

CITY OF BURTON  
REGULAR COUNCIL MEETING MINUTES  
OCTOBER 5, 2009, 7:00 P.M., COUNCIL CHAMBERS  
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Council President Tom Martinbianco led the Invocation and Councilwoman Ellen Ellenburg led the Pledge of Allegiance.

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

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor C. Smiley; K. McArdle, Personnel Director; Attorney R. Austin and G. Webster, City Clerk.

Haskins moved and Zelenko seconded the following motion:

Approve and authorize the minutes of the Regular Meeting on September 21, 2009 at 7:00 p.m.  
Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley presented the Atherton Van Y Parent's Group with a check for \$500.00 for their participation in the Gus Macker Tournament. The money will be used for school improvements and in the classrooms. The Mayor congratulated the group for all their hard work.

The Mayor spoke in reference to Mrs. Tinnin's political flyer, which contained several false statements. She told residents to call the City to make the administration accountable for water bills that were not paid. The Crank's Motel water billings were discussed. Mayor Smiley said that no water bills have been forgiven. He pointed out that the taxpayers have not paid for this. The lady Mrs. Tinnin referred to in her flyer has not ever worked in the Mayor's Office. Mr. Williamson paid her outstanding bill. He referenced a letter from Treasurer Iris Piske. She felt the offensive remarks made by Mrs. Tinnin were untruthful and insulting. If these remarks were directed towards her department, Mrs. Piske was seriously thinking about taking legal action. She said Mrs. Tinnin owed her department an apology for her slanderous remarks. The Mayor felt Mrs. Tinnin's remarks were misleading and provoked residents not to trust their administrators. He asked Mrs. Tinnin to provide factual information regarding her accusations.

Mr. Martinbianco felt there was mistrust in Burton. He referenced the County's sewer rate increase that had to be passed on. He said it was unfortunate that the Council had to make this very difficult decision to maintain the solvency of our funds. Residents have a misconception that we want to grow bigger government. That is the last thing on our minds.

Mayor Smiley said the City has had spotless audits and continues to receive one of the highest bond ratings. He felt it was unprofessional for a council member to spread these unwarranted claims, provoking residents to mistrust their local government officials.

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Mrs. Tinnin wanted to know what happened to the delinquent water accounts every year. She said these accounts should be put on the tax bills. Some bills have been ongoing for three years. She wanted to know why these accounts were not placed on the tax bill. She felt the City was not doing the right thing under the law. She doesn't want our water account to be depleted. We are being charged and we are not collecting. She wants to make sure all water customers are being treated fairly.

Mrs. Piske explained that the Crank's account was a Flint franchise customer. We do not put delinquent water bills on the taxes, only unpaid sewer bills. Water customers are shut off. Mrs. Tinnin said Crank's is a Burton water customer. Mr. Martinbianco said that Crank's Motel is a franchise customer through the City of Flint.

Fire Prevention Week is scheduled for October 4-19, 2009. The Open House is scheduled for Saturday, October 10, 2009 at Meijers from 12:00 to 4:00 p.m.

Project Heat's On is doing very well. We are in the process of selecting recipients for the free service. Vaughn Smith has worked extremely hard with the project. He has collected several applications.

The Mayor said revenue sharing was a topic of concern at the MML conference. The House has voted to take away nearly 11.1% of our revenue sharing funds. Our State Representative voted in favor of the bill. The Mayor sent a letter to all the employees, state representatives and the MML expressing his concern with the loss of revenue sharing funds. He hoped the Governor would veto this bill.

### COMMITTEE REPORTS:

Mr. Heffner announced the Trick or Treat Trail was being held October 24<sup>th</sup> at Kelly Lake from 4-8 p.m. He invited everyone to attend. He encouraged businesses to donate candy for the occasion. For more information contact Parks and Recreation at ext. 264.

Mr. Heffner set a Finance Meeting for October 19<sup>th</sup> at 5:45 p.m. for the purpose of meter fees for sewer customers. He wanted to provide some relief for those who wished to purchase a meter.

