

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
AUGUST 6, 2009, 7:00 P.M., COUNCIL CHAMBERS
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Councilman Duane Haskins led the Invocation and Pledge of Allegiance.

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

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

MEMBERS ABSENT: Conley.

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

Haskins moved and Zelenko seconded the following motion:

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

ADMINISTRATIVE REPORT:

Mr. Kray indicated that the Center Rd project was underway. They will begin paving the northbound lanes by the weekend. He was hopeful the project would be done in a timely fashion. The Flint City Council passed the resolution regarding the Center Rd project and the paper work has been completed. Flint will be contributing \$75,000 toward the project. Mr. Martinbianco would like to thank the City of Flint for their participation. Mr. Kray has acknowledged the City of Flint for their support.

COMMITTEE REPORTS:

Mr. Heffner reminded everyone of the Back to the Bricks. He said Parks and Recreation would be participating in a Woodstock theme event at Rockies Friday, August 14, 2009 from 5-9 pm. He invited everyone to come dressed in the appropriate attire.

Mr. Heffner announced that the Burton Youth League would hold their award ceremony at Bendle High School on August 15, 2009 from 12-4 p.m. He said there were 575 participants and 40 sponsors this year.

Mr. Heffner reported that Parks and Recreation and Michigan Department of Natural Resources sponsored the Michigan Outdoor Recreational Safety Weekend at Kelly Lake and Williams Gun Sight on July 25th and 26th. The event was held to educate young people on outdoor safety. There were 45 participants from around the State. After a written test, a certificate was awarded. It was a successful event.

Mrs. Ellenburg said the Friends of the Library held a successful book sale. She thanked the Administration and DPW workers for their assistance with the sale. She indicated the library driveway needed to be repaired.

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Mrs. Ellenburg announced that the Burton Chamber of Commerce would be participating in the Back to the Bricks event. She said Wednesday, August 12th will be 50's Day, Thursday, August 13th will be Country Day and Friday, August 14th will be Woodstock Day. She reminded everyone to dress appropriate.

AUDIENCE PARTICIPATION:

Debra Walton, 1224 Carman, felt the Mayor was neglecting her neighborhood. She said the skunks were still a nuisance and would like them removed from a vacant house. She would like the name of the mortgage company so she could have the property boarded up. She asked for clarification on permits and surveys for dirt being dumped at Holy Redeemer. She called Mr. Strasser but has not received a response. She planned to contact her lawyer to reopen the lawsuit against Holy Redeemer. She spoke regarding drug deals and contacting FANG.

Crystal Larsen, 1215 Carman, said skunks are spraying family members and the dog. She would like them removed. She said a dead skunk was in the front of her house and a vacant home was creating a health and safety hazard to the neighborhood. She spoke regarding a sidewalk and drainage area that needed repair.

John Stapish, P.O. Box 190134, complained about a \$48.88 invoice for mowing his high weeds. He said that AA Lawncare did a poor job of cutting. Mr. Martinbianco suggested the Legislative Committee look at billing practices for lawn cutting.

Robert Sak, 3172 Eastgate, complained that a neighbor's garage sale has been going on for at least 16 days. He said the code enforcer must see the sale before issuing a violation. He would like garage sales to be regulated by permits. He wanted to know why the City wasn't cutting undeveloped lots. He opposed the sewer rate increase for well users. He referred to several issues in his neighborhood and wanted to know why the code enforcer wasn't doing his job.

Al Bontamasi, 1450 Alberta, opposed the sewer rate increase of \$35.00. He wanted to know why Council voted for this with the bad economy. He felt residents were being punished for having wells.

COUNCIL DISCUSSION:

Mrs. Ellenburg explained the sewer rate increase was being passed on from the County. If rate increases were not passed on, it would deplete the City's revenue account. As a Council, we had no choice but to pass on the County rate increase.

Mrs. Ellenburg indicated that there was not an ordinance to cover the skunks. Homeowners are responsible for trapping or hiring someone to remove them. She said the Mayor was not here to defend himself. However, she did not think he would neglect any residents. She suggested the Carman residents call the County Animal Control. Mr. Kray agreed the City was not responsible for live skunks.

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Mrs. Ellenburg said homeowners were responsible for sidewalk repairs. Mr. Kray agreed that homeowners were responsible for the repair and maintenance of sidewalks. Mr. Martinbianco wanted to know who was responsible when CD funds were invested in sidewalks. Mr. Kray will look into this issue.

Mr. Kray spoke with Mr. Strasser about the fill dirt at Holy Redeemer. They just added some dirt to the low portion of the property. It will not change the natural run off. It did not require a permit.

Mrs. Ellenburg referenced the conversation at the last meeting. She said the City would not be mowing the vacant undeveloped lots in the subdivisions. Workers are not available to mow these properties every day.

Mr. Heffner asked the Attorney if there was something that could be added in the Abandoned Building Ordinance to address the skunk issue.

Mr. Austin said the purpose of the ordinance was to keep the abandoned structures in a state of repair. It does not address this situation. There is a separate ordinance that addresses nuisance cats and dogs. However, we do not want to get in the skunk catching business. He suggested the legislative committee consider the need for adding an additional section to the ordinance. He thought this needed some deliberation.

Mrs. Zelenko said this should be approached as a health and safety issue. We could contract and then bill homeowners or mortgage companies to remove the skunks. She thought something should be done soon.

