CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
MAY 7, 2009, 7:00 P.M., COUNCIL CHAMBERS
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Reverend Tom Gordon of Ignite Church led the Invocation and Council President Tom Martinbianco led the Pledge of Allegiance.

The Regular Meeting was called to order by Tom Martinbianco at 7:10 p.m.

MEMBERS PRESENT: Conley, Ellenburg, Haskins, Heffner, Martinbianco, Tinnin and Zelenko.

MEMBERS ABSENT: None.

OTHERS PRESENT: G. Kray, DPW Director; Attorney R. Austin and G. Webster, City Clerk.

Haskins moved and Ellenburg seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Council Meeting on April 20, 2009 at 6:00 p.m., and the Regular Council Meeting on April 20, 2009 at 7:00 p.m.
Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mr. Kray reminded everyone of the Memorial Day Parade that will be held on May 25, 2009. This important event honors those who have served in the military. Mrs. Centilli is working hard to organize the event.

Mr. Kray gave a brief review of the Federal aid projects. The Davison Rd. project has been submitted. The next step would be for MDOT to do a plan review. The Center Rd. project will be going for later in the month of June. We will be taking bids.

Mr. Martinbianco said there are some problem streets that need to be addressed. It is his understanding that the GCRC borrowed from a State revolving loan fund to repair some major streets in the County.

COMMITTEE REPORTS:

Mr. Heffner set a Finance Committee Meeting for May 13th at 5:30 p.m. for the purpose of discussion and possible recommendation relating to sewer rates. He asked Mrs. Zelenko to contact Swartz Creek and Mrs. Tinnin to contact Grand Blanc Twp to see how they have structured their rates. Mrs. Tinnin requested Mr. Wright be present at the meeting. Mr. Kray will contact Mr. Wright to see if he is able to attend.

Mr. Heffner informed the Council that State Shared Revenues have been cut by $112,000 or 4.4% for this fiscal year. Mr. Kray said the Administration has met to discuss this issue. He had no other information at this time.

AUDIENCE PARTICIPATION:

Gary Gephardt, 2417 Willowdale, owner of Apec Signs, asked for stronger regulations to be put on signage. Abandoned signs, yard signs, portable signs and telephone pole signs are causing blight in the City. He would like many of these signs removed.

Diane Walton, 4489 Lippincott, spoke regarding the abandoned building ordinance. She asked Council to be responsible and fair when dealing with the landlords. She did not want to be penalized if she was unable to have a rental home ready within 30 days.

John Stapish, P.O. Box 190134, spoke in opposition to Chapter 91. He would like this removed from the agenda and sent to the Legislative Committee. He said this would initiate the DPW to tag empty homes. He felt that he was targeted for grass cutting.

Rick Fuhst, 1208 S. Genesee Rd., felt the City needed a stronger ordinance to address unsightly signs. He felt there was a difference between vacant and abandoned homes. If a landlord is working on a home, it is vacant. If the grass is deep, it is probably abandoned. He felt the City should create a housing authority to address these types of homes. He wanted to keep the tax base of abandoned and foreclosed homes in Burton.

COUNCIL DISCUSSION:

Mrs. Tinnin said the two proposed ordinances should have went through the legislative process. She requested the ordinances be removed from the agenda and sent to the legislative committee for review. Mr. Martinbianco removed the ordinances from the agenda with the understanding they would be put on the next regular agenda for a first reading.

Mrs. Webster suggested committee meetings are set during working hours to alleviate over time expenses. Mrs. Tinnin set a legislative meeting for May 12th at 6:30 p.m. for the purpose of discussion and possible recommendation on Chapter 31and Chapter 91. She requested the Attorney be present at the meeting.

Mrs. Tinnin asked for clarification on how the Neighborhood Stabilization Program related to the proposed amendment to Chapter 91. She indicated that she had concerns with Chapter 31 dealing with the Planning Commission.

Mrs. Zelenko understood the abandoned building ordinance provided a tool to get a count. This would be used in conjunction with the Census. Mr. Martinbianco thought it was important that we adopt some measure of the ordinance and protect the landlords that are in a different situation.

Due to time constraints, Mrs. Zelenko preferred to keep the ordinances on the agenda. She thought it was perfectly okay to have the introduction of the ordinances, hold the legislative meeting and report back to the Council at the next meeting. Final publication would be done after the second reading.

Mr. Austin agreed with Mrs. Zelenko's comments. If the Council preferred to make substantial changes, the ordinance would need a first reading. If there were only minor changes, Council could continue with the second reading.

Mrs. Tinnin wanted to know when the Census started. Mrs. Webster said the Census people are already in the area working to reconcile addresses.

Mrs. Tinnin said that Chapter 91 does not discuss any fees. Mr. Austin said the Council would establish the fees by resolution. She felt the ordinance should be removed until there has been more discussion on the fee structure. Mr. Austin suggested a DPW representative be present at the legislative meeting to discuss the fee schedule. The fee schedule had to relate to the actual costs involved.

