinbianco felt the city needed to add a traffic actuated signal at the intersection of Belsay and Potter roads to address all safety issues. The creation of a four way stop would cause even more traffic back-ups and problems on Belsay road than a regular traffic signal.

Mr. Centilli preferred to have a traffic actuated signal added to that intersection, also.

Council agreed to the amendments by a 6-0 vote.

Mr. Martinbianco preferred to have more information on the Associate Drive Watermain project. He wanted to know if this work was on the priority list, would it be cost effective, could CD money be used and who would benefit form the water line. He suggested that the Finance Committee should review these items before being added to the agenda.

Mayor Smiley didn't think CD money could be used because the water line would not serve a residential area. He said several businesses, as well as the school, would benefit from the line. The new water line would help provide additional fire safety. This project was part of the water department's plan.

A brief discussion followed in reference to these items.

Mr. Abbey said the water line would go down Columbine to Hemphill. Griffith Court School will utilize the water lines, as well as several businesses on Associates Drive.

Mr. Martinbianco moved and it was seconded by Mr. Cross to remove agenda Items #5, 6, 7 and 8 and send them to the Finance Committee for further review.

The motion was carried 5-1, with Centilli voting no to send Items #5, 6, 7 and 8 to committee.

In reference to Item #10, Mr. Martinbianco asked for clarification on the utilization of CD funds.

Mr. Major briefly explained that CD allocations would now be allotted on a three-year basis. The senior citizen salary expenditure would amount to 15% of the total allocations. The remaining balance would be used for standard on going project areas.

Mr. Martinbianco asked if the census results would be considered and if the funds would be adjusted in the next three-year.

Mayor Smiley felt the funds would not be adjusted after the initial three-year allotment was given. He did send a letter in opposition to the three-year allocation allotment.

Mr. Becker said the distribution was based on the previous make up of SEV and population. The new census numbers were not part of the formula. Burton will receive $453,595, which essentially amounts to its historical distribution allotment. To his knowledge there will be no dollars advanced. The fire department will add the new allotment to last year's allocation to purchase needed fire equipment. This will amount to about $25,000.

Mr. Cross made reference to $50,000 going towards parks and recreation projects.

Mayor Smiley said CD funds could be used in designated areas that met requirements of a low-income survey.

In reference to Items #11, 12, and 13, Mr. Martinbianco felt these issues should be reviewed by the Finance Committtee.

Mr. Major said that the Dortch Drive sewer system would be part of the forced main pumping station. He felt the work should continue. Mr. Tobin signed assurance bond so those dollars would be available to complete the project. This would help service the Belsay Road corridor and the Casto pumping station.

A brief discussion continued in reference to the Dortch Drive.

Mr. Martinbianco moved and it was seconded by Mr. Cross to remove agenda Items #11, 12 and 13 and send them to the Finance Committee for further review.

The motion carried 4-2, with Brawner and Centilli voting no.

Mr. Centilli set a Finance Committee meeting for Thursday, November 9, 2000 at 5:00 p.m. for the purpose of discussion and possible recommendation on the Associates Drive public watermain and Dortch Drive pumping station.

COUNCIL DISCUSSION ACTION:

(1.) Moved by Tinnin, seconded by Cross to add as Item #15, to approve and authorize setting a Special Council Meeting for Thursday, November 9th at 6:00 p.m. for the purpose of discussion and possible recommendation of Ordinance 68-23 C. Motion carried 6-0.

(2) Moved by Cross, seconded by Tinnin to add all applicant's names into nomination to fill the position of recently expired Zoning Board member Bobbie Weatherford. Applicants Jamie Curtis, James Balego, Larry Petrella, Frankie DeFreese and Bobbie Weatherford were then put into nomination. Motion carried 4-2 in favor of Jamie Curtis as the next Zoning Board of Appeal member with his term expiring August 2003.

(3) Moved by Martinbianco, seconded by Cross to amend Item #3 to read, Approve and authorize the Mayor to execute on behalf of the City of Burton and its City Council, a traffic signal control agreement for modification of a traffic actuated signal at Belsay and Potter Roads with Genesee County Road Commission at an estimated cost of $50,000 to be split 50% each, with Potter Rd. to be traffic actuated. Motion carried 6-0.

(4) Moved by Martinbianco, seconded by Cross to amend Item #4 to read, Approve and authorize the Department of Public Works authority to request the Genesee County Road Commission to prepare a preliminary design and cost estimate for an intersection improvement and upgraded signalization at Belsay Road and Potter Road, with purpose of future construction through use of Federal Aid to Urban System and/or local (city/county) funding. Motion carried 6-0.

(5) Moved by Martinbianco, seconded by Cross to remove agenda Items #5, 6, 7, and 8 and send them to the Finance Committee for further review. Motion carried 5-1, with Centilli voting no.

(6) Moved by Martinbianco, seconded by Cross to remove agenda Items #11, 12 and 13 and send them to the Finance Committee for further review. Motion carried 4-2, with Brawner and Centilli voting no.

COUNCIL ACTION:

1. Approve and authorize the Attorney Billing (Richard Austin) from October 11, 2000 to November 1, 2000, in the amount of $1,373.50.

Moved by Cross, Seconded by Brawner, Carried 6-0.

2. Approve and authorize the Attorney Billing (Richard Hamilton) from October 12, 2000 to November 1, 2000, in the amount of $1,372.50.

Moved by Tinnin, Seconded by Brawner, Carried 6-0.

As amended per Council.

