CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 2, 2008, 7:00 P.M., COUNCIL CHAMBERS
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Councilwoman Laurie Tinnin led the Invocation and Pledge of Allegiance.
The Regular Meeting was called to order by President Tom Martinbianco at 7:05 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 Tinnin seconded the following motion:

Approve and authorize the minutes of the following meeting: Regular Council Meeting on August 18, 2008 at 7:00 p.m. Motion carried 7-0.

ADMINISTRATIVE REPORT: There was no administrative report.

COMMITTEE REPORTS:

Mrs. Tinnin said the Planning Commission is working on bylaw revisions. She wanted to know the status of the project. Mr. Austin has received the Planning Commission's bylaw amendments. He will review the draft and report back to Council.

AUDIENCE PARTICIPATION:

Laurie Dunlap, 6370 Lapeer Rd., said they have had a problem with theft, due to children staying out to late. They have reported this to the City.

John Dunlap, 6370 Lapeer Rd., would like the curfew for 16 year olds lowered to 10:00 p.m. This would help prevent theft and the organization of gangs. He indicated teens were staying out too late and someone stole a bike from his porch.

Debbie Walton, 1224 Carman, said the noise volume from the Powers football games is too loud. She wanted someone to determine the noise level with a meter. She said Powers should be responsible for hiring police to address tailgate parties and people urinating outside. She complained that a dumpster at the Senior Center was being emptied early in the morning.

Troy Walton, 1224 Carman, wanted the dumpster at the Senior Center to be emptied after 8:00 a.m. He would like the volume reduced on the speakers during the Powers football games.

Lisa Williams, 1196 Carman, thanked the City for installing a streetlight on Carman. She would like the volume turned down on the speakers at the Powers football games. She said the DPW workers and Waste Management trucks speed down Carman. In addition, she complained about the dumpster being emptied early in the morning, tailgating, drinking and partying at Powers games.

Janice Berryman, 631 Alvord, complained about the loud noise from the Powers games.

Robert Sak, 3172 Eastgate, filed several code complaints with DPW in August. They have not been addressed. His complaints included tall grass, travel trailers in side yard, signs on telephone poles and ongoing rummage sales.

Don Sanderlin, 4460 Killarney Pk., wanted City officials to contact Meijers and have them put a left hand turn signal on Center Rd.

John Stapish, P.O. Box 190134, wanted to know when demolition companies were able to acquire property left in homes.

Pauline Dargel, 6119 Hugh St., wanted to know the status of Paul Hildreth's appointment on the Parks Commission. In addition, she complained that the door on the lift was too hard to open. She would like any deficiencies with the lift addressed.

Tammy Gwinn, Chairman of Park Commission, 1373 Friel St., said there are three school representatives on the Park Commission. Mr. Hildreth was still on the board. They are trying to improve communications with the schools. The bylaws were discussed at the last meeting. No further action was taken.

COUNCIL DISCUSSION:

Mr. Haskins said in the past, there was a police presence at the Powers games. Mrs. Walton insisted there are not police officers at the games.

Mr. Haskins thought there were still school representatives on the Park board. He felt the Parks Commission was working diligently to move forward. Mr. Heffner indicated that Mr. Hildreth was reappointed to the board as a citizen at large.

Mrs. Tinnin indicated that the Carman St. neighbors have problems every year with the football games. She would like the Attorney to send a letter to the school asking them to reduce the noise level to meet our ordinance. Mr. Austin thought it would be more appropriate for the Mayor to contact the school regarding this issue.

A brief discussion was held in reference to the curfew for 16 year olds and the governing of yard sales. Mr. Martinbianco reviewed the current curfew ordinance.

Mrs. Tinnin said the Mayor should make sure code enforcement issues were addressed. In addition, she said the Mayor should send a letter to the school regarding the loud volume of noise at the football games. She wanted Council to receive a copy of this letter. She felt that a 6:00 a.m. dumpster pick up was too early next to a residential area. She wanted residents' concerns to be addressed.