Mrs. Ellenburg announced that the Friends of the Library were having a book sale October 23<sup>rd</sup> from 1-5 p.m. and October 24<sup>th</sup> from 9-4 p.m. Volunteers are welcome. The committee is still working on plans to expand the library. The nearby house has been torn down and the property has been turned over to the City.

### AUDIENCE PARTICIPATION:

Roy Hall, 4020 Woodrow Ave., opposed the installation of an MTA bus stop at the corner of his property. He called Mr. Wilson at MTA. There was no response. He wanted to know who to contact about this issue. He did not want the problems of people urinating behind the bus stop or trash on his property. Mr. Martinbianco asked the Mayor to pass this on to the street department.

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John Dunlap, 6370 Lapeer, wanted to know what was being done to make the catwalk safer. A MDOT employee did not see any hazards. He said the kids should be walking their bikes on the catwalk. Mr. Dunlap said there are no signs posted to indicate that they cannot ride their bikes. He felt lighting needed to be added to the structure. MDOT planned to install four bars near the drain grate and clean up by the fence.

Greg Kray, 5082 Olde Saybrooke, Gr. Blanc, referenced Mrs. Tinnin's handbill. Her statements questioned the integrity of the Treasurer's Department, his department and all administrators. He provided copies of the history report for Crank's Motel. He said this data was not clear on the flyer. Checks were submitted and returned due to non-sufficient funds. These bills were not forgiven, as stated by Mrs. Tinnin. He said it took four years for Flint to install the shut off valve at Crank's. The water was shut off the same day the valve was installed. Payments started coming in, when the check bounced, the water was secured and remained off for the past month. The history report reflects a \$16,000 balance. This is what they owe. The bill has not been forgiven. The valve has been locked. He wanted an apology from Mrs. Tinnin.

John Stapish, PO. Box 190134, said last year a block wall was torn down on his property and DPW workers threatened him. He was not contacted after filing a complaint. He asked for clarification on the FEMA flood insurance. He opposed implementing a fee for precious metal licensing.

Donna Hart, 5352 Walker, Davison, spoke regarding a home at 3103 S. Genesee Rd. She asked for clarification on a NPR letter she received from the Assessor. She indicated the house was for sale. She thought the City website should be updated.

Colleen Gorsuch, 10447, Goodrich, spoke regarding the a home at 3114 Coin St. She provided details of several years of maintenance problems with the property. She indicated equipment was missing from her property after DPW cleaned up the property. She received two bills for site clean up and another for yard mowing.

Nathan E. Sears, 3114 Coin St., indicated the last and only 10-day notice he received was in 2007. He listed numerous items that were removed from his property. He planned to submit a bill for these items.

Mr. Martinbianco said Mr. Sears needed proof that City workers removed the equipment. Mr. Sears said the neighbors saw workers cleaning the yard. He was instructed to provide all council members with the list of items and pictures of the property.

Bill Anderson, 2146 N. Center Rd., opposed a MTA bus stop being located at the corner of Woodrow. He felt this would ruin the lawns in the area. He did not want to be assessed for the addition of sidewalks. He felt the City was doing a nice job. He would like the City to hold the costs down on water bills.

COUNCIL DISCUSSION:

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Mr. Heffner asked for clarification on the Crank's Motel water billing. He wanted to know if the bill was forgiven, the water was shut off and if the bill was going on their taxes. Mr. Martinbianco wanted to know if they were open for business.

The Mayor said the water bill had not been forgiven. The water was turned off. When they pay the bill it will be turned back on. If they don't pay, there is a process that we follow by ordinance. We will place that lien on the taxes. Then they will pay or eventually it will go up for a tax sale. Mr. Austin said to his knowledge no water bills have been forgiven. Mrs. Piske indicated that whoever takes over that building would have to pay the water bill, before the water was restored.

Mrs. Tinnin wanted to know the time period to place unpaid water bills on the taxes. She believed the ordinance indicated it would be done yearly. The water should be shut off after it is 60 days past due. She didn't know how the Treasurer's department could go three to four years with unpaid balances and then try to place these on the tax roles.

