CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JANUARY 7, 2002, 7:30 P.M., COUNCIL CHAMBERS

Council President Larry Brawner led the Invocation and Pledge of Allegiance.

Special thoughts and prayers were offered to the family of Councilman Danny Wells due to the death of his son, Chris.

President Larry Brawner called this Regular Meeting to order at 7:30 P.M.

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

MEMBERS ABSENT: Wells.

OTHERS PRESENT: Mayor C. Smiley; C. Abbey; Administrative Assistant; B. Becker, Controller; D. Lowthian, Assessor; J. Major, DPW Director; Attorney R. Hamilton and G. Webster, City Clerk.

Cross moved and Bement seconded the following motion:

Approve and authorize the minutes of the Regular Meeting of December 17, 2001 at 7:30 P.M., as printed. Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mayor Smiley reminded everyone of the joint Council/Administration Workshop that would be held Thursday, January 10th at 6:00 P.M. at the Senior Center.

The Mayor said an Audit Workshop would be held January 23, 2002 at 6:00 P.M. at the Police/Fire Facility.

The Mayor showed Council a print of the new City Hall. He indicated that bids were taken and the Building Authority had approved the lease contract for the addition.

Mr. Auldin Nelson, Architect, commented on bids for the City Hall/DPW expansions that were accepted December 20th. He gave a detailed report of the bidding process and results and stated that the bids were very competitive. City Hall, Project "A" was awarded to ERA Companies, Inc. for a sum of $1,174,685.00. City Hall plans included exterior panels, windows, plumbing, lighting, a generator, furniture and site improvements. DPW, Project "B" was awarded to Will H. Hall & Son, Inc. for a sum $172,900.00. The bond sale was determined by the overall project cost of $1,800,000.00.

On behalf of Mr. Wells and his family, Mr. Abbey thanked Council and the Administration for all the kind thoughts, gifts and understanding that were offered through this difficult time. Mr. Wells sent his apologies for not being able to attend tonight's meeting.

COMMITTEE REPORTS:

Mr. Cross said a legislative meeting would be held January 14th at 6:00 P.M. in the council chambers. The purpose of the meeting is for discussion and possible action regarding two proposed PILOT Ordinances for Burton Commons and Blackberry Creek.

AUDIENCE PARTICIPATION:

Kathryn Livingston, 3084 Vineland Ave, wanted to know when signs designating the bus stop would be installed on Atherton Road.

Mr. Major said the signs have been ordered and would be installed as soon as they arrive. These signs will alert drivers that this area is a school bus loading zone. He planned to discuss this matter with Mr. LaDuke and contact Mrs. Livingston with more information on the signs.

September Misener, 3328 S. Vassar Rd, spoke in opposition to ZC #259. She said the developer had requested property be rezoned from SE to R1B. She felt this case had already been turned down and should not be re-addressed. She wanted to know what the policy was for resubmission of zoning cases.

Don Sanderlin, 4460 Killarney Park, wanted pictures and plans of the new City Hall addition to be published in the local paper. He asked for an update on the Safety Kleen property.

Pauline Dargel, 6119 Hugh St., commented on a recent Building Authority meeting notice. She felt there was a need for an automatic door at City Hall, and wanted to know if one would be installed with the new addition.

Mr. Nelson said the new City Hall plans did not include an automatic door.

Mrs. Dargel spoke in opposition to a legal notice published December 28th. She wanted to know if changes needed to be made before resubmitting a zoning case. In addition, she wanted to know if the city attorney had been granted a waiver for residing outside of the city.

Linda Burris-Croley, 6223 Crabtree Ln, spoke in opposition to ZC #268. She does not feel the zoning board should hear the same case. She felt the new City Hall facility should be handicap accessible or it wouldn't have public support. In addition, she asked for clarification on the legislative meeting and web page updates.

Mr. Cross said the legislative meeting would be held January 14th at 6:00 P.M. in the council chambers.

COUNCIL DISCUSSION:

As Chair, Mr. Brawner removed Items #5 and #6 from the agenda and postponed them to the next regular council meeting to be held January 21st. He said this was done at the request of Mr. Wells. He would like to be present when zoning board appointments are made. He apologized to the applicants for the delay of appointments.

