

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

Councilman Tom Martinbianco led the Invocation and Pledge of Allegiance.

Larry Brawner, Council President, called the Regular Meeting to order at 7:30 P.M.

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor C. Smiley; C. Abbey, City Administrator; R. LaDuke, DPW Director; J. Major, DPW; 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: Regular Meeting of March 17, 2003 at 7:30 P.M.; Special Meeting of March 24, 2003 at 6:00 P.M.; Special Meeting of March 24, 2003 at 6:30 P.M.; Special Meeting of March 24, 2003 at 7:00 P.M.; Special Meeting of March 31, 2003 at 6:00 P.M.; Special Meeting of March 31, 2003 at 6:15 P.M. and Special Meeting of March 31, 2003 at 6:30 P.M., as printed. Motion carried 7-0.

Mr. Brawner briefly discussed the schedule of the upcoming budget workshops. These meetings will be based on the same format as prior years and will be held from 3:00-5:00 p.m., mostly on Tuesdays and Wednesdays. He hoped we could follow this format.

ADMINISTRATIVE REPORT:

Mayor Smiley reviewed highlights of the Proposed Budget for 2003-2004. He said this was the most difficult budget he had prepared. Over the last several years we have worked extremely hard to increase our residential tax base. However, most of our funding is generated through State Shared Revenue, which is 42% on a per capita basis. With our population growth, we were to receive an increase in state shared funding. However, the state economy fell, resulting in a loss of ½ million dollars to the City of Burton this fiscal year. That equals to 25% of the General Fund. In light of these tremendous cuts, it is still our goal to meet residents' needs and provide the same level of service to our community. There are no plans to lay off employees at this time. Department heads and appointed staff have agreed to take a pay freeze. Union employees will receive a 2% increase. Everyone will contribute 1% to the health insurance for retirees.

The good news was that we lowered the sewer debt by ½ a mil. That equates to about \$82.00 per resident in the city. In addition, we have doubled our MERS funding projection to 42%, instead of the predicted 22%.

On May 1, 2003, we will take control of the county roads within the City of Burton. New employees were hired and equipment was ordered to accommodate this take over. Our residents should be pleased to receive better service on these roads.

Mr. Major has officially retired. Rather than fill that position, current staff will absorb that workload. Mr. Abbey and Mr. LaDuke have agreed to take on the increased workload with no additional pay.

The Mayor discussed personnel issues relating to the Police Department. The department has been restructured and part time officers will be hired during the absence of two regular officers. This will provide additional support staff and give us a chance to look at work performance of new officers. The jail lockup will be opened on 2nd and 3rd shift.

Preparations are being made for Memorial Day. Joyce Centilli has done an outstanding job organizing and securing donations for the event. Meijer has donated \$5,000.00 towards the firework display.

COMMITTEE REPORTS:

Mr. Wells reported that the Parks Commission has discussed various ways of acquiring property for a community center. They recommended a one-mil park allocation be added to the next the election. He would like feed back from Council and residents regarding this issue. He said a parks meeting is schedule for Wednesday at 4:00 p.m. Everyone is invited to come and discuss this issue.

Mr. Cross attended the MML Convention in Lansing. City officials met with legislators to discuss the impact of state shared revenue cuts.

Mr. Cross introduced Jackie Brown who had recently participated in a state pageant.

Jackie Brown thanked the Council for their sponsorship and support as she participated in the Ms. Junior America Pageant. This proved to be a very beneficial and rewarding experience for her. She was proud to represent the City of Burton in this capacity.

Mr. Brawner wished Ms. Brown the best of luck in the future. He looked forward to seeing her at the Memorial Day parade.

AUDIENCE PARTICIPATION:

Daniel Hause, 1174 S. Belsay Rd, spoke in reference to the demolition proceeding relating to his property on Belsay Rd. He felt that he was wrongly charged \$400.00 and that the City should waive the outstanding charges. He complained the house across the road at 1159 S. Belsay Rd. should be secured and cleaned up. In addition, he said the yellow store around the corner, located on Lapeer Rd just past Belsay, should be inspected because it was a mess and dust was on everything. He said the owner has been arrested for illegal firearm use, threatening one of his tenants and selling cigarettes and alcohol to minors.

