

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
NOVEMBER 17, 2008, 7:00 P.M., COUNCIL CHAMBERS
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Council President Tom Martinbianco led the Invocation.
Councilwoman Ellen Ellenburg led the Pledge of Allegiance.

The Regular Meeting was called to order by President Tom Martinbianco at 7:10 p.m.

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Atty. R. Austin, G. Kray, DPW Director and J. Adams, Deputy City
Clerk.

Haskins moved and Conley seconded the following motion:

Approve and authorize the minutes of the Special Council Meeting on October 29, 2008 at 3:30 p.m., and the Regular Council Meeting on November 6, 2008 at 7:00 p.m. Motion carried, 7-0.

ADMINISTRATIVE REPORT:

Mr. Kray stated a very moving ceremony and tribute was held at the Veterans Memorial on Veterans Day.

COMMITTEE REPORTS:

Mrs. Tinnin stated the Legislative Committee met tonight and would like special assurances in place in lieu of developers not completing some of their projects, specifically paving. We did some brainstorming with the help of Mr. Kray and we will see something completed by the City Attorney prior to the next Council Meeting. The Legislative Committee will meet Monday, December 1st at 6:30 p.m. There will be some ideas we talked about put into writing and it will be forwarded to the Committee for recommendations and then brought back to Council. We will also meet on the second topic of special assessment petition ordinance.

Mr. Martinbianco inquired if they will be addressing Ordinance 6, Ordinance 12 and with any other special assessment request.

Mrs. Tinnin said with the new codified ordinance book, we are dealing with sections now. All the ordinances are now encompassed in the codified ordinance book. We will be dealing with the section that governs the way special assessments are actually put into place and precisely what constitutes the Council approving general obligation bonds as it relates to special assessments.

Mr. Martinbianco asked if this is in coordination with Charter requirements.

Mrs. Tinnin replied yes.

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AUDIENCE PARTICIPATION:

Rick Fuhst, 1208 S. Genesee, stated he seen improvements made to the golf dome. He thanked Mr. Kray for his work in getting that done.

Mr. Martinbianco inquired regarding the next time Council addresses the golf dome. Mr. Kray replied it will be on the next Regular Council's meeting agenda.

Lynn Cuz, 4288 Englewood, spoke regarding the DPW yard. She stated they were supposed to build a berm and have the fence on top of that. They started to bring in all this stuff and now her view is a junkyard.

Sharon Little, 4155 Keene, also spoke concerning the DPW yard and indicated water run off comes into her yard. Wood chips have come up onto her deck and the DPW yard is an eyesore.

COUNCIL DISCUSSION:

Mr. Haskins stated both he and Mrs. Zelenko attended the Veterans Memorial ceremony. It was an honor and privilege to be there. Two young children and their mother were present as their father was remembered for having lost his life in the war.

Mr. Haskins said 3 other members including himself have been on Council for a year now. It has been an honor and privilege to serve this great City and its residents. He looks forward to 3 more years.

Mrs. Tinnin said she received a few phone calls from residents concerned on the condition of Palace Gardens. Is it going to be rehabbed or demolition hearings taken place?

Mr. Kray said they have had no action or communication from the owners despite repeated attempts. His recommendation is to bring it back before another demolition hearing and proceed with it. He will have Amber schedule a hearing.

Mrs. Tinnin said she feels they have had plenty of time.

Mr. Martinbianco said he believes awhile back they were given an extension of 90 days. It is well past that time.

Mr. Martinbianco inquired as to the concern of residents regarding the DPW yard.

Mr. Kray said about 3 years ago, DPW decided to erect a fence to shield the residents from the yard. After the fence went up, Mr. Cuz came in to see me and said he could still see the dumpsters and it is unsightly. I spoke to the Mayor and we decided to stockpile some ditching spoils over against the fence and when we had enough, build a berm about 6 feet and raise the fence up on top of the berm. Unfortunately, the road department did not have time to build the berm and raise the fence.

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Mr. Kray indicated further he did not know until now the new issue of water run-off. As far as he knows, we have not changed the natural elevation of that ground. He will have to investigate that. Typically, the items put in the yard is broken concrete and asphalt.

Mr. Martinbianco said maybe Mr. Panchula could shoot a grade and figure out where we have to be. It may be too late in the year, but I hate to think we would have to go into a spring season without the issue being solved. Mr. Martinbianco inquired as to the nearest catch basin's location.

Mr. Kray said he believes the water flows northerly to a low spot behind our property. We did not change the contour, we just simply erected a 6 ft. privacy fence. It is still a long-term goal to get the berm up.

Mr. Martinbianco expressed that in setting a good example, we have a responsibility having an industrial property segregated from a residential property. If we have broken concrete or asphalt, he does not want that still back in our DPW yard.

Mr. Martinbianco inquired concerning the upcoming winter and the amount of salt to be used. Mr. Kray said currently the DPW barn is full. They have heard of shortages that are going to occur again this year. He instructed his supervisor to begin cutting it with chlorided sand.

Mr. Martinbianco expressed keeping Council apprised of whatever they might need to do.

Mr. Martinbianco said he wants to thank the City Attorney for his work as our telecommunication specialist and in the execution of such a lease agreement that will provide a revenue stream for the City.

Mr. Martinbianco said he reviewed the Tentative 2009 Council calendar and he did not have any problems with the dates except for the December 21st meeting which he feels can still be held on that date. We can keep the agenda held to a minimum. Dates reflected around the elections, we can move those Monday dates to Thursday. He would like the 2009 Council calendar added to the next Regular Council Meeting agenda

COUNCIL ACTION:

Conley moved and Tinnin seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from October 29, 2008 through November 12, 2008 in the amount of \$4,960.50.

Motion carried 7-0.

Ellenburg moved and Conley seconded the following motion:

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2. Approve and authorize the Application for Wireless Communication System submitted by T-Mobile Central LLC for the erection of a new 180 foot monopole facility upon the City owned property east of the DPW buildings on Manor Drive, provided the applicant furnish a cash bond or performance bond in the amount of \$15,000.00 for the removal of the facility prior to the issuance of a building permit.

Motion carried 7-0.

Ellenburg moved and Tinnin seconded the following motion:

3. Approve the Site Lease With Option with T-Mobile Central, LLC for the lease of the land necessary for the location of the T-Mobile cellular tower and access from Manor Drive thereto for a term of five (5) years with five (5) five (5) year options, and authorizing the Mayor and the Clerk to execute said Site Lease on behalf of the City.

Motion carried 7-0.

Meeting adjourned at 7:35 p.m.

jra