Mrs. Tinnin felt it was a health and safety issue. She said we couldn't allow varmints to attack residents. The smell in the Carman area was very bad. She thought something should be done.

Mr. Austin said a circuit court nuisance abatement could be initiated. This would cost a considerable amount of money. He suggested a new section be added to the current ordinance. He cautioned that the ordinance should not be too broad. He did not want DPW workers out chasing skunks across the City. He will prepare a revision to section 133.04. He could add a new paragraph (d). It could be considered at the next meeting. He said the homeowners should receive notice, giving them an opportunity to eliminate the problem.

Mrs. Ellenburg wanted to make sure professionals would be removing the skunks, not DPW workers. She had concerns with trying to recoup the money from mortgage companies.

Mrs. Tinnin wanted to know if this would be an emergency ordinance. Mr. Austin said the First Reading would be on the August 17th agenda. The Second Reading would be on September 8th. The ordinance would go into effect immediately upon publication in September.

Mr. Haskins felt it would be difficult to go after every skunk in the City. He was concerned that we would not be able to regulate the situation. He felt this issue deserved more deliberation before moving forward.

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Mrs. Tinnin felt the residents deserved this service with all the taxes and fees they are paying. We should service our residents when it comes to health and safety issues. She said the City spent 10's of thousands of dollars changing the name of Pebble Creek to Trail Ridge. Money was spent on the Halloween Trail. She said the skunks represented an extraordinary circumstance and it deserves extraordinary action on our part. She said we should be reasonable and do something before September.

Mrs. Tinnin said we should look at code enforcement issues. Let's give the people some service for what they are paying to their community. It's time someone steps up to the plate and says to Mr. Sak you have a problem in your neighborhood. What can our code enforcement officer do for you?

Mrs. Tinnin gave Mr. Bontamasi the letter from the County regarding sewer rates. She said they changed their structure for sewer rates in 2007. It was suppose to be revenue neutral. Then, they raised the rates in 2009. She opposed the sewer rate increase until we had a good year of accumulation to evaluate how this would affect the budget. She was sure we would be in the plus. We are not going to have operational deficits. We have been running some operational deficits. In her opinion, she felt this was due to how the water and sewer departments were being conducted. For example, are you giving raises, are you putting freezes on positions and are you back filling positions when people retire. She felt there was a lot that could be done. She felt the rate increase would generate a big surplus in sewer.

Mr. Haskins said we should stand up for residents. It was unfortunate we had to wait until September. The residents were here about 1½ or 2 months ago complaining about the skunks. He said Mrs. Tinnin is the Legislative Chair. He questioned why the skunk issue wasn't addressed a month ago. Mrs. Tinnin said she was looking for some direction.

Mrs. Ellenburg said the Taste of Home Cooking School would be at Courtland Center on September 24, 2009. The cost is \$10.00. She thought the food expo would be a good way to highlight the City of Burton.

Mr. Haskins was appalled at the comments made by Commissioner Jamie Curtis in reference to Mr. Heffner. He said Mr. Heffner has been very informative on the Hurley issue.

Mr. Austin reviewed details of the garage sale permits. He said Section 157.073 regulated garage sales. He said we couldn't take enforcement without actually observing the violation. Mr. Martinbianco commented on the language of the ordinance.

Mrs. Tinnin suggested the City of Burton hire a grant writer to help capture stimulus grant money. She mentioned the availability of \$3.1 million for replacement of LED street lighting.

Mr. Heffner congratulated all the candidates that made it through the primary. Mr. Heffner said Commissioner Jamie Curtis let the Third District down by voting for the Hurley millage.

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Mr. Heffner asked for clarification on why Mrs. Tinnin mentioned the skunks and the Halloween Trail in the same sentence. He pointed out that 1,000 children took part in that event and it was mostly funded by area businesses.

Mrs. Tinnin replied that she referenced money was being spent on other things in the City. Therefore, she felt money should be spent on health, safety and emergency situations, such as the skunks.

In reference to the Attorney billing, Mrs. Tinnin asked for clarification on water affidavits and deposits. Mr. Austin indicated that this was basically in regards to landlord's concerns over the liability of past delinquent accounts. It is up to the landlords to make sure tenants are paying their bills.

In reference to the Planning Commission appointment, Mr. Martinbianco acknowledged Mr. Walls.

COUNCIL ACTION:

Heffner moved and Zelenko seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from July 15, 2009 through July 29, 2009 in the amount of \$6,889.00.

Motion carried 6-0.

Haskins moved and Ellenburg seconded the following motion:

2. Approve and authorize a Resolution by the City of Burton Approving Submission of a Genesee County Senior Center 2010 Track One Grant Application.

Motion carried 6-0.

Haskins moved and Ellenburg seconded the following motion:

3. Approve and authorize the Mayor's appointment of Robert Walls, 2400 Meadowcroft, Burton, MI 48519, to the City of Burton Planning Commission, fulfilling the unexpired term until December 2009.

Motion carried 6-0.

SECOND READING OF AN ORDINANCE:

Haskins moved and Heffner seconded the following motion:

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1. Approve and authorize the Second Reading of an Ordinance, Ordinance No. 2009-7-141.17, an ordinance prohibiting the fraudulent use or attempted use, possession and transfer of another person's identity to obtain money other things of value or protected records or information, and providing penalties for the violation thereof.

Motion carried 6-0.

Meeting adjourned at 8:20 p.m.

Gayle K. Webster, CMC
City Clerk