Mrs. Tinnin wanted to know who would sit on the zoning board at the next meeting, since two of the terms have expired.

Mr. Hamilton planned to make a ruling on this matter by the end of the meeting.

Mrs. Tinnin spoke in reference to the City's take over of eleven miles of county roads. Mr. Becker gave her a breakdown on the funding from 1998-2001 and she planned to distribute it to the council. She wanted to make sure we had received the right amount of money for these roads, before taking over any more county roads. She plans to look into this matter more thoroughly and share the information with council.

Mrs. Tinnin commented on Zoning Case #268. She didn't think we could stop zoning applicants from reapplying. She encouraged council members to vote the same way they did when this case was originally heard. She felt rezoning issues involving changes from SE to R1B should be set aside until the Master Plan was approved.

Mr. Brawner indicated there would be a Planning Commission meeting tomorrow, followed by a work session. He said the Planning Commission was very close to finalizing the plan.

In reference to Mrs. Dargel's comments on new renovations, Mrs. Tinnin thought the automatic door would be a necessity to comply with the American Disabilities Act.

Mr. Nelson didn't think this was a requirement under the act. He will check to make the sure the doors meet the required guidelines.

Mrs. Tinnin suggested that Item #3 be tabled until the costs of the doors are determined.

Mr. Cross asked for an update on the business at Maple and Dort Hwy.

Mr. Abbey gave an update on the SK facility. Assistant Chief Lacey and Mr. Abbey have visited the site and the company does plan to operate that facility. They intend to apply for a site plan review to modify their operation.

Mrs. Tinnin would like a report from Mr. Lacey on what materials are being stored and the quantity of the materials at that site.

Mr. Abbey indicated that no materials are being stored at that site. He will keep Council updated on this issue.

Discussion continued in reference to the SK site.

Mr. Cross asked that pictures, prints and drawings of City Hall/DPW renovations be posted on the bulletin board for the public to view. He asked for clarification on the contingency funds relating to the expansion project.

Mr. Abbey said there was $44,455.00 in contingency funds for the renovations.

Mr. Cross felt there would be enough contingency funds to purchase an automatic door, if it was needed. He felt the City Hall expansion resolution should be addressed at tonight's meeting.

Mr. Martinbianco asked for clarification on the base bid contingency.

Mr. Nelson said the base bid contingency was $24,000.00. He gave further explanation on the contingency amount relative to the project.

In reply to Mrs. Dargel's comments, Mr. Brawner asked the attorney if the City Charter required him to live in the City of Burton.

Mr. Hamilton indicated that the Charter is somewhat inconsistent as it relates to residency issues. There is a provision in the Charter that talks about first priority for administrative or elected officers. It doesn't specifically require residency. Later, it states the City Council can waive the requirement. The language of the City Charter is somewhat ambiguous with this matter. He said the whole question could be eliminated if Council wished to take a vote on it.

Council members did not offer a vote on this issue.

Mr. Hamilton explained that the term of office for Zoning Board of Appeal members is for three years and does not extend until a successor is appointed. However, the ordinance does provide that the alternates shall serve in the absence of the regular appointed members. Therefore, the prior appointee's terms have expired and the alternates may sit in their place instead.

The Clerk's Office will contact the alternates so they will be in attendance at the next zoning board meeting.

In reference to Item #2, Mrs. Tinnin opposed the Salary Commission's recommendation. She said the salary increase was slightly higher then the cost of living. In addition, she commented on fringe benefits, pensions and the actuarial as it relates to elected officials. She felt there should be a cap on MERS participants and pension contributions.

Mr. Cross suggested the finance committee could review the elected official's pension issue and make a recommendation to council.

Mr. Abbey clarified that the council had 30 days to override the Salary Commission's Determination. If there was a problem with the raises, it should have been dealt with at that time. This was not done. The raises are now in effect and the bills need to be paid.

In regards to Item #3, Mr. Martinbianco asked for clarification on the Building Authority Contract.

Mr. Lowthian explained that the Building Authority did five things at their meeting. They approved the low bidders for City Hall, DPW and site improvements. In addition, they approved the contract lease and authorized the sale of bonds to fund the project. He indicated that this was the same process that was used when the Police/Fire facility was built. Essentially, the Council is entering into a contract with the Building Authority.