In reference to Item 10, Mr. Austin updated council members on the sale status of 2335 Shadycroft Drive. Basically, the buyers were interested in purchasing the property immediately.

Our Charter states the sale of city property needs to be on file for 28 days before it is sold. The potential buyers will probably purchase another lot in Pine Creek Estates that is currently available. He suggested the Council vote on Item 10. Conversation will continue with Mr. Klaus. The buyers might reconsider our lot. This action just transfers the paper work to the Clerk's Office. The process is not complete until Council approves the final sale.

Mrs. Tinnin asked for clarification on a watermain agreement with Mr. Stein. There was discussion on the arsenic level in the water at the mobile home park, DEQ water requirements and deadlines and possible remediation to the water system at the mobile home park.

Mr. Austin has drafted a proposed agreement for Mr. Stein and forwarded it to Mr. Holzer for his comments. We are not ready to expend a lot of money on the project until Mr. Stein agrees to pre pay the connection fees. We want this paid in advance, not with collateral of mobile home property. The agreement would come before Council for approval. In addition, Mrs. Tinnin would like a written correspondence from Flint Twp. regarding their contribution on the Fenton Rd. watermain project.

In regards to Park issues, Mr. Heffner indicated that no one has been kicked off the board. He indicated that the Parks Commission meets the 2nd Wednesday every month at 5:00 p.m.

In reference to code enforcement issues Mr. Heffner suggested we organize an appearance committee. The residents of the community could be our eyes and ears on these issues. They could send a code enforcer where he needs to be.

Mr. Haskins said garage sale issues could be handled. High weeds are more difficult due to the number of foreclosures and other factors. The City is doing everything possible to keep up the mowing. We need to work together to help alleviate this problem.

Mrs. Ellenburg said the library project should be completed in September. She predicted it would take six more hours to finish painting the trim.

Mrs. Ellenburg asked if the ADA list has been completed. Mr. Kray thought the only thing that needed to be done was to add a buzzer to the inside of the lift. That work order has been submitted. All other building adjustments have been completed. The final compliance report will be submitted in the near future.

Mr. Martinbianco thanked Mr. Kray for his help with the habitat homes along with other issues. He asked Mr. Kray to check the crosswalk button at Fern and Bristol Rd. to make sure it is functioning properly and check the heaved concrete on Belsay Rd in the north bound lanes.

Mr. Heffner indicated the left hand turn light at Center and Lapeer doesn't work.

In reference to Item 5, Mrs. Tinnin wanted to know why the school wanted to remove a streetlight. Mr. Kray indicated that the old streetlight was in the middle of their new driveway. They needed Council approval to add or remove streetlights.

In reference to Mr. Stapish's comments, Mr. Martinbianco said once the bid is awarded to a demolition company they acquire the property. Mr. Austin agreed with this comment.

In reference to Item 7, Mrs. Tinnin wanted to know if the cleaning contract had been bid. It had not. Mr. Martinbianco would not vote for any contract extensions. He felt the City should be fiscally responsible and go out for bids. Discussion included the price and bid process of the last contract. Mrs. Tinnin felt the City needed a legitimate bid for janitorial services. Mrs. Zelenko said this should be addressed from a standpoint of procedure. We should have a bid, not just extend contracts.

Mrs. Zelenko moved and Mr. Heffner seconded the motion to: Table Item 9 until the next Regular Council Meeting scheduled for September 15, 2008.

In reference to Item 10, Mr. Austin said the developer pledged two lots as collateral on the bond to pave Pine Creek. The sale of these lots would help recoup some of the paving costs. Mrs. Tinnin suggested the City go after Day Star and put a lien on all the lots. Mr. Austin said there would be more conversation with Mr. Klaus. Eventually, the City might have to go after Day Star, if the lots were not sold. Mr. Martinbianco didn't think they should be able to direct buyers to another lot when City lots haven't been sold. Mr. Austin said the buyers wanted to purchase the lots. However, the City could not react soon enough. It has to be on file in the Clerk's Office for 28 days. He planned to review documents relating to the sale of City property. He felt the 28-day waiting period was cumbersome and put the City at a disadvantage when selling property.

