CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
FEBRUARY 17, 2003, 7:30 P.M., COUNCIL CHAMBERS

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

THE REGULAR MEETING WAS CALLED TO ORDER BY PRESIDENT LARRY BRAWNER AT 7:40 P.M.

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor C. Smiley; C. Abbey, Administrative Assistant; J. Major, DPW Director; R. LaDuke, Deputy DPW Director; Attorney R. Austin and G. Webster, City Clerk.

Approve and authorize the minutes of the following meetings: Regular Meeting of February 3, 2003 at 7:30 P.M.

Moved by Cross, Seconded by Bement, Carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley said that the Courtland Center had a new owner. Tucker Developers plan to work on the cosmetics of the mall and become a member of the Chamber of Commerce.

The Mayor said that Mr. LaDuke had prepared the Five Year Parks and Recreation Plan. Any questions should be directed to Mr. LaDuke by March 1, 2003.

The Mayor is working on the upcoming budget with the administration. He was not sure if the state of the economy or the pending war would have an impact on the new budget.

The Mayor said that Council was provided with a revised agenda and backup material was included. Mr. Major was available to answer questions Council might have on these items.

Mr. Brawner commented that the original agenda only had two items and now it is three pages long.

COMMITTEE REPORTS:

Mr. Cross said a meeting for the Food and Shelter Board was held February 5, 2003. This year twelve agencies were given an allotment for food, rent and utilizes. He reviewed the breakdown of allocations for the different agencies.

Mr. Cross said a legislative meeting was held Monday, February 10th to discuss policies relating to the usage of city vehicles, credit cards and cell phones. These policies were reviewed and no changes were made. In addition, the committee reviewed an ordinance that dealt with changeable signs. The zoning board wanted to have an ordinance in place so they would be able to address these types of sign. The first reading of the ordinance appeared on the agenda.

Mr. Bement said a Planning Commission workshop was scheduled for February 25th from 9:00-11:00 a.m. to continue the discussion on Ordinance 19 revisions.

AUDIENCE PARTICIPATION:

Larry Petrella, 1081 Howe Rd., wanted to know when the legislative committee was going to address a Code of Ethics ordinance. In addition, he wanted to know when the budget hearings would be held.

Mr. Brawner said we are still in the preliminary stages of the budget process. Department heads are working on their proposed budgets. Once a proposed budget is offered, budget hearings will be scheduled and a list of dates will be provided.

Mrs. Dargel, 6119 Hugh St., said the items on the revised agenda were not available for the public. She asked for an update on the gas station demolitions. She thought waterlines should be added at the same time the Davison Rd. widening project is being done. She said the Governor has proposed to cut state employees bonuses, vehicles, cell phones and credit cards. She wants to review the City's administrative policy book. She spoke in reference to an unoccupied city vehicle that was left idling for an extended period of time.

Warren Nimcheski, 2429 N. Genesee Rd., felt the sign ordinance should be revised to address the height of fences that infringe on front yard properties.

Mr. Bement said the Planning Commission was addressing this issue as Ordinance 19 revisions were being made.

Art Jankowski, 4108 Leith St., referred to a Suburban News article that indicated the City of Burton would be cutting $86,000.00 from the Burton Police Department. He wanted to know why this was being done.

COUNCIL DISCUSSION:

Mr. Abbey said the police millage was not being touched. We will recoup some savings from the police department due to the unfilled positions. However, no cuts in personnel have been made at this time.

Mr. Cross said the legislative committee does not plan to review a code of ethics ordinance. After researching this issue, he discovered the City already has a code of ethics policy in place.

Mr. Cross said the legislative committee did review the credit card policies in place. He said Mrs. Tinnin did not attend the meeting. They found that the administration had actually strengthened the credit card policy by instituting a stricter limit. The committee agreed that the current credit policy was appropriate and no changes were needed.

Mrs. Tinnin still had concerns with the City's credit card, cell phone and vehicle policies. She didn't know the meeting was going to be held on Monday and was unable to attend.

Mr. Cross set the legislative meeting at the last council meeting. The minutes reflect that the meeting would be held on Monday.

Mrs. Tinnin filed a Freedom of Information Request hoping to get more information before the legislative meeting was held. She requested four years of receipts and statements to help determine if there was supporting documentation for these types of expenditures. She was concerned that Dupris & Ryden did not include any credit card receipts with the random sampling of documents during the audit process.

