

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
AUGUST 5, 2010, 7:00 P.M., COUNCIL CHAMBERS
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Councilman Tom Martinbianco led the Invocation and the Pledge of Allegiance.
The Regular Meeting was called to order by President Steven Heffner at 7:10 p.m.

MEMBERS PRESENT: Ellenburg, Heffner, Martinbianco, Smith, Wells and Zelenko.

MEMBERS ABSENT: Haskins.

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

Ellenburg moved and Smith seconded the following motion:

Approve and authorize the minutes of the following meeting: Regular Council Meeting on July 19, 2010 at 7:00 p.m. Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mr. Kray gave an update on the Clarice St income survey. The survey was not complete. He has contacted the principal at Atherton School to organize a team of people to visit the 13 homes that have not responded to the survey. He wanted the homeowners to know how important it was to fill out the survey. He was confident that they would eventually obtain the required number of surveys and the area would qualify for assistance to get the street paved.

Ms. Moss invited everyone to attend the boat races at Kelly Lake on Sunday beginning at 9:00 a.m. The Oakland County boat club will be out again. In addition, she discussed the bids that were received on City property. She has since solicited other bids from interested parties. She said we are still accepting bids. All bids will remain on file for 28-day once they are presented to Council.

Mr. Kray said Kevin Keane from Consumers Energy was available to provide information relating to the unassigned streetlights on Dort Hwy.

Mr. Keane, 205 Dutch Mill, Flushing, Consumers Energy, spoke regarding a streetlight proposal from Consumers Energy. Recently Consumers completed a comprehensive audit of all streetlights in the City of Flint. They researched the requests on where streetlights would be placed. They came up with some unassigned lights on the border that were not requested by the City of Flint. There were 10 lights between Atherton and Hemphill on Dort Hwy and two around the corner. He thought the township requested these lights before Burton became a City. Consumer Energy proposed that Council accept those lights as part of the street lighting for Burton. Consumers assumed these lights were always included in Burton's bill. There will be no change in the monthly street lighting bill due to those lights. This is just an acknowledgement that the lights are part of the City's monthly bill.

Mr. Austin wanted to know what would happen if the Council did not pass the proposed resolution. Mr. Keane said the 10 streetlights would be removed within the next 30 days. He said there are only 10 streetlights in that location that were not assigned to Flint or Burton.

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Mr. Heffner suggested sharing the commitment of the 10 lights with Flint. Mr. Keane said that would have to go before Flint City Council. That would probably take 60-90 days. There is no evidence that Flint requested those lights. Mr. Keane said there would be no increase in Burton's billing as the result of assuming these ten lights. He said this needed to be done in the interest of full communication.

COMMITTEE REPORTS:

Mrs. Ellenburg announced that the library had another successful book sale. She thanked DPW for cleaning up the site, taking the fence down and transporting books for the sale. A representative from the Friends of the Library was present and would like to speak to Council.

Mr. Heffner said the City Council was sponsoring a video contest on "Back to the Bricks". The public access committee will be the judges. The winner will receive \$200 in gift certificates from local businesses. They are hoping to capture elected officials, city officials, cars and families having fun at the event. The deadline for submission of the video is September 15th. More details will be released through the news media. The winning video will be showcased on the City website.

AUDIENCE PARTICIPATION:

Mary Down, 3467 E. Scottwood, Friends of the Library, thanked Mayor Smiley, Ellen Ellenburg, Danny Wells and DPW for their support during the book sale. They made \$616.00 on the sale. She wanted to know if DPW could open the library at 9:00 a.m. on book sale days. They are trying to raise funds to replace the old carpeting in the library. She estimated it would cost \$7,000. She would like the City to contribute some funds to the project. She asked if Mr. Wells had an update on a library grant. Mr. Wells would have more information on the grant by April 2011. She said the library was going to pass on adding a link to the City web site. They already have a GDL website.