COUNCIL DISCUSSION ACTION:

Moved by Zelenko, Seconded by Heffner to: Table Item 9 until the next Regular Council Meeting scheduled for September 15, 2008. (9. Approve and authorize a 3 year extension of the janitorial contract with Michigan Merchants Janitorial Supply & Service, PO Box 91, Mt. Morris, MI 48458, in the amount of $4,491.00. Motion carried 7-0.

COUNCIL ACTION:

Haskins moved and Heffner seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from August 13, 2008 through August 27, 2008 in the amount of $5,398.20.

Motion carried 7-0.

Tinnin moved and Conley seconded the following motion:

2. Approve and authorize the Mayor and the City Clerk to execute a Uniform Video Service Local Franchise Agreement for Michigan Bell Telephone Company d/b/a AT & T Michigan for an initial term of ten (10) years.

Motion carried 7-0.

Tinnin moved and Conley seconded the following motion:

3. Approve and authorize Councilwoman Ellen Ellenburg as the delegate to the Annual MML Convention to be held at the Grand Hotel, Mackinac Island, Michigan on October 1-4, 2008.

Motion carried 7-0.

Heffner moved and Haskins seconded the following motion:

4. Approve and authorize Mayor Charles Smiley as the alternate delegate to the Annual MML Convention to be held at the Grand Hotel, Mackinac Island, Michigan on October 1-4, 2008.

Motion carried 7-0.

Heffner moved and Ellenburg seconded the following motion:

5. Approve and authorize the Mayor and City Clerk to execute the authorization for:

   1) The removal of one (1) streetlight at 3420 Columbine at the Bendle Schools Administration Building, with funds to be paid by Bendle Schools. This resolution will also serve as the Blanket/Master resolution for all future changes in the calendar year of 2008.

Motion carried 7-0.

Haskins moved and Ellenburg seconded the following motion:

6. Approve and authorize the acceptance of the low bid and allow the Mayor and Clerk to enter into a contract, contingent upon the submittal and approval by the City Attorney of the required bonds and insurance documents, on behalf of the City of Burton with Bartman Excavating, 4068 Dowdall, Flint, MI 48506, in the demolition amounts of the following:

   1) 5315 Lapeer $5,440.00

Motion carried 7-0.

Haskins moved and Ellenburg seconded the following motion:

7. Approve and authorize the acceptance of the low bid of Glaeser Dawes Corporation, 4130 Commerce Drive, Flushing, MI 48433, in the amount of $531,857.05 for the project known as: Fern Street Watermain DPW Job #04-004-W.

Motion carried 7-0.

Haskins moved and Ellenburg seconded the following motion:

8. Approve and authorize the Mayor and Clerk to enter into a contract with Glaeser Daws Corporation, 4130 Commerce Drive, Flushing, MI 48433, for the project known as: Fern Street Watermain DPW Job #04-004-W, contingent upon the City Attorney reviewing and Approving required bond and insurance documents.

Motion carried 7-0.

Tabled until the next Regular Council Meeting scheduled for September 15, 2008.

9. Approve and authorize a 3 year extension of the janitorial contract with Michigan Merchants Janitorial Supply & Service, PO Box 91, Mt. Morris, MI 48458, in the amount of $4,491.00 per month.

Zelenko moved and Ellenburg seconded the following motion:

10. Approve and authorize the Resolution of Intent To Sell Real Estate and Authorizing Sale for the sale of 2335 Shadycroft Drive (Lot 97 of Pine Creek Estates No. 2) and directing that all closing documents be transmitted to the Clerk's office for public inspection and that Notice be published as required by Charter to effectuate this sale.

Motion carried 7-0.

Meeting adjourned at 8:30 p.m.

Gayle K. Webster, CMC
City Clerk