Mr. Cross felt it was not the legislative committee's responsibility to review itemized expenditures of funds. He said the committee reviewed the policies and found them to be appropriate.

Mrs. Tinnin wanted to know who had credit cards, what their limits were and if procedures were being followed. She did not know what the credit card policies were.

Mr. Cross gave Mrs. Tinnin a copy of the policies that had been reviewed by the legislative committee.

A lengthy discussion continued in reference to credit card policies and procedures.

Mr. Abbey explained that there was a difference between legislative policies and administrative policies. He said administrative policies help govern the day-to-day workings of employees. In addition, we adhere to the legislative policies. The administration actually strengthened the spending limits that are reflected in the City credit card policy. We have the authority to make policies stricter, as long as they fall within the scope of the City's policies.

Mrs. Tinnin felt it was the function of the Council to vote on policies.

Attorney Austin said there are policies in place with respect to both the Legislative and the Executive branch. There is no problem with the adminis tration adding caps on their credit card spending. He did not know who had credit cards or what the limits were.

Mrs. Tinnin wanted to know what the credit limits were on the credit cards.

Mr. Abbey explained the need for the credit cards. He offered information on who had cards and what the credit limits were. He briefly discussed vender cards and how the purchasing agent authenticates all credit card purchases. He said that this provides for a built in internal control process to help monitor the expenditures.

Mrs. Tinnin strongly opposed the use of city credit cards. In addition, she felt credit cards should not be issued in individual names. She felt some of the credit cards were being used for other than city business.

Mr. Abbey said our recent audit reflected that the City's met generally accepted accounting practices. Mr. Becker has received numerous awards for good financial reporting practices. The City of Burton has remained financially sound, even in the mist of the economic down turn. The controller's office provides Council with monthly reports on all line item expenditures within the budget. This is available to review at any time. In addition, Council is provided with all budgetary agenda items to fulfill their job responsibilities. He felt that Mrs. Tinnin's FOIA request for all supporting documentation of expenditures over the last four years was beyond the realm of her Council responsibilities. He felt this request was purely political in nature.

Mrs. Tinnin wanted to compile all this information and bring back to the Council as a whole to help determine past practices.

Mr. Wells wanted to know why Mrs. Tinnin continued to accuse this administration of wrong doings. He wanted to know why she had such a personal problem with the administration. She has been questioning things for four years and has not found any thing substantial. He felt the City of Burton exercised good government practices.

She wanted all the backup material relating to the last four year of city credit card purchases because it appeared that they have been used for purchases not pertaining to city business. She had received an anonymous package listing the business and the date of credit card transactions. She wanted to see the supporting documentation of these transactions.

Mr. Centilli said the legislative committee met and reviewed all the policies Mrs. Tinnin had requested. The committee felt these policies were appropriate and no changes were made.

Mr. Centilli spoke regarding a response letter from the Michigan Mobile Home Commission. They suggested that the City discuss the enforcement of the Green Briar site plan with our legal counsel. He wanted to know if we had the authority to enforce site plans. He said that Green Briar representatives promised the Planning Commission and Council that they would install fence and trees along the border between the park and the subdivision. He wanted to know what could be done to make the park comply with the site plan.

Mr. Austin said if in fact they promised to add the fence and trees and it was incorporated into the site plan, we could enforce the site plan in court. He said we should check to make sure these items were listed on the site plan.

Mr. Centilli has the site plans and it shows the fence along the creek bed. In addition, he felt the fence would make the area safer for children that lived next to the creek.

Mr. Major will attempt to enforce the site plan. He will check with Mr. Strasser about the site plan and issue a ticket for lack of compliance.

Mr. Martinbianco referenced the letter from the Michigan Mobile Home Commission. The commission indicated that they have not approved our ordinance revision dealing with Section 7. This relates to the pitch of the roof and front porch requirements. He thought the site plan included trees along the trailer park.

Mr. Cross suggested the subdivision could also add a fence along the creek bed to provide a safer environment for children.

Mr. Martinbianco wanted to know if the response to the Five Year Parks Plan could be delayed a couple weeks so they would have more time to review the document.

