CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
APRIL 3, 2000, 7:30 P.M., COUNCIL CHAMBERS

Bob Centilli, Council Vice President, led the Invocation and Pledge of Allegiance.

The Regular Meeting was called to order by Council President, Paula Zelenko at 7:30 P.M.

MEMBERS PRESENT: Brawner, Centilli, Cross, Hammon, Martinbianco, Tinnin and Zelenko.

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor C. Smiley, Attorney R. Hamilton and G. Webster, City Clerk.

Cross moved and Martinbianco seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of March 20, 2000 at 7:00 P.M. and the Regular Meeting of March 20, 2000 at 7:30 P.M., as printed. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley reported that 62% of Burton's Census forms have been returned, compared to a National average of 49% returned. Census numerators will be training at city hall this month and will be in contact with residents that did not return their forms.

The Mayor gave a brief report on the MML Lansing Conference. Topics covered included the elimination of personal property taxes, the Act 51 Sunset Law, Let Local Votes Count petition initiative and networking with state elected officials.

Mayor Smiley highlighted the 2000-2001 Budget Proposal. He was proud of the tremendous growth in both residential and commercial property. Since 1991, our assessed value has increased 72.5%, thus allowing the city to offer a higher level of service without any tax increase to our residents. The sewer debt will again be lowered by 1 mil. The proposed budget reflects three new employees, six new vehicles and a $100,000 allocation for Parks and Recreation. After meeting staff needs and concerns, he was proud to present a balanced budget. At the end of this fiscal year our general fund balance will be approximately 1.9 million dollars. The MERS debt schedule has been doubled to 29%. At this rate, the city should be fully funded in approximately 15 years, rather than the original projection of 40 years. He continued to highlight other budget areas such as the police department, fire department, DPW, parks and recreation and waste management. The Mayor briefly reviewed the Waste Management contract. He indicated that the contract would be extended five more years. Plastic bags containing yard waste will no longer be accepted at the landfills. Instead, the city will help supplement the cost of paper bags. The Mayor spoke on the City's recent accomplishments and the spirit of community pride that has developed in our community. He praised his staff for a job well done. Special recognition was given to Brad Becker for winning the Certificate of Achievement for Financial Reporting for twelve consecutive years.

Mayor Smiley announced that the Small Cities Meeting would be held Wednesday at 6:00 P.M. Those officials wishing to attend should contact the Mayor's office.

COMMITTEE REPORTS:

Mr. Centilli gave a report on the Parks and Recreation meeting held March 22, 2000. The topics covered included Youth Softball Leagues, Memorial Day Activities, Fire Station #2 playground equipment, Kelly Lake and the sprinkler system for the memorial.

Mr. Centilli gave a report on the Finance meeting that was held March 22, 2000. The two-committee recommendations concerning architectural services for the renovations of city hall appear on the agenda as Items #7 and #8. Traditionally the city does not bid contractual professional services such as these. The citizen's committee will make a recommendation to council on what architectural services to hire.

AUDIENCE PARTICIPATION:

Janice Long, 1501 Amy, Farnumwood Church, spoke in opposition to ZC#249. She opposed the late meeting notification, rezoning residential property to heavy industrial and the noise pollution that would be created in the area.

Terryl Sperlich, 1253 Howe Rd., spoke in opposition to audience guidelines, the development of Kelly Lake Park and the paving of Howe Rd.

Patricia Reid, 2350 Hemphill Rd., Farnumwood Church, opposed ZC# 249 for the following reasons: late meeting notification, neighborhood noise and air pollution, conflict of interest with Neil Martz and the rescheduling of the April 17th meeting.

Ken Ervin, 2350 Hemphill Rd., Farnumwood Church, opposed ZC #249 due to the late notification of the meeting. He would like this case referred back to the Planning Commission, so proper notification can be made to residents.

Don Sanderlin, 4460 Killarney Pk., commented on the defeat of the motorcycle coarse planned for his area. He felt more extensive meeting notification was needed for these cases.

Linda Burris-Croley, 6223 Crabtree Ln., spoke on Kelly Pond, ZC #249 in reference to notification, recent meeting comments and minutes, posting minutes on the web and initiating a code of conduct. She clarified that she was not opposed to the city hall expansion.

Pauline Dargel, 6119 Hugh, commented on the reorganization of the DPW, a written opinion from the attorney regarding a Salary Commission appointment and issues relating to late notifications and publications.

