CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
FEBRUARY 2, 2004, 7:00 P.M., COUNCIL CHAMBERS
WEBSITE: www.burtonmi.us

Councilman Jamie Curtis led the Invocation and Pledge of Allegiance.

Vice President Bob Centilli called the Regular Meeting to order 7:00 P.M.

MEMBERS PRESENT: Bement, Centilli, Curtis, Isham and Martinbianco.

MEMBERS ABSENT: Cross and Wells.

OTHERS PRESENT: Charles Abbey, DPW Director; J. Major, DPW Representative; Attorney R. Hamilton and G. Webster, City Clerk.

Curtis moved and Isham seconded the following motion:

Approve and authorize the minutes of the following meeting: Special Meeting of January 19, 2004 at 5:30 P.M.; Special Meeting of January 19, 2004 at 6:00 P.M.; Special Meeting of January 19, 2004 at 6:45 P.M. and Regular Meeting of January 19, 2004 at 7:00 P.M.
Motion carried 5-0.

ADMINISTRATIVE REPORT:

Mr. Abbey reported that the administration was pleased with the audit review. The Audit reflected that we were able to save $189,000 last year. The City is financially strong and doing well. He said we have a lot to be thankful for as many communities are struggling to stay afloat in these hard economic times.

Mr. Abbey asked that a finance meeting be set to review fee structures. Building permits and other associated fees have not been raised in years. We have done comparables to surrounding communities trying to put together a more realistic fee structure. Some items listed in the fee schedule are actually losing money. Mr. Abbey will provide a list of the proposed fees.

Mr. Abbey referred to a letter that was sent by a resident on Eastgate. The letter included positive remarks regarding our good snow removal work. He said the employees do a remarkable job on the roads.

Mr. Abbey said the Mayor has made a recommendation and provided his proposal of Ordinance 68C. He was available to answer any questions regarding this issue. Additions to the agenda included the attorney's billing and the acceptance of a petition for Mallard Pond. Backup information has been provided to Council.

COMMITTEE REPORTS:

Mr. Curtis gave a report on the Metropolitan Planning Commission meeting. Amendment #2 passed allowing for the widening of Court Street from Genesee to Belsay Rd. In addition, Amendment #6 passed allowing for work to be done on the Lapeer/Vassar intersection and the Lapeer/Belsay intersection.

Mr. Bement said the Parks and Recreation meeting for last Wednesday was cancelled due to bad weather conditions. Another meeting will be scheduled in the near future. He set a finance meeting for Thursday, February 5th at 3:30 p.m. to review the fee schedules. Mr. Centilli asked Mr. Abbey to be present at the finance meeting.

Moved by Martinbianco, seconded by Curtis, to add as agenda item #15: Approve and authorize the acceptance of a petition for the construction of public utilities and roadways pursuant to City Ordinance #12 at 100% valid signatures for parcel #59-11-200-001, #59-11-200-009, #59-11-200-012 & #59-11-526-012 (proposed Mallard Ponds Condominiums Phase I/a single family condominium). The motion carried 5-0.

Moved by Martinbianco, seconded by Isham, to add as agenda item #16: Approve and authorize the support for a moratorium on all future rate increases by the Detroit Water and Sewerage Department through the Detroit City Council until an independent study of the rate setting practices of the DWSD can be completed. We also encourage the City of Flint and the Genesee County Drain Office to join us in the matter. The motion carried 5-0.

Moved by Curtis, seconded by Martinbianco, to add as agenda item #17: Remove from the table the Sprint, PCS application for a wireless communication facility and set February 16, 2004 at 5:45 p.m. for a public hearing thereof. The motion carried 5-0.

AUDIENCE PARTICIPATION:

Bernard Meader, 4220 Risedorph, opposed the Mayor’s raise, an increase in building permit fees, water rate increases and officials attending California conferences. He felt money could be better spent taking care of senior citizens’ needs. He felt building fee changes should be voted on by the residents. He spoke regarding the deer park in Grand Blanc.

Joey Richvalsky, G4387 S. Saginaw St, spoke in opposition to Zoning Case #279 that would allow land at Maple and Saginaw St. to be rezoned from C-2 to M-1. He thought this was too vast of a zoning change that would allow for all types of development included in the M-1 zoning. He felt this area would benefit more from commercial business. In addition, he said this area was already saturated with storage sheds. He felt building fees should not be dramatically changed.