The Mayor said Crank's was a Flint franchise customer and we couldn't turn it off. Mrs. Tinnin said there should have been a way to turn off the water.

Mr. Austin referred to Ordinance 51.144 A. This speaks of placing the unpaid water bills on the tax role as of May 1<sup>st</sup> of each year.

Mrs. Tinnin was extremely proud that Crank's was shut off and hopefully shut down for business.

Mr. Austin indicated that Attorney Joliat recently had surgery and would not be able to work for several weeks. He said Attorney Ken Tucker would be assisting him. Mr. Tucker will be present at the next regular council meeting. Mr. Austin will take care of any tax tribunal issues.

Mr. Haskins was proud the City worked so hard with Flint to have a shut off box installed on Crank's so the water could be turned off. This was explained numerous times.

Mr. Haskins congratulated Mrs. Centilli for receiving the best citizen award and the Mayor for receiving the best city official award during the Burton's Best Contest. He referenced the good things going on in Burton. The City was upgraded to an A+ bond rating. Karen Foster received an award for excellent financial reporting. Bendle hosted the spirit cup on Channel 12. Basically, they are having a food drive for the food bank of Genesee County. Bendle School and their residents have collected 6,000 pounds of food. That is a great accomplishment. A dollar donation equals nine pounds of food. He felt the whole community should be involved in this event.

Mr. Haskins attended the Atherton and Bentley homecomings. He congratulated the kids that were involved. He said the Fire Department was hosting an open house at Meijers on Saturday, October 10<sup>th</sup> from 12:00 to 4:00 p.m. This is another great event for the community.

Mr. Haskins read a letter from employee Anita Crumrin. She was offended by Mrs. Tinnin's campaign literature that has been distributed to the residents. She indicated that Crank's water bill has not been forgiven. She said the taxpayers are not paying for this. She said the Treasurer's

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Department takes the appropriate steps with delinquent customers and follows the guidelines set forth by the Council. She felt Mrs. Tinnin's comments were misleading and unprofessional. If and when Crank's Motel is sold, the past due balance will be collected, just as it is done with any other business or homeowner in the City. If this candidate wants to do something positive for the City, she should start by stating the truth.

Mr. Haskins said billing issues should be discussed with the Mayor to see if things can be resolved. He felt putting copies of customer's history billings and stating that taxpayers have to pay for these billings in political flyers is very unprofessional.

Mr. Martinbianco felt all letters to the Council should be sent through the Council President.

In reference to Item 3, Mrs. Zelenko said this resolution establishes a \$50.00 application fee for dealers of precious metals and gems. The State statute provides for a \$50.00 fee for processing this type of application. The State also requires that those entities have a license from the local governing body. Three jewelry stores are requesting this license.

Mrs. Zelenko asked for clarification on the FEMA Flood Insurance Ordinance.

Mr. Austin said this ordinance was given to us by the DEQ. The ordinance is essential to allowing the City to maintain eligibility and continued participation in a national flood insurance program. If the first and second readings are approved, the Council will be asked to adopt a resolution to manage flood plain development for the national flood insurance program. It expresses the City's resolve to enforce the terms in the current national code. This will be on the next agenda.

Mrs. Zelenko said the revenue sharing funds were included in a conference committee report, which takes an up or a down vote by the legislature. They could not amend it. Our state representative did vote to pass it. This also moves the process along. The Governor has fourteen days to veto it or it becomes law. This equals to \$271,000 in revenue cuts in 2009. She urged everyone to contact the Governor and legislators to help restore some of the revenue funds.

Mrs. Zelenko said Burton had many good events this year, such as Back to the Bricks. The Trick or Trail is coming up. She said Davison has their Pumpkin Festival this weekend. This should be a fun event.

Mrs. Ellenburg thanked County Commissioner Jamie Curtis for bringing the Shriners to Burton to provide help for patients.

Mr. Martinbianco wanted the Mayor to contact the DPW for a status report on 3113 Coin St.

Mr. Martinbianco wanted something to be done about the proposed bus stop at Woodrow and Center.

