CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
DECEMBER 2, 2002, 7:30 P.M., COUNCIL CHAMBERS

PASTOR DALE PATTEE, BEULAH LAND CHRISTIAN CENTER LED THE INVOCATION.

VICE PRESIDENT DANNY WELLS LED THE PLEDGE OF ALLEGIANCE.

THE REGULAR MEETING WAS CALLED TO ORDER BY PRESIDENT LARRY BRAWNER AT 7:30 P.M.

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor C. Smiley; 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: Special Meeting of November 18, 2002 at 7:00 P.M. and Regular Meeting of November 18, 2002 at 7:30 P.M.

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

ADMINISTRATIVE REPORT:

The Mayor welcomed everyone to the new council chambers. He said Mr. Halvaty was present to take pictures on this special occasion. He was proud of the new city hall addition. He briefly explained the re-locations of city hall offices. He said plans were underway to celebrate the grand opening of city hall in February. He welcomed any suggestions or ideas on the upcoming event.

The Mayor read a letter from Vienna Township that praised the Burton Firefighters for their mutual assistance during a recent fire.

The Mayor announced that the 5th Annual Tree Lightning Ceremony would be held Tuesday, December 3, 2002 at 6:00 p.m. at the Police Fire facility.

The Police Department received a Safety Task Force Grant for $74,000. Historically the Police Department has done a fine job utilizing these funds.

The Mayor asked Mrs. Tinnin if she was satisfied with the information he provided regarding the MERS actuaries, payroll updates and out of town expenditures.

Mrs. Tinnin was satisfied with the response to her request.

Mr. Major gave a brief update on DPW referrals from the November 18th Council Meeting.

In response to Mrs. Nimcheski's request to review the fence ordinance, Mr. Major has referred this information to the Planning Commission to discuss during ordinance revisions.

In reply to Mr. Sanderlin's request, the Assistant Fire Chief and Code Enforcer did an inspection of the Clean Harbors facility. The company is conducting the same work that they have done in the past. They have not expanded their operations. They have been using different trucks and the business is under new ownership. They were told that they would have to go through a site plan review, due to the change in ownership.

In response to Mrs. Dargel, Mr. Major indicated that the lower level parking area would be for employees only. The general public would be using the front entrance.

Mr. Major reported that Mr. Stapish has hired an attorney to block demolition proceedings on his homes.

Mr. Major asked Council to add a motion that would include the 2004-2008 Major Street Improvement Program. A large portion of this work would be funded through the Federal Aid to Urban Systems Funding Grant (FAUS).

Mr. Brawner acknowledged County Commission Ted Hammon.

COMMITTEE REPORTS:

None.

AUDIENCE PARTICIPATION:

Don Sanderlin, 4460 Killarney Park, was honored to be the first person to address the Council in our new council chambers. He was proud of everything that has been accomplished in the City of Burton.

Ellis Cronkright, 1513 Kra-Nur Dr., spoke in opposition to sidewalks being added to Davison Rd. He wanted to know if there was any further information on the sidewalk project.

COUNCIL DISCUSSION:

Mr. Cross moved and Bement seconded to add as Item #4:

Approve and authorize the firm of Rowe, Inc. authorization to prepare a FAUS application on behalf of the City of Burton for federal aid funding of roadway improvements on:

1. Court Street (Genesee Road to Belsay Road) – resurfacing
2. Court Street (Genesee Road to Belsay Road) – additional laneage and resurfacing
3. Center Road (Lapeer Road To Court Street) – resurfacing
4. Belsay Road (Maple Road to Bristol Road) – resurfacing
5. Center Road (Court Street to Genesee Road) – resurfacing
6. Atherton Road (Center Road to Genesee Road) – resurfacing
7. Atherton Road (Belsay Road to Vassar Road) – resurfacing
8. Lapeer Road (Belsay Road to Vassar Road) – resurfacing

at an estimated cost for preliminary engineering analysis and application preparation of $9,000.00. (DPW Job #02-008-P). Application fees paid to Rowe, Inc will be funded from the existing 2002-03 Major Street Budget/ Construction Line Item. Motion carried 7-0.

Mr. Martinbianco had several concerns of omission with the proposed street list. He felt all of Belsay Rd between Maple and Atherton should be resurfaced. He didn't think the Bristol to Atherton Rd section should be neglected in these improvements. He spoke on other streets that he would like added to this list.

The Mayor indicated that a portion of the Belsay Rd work was included in the take over agreement. He questioned rather the City could afford to add more streets to the current list. He informed Council that adding this additional mileage to the package could increase project costs by approximately $200,000. He suggested more roads could be done at a later date, if the budgeted funds were available.

Mr. Martinbianco suggested we reconfigure our roadwork priorities.