Pauline Dargel, 6119 Hugh St., spoke in favor of the storage shed development on Maple Rd. She thought an entry on Mr. Hamilton’s billing was incorrect. She did not see any backup material for Items #16 or Ordinance 68-C. She suggested that Ordinance 68C be removed from the agenda and sent to the finance committee for review. In addition, she wanted an opportunity to review the document before council took action.

Liz Moss, 1382 Ready St., lives in the Saginaw St area and opposes the storage sheds being built. She felt that commercial business would be more beneficial to the residents. She asked that Council reconsider this issue.

Don Sanderlin, 4460 Killarney Park, spoke in opposition to the storage sheds being built on Maple Rd. He thought commercial business would prove to be more beneficial to the area. He didn’t want our commercial business going to Grand Blanc.

Laurie Tinnin, 2340 Harmony Dr., spoke in favor of the storage facility on Maple Rd. She spoke in opposition to the increase in utility bills and requested city officials contact the public utilities and voice their concerns. She thought the council as a whole should review Ordinance 68-C. She was in favor of the use it or loose it philosophy regarding vacation and personal days. On the other hand, she opposed the salary increases.

COUNCIL DISCUSSION:

Mr. Curtis wanted to know if city officials had reviewed the Grand Blanc Twp’s Master Plan. He said a state law requires that they provide surrounding communities with the document for review and input. In addition, the county has the right to review the document and give input.

Mr. Abbey was not aware of this issue.

Mr. Hamilton will contact Grand Blanc Twp regarding this matter.

Mr. Curtis spoke regarding Detroit’s water rates. He said it looked like Flint was blessed with a reduction in water rates. He wanted to know if this would have any influence on Burton’s water rates.

Mr. Abbey discussed this issue with Mr. Riess and he was not aware of any reductions. Mr. Abbey would not be surprised if we didn't see another increase due to the Detroit billing. He will keep Council informed on this issue.

Mr. Martinbianco spoke regarding the water rate increases and a letter from Senator Laura Toy, Assistant Majority Whip. She said the Detroit City Council would be adopting their water rates on February 5th. He thought this resolution should be sent to SEMCOG. They are concerned with the Detroit Water Board conducting the Best Business Practices and Efficiency Study. They would use that as the new base line under which they would be able to raise or lower rates. Essentially, it would be an independent audit of what's happened in Detroit. He understood that we would be accepting the markup from Flint and Genesee County in addition to our base cost. He felt that we should convey our thoughts to the agencies he listed and hoped that our voices would be heard on this issue.

In reference to Item 5, Mr. Bement apologized to the Council and the community because he was unable to attend the audit workshop due to a family illness. He did read the audit report.

Moved by Curtis, seconded by Isham to approve Items 8, 9, 10, 11, 12, 13, and 15 as written.
Motion carried 5-0. (These items are indicated as separate resolutions in the minutes.)

In reference to Item 16, Mr. Hamilton thought the water rate moratorium might be a little inconsistent coinciding with a possible water rate reduction. He questioned the timing of the resolution. We do not want it to appear that we want a moratorium on rate reductions. He felt they do need a good rate study. This is the first time that he can remember a proposed water rate reduction from Detroit.

Mr. Isham didn't believe that there would be a water rate decrease. Historically speaking there has been a lot of problems with the Detroit water system. Someone has to foot that bill. He thought Detroit would increase the water rates, which in turn would be passed on through the County.

Discussion continued in reference to the water rate moratorium resolution.

Mr. Martinbianco said this resolution focused on rate increases. We would be happy to accept all water rates discounts or decreases that they are willing to give to us. He thought it was a good idea to send the resolution.

In reference to the first reading of Ordinance 68-26 C, Mr. Centilli said that this issue related to his wife that worked for the City. He wanted to rescind from voting on this item.

Mr. Martinbianco pointed out that Mrs. Centilli was not governed by Ordinance 68-C. She may well be covered by a subsequent resolution that deals with the administrative non-charter employees. He felt that Mr. Centilli would be required to vote on this issue.