Discussion continued in reference to the Building Authority Contract.

Mr. Becker gave a recap of the process that led up to Council addressing the Building Authority Contract. In September the council authorized the Notice of Intent to sell bonds not to exceed $2 million dollars. Then the notice was filed in the newspaper and the 45-day referendum has long since expired. The bids and bonds reflected a total cost amount of $1,800,000.00.

Discussion continued on the City Hall expansion and the Building Authority Contract.

Mr. Becker reviewed the projected bond interest rates and debt payments for the project for the next 20 years.

Mr. Martinbianco asked for more information on the City Hall site plan involving the backside driveway connecting to the DPW drive.

Mr. Major is working with the technician in regards to lining up the back driveways. He will report his findings at a later date.

Mr. Becker explained that the construction bids were only guaranteed for 45 days and the bond sale had been tentatively set for February 6th. To meet this aggressive time line, he felt it was very important to address the Building Authority Contract at tonight's meeting.

Mrs. Tinnin wanted to know if the new bond would be added to the 1.9 mil General Obligation Debt Fund.

Mr. Becker said the General Obligation Debt was strictly related to the sanitary sewer debt. This debt issue would go against the City's bonding capacity. We are well within that limit. We can purchase general obligation bonds up to 10% of our taxable value and we are not even at 1% of our taxable value.

In reference to Item #4, Mr. Cross asked for an update on filling the Police Chief position.

Mr. Abbey said the selection process is underway. The field has been narrowed to six applicants and interviews would be conducted on January 15th. He hoped this process would narrow the selection down to two or three candidates. The Mayor will then meet again with these candidates and try to finalize his decision.

COUNCIL ACTION:

Cross moved and Centilli seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from December 12, 2001 to January 2, 2002 in the amount of $1,647.00.

Motion carried 6-0.

Bement moved and Centilli seconded the following motion:

2. Approve and authorize the transfer of funds of $2,678.00 from General Fund-Contingency to City Council and Mayor Salaries and Fringe Benefits, as a result of the Salary Commission Determinations.

Motion carried 5-1 with Tinnin voting no.

Centilli moved and Bement seconded the following motion:

3. Approve and authorize the resolution approving the Building Authority Contract.

Motion carried 5-1with Tinnin voting no.

Centilli moved and Bement seconded the following motion:

4. Approve and authorize City Council to grant an additional 60-day extension to fill the position of Police Chief, pursuant to Section 3.14 (b) of the Charter of the City of Burton.

Motion carried 6-0.

Removed by the Chair and postponed until the next Regular Council Meeting to be held January 21, 2002.

5. Approve and authorize the Council's appointment/reappointment of _____, _____, Burton, MI, to the Zoning Board of Appeals. Term ending January, 2005.

   APPLICANTS:

   Steven Heffner, 1181 Munson Ave., Burton, MI 48509
   Sue Layman, 1079 Arrowhead Dr., Burton, MI 48509
   Denise L. Paliani, 2313 Deer Hollow, Burton, MI 48519
   Terry Parker, 4360 Sunnymead, Burton, MI 48519
   Tracy Parker, 1131 Davenport Ct., Burton, MI 48529
   Bobbie Weatherford, 3084 S. Genesee Rd., Burton, MI 48519
   Stephen Welch, 5272 White Pines, Grand Blanc, MI 48439

Removed by the Chair and postponed until the next Regular Council Meeting to be held January 21, 2002.

6. Approve and authorize the Council appointment/reappointment of _____, _____, Burton, MI, to the Zoning Board of Appeals. Term ending January 2005.

   APPLICANTS:

Steven Heffner, 1181 Munson Ave., Burton, MI 48509
Sue Layman, 1079 Arrowhead Dr., Burton, MI 48509
Denise L. Paliani, 2313 Deer Hollow, Burton, MI 48519
Terry Parker, 4360 Sunnymead, Burton, MI 48519
Tracy Parker, 1131 Davenport Ct., Burton, MI 48529
Bobbie Weatherford, 3084 S. Genesee Rd., Burton, MI 48519
Stephen Welch, 5272 White Pines, Grand Blanc, MI 48439

Meeting Adjourned at 8:45 P.M.

Gayle Webster
Burton City Clerk

GW/cml