CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
APRIL 6, 1999/7:30 P.M., SENIOR CENTER

The invocation and Pledge of Allegiance were given earlier at the State of the City Address.

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

MEMBERS PRESENT: Centilli, Cox, Cross, Martinbianco, Walls and Zelenko.

MEMBERS ABSENT: Hammon.

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

Cox moved and Cross seconded the following motion:

Approve and authorize the minutes of the following meeting(s): Special Council Meeting of March 15, 1999, at 7:15 p.m., and the Special Council Meetings of March 29, 1999, at 6:00 p.m., 6:15, p.m., 6:30 p.m., 6:30 p.m., 6:40 p.m., 6:50 p.m., 7:00 p.m., 7:10 p.m. and 7:20 p.m.
Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mayor Smiley distributed the Proposed Budget for 1999-2000 and indicated that he was very impressed with the upcoming fiscal year. He highlighted the budget, which included; 4 new employees, 1 new police officer and another officer that will be absorbed into the budget, new equipment, a new fire truck and a water study. The water study would help determine if we have the capability to pump and service our own water system. After all these issues have been addressed, the City will still reflect a surplus balance of $1.6 million.

Mr. Abbey read a letter from Senator John Cherry's Office in reference to an Attorney General's opinion on Ordinance 68-C. Mr. Cherry said it was more appropriate to request an opinion on this matter from the Burton City Attorney. (See attached, Senator John Cherry's letter dated March 29, 1999.)

COMMITTEE REPORTS:

Mr. Cross reported that the Legislative Committee met to review and revise Ordinance 89-C, which establishes regulations and procedures dealing with wireless communication facilities. Ordinance 89-C appears on the agenda as a Second Reading of an Ordinance, Item #2. In addition, Item #8, refers to the committee's recommendation concerning the changes in the ordinance. A fee schedule for the Wireless Communication Ordinance 89-C was added to the agenda as Item #9.

AUDIENCE PARTICIPATION:

Dennis Kinder, 1224 S. Genesee Rd., spoke in reference to keeping livestock on his property. He would like to meet with the City Attorney and City Officials to resolve this issue. He gave Mr. Martinbianco a packet of information to distribute to the Council.

Mr. Hamilton said there are pending court proceedings dealing with ordinance violations on Mr. Kinder's property. Mr. Austin is handling this case and Mr. Hamilton was not aware of all the details. Therefore, he felt it was inappropriate to deal with zoning issues involving this property.

Don Sanderland, 4460 Kilarney Park, spoke on leave and brush pick up, the recycling program and S&K Enterprises on Dort Hwy.

Mr. Cox said the leave and brush pick up would begin this week. In regards to the recycling program, the Mayor gave a report on this issue at the State of the City Address. The City is receiving some money from the recycling program and plans to continue the program. In addition, he is looking into the situation at S&K Enterprises. He said stipulations involving this facility were put in place at a zoning meeting. The stipulations address such things as the number of containers, the handling and transferring of material and the inspection schedule of the site. The Clerk is currently researching the issue and the fire department has been contacted in regards to scheduling an inspection of the site.

Mr. Cross said that a file on this facility was kept in the Assessor's office.

John Stapish, 5160 Atherton Rd., commented on the appointment of Bill Young to the Planning Commission and suggested City officials give reports on conferences they attend.

The Mayor has met with Bill Young in regards to the Planning Commission appointment and feels he would be a good appointment to the board.

The Mayor indicated that he usually does give reports on his conferences.

Pauline Dargel, 6119 Hugh St., spoke on the letter from Senator John Cherry's Office and on the Lapeer Height Water Survey.

The Mayor said the letter from Mr. Cherry's office was dated March 29, 1999. In reference to the water survey, he said it should be ready to be mailed in the next couple of weeks. The proposed water study designated in the upcoming budget is a completely different issue from the Lapeer Heights water project.

Laurie Tinnin, 2340 Harmony, commented on the transfer of funds for police salaries and on the Legislative Committee addressing a cost recovery ordinance.

Mr. Becker said the police salary and fringes were paid in February. The best projection was that there might be a shortage of funds by the end of July. To accommodate the anticipated end of the year shortage, Council was asked to transfer the needed funds.