Mrs. Tinnin knows the Halls. They live on a wonderful corner. She was concerned with the problems a bus stop would bring to the area. The Halls should be given contact names and

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direction on what to do about this situation. They have contacted the MTA. She wanted the City to follow up on this issue.

Mrs. Tinnin said something needed to be done for the Dunlap's at the catwalk. Mr. Martinbianco said that he would contact Jim personally to see if something could be done about the situation. There should be a no motorized vehicle sign posted.

Mrs. Tinnin said residents in Burton Estates were concerned with overgrown lots. She felt adjacent lots to occupied homes should be mowed. She referenced the City taking over Burton Estates. She wanted to know if the residents had formed an association. She said these issues should be addressed.

Mr. Haskins is a resident of Burton Estates. He said they are trying to organize volunteers to mow the yards. It would not be cost effective for the City to mow all lots. Mr. Haskins suggested the resident contact him. He might be able to take care of the problem. This would be a positive way to resolve the issue.

Mrs. Zelenko referred to the letter that Mrs. Hart received in reference to a non-principal resident on Genesee Rd. She said the Assessor was sending out letters to identify which properties were vacant, foreclosed or abandoned. Mrs. Hart should call Diane Heidenberger if she has any questions.

Mrs. Tinnin asked for clarification on the sale of a lot in Trail Ridge. Mr. Austin said there has been an inquiry on a lot in Trail Ridge. He will keep Council informed on this issue. We have a sale procedure that was adopted by the Council, however there are still technicalities that need to be dealt with during the sale of real estate. The resolution that was adopted set specific prices for the lots. We will not deviate from that resolution. If any adjustments are required, they will come back to Council.

In reference to the FEMA Flood Insurance, Mr. Martinbianco doesn't like the DEQ getting involved with anyone's business. He said it seems the Federal and State government are requiring another mandate. He has not seen the FEMA flood map or the insurance rate map. He doesn't know what that entails for these folks. We are pretty much obligated to pass this. He does not like the stress we get from the Federal Government. Then the DEQ becomes the law enforcement arm of this. Mr. Martinbianco offered his condolences to Mr. Petrella due to the recent death of his brother. He was a great guy with a good family.

COUNCIL ACTION:

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Haskins moved and Zelenko seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from September 16, 2009 through September 30, 2009 in the amount of \$8,121.50.

Motion carried 7-0.

Zelenko moved and Tinnin seconded the following motion:

2. Approve and authorize the request of the Flint Steelheaders Foundation, Inc., P.O. Box 320303, Flint, MI 48532, of Genesee County, that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming license. All proceeds raised by this organization shall be used solely for the purpose stated.

Motion carried 7-0.

Zelenko moved and Heffner seconded the following motion:

3. Approve and authorize a Resolution Establishing an Application Fee for a Certificate of Registration for Dealers of Precious Metals and Gems.

Motion carried 6-1, with Martinbianco voting no.

Haskins moved and Zelenko seconded the following motion:

4. Approve and authorize the Mayor and Clerk to enter into a contract with the Genesee County Drain Commission, 4608 Beecher Rd., Flint, MI 48532, for the second amendment to the Genesee County Phase II Regulations Storm Water Management System contract.

Motion carried 7-0.

Conley moved and Ellenburg seconded the following motion:

5. 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 Efficient Demolition, 6319 Potter Rd., Davison, MI 48423, in the demolition amounts of the following:  
1) 3491 Columbine \$4,750.00

Motion carried 7-0.

INTRODUCTION OF AN ORDINANCE:

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Conley moved and Ellenburg seconded the following motion:

1. Approve and authorize the Introduction of Ordinance 2009-8-155, amending Chapter 155 of the Code of Ordinances of the City of Burton by designating the City of Burton as the local administrative and enforcement agency of the State Construction Code and Michigan Building Code and by the adoption of the September 25, 2009, FEMA Flood Insurance Study for Genesee County and the Flood Insurance Rate Map.

Motion carried 7-0.

Meeting adjourned at 8:35 p.m.

Gayle K. Webster, CMC  
City Clerk