Mr. Major will research Mr. Hause's bill regarding demolition proceedings. Some charges might be billable.

Mr. Brawner asked City officials to check into these issues.

Mrs. Tinnin had received a call about charges being assessed after someone had been issued a building permit. She wanted to know if the city was going to waive some of these charges. She wanted to know if commercial businesses received a bill of demolition charges.

Mr. Major said the action probably took place during the demolition hearings and are legitimate charges that were assessed to the property owner in order to get them to resolve their problems. Each property has been tagged and noticed in advance of the demolition proceeding. All property owners received a bill, including the commercial businesses.

Mr. Cross wanted to know if there were complaints previously filed on 1159 Belsay Rd.

Mr. Major said the real estate company was contacted to secure the property or the City would begin demolition proceedings. The next step would be to send a certified letter to secure the property or we will board up the home.

Pauline Dargel, 6119 Hugh St., spoke in reference to the service station that has been vacant for two years. She felt that Ordinance 19 should be enforced and the station demolished. She commented on the elevator light, the five-year parks plan and a potential park millage. She would like the City to clarify their position on sidewalk issues. She spoke on a clustered condo development that was discussed at a recent Planning Commission meeting.

Mr. Brawner said her complaint was acknowledged and the light was fixed in a timely fashion.

APRIL 7, 2003/7:30 P.M.
PAGE 3

John Stapish, P.O. Box 190134, spoke in opposition to his homes being demolished. He received a letter stating that due to the lack of performance the City would proceed with demolition of his properties about April 17, 2003. He objected to the taxes being raised on his tagged demolition homes. The Board of Review agreed that his taxes should be lowered for two years. He wanted everyone to form a consensus on this issue. He complained about a house at 1410 Webber. He said junk and debris has been setting on the sidewalk for two years and the City has not done anything.

Mr. Brawner felt the Council should not comment on Mr. Stapish's homes because of the ongoing litigation.

Gary Schinabarger, 3410 Byers, spoke in support of the City paving his gravel street. He has tried to initiate a petition but with little success because most residents are on fixed incomes. He wanted to know what he could do to get his road paved.

Mr. Brawner asked Mr. Schinabarger to contact Mr. LaDuke in reference to paving the gravel road. He said we needed a 7-0 vote of Council to pave the remaining gravel roads. He said this is not a dead issue and still under discussion.

Don Sanderlin, 4460 Killarney Park, commented on a proposed millage for park and recreation. He felt that that further discussion and public awareness was important, before attempting a millage. He said it was very difficult to even pass a school millage in Burton. He did not oppose park and recreation programs.

COUNCIL DISCUSSION:

Mr. Cross said that Gayle Webster attended the MML conference, also. She was updated on clerk issues.

Mr. Bement thanked all the city workers for making the Open House a huge success. He said their work and dedication was appreciated by all the Council. Everything was well planned and put together.

Mr. Cross thanked the senior volunteers for being excellent tour guides for the open house.

Mr. Bement said his youngest son Bob, who used to be a Suburban News reporter for Burton, is now a Major in the Air Force. He has been stationed in Saudi Arabia for 4 months. He was very proud of his son. Hopefully, he will continue to be safe.

Mrs. Tinnin asked for an update on the Center Rd. Corridor Study.

Mr. Major said Rowe has completed the corridor map and we are still working on the project. It is our hope to acquire some easements for an access road that would tie Atherton Rd to Lippincott. This would be the first phase of the project. He gave more specific details relating to the development of the Center Road corridor.

Mrs. Tinnin wanted to know when and where the light would be placed on Center Rd. and how much it would cost to tie in the service drives.