Diane Walton, 4489 Lippincott, opposed the new water affidavit ordinance. She said the landlords did not have an opportunity to offer input or participate on forming the ordinance. She wanted the 2nd reading of the ordinance be postponed until a meeting could be held with the landlords. She thought the \$675 fee and billing charges were unreasonable for landlords. She wanted the City to notify the landlords before the affidavits expired. She suggested turning overdue water bills in to Russell Collection. She felt this would improve water collections. She had several complaints on the lawn mowing.

Rick Fuhst, 1208 S. Genesee, did not want the fire millage money to be absorbed into the General Fund. He complained that City workers mowed his yard and damaged his lawn. He felt this was done in retaliation for speaking out about the dog shooting at the last Council meeting. He said residents should be noticed before their lawns are mowed.

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Doris Hiltz, 2145 Kenneth St., spoke in reference to numerous complaints at 3446 Griffith Ct. She alleged the family was dealing drugs, pit bulls were running loose, profanity was being used, there was reckless driving and underage drinking. She said the Rudduck family was creating a horrible disturbance and neighbors do not feel safe in their homes. She wanted the police department to intervene and remove them from the property.

John Stapish, P.O. Box 190134, requested that the Regular Council Meeting start promptly at 7:00 p.m. He complained about a water shut off and curb box replacement from 1997. He alleged City workers have damaged his property on numerous occasions and nothing has been done to correct the situations.

COUNCIL DISCUSSION:

Mr. Heffner thanked City Clerk Gayle Webster for all her hard work on the election. He knew she had put in some long hard hours. Council appreciated her efforts.

Mrs. Webster thanked Council for their continued consideration on moving the Regular Council Meeting to Thursday during election week. The Clerks Office has numerous election duties to address earlier in the week.

Mr. Heffner congratulated Mayor Smiley and Councilwoman Paula Zelenko on their election victories.

Mrs. Ellenburg received a letter from Ms. Hiltz. She handed it to the Police Chief directly. He planned to look into the situation.

Mrs. Ellenburg thanked Mary Down for giving a report on the library. She said the Friends of the Library work hard on their endeavor. She did not know financially what the City could do at this time. She said they would get back with her on that issue.

Mrs. Ellenburg said the boat races were a nice family event. She thanked the Parks Commission for sponsoring the event.

Mr. Smith asked for clarification on the mowing of Mr. Fuhst's yard. Mr. Kray reviewed photo documentation of the lawn job. He made a determination that the yard looked in access of 10 inches prior to the cutting and it looked completely mowed after the work was done. He spoke with Mr. Fuhst and did not reverse the charges.

Mr. Martinbianco spoke regarding the City lawn mowing service. He said some City owned properties have been ignored, specifically Burton Estates. He felt City property should be held to the same standards as other properties. He suggested the legislative committee address some of concerns with the mowing ordinance. He was willing to try the water affidavit ordinance that has been discussed. He hoped it worked out well for the property owners and tenants.

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Mrs. Zelenko spoke in reference to the water affidavit process. She said some meetings were rescheduled so we could have the landlords' input. She said Mr. Austin had been in discussion with Mr. Burley regarding this issue.

Mr. Austin explained that he wrote the ordinance. Then there was a big public hearing, where Mr. Burley and many other landlords gave their input. After that meeting, he incorporated some of the suggestions into the revised ordinance. He then sent that ordinance to Mr. Burley for further comments. Mr. Burley did not offer any more suggestions. He was notified on the future meeting dates. Mr. Austin felt that he was satisfied with the revised document. Mrs. Zelenko noted that all the meetings were posted and announced at prior meetings. She agreed with Mr. Martinbianco we should move forward with the ordinance. It can always be revisited. We need something in place to help both the tenants, the landlords and protect the City's interest as well.