Mr. Cross said the cost recovery ordinance will be addressed in the near future. There have been no recommendations in regards to this issue.

Warren Nimcheski, 2429 N. Genesee, commented on a traffic light study at the corner of Genesee and Davision Rd. In addition, he requested the pot holes in the driveway at Fire Station #3 be repaired.

Mr. Major has not received any information on the traffic light study at this time.

Larry Petrella, 1081 Howe Rd., spoke in opposition to the new Lowe's development on Court St.

Mr. Martinbianco asked for clarification on the zoning of the Lowe's project.

Mr. Major said all requirements have been met and all aspects of this project are in compliance with Burton Zoning Ordinances.

COUNCIL DISCUSSION:

Mr. Martinbianco commented on a newspaper article dated March 29th in regards to road funding and the relationship between the Genesee County Road Commission and the City of Burton. According to the article we should see and increase in dollars from the Michigan Transportation fund.

Mr. Martinbianco spoke in reference to another article dated April 4th title "Suburbs on the Edge". This referred to the urban sprawl that has taken place in Oakland, Macomb and Wayne County. We should look to the future, be prepared and formulate a plan to handle such issues.

Mr. Martinbianco asked the Clerk to copy and distribute Mr. Kinder's packet to the Council.

Mr. Martinbianco had some concerns with Item #8, in regards to the Legislative Committee's recommendation to adopt changes made to the proposed Tower Ordinance. He suggested this would preclude any changes that the Council might want to make before the second reading of the ordinance.

Mr. Cross said Mr. Austin gave the Legislative Committee a legal opinion stating that additional changes could be made between the first and second reading of an ordinance.

Mr. Hamilton said Item #8 would not preclude Council from making any additional changes to the document. However, it is not necessary to actually address Item #8. The changes can be adopted through the second reading of the ordinance.

Mr. Cross said he did not know how the motion was added to the agenda. He only advised the second reading of the ordinance to be added to the agenda. He suggested Item #8 be removed from the agenda.

Mr. Cox clarified that he was the maker of this motion as it appears on the agenda tonight. This was not to preclude or limit any further discussion or changes Council wishes to make on the proposed Tower Ordinance. This was only to help outline and provide information of earlier changes made by the Legislative Committee.

Discussion continued in reference to agenda Item #8.

Mr. Martinbianco recognized Mr. Paris, owner of Danny restaurant that will soon close, as a long standing committed business man in our Community.

Mr. Cross moved, seconded by Mr. Martinbianco to remove Item #8 from the agenda.

In addition, Mr. Cox suggested the Second Reading of an Ordinance Item #2 could be removed from the agenda.

Mr. Hamilton said there is a pending request by Sprint to place a cellular tower in the City of Burton. Their case was put on hold by the zoning board of appeals, subject to the outcome of the proposed ordinance. We do have a time line to consider, due to a pending request.

Mr. Cox asked if the ordinance could be changed within the next six weeks, if there was a need to do so.

Mr. Hamilton agreed with that comment.

In reference to alterations of the Tower Ordinance in paragraph 9 A. concerning the exemption of site plan review requirements, Mr. Hamilton stated this section cannot amend the zoning ordinance by adoption of this ordinance. However, the Planning Commission should submit a modification of the text in the zoning ordinance to coincide with this provision. He will be in conduct with Mr. Major concerning this issue.

Council voted on the motion to remove Item #8. Motion carried 6-0.

Mr. Cox spoke in reference to the $140,000 transfer for the police budget. Specifically, he would like a report on the $20,000 overtime payment.

Mr. Abbey will ask the Police Chief to submit a report on this issue. It will be distributed to Council.

Mr. Cox asked if the Judd Rd. shooting investigation had been completed.

Mr. Abbey indicated that the investigation had been completed. It was determined all procedures and policies were followed and the prosecutor's office said no further action was needed.

Mr. Cox commented on the fee schedule for the Tower Ordinance.

Mr. Major said the fee schedule is basically an application fee. In addition, we will be establishing a lease fee for these towers.

Mr. Cross asked for clarification on the leave pick up rules.

Mr. Major said the company prefers white garbage bags, but would probably accept dark bags, if they are untied. The cost of the white bags are $3.75 and they are available at City Hall.