John Stapish, 5160 E. Atherton Rd., commented on council meeting guidelines and implementing a code of ethics.

Larry Petrella, 1081 Howe Rd., spoke on a recycling update, video taping of meetings, the availability of a fire ladder for the new high rise and in opposition to audience guidelines.

COUNCIL DISCUSSION:

Mr. Martinbianco asked for clarification on the late notifications. He wanted to know if Zoning Case #250 should be heard by the Planning Commission at a later date, so that proper notification could be given.

Mr. Hamilton said that due to the late publication of ZC #250, it would be appropriate to reschedule this case for a later date. He indicated that the notice was supposed to be published in the Flint Journal on March 24th. This was not done. He will look into this matter.

Mr. Martinbianco suggested the Legislative Committee review policies relating to notification of residents.

In reference to another zoning case, Mr. Hamilton indicated that the DPW was not at fault in regards to the late notification of Zoning Case #249. It was mailed from his office on Monday before the meeting. There was no legal violation in mailing the notices. However, he did apologize for the untimely delivery. Council could refer this case back to the Planning Commission.

Mr. Cross wanted to know who polices the timeliness of these notices.

Mr. Hamilton said all zoning cases go through an audit procedure and dates are documented.

Mr. Cross moved, seconded by Martinbianco to send Zoning Case #249 back to the Planning Commission to be heard May 9, 2000.

Mr. Martinbianco asked for clarification on the scheduled public hearing for ZC #249 to be held April 17th at 6:30 P.M. He suggested rescheduling the 6:00 P.M. budget meeting to 7:00 P.M., if this case was cancelled.

Mr. Hamilton said the case could be referred back to Planning at tonight's meeting, if council wished to do that.

Motion carried 7-0 to send Zoning Case #249 back to the Planning Commission to be heard on May 9, 2000.

Mr. Martinbianco asked for clarification on Item #2 relative to providing sanitary sewer service to Dortch Dr.

Mayor Smiley said this resolution would fund a study to explore the possibility of adding sanitary sewer service to Dortch Drive. This pertains only to those residents at this time. These residents are already paying on the sewer debt. The current system is not deep enough to support this area or new development that might be added in the future.

Mr. Brawner made reference to corrections that needed to be made to Item #3. Needed changes were made to the agenda.

Mr. Centilli clarified comments that were made in reference to the March 27th Finance Meeting.

Mr. Centilli gave a brief update on the recycling program.

Mr. Hammon reviewed information on accessory buildings that would be presented at the next Planning Commission Meeting scheduled for April 11, 2000. Revisions will be proposed for Section 5.15 of Zoning Ordinance #19. The amendment would increase the allotted square footage of pole barns and garages per lot size.

Mrs. Tinnin asked about the clerk's signatures being added to Parks and Recreation minutes.

Mrs. Webster will contact the appropriate staff member that prepares the Parks and Recreation minutes and discuss this issue.

Mrs. Tinnin asked the attorney to submit a written opinion to Council concerning the November Salary Commission appointment.

Mr. Hamilton will have this information prepared by the next council meeting.

In reference to Items #7 & 8, Mrs. Tinnin approved of the citizen's committee recommending the architectural services and the transfer to cover the conceptual drawings. However, she did not know whether she would be in favor of the actual expansion project.

Mayor Smiley introduced Mayor Michael Matheny of the City of Grand Blanc and welcomed him to the meeting.

Mrs. Zelenko asked Mr. Centilli to clarify the Kelly Lake Park plan.

Mr. Centilli explained that Kelly Lake would be developed under a passive park plan recently adopted by the Parks and Recreation Commission. The plan included a small pavilion, gravel road and parking area. This did not pertain to the original master plan.

Mrs. Zelenko asked for clarification of the minutes being posted on the web. She wanted to know if the minutes were considered official documents before Council's approval.

Mr. Hamilton indicated that minutes posted on the web do not fall under the same rules as official documents. The postings of the minutes on the web site are purely elective. He did indicate that the minutes are not official documents until approved by the Council.

Mrs. Zelenko asked for clarification on the reorganization of the DPW.

Mayor Smiley gave a brief explanation on the reorganization of the DPW. Staff changes would be incorporated into the new budget and would not reflect any additional money. Budget allocations would be distributed on the same departmental basis.