Mr. Hamilton said that Ordinance 68-C only covered Chartered Officers, so his wife would not be included in this particular issue. Historically we deal with Ordinance 68-C first due to the introduction and adoption proceedings. The parallel resolution for non-charter non-union city officials will follow the adoption of the second reading. There is no conflict with this particular issue on tonight's agenda.

After the failure of the second reading of Zoning Case #279, Mr. Hamilton advised Council that no action had been taken on the rezoning issue. The second reading did not pass, so Council needed to offer an affirmative motion to deny the zoning request.

Moved by Curtis, seconded by Bement to: Approve and authorize the denial of the Second Reading of an Ordinance for Zoning Case #279, to rezone property at the Northwest Corner of Saginaw and Maple from C-2 to M-1 for the purpose of a Self-Storage Facility (Randy Haney, 1453 N. Elms Rd., Flint, MI 48532).

Moved by Martinbianco, seconded by Isham to table Item 1 under the second reading of an ordinance for Zoning Case #279 until the next regular meeting of March 1, 2004. The motion was denied 3-2, with Bement, Centilli and Curtis voting no.

Mr. Martinbianco asked for parliamentary clarification on this issue. He wanted to know what options would be available when the majority of the council members are back that were in favor of this project. What is the procedure for bringing it up at our next meeting, should it fail tonight? Can we use a rescinding action?

Mr. Hamilton clarified that it wouldn't be a motion to rescind, because if it were a motion to rescind then we would be back to no action being taken. We would have to go through the process again. To be reconsidered that motion has to be made either at the same meeting or the next meeting of the body. The motion can only be made by a person who voted on the successful side in the process.

Mr. Martinbianco said the person had to have voted in the affirmative.

Mr. Hamilton agreed with that comment.

A vote was taken to deny ZC #279. The motion carried to deny 4-1, with Isham voting no.

Mr. Isham said the new ceiling looked great. The contractor came back and replaced the ceiling with no charge to the City. They got it right this time. He was still not happy with the craftsmanship of the council table. He felt there were still some other items to be addressed.

COUNCIL DISCUSSION ACTION:

Moved by Martinbianco, seconded by Curtis, to add as agenda item #15: Approve and authorize the acceptance of a petition for the construction of public utilities and roadways pursuant to City Ordinance #12 at 100% valid signatures for parcel #59-11-200-001, #59-11-200-009, #59-11-200-012 & #59-11-526-012 (proposed Mallard Ponds Condominiums Phase I/a single family condominium).The motion carried 5-0.

Moved by Martinbianco, seconded by Isham, to add as agenda item #16: Approve and authorize the support for a moratorium on all future rate increases by the Detroit Water and Sewerage Department through the Detroit City Council until an independent study of the rate setting practices of the DWSD can be completed. We also encourage the City of Flint and the Genesee County Drain Office to join us in the matter. The motion carried 5-0.

Moved by Curtis, seconded by Martinbianco, to add as agenda item #17: Remove from the table the Sprint, PCS application for a wireless communication facility and set February 16, 2004 at 5:45 p.m. for a public hearing thereof. The motion carried 5-0.

Moved by Curtis, seconded by Isham to approve Items 8, 9, 10, 11, 12, 13, and 15 as written.
Motion carried 5-0. (These items are indicated as separate resolutions in the minutes.)

Moved by Martinbianco, seconded by Isham to table the second reading of an ordinance for Zoning Case #279 until the next regular meeting of March 1, 2004. The motion was denied 3-2, with Bement, Centilli and Curtis voting no.

Moved by Curtis, seconded by Bement to: Approve and authorize the denial of the Second Reading of an Ordinance for Zoning Case #279, to rezone property at the Northwest Corner of Saginaw and Maple from C-2 to M-1 for the purpose of a Self-Storage Facility (Randy Haney, 1453 N. Elms Rd., Flint, MI 48532).
The motion carried 4-1, with Isham voting no.

COUNCIL ACTION:

Bement moved and Isham seconded the following motion:

1. Approve and authorize the attorney billing (Richard Austin) from January 14, 2004 to January 28, 2004 in the amount of $3,964.75.

Motion carried 5-0.

Curtis moved and Bement seconded the following motion:

2. Approve and authorize the attorney billing (Richard Hamilton) from January 20, 2004 to January 29, 2004 in the amount of $2,018.75.