Mrs. Zelenko moved and Mr. Heffner seconded the motion to keep both ordinances on the agenda for first reading.

Mr. Haskins supported the motion to continue with the introduction of the ordinances. He felt the abandoned building ordinance was not a target for rental properties. The ordinance basically provides a tool for an accurate count of these buildings. We are trying to make banks responsible for registering abandoned homes within the City. Mr. Martinbianco respectfully disagreed. He said DPW would be maintaining the specifics of the ordinance.

Mrs. Ellenburg supported moving forward with the proposed ordinance amendments. She felt this was basically a tool to identify vacant properties. This does not pertain to rental homes that are being mowed and kept up. Vacant homes should be maintained, so they are not a burden to the neighborhood. This will help identify ownership and the status of the property.

Mrs. Conley said it was obvious that some members were trying to push these ordinances through. She said more information was needed before addressing these issues.

A vote was taken to keep the ordinances on the agenda. The motion carried 5-2, with Conley and Tinnin voting no.

Mrs. Conley referred to the water payroll. She wanted to know if Danny Wells' son was working for the water department, when he was hired and was the position advertised.

Mrs. Zelenko indicated there was a sign ordinance on the books. The problem is enforcing it.

Mr. Kray said there is a sign ordinance that addresses many issues. His crews are picking up illegal signs. He is trying to find out the source of these signs.

Mr. Austin referred to Section 153.10, Subsection (a), 3 of the sign ordinance. He said we do have the authority to pull signs in a public right away and dispose of them. A large portion of the ordinance targets illegal signs placed at intersections.

Mrs. Tinnin asked for clarification on abandoned business signs. She felt there should be true enforcement of the sign ordinance. The City should be able to recoup fees associated with sign removal. Mr. Martinbianco said this was a legislative issue. We could research what other communities are doing to address sign blight.

Mr. Martinbianco spoke on the disrepair of Bristol and Lapeer roads. He referred to a road stabilization program. He asked Mr. Kray to research this issue to see if Burton could utilize some of these funds. Mr. Kray said this pool of money might be for townships that currently still use the GCRC. He will contact the road commission to find out more information about this program.

Mr. Martinbianco wanted DPW to fix the raised storm sewer drain at 2021 Howe Rd.

Mrs. Tinnin wanted an accounting of unpaid water and sewer bills in the City. Mr. Kray said she could request that from the Treasurer's Office. Mr. Martinbianco planned to make the request on behalf of the finance committee. Mrs. Tinnin wanted the Mayor to be present at the finance committee meeting when it addresses sewer rates on May 13th at 5:30 p.m. Mr. Heffner will ask the Mayor to attend. Mrs. Tinnin said the letter changing the rates came from the County in 2006. It has been three years without an adjustment and we have a huge projected deficit. Mr. Martinbianco wanted to know why nothing has been done since 2006.

Mr. Kray offered some corrections on the sewer rate structure. He indicated that in 2007 the Drain Commission restructured sewer rates. This was supposed to be revenue neutral. On January 2, 2009, they implemented a rate increase. Mr. Martinbianco wanted to know if there was an increase prior to 2009. In 2007, the rate structure was completely changed. The Drain Commission referred to that as revenue neutral. It was a revenue shift that would not bring in any additional funds. In 2009, it was actually an increase. This will be discussed at the upcoming finance meeting.

COUNCIL DISCUSSION ACTION:

Moved by Zelenko, Seconded by Heffner the motion to keep both ordinances on the agenda for the first reading. Motion carried 5-2, with Conley and Tinnin voting no.

COUNCIL ACTION:

Heffner moved and Zelenko seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from April 15, 2009 through April 29, 2009 in the amount of $4,135.75.

Motion carried 7-0.

Zelenko moved and Heffner seconded the following motion:

2. Approve and authorize the Mayor's appointment of Dennis O'Keefe, 4304 Lapeer Rd., to the Board of Review for a 3-year term ending July 1, 2012.

Motion carried 7-0.

INTRODUCTION OF AN ORDINANCE:

Heffner moved and Haskins seconded the following motion:

1. Approve and authorize the Introduction of an Ordinance, amending Chapter 91 of the Code of Ordinances of the City of Burton by the addition of Section 91.04, Identifying, registering, securing and maintaining abandon buildings and structures and providing for the recovery of costs expended by the City to enforce said Ordinance.

Motion carried 5-2, with Conley and Tinnin voting no.

Ellenburg moved and Haskins seconded the following motion:

2. Approve and authorize the Introduction of an Ordinance, amending Chapter 31, Section 31.01 of the Code of Ordinances of the City of Burton, Establishing a City Planning Commission and providing for the appointment, term, and removal of its members pursuant to Public Act 33 of 2008.

Motion carried 4-3, with Conley, Martinbianco and Tinnin voting no.

Meeting adjourned at 8:15 p.m.

Gayle K. Webster, CMC
City Clerk