Mr. Major said the actuated light Council approved would be installed at the north service drive. The road commission said the light should not be installed by the senior highrise. Meijer owns the current site and they have been supportive in processing the easement request. The cost of the service drive would be about \$200.00 a foot.

Mr. LaDuke said the light should be installed within the next thirty days. The agreement has been signed and we are waiting for Consumers to wire the pole, then the light will be installed. This expenditure is allocated in the current budget.

REGULAR COUNCIL MEETING MINUTES
APRIL 7, 2003/7:30 P.M.

The light will blink yellow on Center Rd. until traffic pulls into the Meijer service drive and then the light will be activated. The estimated cost of the light is lower than expected. Some area businesses may be contacted to see if they will share with the cost.

Mr. Brawner wanted to know when the Davison and Belsay Rd intersection would be completed.

Mr. LaDuke was not sure when the intersection would be completed. He thought it would take about a month. He said the intersection had to be completed before they continue with the next phase of Davison Road.

Mr. Brawner asked DPW to check into Mr. Hause's problem. In addition, he would like someone to contact Mr. Schinburger regarding his road.

Mr. Wells said the Parks Commission has done a lot of research on the millage issue. They have visited three community centers. We are quickly running out of land to build a recreation center. Basically, he would like some feedback on this issue. He appreciated Mr. Sanderlin's comments and suggested he attend the next Parks Meeting scheduled for Wednesday. The Parks Commission's goal is to purchase some land for a recreation center. He briefly reviewed plans for the proposed recreation center.

Mr. Cross was glad to hear the Center Rd light only came in at \$34,000.00. Now, he wants to look at putting a light at Vassar and Lapeer Rd. He felt a light would make the intersection safer for motorists. In addition, he wanted a light installed at Genesee and Lapeer Rd.

Mrs. Tinnin said the cost of every intersection would be different. She indicated that there were a lot of concerns with the Belsay and Potter Rd intersection. She felt Council needed to discuss this issue more during budget sessions.

Mr. Cross has been trying to get a light at that intersection for several years. He would hate to think anyone on this Council would be opposed to doing it with all the accidents at that location. He said Davison Twp might share with the cost of the light.

Mr. Abbey said these things should be looked at by professional engineers. Traffic flows, counts and accidents need to be taken into consideration. The professionals will need to make those recommendations.

Mr. Brawner agreed that Belsay and Potter is another bad intersection. However, studies have shown that there are not enough accidents to warrant a light.

Discussion continued in reference to adding traffic signals to troublesome intersections.

Mr. Martinbianco said these intersections have to meet certain warrants before a light can be installed. He thought this would be a good time to initiate a traffic count for the Belsay and Potter intersection due to traffic being diverted from the Davison Rd. project.

In regard to Item 5, Mrs. Tinnin wanted to know if an inspection had been done on these streets.

Mr. LaDuke indicated that an inspection had been done on these streets. The ones that do not have a cap on them have a performance bond. In addition, a maintenance bond will cover the streets up to one year after the final cap is added.

Mrs. Tinnin strongly opposed the special assessment project for Pebble Creek. She felt bids should be taken on the construction work. Ordinance 5 states that anything over \$2,000.00 should be bid out. This is a \$2,249,000.00 construction project. She had concerns with the construction costs, the lack of bids, the bonding of 2003 Special Assessment Tax Series B and the absence of the developer.

Mr. Hamilton said the City would be acquiring a completed project, with completed facilities. We are not contracting the project. We will only acquire it if the costs and values of the project are certified to be equal to or not in excess of the purchase price for which we are going to pay for. The difference between Series A Bond, which is the street paving projects, we are actually going to be the contractor for this project and we will be in charge of the construction. With the Series B Bond, the funding will be done at the time the project is completed and certified as acceptable at a price which the values are certified by the city engineering department and DPW.

Mrs. Tinnin continued to question the procedures that were taken relating to the 2003 Special Assessment Series B bond sale.

Mr. Hamilton gave further explanation on the procedures relating to the special assessment project.