Mrs. Zelenko referred to Mr. LaDuke's memo that suggested a joint workshop be held. She asked Council members to contact her in regards to setting a date for the meeting. The reason for the meeting would be to set short-term and long-term goals for future parks and recreation projects.

Mr. Cross indicated that he would be interested in attending a joint meeting.

Mrs. Zelenko asked if any audience members wished to comment on Item #3, after corrections were made. There was no audience input on this issue.

Linda Burris-Croley responded to comments made on the March 27th Finance Meeting.

Moved by Martinbianco, seconded by Cross to amend Item #6 to read: Approve and authorize setting a public hearing for April 17, 2000 at 7:00 P.M. to discuss the proposed budget for the fiscal year 2000-2001. Motion carried 6-1, with Centilli voting no.

A vote was then taken on the main motion of Item #6. Motion carried 6-1, with Tinnin voting no.

Mrs. Tinnin requested that all minutes be distributed prior to the council meetings.

The Mayor said minutes are distributed as soon as possible. Sometimes this is not feasible due to when the meeting was held.

COUNCIL DISCUSSION ACTION:

Moved by Cross, Seconded by Martinbianco to: Approve and authorize sending ZC #249 back to the Planning Commission to be heard May 9, 2000. Motion Carried 7-0.

Moved by Martinbianco, seconded by Cross to amend Item #6 to read: Approve and authorize setting a public hearing for April 17, 2000 at 7:00 P.M. to discuss the proposed budget for the fiscal year 2000-2001. Motion carried 6-1, with Centilli voting no.

COUNCIL ACTION:

Cross moved and Brawner seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from March 16, 2000 to March 29, 2000, in the amount of $2,694.00.

Motion carried 7-0.

Hammon moved and Martinbianco seconded the following motion:

2. 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, Inc. for $4,600.00 not to exceed, for a preliminary engineering study of Section #23/Dortch Drive, relative to sanitary sewer service, and the various alternatives available for the selection of an acceptable cost effective design.

Motion carried 7-0.

Hammon moved and Tinnin seconded the following motion:

3. Approve and authorize the Mayor and City Clerk to execute on behalf of the City of Burton and its Council, two traffic signal beacon agreements with the Genesee County Road Commission for the installation at Maple Avenue and Belsay Road South and Maple Avenue at Belsay Road North, at a total cost of $10,928.00 with Burton's share at $7,285.00 as we control 2/3 of each intersection.

Motion carried 7-0.

Brawner moved and Hammon seconded the following motion:

4. Approve and authorize Traffic Control Orders #00-T-011 and #00-T-012 for Maple Avenue eastbound to stop at Belsay Road North and for Maple Avenue westbound to stop at Belsay Road South.

Motion carried 7-0.

Cross moved and Martinbianco seconded the following motion:

5. Approve and authorize the acceptance of an Application for Industrial Facilities Exemption Certificate, filed by Kirby Metal Corporation, and the calling of a public hearing on May 1, 2000 at 7:00 P.M, for consideration of the application.

Motion carried 7-0.

Hammon moved and Centilli seconded the following motion:

6. Approve and authorize setting a public hearing for April 17, 2000 at 7:00 P.M. to discuss the proposed budget for the fiscal year 2000-2001.

Motion carried 6-1, with Tinnin voting no.

Cross moved and Centilli seconded the following motion:

7. Approve and authorize the Citizen's Committee to recommend the architect to do the preliminary drawings for the Conceptual study for the addition and renovations to City Hall, as recommended by the Finance Committee.

Motion carried 7-0.

Cross moved and Centilli seconded the following motion:

8. Approve and authorize the transfer of funds of $5,000.00 from General Fund-Contingency to City Hall-Contractual Services, for city hall expansion architectural services, as recommended by the Finance Committee.

Motion carried 7-0.

SECOND READING OF AN ORDINANCE:

Martinbianco moved and Centilli seconded the following motion:

1. Approve and authorize the second reading of an Ordinance for Zoning Case #248 to rezone property described as Parcel #59-22-100-041, located at Center Rd., 1st property adjacent to the Senior High Rise and change the Zoning from C-2 to HRM for the purpose of High Rise Development (Blake Rizzo, 5273 Empress Dr., Grand Blanc, MI 48439).

Motion carried 7-0.

Meeting Adjourned at 9:15 P.M.

Gayle Webster
Burton City Clerk

GW/CML