Motion carried 5-0.

Isham moved and Martinbianco seconded the following motion:

3. Approve and authorize the request for a Sanitary Sewer Installer's License for Edwin C. Roberts or Marty A. Roberts, dba Roberts Trucking, Inc., 8205 Cork Rd., Yale, MI 48097.

Motion carried 5-0.

Curtis moved and Isham seconded the following motion:

4. Approve and authorize the request for a Watermain Installer's License for Edwin C. Roberts or Marty A. Roberts, dba Roberts Trucking, Inc., 8205 Cork Rd., Yale, MI 48097.

Motion carried 5-0.

Martinbianco moved and Curtis seconded the following motion:

5. Approve and authorize the 2002-2003 Fiscal Year Audit for the City of Burton.

Motion carried 5-0.

Isham moved and Martinbianco seconded the following motion:

6. Approve and authorize the Mayor and City Clerk approval on behalf of the City Council to execute a "Preliminary Engineering Contract" with Rowe, Inc. for the design of the proposed reconstruction of Belsay Road from Atherton Road to Maple Avenue. (DPW Job #04-004-P/FAUS Project/2004/08 T.I.P.) at an estimated cost of $58,866.00 (80% federal @ $47,893.00 & 20% Burton @ $11,973.00) contingent upon approval of the City Attorney and City Controller.

Motion carried 5-0.

Curtis moved and Isham seconded the following motion:

7. Approve and authorize the City Controller to transfer $11,973.00 from the 2003/04 Major Streets/Unappropriated Surplus to DPW Job #04-004-P for City share of design engineering.

Motion carried 5-0.

Curtis moved and Isham seconded the following motion:

8. Approve and authorize Standard Resolution #1 for P-04-2 Mallard Ponds Condominium Phase I Special Assessment Subdivision Development/Public Storm and Streets District.
   A. Determine to develop condominium with public storm and streets by asphalt paving with curb and gutter.
   B. Determine that improvement to be assessed against the lands and premises as indicated in Standard Resolution #1, Section 2.
   C. Instruct the DPW Engineering Division and/or an engineering firm of Kraft Engineering, Inc. to prepare Exhibits A & B (cost estimates and district maps).

Motion carried 5-0.

Curtis moved and Isham seconded the following motion:

9. Approve and authorize Standard Resolution #2 for P-04-2 Mallard Ponds Condominiums Phase I Special Assessment Subdivision Development/Public Storm and Streets District.
   A. Proceed with district for development of condominium with public storm and streets by asphalt paving with curb and gutter.
   B. Place preliminary district maps and cost estimates on file with the Clerk's Office for examination.
   C. Determine improvement to be necessary.
   D. Accept cost estimate.
   E. Set First Public Hearing for Monday, February 16, 2004 at 6:00 P.M. at City Hall, or any later date of City Council choice; (a minimum of fourteen (14) days is required between this Council meeting and the proposed public hearing date), and instruct the Clerk's Office, through the DPW, to publish and mail notices as per City Ordinance #12.

Motion carried 5-0.

Curtis moved and Isham seconded the following motion:

10. Approve and authorize Standard Resolution #1 for W-04-2 Mallard Ponds Condominium Phase I Special Assessment Subdivision Development/Public Municipal Watermain District.
    A. Determine to develop condominium with public municipal watermain.
    B. Determine that improvement to be assessed against the lands and premises as indicated in Standard Resolution #1, Section 2.
    C. Instruct the DPW Engineering Division and/or an engineering firm of Kraft Engineering, Inc. to prepare Exhibits A & B (cost estimates and district maps).

Motion carried 5-0.

Curtis moved and Isham seconded the following motion:

11. Approve and authorize Standard Resolution #2 for W-04-2 Mallard Ponds Condominiums Phase I Special Assessment Subdivision Development/Public Municipal Watermain District.
    A. Proceed with district for development of condominium with public watermain.
    B. Place preliminary district maps and cost estimates on file with the Clerk's Office for examination.
    C. Determine improvement to be necessary.
    D. Accept cost estimate.
    E. Set First Public Hearing for Monday, February 16, 2004 at 6:10 P.M. at City Hall, or any later date of City Council choice; (a minimum of fourteen (14) days is required between this Council meeting and the proposed public hearing date), and instruct the Clerk's Office, through the DPW, to publish and mail notices as per City Ordinance #12.