Mr. LaDuke said the park plan was basically the same. Basically, the first plan was updated and some things were removed. The work was done in house, which saved the City around $4,500.00. He wanted it ready for the parks commission by the second Wednesday in March. In addition, there will be a public hearing and then it will go to Council.

Mr. Martinbianco commented on the possibility of extending the water main down Davison Rd road during construction. He wanted to know if we were prepared to deal with this type of project in the budget.

Mr. Major will talk to Mr. LaDuke regarding this matter to see if it was feasible and determine if the budget could handle such a project. Waterline priorities could be discussed at budget time.

Mr. Martinbianco asked for clarification on the proposed ordinance regulating changeable copy signs.

Mr. Cross said the sign ordinance regulated such things as how many feet it should be from a neighbor, the timing sequence, the luminary brightness, as well as other aspects relating to rotating signs.

Mr. Austin said this referred to signs that have blinking lights and some form of animation.

Mr. Major said this would be a freestanding ordinance separate from the sign ordinance. The current sign ordinance was incorporated in the zoning ordinance. The other signs with electrical engineering wouldn't exceed these requirements.

Mr. Martinbianco wanted to table the ordinance regulating changeable copy signs until the next meeting, so he would have more time to review the aspects of the ordinance. He wanted to know if this would contain a grandfather clause for current sign users.

Mr. Austin said this would be a police power ordinance not a zoning ordinance. Therefore, nonconforming use does not apply in this situation. Police power ordinances have no grandfather clause or sunset provision.

Discussion continued in reference to the new proposed sign ordinance.

Mr. Abbey referred to a certain type of sign on Center Rd. Some of these signs have been very distracting to the motorists. We are hoping to regulate the timing of the text or graphics and the illumination of these types of signs. We hope this will be safer for the motorists.

Mr. Cross hoped the Council would address the first reading of this ordinance tonight. The zoning board wanted to move ahead and have some groundwork in place for this type of new signs. He suggested Mr. Martinbianco meet with him to discuss any concerns with the ordinance. If any revisions were made, they could be incorporated before the second reading.

Mr. Brawner asked for further clarification on Items 4-9 regarding the Pebble Creek Subdivision.

Mr. Major provided more detailed information on Pebble Creek Subdivision. Mr. Eister did not proceed with this project after the first public hearing that was held in November 1998. Now, he has decided to proceed with the development. He has requested three special assessment districts for public streets and storm, sanitary sewer, and watermains for Pebble Creek Subdivision. The subdivision will be located in Belsay and Maple Rd area. Mr. Major reported that he had received a signed and notarized petition from Charles Eister. This constitutes a valid petition for Pebble Creek Subdivision, as Mr. Eister represents 100% of the property owners. He has owned the property for approximately 5 to 7 years and as the applicant represents the entire subdivision. The urgency for this to be on the agenda is to allow for these special assessment districts to be combined with the special assessment street districts currently underway. All special assessment districts would be combined into one bond sale. The 95-lot development will be in the Grand Blanc School District consisting of R-1A lots. The bond sale is planned for late April. The cost of the bond sale would be divided across all districts, hopefully reducing fees for all property owners involved.

Mr. Tinnin had several concerns with creating the special assessment districts. She didn't feel these districts should be financed on the City's name. The City does not own the property. Therefore, we shouldn't pay for the infrastructure. If there were a default in payment, there was nothing in place to indicate that the City would become the property owners and recoup the loss of revenue.

Mr. Major said we would have the first lean on the property.

Mrs. Tinnin felt it was smart of Mr. LaDuke to prepare the Five Year Parks and Recreation Plan in house to save money.

A copy of the Five Year Parks and Recreation Plan will be available for public review in the Clerk's Office and the DPW.

Mr. Martinbianco asked for further clarification on the proposed Pebble Creek Subdivision. He wanted to know if Council had established the Pebble Creek development November 16, 1998, if plans were prepared and if bids were taken.

Mr. Major said the plans were never finalized in 1998.

Mrs. Tinnin spoke regarding the moratorium on sewer permits. She wanted to know how they could build 95 homes with out the permits.

Mr. Major hoped the moratorium would be removed by the time the design work was finished and the bids were taken.

Mrs. Tinnin asked for a status report on the demolition of two vacant gas stations.

