CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JULY 8, 2008, 7:00 P.M., COUNCIL CHAMBERS
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Council President Tom Martinbianco led the Invocation and Pledge of Allegiance.

The Regular Meeting was called to order by Tom Martinbianco at 7:00 p.m.

MEMBERS PRESENT: Ellenburg, Haskins, Heffner, Martinbianco and Tinnin.
MEMBERS ABSENT: Conley and Zelenko.
OTHERS PRESENT: K. McArdle, Personnel Director; G. Kray, DPW Director; Attorney M. Joliat and G. Webster, City Clerk.

Tinnin moved and Heffner seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Council Meeting on June 11, 2008 at 6:00 p.m., Special Council Meeting on June 16, 2008 at 6:45 p.m., Special Council Meeting on June 25, 2008 at 5:30 p.m. and the Regular Council Meeting on June 16, 2008 at 7:00 p.m. Motion carried 5-0.

ADMINISTRATIVE REPORT:

There was no administrative report.

Mr. Martinbianco indicated that Mr. McArdle would like to give Council an update on union negotiations on behalf of the Administration.

Moved by Tinnin, Seconded by Heffner to: Approve and authorize Council to go into Executive Session for the purpose of discussion relating to union negotiations, under Section 8, (c) of the Open Meeting Act, prior to council action. Motion carried 5-0.

COMMITTEE REPORTS:

Mrs. Ellenburg said the library was having a book sale July 25th and 26th. A “Paint the Library” event was scheduled for August 16th and 17th. At that time, the trim will be painted on the library. Volunteers are needed for both events.

AUDIENCE PARTICIPATION:

Ed Humphrey, Supervisor MTA, 1401 S. Dort Hwy, spoke on a new MTA program called Door-Through-Door that is offered seven days a week to senior citizens over 60 years of age. Trained drivers will help people from their home to the van. Aids will help clients into church, the doctor’s office, grocery store, etc. This is sponsored by the senior millage.

Tracy Butcher, 1328 Allen St., spoke in support of demolishing the Allen St. building. Council has addressed this issue three times, the property has been vacant for three years, there are broken windows and people are entering the building, which is dangerous and unsecured. The apartment building hurts property values and the appearance of the neighborhood.

Attorney Clarke Hagen, 444 Church St., represented the property at 1348 Allen St. He said his clients are experiencing financial difficulties, which they hope to remedy. They are working to rehabilitate the apartments or sell them to a prospective buyer. He asked Council to take this into consideration and not order immediate demolition. His client was asked to submit a proposed timeline and construction schedule. He said this was turned in to the building department. He assumed that it was inadvertently misplaced. He said his client would be willing to resubmit a proposed timeline for consideration.

Sally Castro Caster, 1340 Allen St., lives next to the Allen St. apartments. She said the owner has had three years to repair the vacant condemned building. On September 17, 2007 he was given 60 days to submit his plan. Then he was given an additional four months to complete the renovations. That time expired March 17, 2008. She called DPW on April 17th to see if it would be put back on the agenda. It wasn't done until another neighbor called. These buildings are dangerous. Windows are broken, children are climbing up the fire escape, kids are going into the building having sex, appliances are being stolen, the police have been called out, doors are kicked in and a roof has caved in on a garage. The garage was demolished, but it wasn't cleaned up. Nothing has been done. Yesterday they mowed half of the lot. She has looked at this blight for three years. She said this property was causing many neighborhood problems and should be torn down.

John Stapish, P.O. Box 190134, said it was unfortunate that all these people were complaining about the conditions of their neighborhood. He suggested neighbors speak with the police or parents regarding the problems at the apartments. He complained that DPW tore up his ditch, curb and cement driveway at 1391 Wells when they were working on a broken watermain. The DPW refused to fix the damage. In addition, he complained about the disrepair of DPW buildings.

Jennifer Morquecho, 2246 Red Arrow, complained about business yard signs being placed all over the City. Mr. Strasser indicated that most of these signs in the right of way were not legal and are taken down. She felt City officials should address this issue. She said the oil repainting facility on Dort Hwy. was an eyesore and leaking pollution into the ground. She thought it was a vacant business. This should be addressed. Chemco still has the Halloween building up. She called DPW on June 11th regarding this issue. An inspector was supposed to check the site. She wanted to know if they had the proper permits. She is still waiting for something to be done.

Rick Fuhst, 1208 S. Genesee Rd., said something should be done to clean up the unsightly deflated golf dome on Court St. It has been down since December.

Leo Gamble, 3809 Lynn Ct., alleged two employees of the Red Barron assaulted him when he looked into a car. He said these two white men have not been arrested or charged with anything. Sergeant Mahon padded him down, took his knife and stick and wanted to charge him with a misdemeanor. He wants the police department to return his property. He said City officials have ignored his request. He wants the Council to speak with Mayor Smiley and resolve this issue.