Mr. LaDuke said these roads were selected after Rowe did an in-depth study. He has carefully reviewed Rowe's recommendations and budgeted for these projects according. He didn't think there would be enough money to incorporate additional mileage to this list, due to the funding available. If the council decides to add additional projects to the list, they need to be prepared to provide the additional funding in the event of a shortfall of the required match money.

Mr. Cross asked for a report on the Davison Rd sidewalk project.

Mr. Major said there was no additional information on the sidewalk project. He spoke in strong support of the project. He said this project has been awarded to Zito construction. Sidewalks need to be built because the gravel shoulders have been eliminated. This will make it safer for people walking along the roadway. In addition, the City supports the County's theory of "Walkable Communities". This project has been 80% funded by the federal government and there is no special assessment for the residents.

Mr. Wells did contact Mr. Major in reference to the Davison Rd. project.

Discussion continued in reference to the Davison Rd. sidewalk project.

Mr. Martinbianco said he was prepared to pass a resolution requiring all developers to provide sidewalks.

Mrs. Tinnin spoke regarding Mr. Arabbo's petition that would initiate the Burton Estates special assessment projects. She referred to a letter from Mr. Arabbo dated November 7, 2002. She questioned the ownership of the property and the legality of Mr. Arabbo signing the petition. She felt he was not the owner on the recorded deed. Therefore, he should not be able to sign the petition. She pointed out that special assessments could only be initiated by a 7-0 vote or a signed petition by the property owner.

Mr. Martinbianco agreed with Mr. Tinnin's comments. He questioned if Mr. Arabbo was the property owner on the recorded deed.

Mrs. Tinnin said that she had checked and Mr. Arabbo was not the legal owner of the property.

Mr. Martinbianco said there should be a proper conveyance of the property. He pointed out that the letter was dated November 7th and it was not available at the November 18th meeting.

Mr. Major discussed the issue of ownership regarding these matters. Mr. Perlman, the attorney representing Mr. Arabbo, felt in these circumstances ownership as it relates to construction, can be determined by a purchase agreement. He felt Mr. Arabbo had a sense of ownership through the development project. Mr. Major has discussed this issue with Mr. Hamilton and he thought we could still hold the public hearings. Mr. Major felt we could obtain the signatures from the property owners.

Attorney Rick Austin said a title search could be done to prove ownership. The public hearings could go on with out a vote being taken on the special assessment issue. The action could be tabled to a later date.

Mr. Martinbianco referred to requirements listed in Ordinance 25. He felt a special assessment district should not be created while there was still a question of ownership with the property.

Mr. Austin would like to review the ordinance before making a final decision.

Discussion continued in reference to creating special assessment districts for Burton Estates. Topics discussed included Mr. Arabbo's letter, ownership of the property and being in compliance with Ordinance 25.

Mr. Martinbianco thought Council should reconsider the action that was taken on this issue at the last council meeting.

Discussion continued in reference to the proposed special assessment districts for Burton Estates.

Mr. Austin said Council could go forward with the public hearings. Audience participation could be held without taking any action on the special assessment issue.

Mr. Major indicated that the special assessment districts for Brabbs, Nelson Ct and Pratt and Wagner have been created and the designs are currently underway. He felt those small projects would eventually have to absorb the

additional costs associated with the bond sale. It was his hope to combine the Burton Estates special assessments to help make all the projects more cost effective.

Mr. Tinnin didn't feel the City should be financing the infrastructure for developers. She was opposed to creating special assessment districts for Mr. Arabbo's Burton Estates.

Discussion continued in reference to the proposed Burton Estates project.

A recess was called at 8:30 p.m.

The Regular Council Meeting resumed at 8:35 p.m.

Mr. Brawner felt that Council should hold the public hearings because notification has been made.

Mr. Cross asked for clarification on Mr. Arabbo appearing before the Planning Commission on December 10th.

Mr. Major said that Mr. Arabbo planned to attend the Planning Commission meeting with an application for a PUD. He said it was very common for developers to proceed with site plan approval with a purchase agreement on the property.

Mr. Austin did not have a problem with Mr. Arabbo appearing before the Planning Commission. It would be okay to get a recommendation on the site plan.

Discussion continued on the proposed Burton Estate special assessment districts.

Mr. Martinbianco wanted to know how the administration planned to make up shortfalls in the current budget due to state shared revenue cuts.

Mr. Abbey said we were waiting to find out how much the cuts would be before implementing any action. This was discussed earlier today at the administrative staff meeting.

The Mayor said that the administrative staff has discussed this issue in the past. When we find out, we will react accordingly.

Martinbianco moved and Tinnin seconded the motion to amend Item 4, No. 4 to read, Belsay Road (Maple Road to Atherton Rd) – resurfacing. Motion carried 7-0.

Mr. LaDuke made it clear that this list was prepared based on budgetary allotments for the next five years. If the Council decides to add additional projects to the list, they should be prepared to provide the additional funding in the event of a shortfall of the required match money. He did support the reconstruction of as many streets as funding would allow. The FAUS funding is a match of 20% local and 80% federal contribution.

