CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
MARCH 7, 2005, 7:00 P.M., COUNCIL CHAMBERS
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Pastor Bruce Garner of Faith Tabernacle Church led the Invocation.
Councilman Jamie Curtis led the Pledge of Allegiance.
Council President Danny Wells called the Regular Meeting to order at 7:00 P.M.

MEMBERS PRESENT: Curtis, Centilli, Martinbianco, Wells, Cross, Bement, Isham
MEMBERS ABSENT: None
OTHERS PRESENT: Mayor Smiley, Atty. Richard Hamilton, C. Abbey, City Administrator, J. Major, DPW Representative, J. Adams, Deputy City Clerk

Isham moved and Bement seconded the following motion:

Approve and authorize the minutes of the following meetings: Regular Council Meeting held on February 21, 2005 at 7:00 P.M., and the Special Council Meeting held on February 21, 2005 at 6:30 P.M. Motion carried, 6-1. Curtis – no.

COUNCIL DISCUSSION:
Council went into Executive Session at 7:45 p.m.
The Regular Council Meeting resumed at 8:07 p.m.

COUNCIL DISCUSSION ACTION:

(Add Items 11 and 12 were voted on together)
Moved by Cross, seconded by Curtis to add as agenda Item 11: Approve and authorize the rescinding of the City Council approval of the final plat for Spring Gardens Phase II on February 21, 2005, and to add as agenda Item 12: Approve and authorize the final plat approval for Spring Gardens Phase II, Section #26, R-1B zoned. Motion carried 7-0.

Moved by Cross, seconded by Curtis to: Approve and authorize Council to go into Executive Session under Section 8 (c) of the Open Meetings Act for discussion on contract negotiations. Motion carried 7-0.

Moved by Isham seconded by Curtis to add as agenda Item 13: Approve and authorize the City of Burton resolution for a Tool & Die Renaissance Recovery Zone. Motion carried 7-0.

Mr. Isham called the question.
Moved by Isham seconded by Curtis to: Approve and authorize a Tool & Die Renaissance Recovery Zone for Schmald Tool & Die. Motion carried 5-2. Martinbianco – no, Cross – no.

Moved by Curtis seconded by Martinbianco to: Approve and authorize tabling agenda Item 3. Motion carried, 4-3. Wells – no, Bement – no, Isham – no.

(Item 4 and Item 5 were voted on together)

Moved by Cross seconded by Martinbianco to: Approve and authorize tabling agenda Item 4 and Item 5. Motion carried to deny 5-2. Curtis – no, Centilli – no, Wells – no, Bement – no, Isham – no.

Moved by Curtis seconded by Cross to: Approve and authorize sending agenda Item 4 and Item 5 to the Finance Committee. Motion carried 5-2. Centilli – no, Bement – no.

Moved by Martinbianco seconded by Isham to. Approve and authorize to remove tabling agenda Item 3. Motion carried, 7-0.

COUNCIL ACTION:

Cross moved and Bement seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from February 16, 2006 through
   March 2, 2005 in the amount of $5,489.00.

Motion carried 7-0.

Isham moved and Bement seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from February 25, 2005 through March 2, 2005 in the amount of $1,050.00.

Motion carried 7-0.

Cross moved and Isham seconded the following motion:

3. Approve and authorize the Mayor and City Clerk to execute the authorization for changes in the standard street lighting contract with Consumers Energy Company for:

   1) Eight (8) street lights on Dortch Drive – (Installation at the city's cost).

Motion carried 7-0.

Motion tabled and sent to the Finance Committee

4. Approve and authorize Standard Resolution #1 for P-05-03 through P-05-33 Special Assessment Paving District, Open Ditch Paving Project/Option "C".

   A. Determine to improve subdivision streets by asphalt paving with limestone approaches including required ditching.
   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 to prepare Exhibits A & B (cost estimates and District maps).

Motion tabled and sent to the Finance Committee

5. Approve and authorize Standard Resolution #2 P-05-03 through P-05-33 Special Assessment Paving District, Open Ditch Paving Project/Option "C".

   A. Proceed with district for improvement of asphalt paving with limestone approaches including required ditching.
   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 a special meeting on **Time to be determined** 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.