Mr. Martinbianco planned to have Attorney Rick Austin address Mr. Gamble's issue at the next council meeting. He clarified there are two issues to be discussed. One is the retrieval of his personal property and the other is a personal apology from the people involved in the incident, which does not involve the City.

Pauline Dargel, 6119 Hugh St., wanted to know what election inspectors were currently paid and if they were paid per diem. She said it was unfortunate that Mr. Austin and Mayor Smiley were not available to comment on Mr. Gamble's concerns.

Mr. Martinbianco provided information from the Election Commission Meeting. The last time the election inspectors received an increase was 2005. The average salary in the County is $129.00, therefore the workers will receive a $5.00 a day increase. The new base pay will be $130.00 a day. Currently, they are paid per diem at $125.00 a day.

COUNCIL DISCUSSION:

Mr. Haskins felt MTA had implemented a great senior program, which is a free service, covered by the senior millage. In regards to the Allen St. property, he felt it was the City's responsibility to make sure properties were maintained to help protect children.

Mr. Kray will check into the status of the Chemco Halloween building and the collapsed golf dome. He will have information available by the next meeting.

In reference to Allen St., Mrs. Tinnin acknowledged this issue had come before Council in the past. Mr. Kray said all correspondence sent to the owners has been returned as undeliverable. The apartments are currently tagged.

In reference to the MTA Door-Through-Door program, Mr. Humphrey said they mailed circulars to all their clients over 60 years of age. They have contacted the senior centers. He indicated that operating hours are seven days a week from 6:00 a.m. to 8 p.m. The vans have wheel chair lifts. MTA will provide assistance or aids if necessary to transport clients.

Mrs. Ellenburg said MTA provides some good programs such as Parks and Trails. She was impressed with Mr. Foy and Mr. Humphrey's work as MTA representatives.

Mrs. Tinnin wanted Mr. Austin to send a written response to Mr. Gamble addressing his concerns on how to retrieve his knife and walking stick.

Mrs. Ellenburg indicated that the Allen St property was in disrepair and someone could get injured in the building. She understood the neighbors concerns and hoped Council could resolve the issue.

The Regular Council Meeting recessed at 7:45 p.m. to go into Executive Session.

The Regular Council Meeting resumed at 8:26 p.m. after Executive Session.

Mr. Martinbianco announced Steve Heffner would be the Finance Chair. Paula Zelenko was added to the Finance Committee. In addition, Paula Zelenko was appointed to the Utility Deregulation Committee. These positions were filled due to the resignation of Mr. Wells.

In reference to the Allen St. property, Mrs. Tinnin said several letters were mailed to the Dugdales. Mr. Hagen said his client gave the new address to DPW staff. The proper address is P.O. Box 7158, Flint, MI 48507. Mrs. Tinnin said the owners were given 60 days and later another four months to comply. She felt the owners should have provided a correct mailing address and a restoration plan.

Mr. Kray agreed with the timeline. He said a restoration plan should have been put on file and initiated. There was no restoration plan or another address put on file.

Mr. Martinbianco asked for clarification on the September 17, 2007 meeting. Mr. Kray said Mr. Dugdale was present and spoke at the meeting. He reviewed some of the details of the meeting. There were no comments regarding a mailing address.

Mr. Martinbianco said it was fair to say that Mr. Dugdale did respond to the 1019 Schumacher address. Council allowed additional time based on his testimony that he could secure the grants and bring the property up to code. Mr. Kray agreed with these comments.

Mr. Kray preferred to have these types of properties repaired, as good taxable property. However, a 60-day extension was granted based on Mr. Dugdale's comments. A restoration plan and a timeline for improvements were required. None of these things have been done. We assume that no work has been done at the premises because no permits were pulled and no plans were submitted in accordance with the Council's stipulations. Mr. Martinbianco said the plan would have included mechanical, electrical or plumbing work, which would have been done by separate agencies.

Mrs. Tinnin said they should have pulled permits if they were serious about continuing. They knew the timeline. It is not fair to the neighbors and it is certainly not safe for the children in that area. Therefore, she supported immediate demolition.

Mr. Haskins said after listening to the resident's concerns and considering no paper work or permits were filed, he felt that demolition should continue. This should be a last resort, however the property has become a safety hazard and a blight issue. He supported the demolition.

Mr. Heffner moved and Mr. Haskins supported the motion for immediate demolition on Item 5. Mr. Kray said the current owner would like to demolish the Lapeer St. home. Mr. Martinbianco said the current owner was sincere about demolishing the home. This case has gone through probate. The owner of the property had no direct relatives and he ended up with the property. He asked for some time to remove the belongings.

Mr. Martinbianco suggested an amendment to the motion to postpone any further action for 30 days. The owner will be at the next meeting with a plan. He has secured three bids for demolition.

Mrs. Tinnin said he had 90 days from September 18, 2007. Mr. Martinbianco said that was correct. He has been in court.