Discussion continued in reference to Item 4, regarding the application for FAUS funding. Topics of discussion included application fees, the commitment to a 5-year plan, the estimated cost of adding additional mileage, the possibility of budgetary shortfalls in the Major Street fund and re-prioritizing street projects.

Mr. Martinbianco wanted the priority list to include Belsay Rd from Bristol to Atherton Road.

Mr. Wells felt that Council should be more frugal and take more time before making this important decision. He said adding extra mileage to the list might create a shortfall in the future.

Mr. Major said if we miss the January deadline to submit the FAUS application, we could loose a lot of grant money. All applications are processed at the same time and the funding will be set.

Mr. Martinbianco strongly felt that Belsay Road needed to be resurfaced from Maple to Atherton Road. He encouraged these projects to be done.

Mr. LaDuke made Council aware that we needed to have match funding in place when these projects are selected.

Mr. Bement commented on the funding that needed to be in place for these projects.

Discussion continued in reference to adding extra mileage to the proposed FAUS grant.

Cross moved and Tinnin seconded the motion to call the question, stopping any further discussion on the amended main motion Item 4. Motion carried 6-1, with Wells voting no.

Mrs. Tinnin requested that the Treasurer be present at the three public hearings that are scheduled for December 16th beginning at 6:30 p.m.

The Mayor asked Council members to stop by his office either Wednesday or Thursday to sign a proclamation for Mr. Hemingway. He is retiring as Atherton's Superintendent.

COUNCIL DISCUSSION ACTION:

Cross moved and Bement seconded to add as Item #4:

Approve and authorize the firm of Rowe, Inc. authorization to prepare a FAUS application on behalf of the City of Burton for federal aid funding of roadway improvements on:

1. Court Street (Genesee Road to Belsay Road) – resurfacing
2. Court Street (Genesee Road to Belsay Road) – additional laneage and resurfacing
3. Center Road (Lapeer Road To Court Street) – resurfacing
4. Belsay Road (Maple Road to Bristol Road) – resurfacing
5. Center Road (Court Street to Genesee Road) – resurfacing
6. Atherton Road (Center Road to Genesee Road) – resurfacing
7. Atherton Road (Belsay Road to Vassar Road) – resurfacing
8. Lapeer Road (Belsay Road to Vassar Road) – resurfacing

at an estimated cost for preliminary engineering analysis and application preparation of $9,000.00. (DPW Job #02-008-P). Application fees paid to Rowe, Inc will be funded from the existing 2002-03 Major Street Budget/ Construction Line Item. Motion carried 7-0.

Martinbianco moved and Tinnin seconded the motion to amend Item 4, No. 4 to read, Belsay Road (Maple Road to Atherton Rd) – resurfacing. Motion carried 7-0.

Cross moved and Tinnin seconded the motion to call the question, stopping any further discussion on the amended main motion Item 4. Motion carried 6-1, with Wells voting no.

COUNCIL ACTION:

1. Approve and authorize the Attorney Billing (Richard Austin) from November 13, 2002 to November 26, 2002 in the amount of $2,014.75.

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

2. Approve and authorize the application for a Sanitary Sewer License for Brian Opper, dba Brian's Excavating, 10045 Bryce Rd., Avoca, MI 48006.

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

3. Approve and authorize the following: WHEREAS, the City of Burton has a need to pay to the County of Genesee the sum of $1,027,044.88 to meet the bond and principal requirements on all bond obligations for water and sewer facilities for 2003, and WHEREAS, there are several means by which the funds can be secured to meet this payment, and WHEREAS, all various means of securing these funds have been reviewed and considered. NOW, THEREFORE, BE IT RESOLVED BY THE City of Burton that the monies to meet the principal and interest requirements and all bond obligations for water and sewer facilities will be secured from the following funds:

Funds Already Available	$ 0.00
Tap-In Fees to be Collected	$ 0.00
Funds from Monthly Rates for Services	$ 0.00
General Fund	$ 0.00
Ad-Valorem Levy	$1,027,044.88
Other	$ 0.00
Granl Total	$1,027,044.88

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

Main motion as amended:

4. Approve and authorize the firm of Rowe, Inc. authorization to prepare a FAUS application on behalf of the City of Burton for federal aid funding of roadway improvements on:
    1. Court Street (Genesee Road to Belsay Road) – resurfacing
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    8. Lapeer Road (Belsay Road to Vassar Road) – resurfacing

   at an estimated cost for preliminary engineering analysis and application preparation of $9,000.00. (DPW Job #02-008-P). Application fees paid to Rowe, Inc will be funded from the existing 2002-03 Major Street Budget/ Construction Line Item.

Moved by Cross, Seconded by Centilli, Carried 6-1, with Wells voting no.

MEETING ADJOURNED AT 9:05 P.M.