Mrs. Ellenburg asked if the residents were notified before their lawns were mowed. Mr. Kray said we do not notify the homeowners before mowing. He felt that would be very difficult to administer. There were 1,500 complaints filed for mowing last year. He felt it would be up to the legislative branch to address the ordinance. Ms. Moss said her crews have been maintaining some of the lots in Trail Ridge and Burton Estates. Mr. Kray said the lawn crews would have their ID and a work order when arriving to mow lawns. Mr. Wells felt there should be some type of notification before mowing.

Mr. Wells commended Mr. Austin, the Administration and the Legislative Committee for addressing the new water ordinance. There may be some issues that need to be addressed later. He feels we are on the right track with this issue.

Mr. Wells spoke on the Griffith Ct problems. Ms. Hilts felt that the police didn't take her problem seriously at first. She said it was serious and her neighbors do not feel safe in their own homes. Mr. Wells planned to speak with the Mayor and Police Chief on this issue. He said residents should feel comfortable in their homes.

Mr. Wells said the guidelines for the video contest would be submitted to the local newspapers. Mr. Heffner would like the "Back to the Brick" video to showcase the City. Mr. Wells said we want the spirit of the City to be reflected in the video.

Mr. Smith spoke on the lawn cutting issues. He clarified that the City mowed 1,500 yards. Mr. Smith wanted to know how many people complained the City mowed their property. Mr. Kray said only about a dozen people complained about the mowing job.

In reference to Ms. Hilts comments, Mrs. Zelenko said based on her past experience with a nuisance family, her suggestion was to call 911 anytime she feels uncomfortable with the situation. This will give her a paper trail and hopefully help resolve the problem. There needs to be a demonstrated proof that there is a problem. Ms. Hilts said most of her neighbors live in fear of retaliation for calling the police. She just wants the issue resolved.

Mr. Heffner thanked the Baker College students for attending the meeting. He appreciated the interest.

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There was a brief discussion relating to the cost to process the sale of City property. It cost more to process the property than we are recouping in the sale. Mr. Austin agreed it took 1.75 hrs to process the sale. There was an additional charge to draft a conditional purchase agreement that will be used for all these types of land sales. The positive side of the issue is that these properties will now be back on the tax rolls. Tax reverted properties are typically taken off the rolls once the City acquires them. The taxes are wiped cleaned during the tax reverted process. These homes have typically not been on the rolls, so there are little taxes to assume. If there are outstanding taxes they will be included in the closing documents. The Attorney's fees could be added to the sales in the future. An administrative fee of \$200.00 could be attached to the process when the lots are put up for bid. This would have to be added in the bid documents.

Mr. Martinbianco thanked Mr. Keane for his input on the Dort Hwy streetlight issue.

Mr. Wells was glad that some of the City properties were being moved back to the tax rolls.

Mr. Martinbianco spoke in reference to the alcohol consumption ordinance. He said Lt. Osterholzer requested a decriminalized version of the existing ordinance making this a civil infraction rather than a misdemeanor. As a result, officers have the option of issuing a civil infraction or a misdemeanor for the same offense. This would help manage certain events such as "Back to the Bricks".

Moved by Martinbianco, seconded by Zelenko to: Amend the Second Reading of an Ordinance, Item 1 to read: Approve and authorize the Second Reading of An Ordinance, Ordinance 2010 90.98, Prohibiting the consumption of alcoholic beverages on public streets, sidewalks and parking lots open to the public in the Downtown Develop District and providing for civil penalties for the violation thereof.

Mr. Austin said if the amendment were approved, this ordinance would have to go back for a first reading. This would be a substantive change. We could not proceed with the second reading. He was a little leery passing an ordinance that was effective for only a certain part of the city. However, there are ordinances that do this. It would pass constitutional scrutiny. This just offers a second option to our officers. Mr. Martinbianco questioned why we need a bicameral approach to this issue. Mr. Austin said some of these alcohol related issues would be more manageable under civil infractions. The amendment was removed from the table. A brief conversation continued in reference to this ordinance.