3. Approve and authorize the Mayor to execute on behalf of the City of Burton and its City Council, a traffic signal control agreement for modification of a traffic actuated signal at Belsay and Potter roads with Genesee County Road Commission at an estimated cost of $50,000 to be split 50% each. Potter Road to traffic actuated.

Moved by Martinbianco, Seconded by Wells, Carried 6-0.

As amended per Council.

4. Approve and authorize the Department of Public Works authority to request the Genesee County Road Commission to prepare a preliminary design and cost estimate for an intersection improvement and upgraded signalization at Belsay Road and Potter Road, with purpose of future construction through use of Federal Aid to Urban System and/or local (city/county) funding.

Moved by Brawner, Seconded by Martinbianco, Carried 6-0.

Removed and sent to the Finance Committee.

5. Approve and authorize the acceptance of the low bid of Maverick Construction, Inc., 250 Ferry Lane, St. Ignace, MI 49781, in the amount of $86,992.00 as certified by the DPW for DPW Job #00-004-W/Associates Drive Public Watermain.

Removed and sent to the Finance Committee.

6. Approve and authorize the Mayor and City Clerk on behalf of the City of Burton and its City Council authority to execute a construction contract with Maverick Construction, Inc., 250 Ferry Lane, St. Ignace, MI 49781, in the amount of $86,992.00 with a project cost of $120,000.00 contingent upon the approval of the bonds and insurance documents by the City Attorney and City Controller, for DPW Job #00-004-W/Associates Drive Public Watermain.

Removed and sent to the Finance Committee.

7. Approve and authorize the City Controller to transfer $78,000.00 from the 2000-01 Water Department/ Unappropriated Surplus Account to DPW Job #00-004-W/Associates Drive Public Watermain.

Removed and sent to the Finance Committee.

8. Approve and authorize the DPW/City Controller to make payment to Kraft Engineering, Inc. for engineering services relative to DPW Job #00-004-W/Associates Drive Public Watermain pursuant to the bid tabulation/ cost estimate of September 11, 2000 estimated amount $11,025.00 for design services plus construction services if required.

9. Approve and authorize the following resolution:

WHEREAS, the City of Burton has a need to pay to the County of Genesee the sum of $1,282,915.43 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	$ 225.53
Ad-Valorem Levy	$1,035,752.96
Other	$ 246,936.94
Grand Total	$1,282,915.43

Moved by Martinbianco, Seconded by Tinnin, Carried 6-0.

10. Approve and authorize the current estimated allocation of $453,595.02 for the 2001-2003 Community Development Block Grant Program monies as follows:

PROJECT NAME	ALLOCATION (PERCENTAGE)
Gravel St. Paving/Sidewalks	33%
Street Ditching	6%
Senior Citizen’s Directory Salary	15%

Parks & Recreation	11%
Watermain	32%
Fire Department	3%

PROJECT NAME	ALLOCATION (DOLLARS)
Gravel St. Paving/Sidewalks	$150,000.00
Street Ditching	$ 25,555.02
Senior Citizen's Directory Salary	$ 68.040.00
Parks & Recreation	$ 50,000.00
Watermain	$145,000.00
Fire Department	$ 15,000.00

Moved by Martinbianco, Seconded by Tinnin, Carried 6-0.

Removed and sent to the Finance Committee.

11. Approve and authorize on behalf of the City of Burton the acceptance of the sanitary sewer feasibility study of July 6, 2000 for Dortch Drive and Section #23 as prepared by Rowe Engineering.

Removed and sent to the Finance Committee.

12. Approve and authorize the Mayor and City Clerk on behalf of the City of Burton and its City Council, authority to execute an engineering contract with Rowe Engineering for the design of a sanitary sewer system with pumping facilities to serve Dortch Drive, a sub-trunk along Gilkey Creek and a lateral to serve the Tobin development as an outlet, at an estimated project cost of $614,026.00, with an estimated engineering design fee of $37,700.00.

Removed and sent to the Finance Committee.

13. Approve and authorize the City Controller to transfer $40,000.00 from 2000-01 Unappropriated Surplus/ Sanitary Sewer Budget to DPW Job #00-007-SS/Dortch Drive/Section #23 Sub-Trunk/Pumping Station.

14. Approve and authorize the setting of a 2nd Public Hearing for Zoning Case #249 on Monday, November 20, 2000 at 6:00 P.M.

Moved by Cross, Seconded by Martinbianco, Carried 6-0.

15. Approve and authorize setting a Special Council Meeting for Thursday, November 9th at 6:00 p.m. for the purpose of discussion and possible recommendation of 68-23 C. Motion carried 6-0.

Moved by Cross, Seconded by Martinbianco, Carried 6-0.

INTRODUCTION OF AN ORDINANCE:

1. Approve and authorize the Introduction of a PILOT Ordinance for C.K. Gardens to provide for a service charge in lieu of taxes for a proposed multi-family dwelling project for Elderly Persons of Low and Moderate Income to be financed or assisted pursuant to the provisions of the Michigan State Housing Development Authority Act of
1996, as amended.

Moved by Tinnin, Seconded by Cross, Carried 6-0.

2. Approve and authorize the Introduction of Ordinance No. 68-23 C, being a Compensation Ordinance for Administrative Officers of the City of Burton.

Moved by Martinbianco, Seconded by Brawner, Carried 6-0.

MEETING ADJOURNED AT 10:00 P.M.

Gayle Webster
City Clerk

GW/jra