Mr. Cross referred to Mr. Major's memo dated February 17, 2003. His correspondence gave an update on the demolitions for the two gas stations. He indicated that four bids were submitted, with the award of the low bid going to Bartman. The property owners were notified of the demolition procedures for a second time. There has been no formal response. The City will attempt to contact the owners a third time. After that time, it is our intentions to proceed with demolition of the sites no later than April 1, 2003.

Mr. Martinbianco withdrew his amendment to Item 2. He felt this was a complex issue dealing with rezoning, the site plan and how lots abut to existing subdivisions. However, after further discussion with Mr. Horton he had a better understanding of the preliminary site plan. He would still like the Planning Commission to address transitional zoning as they review ordinance 19 and its relationship to the Land Use Plan.

Council recessed at 9:25 p.m.

Council resumed at 9:30 p.m.

In reference to the new sign ordinance, Mr. Martinbianco said he planned to vote in favor of the second reading unless variations in the language couldn't be agreed upon.

COUNCIL ACTION:

1. Approve and authorize the final preliminary plat approval for Spring Gardens Subdivision Phase II, Section 26, R-1B Zoned.

Moved by Wells, Seconded by Bement, Carried 6-1, with Tinnin voting no.

2. Approve and authorize the Attorney Billing (Richard Hamilton) from January 31, 2003 to February 13, 2003 in the amount of $2,446.25.

Moved by Bement, Seconded by Wells, Carried 7-0.

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 the addition of eleven (11) street lights in Maple Creek condominium phase one. Installation will be at the sole cost of the developer. This authorization will also serve as the 2003 Blanket/Master Resolution for all future changes, during the calendar year 2003.

   NOTE: Any conversion requests for 2003 will be executed by the Mayor and Clerk, after DPW review and approval without the requirement of separate Council Resolution. Any new locations will require City Council approval due to installation charges.

Moved by Cross, Seconded by Wells, Carried 7-0.

4. Approve and authorize Standard Resolution #1 for P-03-01 Pebble Creek Subdivision #1 Special Assessment Subdivision Development/ Public Storm and Streets District.

   A. Determine to develop subdivision 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 to prepare Exhibits A & B (cost estimates and district maps)

Moved by Martinbianco, Seconded by Wells, Carried 6-1, with Tinnin voting no.

5. Approve and authorize Standard Resolution #2 for P-03-01 Pebble Creek Subdivision #1 Special Assessment Subdivision Development / Public Storm and Streets District.

   A. Proceed with district for development of subdivision 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, March 3, 2003 at 7:00 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.

Moved by Martinbianco, Seconded by Cross, Carried 6-1, with Tinnin voting no.

6. Approve and Authorize Standard Resolution #1 for SS-03-01 Pebble Creek Subdivision #1 Special Assessment Subdivision Development / Pubic Municipal Sanitary Sewer District.

   A. Determine to develop subdivision 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 to prepare Exhibits A & B (cost estimates and district maps).

Moved by Cross, Seconded by Martinbianco, Carried 6-1, with Tinnin voting no.

7. Approve and authorize Standard Resolution #2 for SS-03-01 Pebble Creek Subdivision #1 Special Assessment Subdivision Development / Public Municipal Sanitary Sewer District.

   A. Proceed with district for development of subdivision 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, March 3, 2003 at 7:10 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.

Moved by Martinbianco, Seconded by Wells, Carried 6-1, with Tinnin voting no.

8. Approve and authorize Standard Resolution #1 for W-03-01 Pebble Creek Subdivision #1 Special Assessment Subdivision Development/ Public Municipal Watermain District.

   A. Determine to develop subdivision 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 firm to prepare Exhibits A & B (cost estimates and district maps)

Moved by Cross, Seconded by Bement, Carried 6-1, with Tinnin voting no.

9. Approve and authorize Standard Resolution #2 for W-03-01 Pebble Creek Subdivision #1 Special Assessment Subdivision Development / Public Municipal Watermain District.

   A. Proceed with district for development of subdivision with public municipal 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, March 3, 2003 at 7:20 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.

Moved by Martinbianco, Seconded by Wells, Carried 6-1, with Tinnin voting no.

INTRODUCTION OF AN ORDINANCE:

1. Approve and authorize the introduction of an ordinance, being an ordinance regulating changeable copy signs and the level of illumination of signs in the City of Burton.

Moved by Cross, Seconded by Wells, Carried 7-0.

MEETING ADJOURNED AT 9:40 P.M.