Mr. Wells acknowledged all the hard work the fire fighters did in trying to get the millage passed. He was pleased the community supported this endeavor.

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COUNCIL ACTION:

Zelenko moved and Ellenburg seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from July 14, 2010 through July 28, 2010, in the amount of \$5,560.00.

Motion carried 6-0.

Zelenko moved and Wells seconded the following motion:

2. Approve and authorize the Attorney Billing (Keller Thoma) 440 East Congress, 5th Floor, Detroit, MI 48226, for the months of April, May and June in the amount of \$2,448.58.

Motion carried 6-0.

Martinbianco moved and Zelenko seconded the following motion:

3. Approve and authorize the Resolution of Intent to Sell Real Estate and Authorizing Sale.

Motion carried 6-0.

Wells moved and Martinbianco seconded the following motion:

4. Approve and authorize the request to Transfer Ownership of an Escrowed 2009 Class C Licensed Business with Dance-Entertainment Permit, located at G-4243 S. Saginaw, Burton, MI 48529, Genesee County, from Rickey T's Classics, Inc., to Gregory B. Green. (Step 1)

Motion carried 6-0.

Wells moved and Smith seconded the following motion:

5. Approve and authorize the request to Transfer Ownership of an Escrowed 2009 Class C Licensed Business with Dance-Entertainment Permit, located at G-4243 S. Saginaw, Burton, MI 48529, Genesee County, from Gregory B. Green to Double U Classics, LLC. (Step 2)

Motion carried 6-0.

Ellenburg moved and Martinbianco seconded the following motion:

6. Approve and authorize the DPW to reply to Consumers Energy indicating that the City of Burton claims responsibility for the 10 unassigned border streetlights on Dort Highway as Indicated on the attached table.

Motion carried 6-0.

Martinbianco moved and Zelenko seconded the following motion:

7. Approve and authorize a Resolution Authorizing Sale and authorize the Mayor to execute A Purchase Agreement, and other necessary documents to give Council's initial approval for the sale of the property located at 1467 Allen St. for the sum of \$400.00, for final approval pursuant to Section 11.3(a) of the Burton City Charter.

Motion carried 6-0.

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Smith moved and Zelenko seconded the following motion:

8. Approve and authorize a Resolution Authorizing Sale and authorize the Mayor to execute a Purchase Agreement, and other necessary documents to give Council's initial approval for the sale of the property located at 1465 Allen St. for the sum of \$100.00, for final approval pursuant to Section 11.3(a) of the Burton City Charter.

Motion carried 6-0.

Martinbianco moved and Zelenko seconded the following motion:

9. Approve and authorize a Resolution Authorizing Sale and authorize the Mayor to execute a Purchase Agreement, and other necessary documents to give Council's initial approval for the sale of the property located at 1194 Arrowhead for the sum of \$600.00, for final approval pursuant to Section 11.3(a) of the Burton City Charter.

Motion carried 6-0.

SECOND READING OF AN ORDINANCE:

Ellenburg moved and Smith seconded the following motion:

1. Approve and authorize the Second Reading of An Ordinance, Ordinance 2010__90.98, Prohibiting the consumption of alcoholic beverages on public streets, sidewalks and parking lots open to the public and providing for civil penalties for the violation thereof.

Motion carried 6-0.

Zelenko moved and Martinbianco seconded the following motion:

2. Approve and authorize the Second Reading of An Ordinance, Ordinance 2010__51.142, an ordinance amending Sections 51.142, 51.143, 51.144 and 51.145 of Chapter 51 of the Code of Ordinances of the City of Burton by the Establishment of New Procedures Governing the Operation, Billing and Collection of Water Accounts, including procedures regulating affidavits of non-responsibility for rental properties within the City.

Motion carried 6-0.

MEETING ADJOURNED AT 8:30 P.M.

Gayle K. Webster, MMC
City Clerk