Mr. Heffner and Mr. Haskins supported an amendment to reflect a 14-day postponement. Moved by Heffner, Seconded by Haskins to amend Item 5 from (1) to (4). Postpone any further action for 14 days, based on the following circumstances: removal of personal property prior to either self-demolition or a demolition order that may come from the City. Motion carried 5-0.

In reference to Item 8, Mrs. Webster said ID Cards would be sent to voters to notify them about new polling locations. The information has been printed in the Burton News, Burton View and the Flint Journal plans to do an article. This information has been posted at City Hall and will be posted at the old polling sites. She hoped the Council and election inspectors would speak to people about the changes. The poll site changes will be in effect for the August 5th Primary. It was suggested this information be added to the sewer bills.

In reference to Item 9, Mr. Martinbianco noted that the pay increase was discussed and agreed upon during budget sessions.

Mrs. Webster briefly explained what an Absentee Counting Board and Election Night Receiving Board were. She thanked the Council and the Election Commission for their support on these pertinent election issues.

COUNCIL DISCUSSION ACTION:

Moved by Tinnin, Seconded by Heffner to: Approve and authorize Council to go into Executive Session for the purpose of discussion relating to union negotiations, under Section 8, (c) of the Open Meeting Act, prior to Council Action. Motion carried 5-0.

Moved by Heffner, Seconded by Haskins to amend Item 5 (1) to (4). Postpone any further action for 14 days, based on the following circumstances: removal of personal property prior to either self-demolition or a demolition order that may come from the City. Motion carried 5-0.

COUNCIL ACTION:

Haskins moved and Tinnin seconded the following motion:

1. Approve and authorize the Attorney Billing for Richard Austin from June 11, 2008 through July 1, 2008 in the amount of $6,249.67.

Motion carried 5-0.

Haskins moved and Heffner seconded the following motion:

2. Approve and authorize the Attorney Billing for Keller Thoma dated June 1, 2008 in the

amount of $1,040.21.
Motion carried 5-0.

Tinnin moved and Haskins seconded the following motion:

3. Approve and authorize the Standard Resolution for Step V of the Burton City Demolition Procedure, determining said premises at 1348 Allen, 59-30-576-307 to be a public nuisance or hazard and to further require the owner(s) or occupant(s) to:

   (1) Immediate Demolition, with DPW given authorization to request sealed bids and the structure to be razed within the thirty (30) days of Burton City Council’s acceptance of the low bid and the City Attorney’s approval of the contract documents for execution of a contract with the Mayor and Clerk.

Motion carried 5-0.

Tinnin moved and Ellenburg seconded the following motion:

4. Approve and authorize the Standard Resolution for Step V of the Burton City Demolition Procedure, determining said premises at 1352 Allen, 59-30-576-306 to be a public nuisance or hazard and to further require the owner(s) or occupant(s) to:

   (1) Immediate Demolition, with DPW given authorization to request sealed bids and the structure to be razed within the thirty (30) days of Burton City Council’s acceptance of the low bid and the City Attorney’s approval of the contract documents for execution of a contract with the Mayor and Clerk.

Motion carried 5-0.

Heffner moved and Haskins seconded the main motion as amended:

5. Approve and authorize the Standard Resolution for Step V of the Burton City Demolition Procedure, determining said premises at 5315 Lapeer, 59-14-527-071 to be a public nuisance or hazard and to further require the owner(s) or occupant(s) to:

   (4) Postpone any further action for 14 days, based on the following circumstances: removal of personal property prior to either self-demolition or a demolition order that may come from the City.

Motion carried 5-0.

Haskins moved and Ellenburg seconded the following motion:

6. Approve and authorize Atherton Middle School, 3444 S. Genesee, Burton, MI 48519, as the polling site for Precincts 1, 7 and 12, as recommended by the Burton Election Commission.

Motion carried 5-0.

Haskins moved and Ellenburg seconded the following motion:

7. Approve and authorize Emmanuel United Methodist Church, 4320 Davison Rd., Burton, MI 48509, as the polling site for Precinct 5, as recommended by the Burton Election Commission.

Motion carried 5-0.

Ellenburg moved and Heffner seconded the following motion:

8. Approve and authorize New Testament Community Church, 3484 S. Belsay Rd., Burton, MI 48519, as the polling site for Precincts 8 and 9, as recommended by the Burton Election Commission.

Motion carried 5-0.

Heffner moved and Tinnin seconded the following motion:

9. Approve and authorize the increase of election workers salaries by $5.00 a day, as recommended by the Burton Election Commission.

Motion carried 5-0.

Haskins moved and Heffner seconded the following motion:

10. Approve and authorize the continuation and establishment of an Absentee Counting Board for all future elections, as recommended by the Burton Election Commission.

Motion carried 5-0.

Tinnin moved and Ellenburg seconded the following motion:

11. Approve and authorize the continuation and establishment of an Election Night Receiving Board for all future elections, as recommended by the Burton Election Commission.

Motion carried 5-0.

Meeting adjourned at 8:50 p.m.

Gayle K. Webster, CMC
Burton City Clerk