Motion carried 5-0.

Curtis moved and Isham seconded the following motion:

12. Approve and authorize Standard Resolution #1 for SS-04-2 Mallard Ponds Condominium Phase I Special Assessment Subdivision Development/Public Municipal Sanitary Sewer District.
    A. Determine to develop condominium with public municipal sanitary sewer.
    B. Determine that improvement to be assessed against the lands and premises as indicated in Standard Resolution #1, Section 2.
    C. Instruct the DPW Engineering Division and/or an engineering firm of Kraft Engineering, Inc. to prepare Exhibits A & B (cost estimates and district maps).

Motion carried 5-0.

Curtis moved and Isham seconded the following motion:

13. Approve and authorize Standard Resolution #2 for SS-04-2 Mallard Ponds Condominiums Phase I Special Assessment Subdivision Development/Public Municipal Sanitary Sewer District.
    A. Proceed with district for development of condominium with public municipal sanitary sewer.
    B. Place preliminary district maps and cost estimates on file with the Clerk's Office for examination.
    C. Determine improvement to be necessary.
    D. Accept cost estimate.
    E. Set First Public Hearing for Monday, February 16, 2004 at 6:20 P.M. at City Hall, or any later date of City Council choice; (a minimum of fourteen (14) days is required between this Council meeting and the proposed public hearing date), and instruct the Clerk's Office, through the DPW, to publish and mail notices as per City Ordinance #12.

Motion carried 5-0.

Martinbianco moved and Isham seconded the following motion:

14. Approve and authorize the request of the Burton Firefighters & Family Relief Fund of the City of Burton, County of Genesee, that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license. All proceeds raised by this Organization shall be used solely for the purpose stated.

Motion carried 5-0.

Curtis moved and Isham seconded the following motion:

15. Approve and authorize the acceptance of a petition for the construction of public utilities and roadways pursuant to City Ordinance #12 at 100% valid signatures for parcel #59-11-200-001, #59-11-200-009, #59-11-200-012 & #59-11-526-012 (proposed Mallard Ponds Condominiums Phase I/a single family condominium).

Motion carried 5-0.

Martinbianco moved and Isham seconded the following motion:

16. Approve and authorize the support for a moratorium on all future rate increases by the Detroit Water and Sewerage Department through the Detroit City Council until an independent study of the rate setting practices of the DWSD can be completed. We also encourage the City of Flint and the Genesee County Drain Office to join us in the matter.

Motion carried 5-0.

Curtis moved and Isham seconded the following motion:

17. Remove from the table the Sprint, PCS application for a wireless communication facility and set February 16, 2004 at 5:45 p.m. for a public hearing thereof.

Motion carried 5-0.

INTRODUCTION OF AN ORDINANCE:

Curtis moved and Isham seconded the following motion:

1. Approve and authorize the Introduction of an Ordinance No. 68-26 C, amending Ordinance No. 68 C, Compensation for Administrative Officers of the City of Burton.

Motion carried 5-0.

SECOND READING OF ORDINANCES:

Isham moved and Martinbianco seconded the following motion:

1. Approve and authorize the Second Reading of an Ordinance for Zoning Case #279, to rezone property at the Northwest Corner of Saginaw and Maple from C-2 to M-1 for the purpose of a Self-Storage Facility (Randy Haney, 1453 N. Elms Rd., Flint, MI 48532).

Motion denied 3-2, with Bement, Centilli and Curtis voting no.

Bement moved and Isham seconded the following motion:

2. Approve and authorize the Second Reading of an Ordinance for Zoning Case #283 to rezone vacant land at Davison Road between Cummings Harley Davison and Schafer Dr., Part of Parcel Nos. 59-11-200-001 and 59-11-200-009 from C-2 & M-1 to R-1B and RM for condo development (S.M.E.A. Investments, LLC, 418 Woodbridge, Grand Blanc, MI 48439) per Attachments A & B.

Motion carried 5-0.

Meeting Adjourned at 8:10 P.M.

Gayle Webster
Burton City Clerk

GW/cml