Mr. Brawner said that Mr. Neiman and Mr. Bendzinski were supposed to be here this evening, but were unable to attend, due to the storm. They express their apologies for not being in attendance.

COUNCIL ACTION:

Cross moved and Wells seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from March 12, 2003 to April 2, 2003 in the amount of \$3,957.25.

Motion carried 7-0.

Bement moved and Cross seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from March 14, 2003 to April 2, 2003 in the amount of \$1,286.50.

Motion carried 7-0.

Martinbianco moved and Wells seconded the following motion:

3. Approve and authorize the setting of a 2nd Public Hearing for Zoning Case #275 on Tuesday, April 22, 2003 at 7:15 P.M.

Motion carried 7-0.

Cross moved and Martinbianco seconded the following motion:

4. Approve and authorize setting a public hearing for April 22, 2003 at 6:45 P.M. at Burton City Hall to discuss the proposed budget for the fiscal year 2003-2004.

Motion carried 7-0.

Cross moved and Martinbianco seconded the following motion:

5. 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. Whisper Ridge / Site Condominium

- 1) Whisper Ridge Drive from Potter Rd. to S. Terminus
- 2) Whisper Ridge Court from Whisper Ridge Drive to N. Terminus

Note: See Exhibit A for centerline description.

B. Oakview Meadows / Site Condominium

- 1) Grand Oaks Trail from Belsay Rd. to Bristol Rd.
 - 2) Grand Oaks Court from Grand Oaks Trail to S. Terminus
- Note: See Exhibit B for centerline description.

C. The Orchards / Phase 1 / Site Condominium

- 1) Pear Tree Drive from Belsay Rd. to S. Terminus
 - 2) Apple Tree Drive from Pear Tree Drive to S. Terminus
 - 3) Pear Tree Circle from Pear Tree Drive to W. Terminus
 - 4) Apple Tree Circle from Apple Tree Drive to E. Terminus
- Note: See Exhibit C for centerline description.

D. Hawkshire Estates II / Site Condominium

- 1) Kestrel Lane from Entrance Drive to E. Terminus
 - 2) Kestrel Lane from Entrance Drive to Harrier Lane
 - 3) Harrier Lane from Kestrel Lane to E. Terminus
 - 4) Condor Court from Harrier Lane to S. Terminus
 - 5) Entrance Drive from Eagle Lane to Kestrel Drive
- Note: See Exhibit D for centerline description.

E. Maplewood Meadows #6 / Standard Plat

- 1) Maplewood Meadows Avenue from Belsay Rd. to S. Terminus
- 2) Aspen Circle from Maplewood Meadows Avenue to Maplewood Meadows Avenue
- 3) Hawthorne Court from Aspen Circle to S. Terminus
- 4) Silver Maple Lane from Maplewood Meadows Avenue to W. Terminus
- 5) Norway Drive from Maplewood Meadows Avenue to W. Terminus

F. Spring Gardens / Phase I / Standard Plat

- 1) Wild Orchid Lane from Atherton Rd. to S. Terminus
- 2) Wild Orchid Court from Wild Orchid Lane to E. Terminus
- 3) Dahlia Drive from Wild Orchid Lane to E. Terminus

Motion carried 7-0.

Bement moved and Martinbianco seconded the following motion:

6. Approve and authorize a revision to Standard Resolution #5 paragraph #4 to read: "15 approximately equal annual installments" for Special Assessment Street Paving Districts P-99-1 / Nelson Ct. and P-00-3 / Brabbs Street.

Motion carried 7-0.

Cross moved and Wells seconded the following motion:

7. Approve and authorize bond sale resolution for 2003 Special Assessment Limited Tax Bonds, Series A.
- Motion carried 7-0.

Bement moved and Wells seconded the following motion:

8. Approve and authorize bond sale resolution for 2003 Special Assessment Limited Tax Bonds, Series B.
- Motion carried 6-1, with Tinnin voting no.

Meeting Adjourned at 8:40 P.M.

Gayle Webster, Burton City Clerk