Mr. Cox made reference to Mr. Petrella's comments in regards to the zoning of the Lowe's project.

Mr. Major disagreed with Mr. Petrella's comments on the zoning of the Lowe's property. Mr. Major indicated that a C-4 zoning had been established and approved by the Council and Planning Commission for this area. All criteria has been determined through this process. Once the zoning has been established a new business is only required to go through site plan review.

In reference to Item #2, Mr. Cross supported a lower speed limit in that area.

The 40 mile an hour speed limit will go into effect when it is posted.

In regards to Item #6, Mr. Cox wanted to know if a copy of the proposed budget was available at the library for citizens to review.

The Mayor said a copy of the adopted budget could be sent to the library. Residents can review the proposed budget in the Clerk's Office.

Mr. Becker said the charter prohibits the removal of the proposed budget from City Hall.

Mr. Cross asked if any budget hearings were set. He wanted to know who set the budget hearings last year.

Mr. Cox will get back with Mr. Cross when the budget meetings are set. Last year the Finance Chair and the Council President set budget meetings.

Mrs. Zelenko announced that flowers would be planted at City Hall on Saturday, May 22, 1999 at 10:00 A. M.

COUNCIL DISCUSSION ACTION:

Cross moved and Martinbianco seconded the following motion:

Remove Item # 8 from the agenda.
Motion carried 6-0.

COUNCIL ACTION:

Cox moved and Cross seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from March 10, 1999, through March 31, 1999, in the amount of $3,382.50.

Motion carried 6-0.

Cross moved and Walls seconded the following motion:

2. Approve and authorize the issuance of a Permanent Traffic Control Order for eastbound and westbound East Court Street North from Center Road to Genesee Road to have a speed limit of 40 MPH.

Motion carried 6-0.

Cox moved and Cross seconded the following motion:

3. Approve and authorize the Council's reappointment of William Kalanquin, 1198 Carlson Dr., Burton, MI, 48509, as the Zoning Board of Appeals member. Term from March 1999 to March 2002.

Motion carried 6-0.

Cross moved and Walls seconded the following motion:

4. Approve and authorize the Council's reappointment of William Weatherford, 3084 S. Genesee Road, Burton, MI, 48519, as the Zoning Board of Appeals alternate. Term from February 1999 to February 2002.

Motion carried 6-0.

Centilli moved and Walls seconded the following motion:

5. Approve and authorize the Mayor's appointment of William Young, 1061 Arapaho Dr., Burton, MI 48509, to the Planning Commission. Term from April 1999 to April 2002.

Motion carried 6-0.

Martinbianco moved and Cross seconded the following motion:

6. Approve and authorize setting a Public Hearing for April 19, 1999 at 7:00 p.m. to discuss the proposed budget for the fiscal year 1999 - 2000.

Motion carried 6-0.

Martinbianco moved and Cross seconded the following motion:

7. Approve and authorize the acceptance of an application from James E. Kirby, for the establishing of an Industrial Development District and setting the date of May 3, 1999, at 7:00 p.m. for a Public Hearing to consider the application.

Motion carried 6-0.

Removed from the agenda.

8. Approve and authorize Legislative Committee's recommendation to full Council to adopt the changes made to the First Reading of Ordinance 89C, currently referred to as The Tower Ordinance, and place it on the agenda of the next Regular City Council Meeting, April 6, 1999, as the Second Public Reading.

Cross moved and Martinbianco seconded the following motion:

9. Approve and authorize the fee schedule for the Wireless Communication Facilities Ordinance #89-C as attached.

Motion carried 6-0.

SECOND READING OF AN ORDINANCE:

Cross moved and Martinbianco seconded the following motion:

1. Approve and authorize the second reading of Zoning Case #242, to rezone property at West 195 ft. of Lot 44 Supervisors Plat #12 (South terminus of Clarice Street) from C-2 to R-1B for the purpose of residential use (Danyelle Williams, 13318 S. Dixie Hwy., Lt. 98, Holly, MI 48442).

Motion carried 6-0.

Centilli moved and Cross seconded the following motion:

2. Approve and authorize the establishment of regulations and procedures of wireless communication facilities within the City of Burton, Ordinance 89-C.

Motion carried 6-0.

MEETING ADJOURNED AT 9:00 P.M.