Cross moved and Martinbianco seconded the following motion:

6. Approve and authorize the following subdivisions with their interior local public streets into the City of Burton, Act 51 local street system, as the rights-of-way are dedicated for public street purposes and that public rights-of-way are under the municipal control of the city:

   A. Pebble Creek/Standard Plat
      1) Pebble Creek Blvd. From Maple Road to North Terminus
      2) Timberline Lane from Pebble Creek Blvd. to Pebble Creek Blvd.
      3) Timberline Ct. from Pebble Creek Blvd. to East Terminus

   B. Burton Estates No. 1/Standard Plat
      1) Burton Estates Drive from Belsay Road to East Terminus
      2) Legacy Drive from Burton Estates Drive to Regency Drive
      3) Hunter Lane from Burton Estates Drive to Regency Drive
      4) Champion Drive from Burton Estates Drive to Regency Drive
      5) Regency Drive from Belsay Road to East Terminus

Motion carried 7-0.

Curtis moved and Isham seconded the following motion:

7. Approve and authorize the following:

Whereas the City of Burton did in 2002 acquire title to a certain street. And where it is necessary to furnish certain information to the State of Michigan to place this street/ plat within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW THEREFORE IT IS RESOLVED:
1) That parts of Lots 4, 15, and 23, Supervisor's Plat No.39, being a subdivision in in Southeast ¼ of Section 10, T7N, R6E, City of Burton, Genesee County, Michigan, and further described as commencing at the Southwest ¼ of said Section 10, thence N 01 deg 28'15" W, 848 feet along the West line of Section 10 and S 89 deg 50'05" E, 50.02 feet to the Northwest corner of Lot 15 and the point of beginning; thence S 89 deg 50'05" E 720.0 feet; thence S 01 deg 28'15" E, 57.01 feet; thence N 89 deg 53'41" W, 610.0 feet to the East right of way of Center Road; thence N 01 deg 28'15" W, 66 feet to point of beginning, containing 1.068 acres. (Also known as Aldi Street)

2) That said street is located within a City right-of-way and is under the control of the City of Burton.

3) That said street is accepted and is for public street purposes.

4) That said street is accepted into the City Local Street System.

Motion carried 7-0.

Cross moved and Curtis seconded the following motion:

8. Approve and authorize the acceptance of the Report to the Burton City Council on Investigation of Potential Nuisance or Hazardous Condition of Premises on the following properties located in the City of Burton and set a Public Hearing date and time to consider any objections and/or favorable comments relative to the referenced premises. These public hearings can be scheduled at various times below on Monday, April 18, 2005, should the Council find this favorable or any other date and time Council prefers, allowing 10 days notice to property taxpayers for the scheduled hearings.

<u>Monday, April 18</u>
(1) 5040 Kendall at 5:30 p.m.
(2) 1386 Kenneth at 5:45 p.m.
(3) 1338 Denies at 6:00 p.m.
(4) 1465 Allen at 6:15 p.m.
(5) 1315 Allen at 6:30 p.m.
(6) 4106 Risedorph at 6:45 p.m.

Motion carried 7-0.

Isham moved and Centilli seconded the following motion:

9. Approve and authorize to fill the vacancy of Herm Clark, Zoning Board of Appeals Alternate, by Scott Hynes, 4370 Sunnymead, Burton, MI 48519. Term expiring December 2006.

Motion carried 7-0.

Isham moved and Centilli seconded the following motion:

10. Approve and authorize Bruce Burton to purchase five (5) years of generic pension time, total cost $91,347.00, at the total cost of employee's expense.

Motion carried 7-0.

Cross moved and Isham seconded the following motion:

11. Approve and authorize the rescinding of the City Council approval of the final plat for Spring Gardens Phase II on February 21, 2005.

Motion carried 7-0.

Cross moved and Isham seconded the following motion:

12. Approve and authorize the final plat approval for Spring Gardens Phase II, Section #26, R-1B zoned.

Motion carried 7-0.

Isham moved and Curtis seconded the following motion:

13. Approve and authorize a Tool & Die Renaissance Recovery Zone for Schmald Tool & Die.

Motion carried 5-2. Martinbianco – no, Cross – no.

Cross moved and Martinbianco seconded the following motion:

14. Approve and authorize the Mayor and City Clerk to enter into a contract with UAW Local 708 on behalf of Burton Firefighters for a four (4) year contract.

Motion carried 7-0.

SECOND READING OF AN ORDINANCE:

Isham moved and Cross seconded the following motion:

1. Approve and authorize the Second Reading of an Ordinance for Zoning Case #296 to change zoning classification from SE to R-1B for the purpose of development of property for residential housing project (Dennis Strelchuk, 650 Broadway, Davisburg, MI 48350).

Motion carried 6-1. Bement – no.

Meeting adjourned at 9:29 P.M.

jra