CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
NOVEMBER 20, 2006, 7:00 P.M., COUNCIL CHAMBERS
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Councilman Jeff Major led the Invocation and the Pledge of Allegiance.

The Regular Meeting was called to order by Council President Charles Cross at 7:10 P.M.

MEMBERS PRESENT: Wells, Isham, Conley, Major, Tinnin, Curtis and Cross.

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor C. Smiley, C. Abbey, DPW Director, G. Kray, Deputy DPW Director, Attorney R. Austin and M. Snow, Clerk's Office.

Isham moved and Conley seconded the following motion:

Approve and authorize the minutes of the Special Council Meeting on November 1, 2006 at 6:00 p.m., and the Regular Council Meeting on November 6, 2006 at 6:30 p.m., with the correction to change the word loitering to littering. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor asked Council to address agenda Item #3 due to Mr. Abbey leaving the meeting early. Mr. Abbey addressed at length the various steps and procedures DPW has taken with regards to Item #3, 3155 Hemphill Rd.

Mayor stated the Parks and Recreation have been meeting to come up with future needs for the 37 acres behind VG's that was donated a few years ago. Parks and Recreation want to start calling this land Founders Park.

Mayor stated he would like an item added to the agenda requesting Mr. Belzer's attorney fees be paid from July 16 – November 2, 2006 in the amount of $1,925.00.

Mayor thanked everyone who supported the Burton Police Department by passing the millage. He thinks it is a great thing for the community and he has been speaking to the Chief with respect to things they will be able to do with the new revenue.

Mayor spoke about the Thanksgiving Eve service on Wednesday, November 22, 2006 from 7:00 p.m. to 8:30 p.m. at Beaulah Land Christian Center. Pastor Larry Walker is the speaker and the public are welcome. They are asking for can goods or non-perishables for families in need.

Mayor spoke about Joe Lawlor's newspaper articles. He presented Council with a copy of his most recent letter to Mr. Lawlor and stated he will continue to write to him to try to set the record straight on issues as they arise.

Mayor stated the Veterans Day services went well, the Atherton band and choir were there. VFW and DAV did a great job putting on this event, with refreshments served afterwards.

COMMITTEE REPORTS:

Ms. Tinnin stated a Finance Committee Meeting was held and it was decided by the Committee to contact the owner of the mobile home park and hopefully enter into some sort of an agreement with him with respect to the proposed Fenton Road water line and proposed water line on Bristol Road.

COUNCIL DISCUSSION:

Discussion ensued regarding having better communication. Mr. Isham said Council wants representation for the department at the meeting when requested to answer any questions. The Mayor responded Council just needs to call him and tell him what they need or who they wish to speak to and we will go from there. Mr. Cross expressed that he never stated administrators could not be present in the meetings.

Mr. Isham addressed the Mayor's Administrative Report. He questioned why Council receives it right before the Council Meeting. The Mayor indicated this is his Administrative Report, which often includes functions and announcements, which may have occurred throughout the weekend.

Discussion followed on Item #3, 3155 Hemphill. Mr. Abbey spoke concerning work done on the house without permits and proper procedures. He stated they do not know if it is structurally sound.

Mr. Austin addressed notification. He said whatever motion is made, he wants the owner of record and the attorney that appeared before the City Council to be notified by certified letter of the Council's intention to take action including demolition at the Council meeting of December 18, 2006, unless and until the matter is resolved with the issuance of a building permit upon the inspection and report of a structural engineer. Council was in agreement to try and resolve the situation.

Council discussed the Mayor's correspondence to Mr. Lawlor and other letters of correspondence.

Mayor Smiley stated he has never denied anyone the right to talk. He expects things be done professionally by the media, this Administration and by Council. The Mayor stated further when he does correspondence to a councilperson, he makes sure that every councilperson receives a copy to keep them informed. If Council wishes he did not share their correspondence with other Council people, he will not do that.

AUDIENCE PARTICIPATION:

Warren Nimcheski, 2429 North Genesee Road, complimented the road department. He recently saw workers filling holes in the road and removing debris off storm drains. He requested the Mayor to get gold stars for these workers. Mr. Nimcheski also addressed concerns of the voting equipment at the recent election.

Michael Ruther, 420 Stratford Square Boulevard, Apt. 4, Davison, inquired regarding getting a street sign made in the name of Father Michael J. McGivney (Knights of Columbus).

Liz Moss, 1382 Ready Avenue, stated the Parks and Recreation Commission named Founders Park so that all persons that have to do with making our city what it is could donate and have something named after them.

John Stapish, P.O. Box 190134, spoke concerning Item 3 on the agenda, DPW personality conflicts and an invoice he received from the Treasurer’s office for service and material sales.

Joe Lawlor, 200 E. First Street, c/o The Flint Journal, stated he does not have a problem with people criticizing his stories. He just wants to clear up how reporters do their job, they are not picking sides, they just are trying to find out what is going on in the City and he believes they have done a good job doing just that.

Ron Moore, 2011 Howser Road, Holly, MI 48442, spoke about the Jamas Community Center in Holly and stated they would like to fix up the schoolhouse on the corner of Center and Maple and turn it into a community center as a gift to the community. The sidewalks, pavement and drain system will cost an additional $75,000 which will be restrictive to their plan. Mr. Moore requested Council to consider proposing an amendment to the ordinance that would allow quality of life things such as what they want to accomplish, that are coming from non-profit sources.

Pauline Dargel, 6119 Hugh St., spoke about the property at Maple and Center Road. She reviewed the file and found that in 1990, only one level of the building had to meet barrier free. The building was built in 1910 and has gone through several owners since then. She asked the inspector if he had reviewed this under Title 3 of the ADA, which is for public accommodation, and the inspector told her she was getting ahead of herself because there hasn’t been an inspection or permits granted. She is opposed to an amendment of the ordinance.

COUNCIL DISCUSSION:

Lengthy discussion following regarding the Jamas Community Center at the intersection of Center Road and Maple Road. ADA requirements, paving, drainage, land survey, site plan requirements, and the Sidewalk Ordinance with the Legislative Committee possibly reviewing it.

Mr. Cross inquired to the Mayor if a street has ever been named after anyone. The Mayor responded that Council could change the name of a street by a resolution.

Mr. Cross asked Michael Ruther if his idea was to rename a present street around that area or wait to name a street when there was a new development.

Mr. Ruther stated he was thinking of renaming Campbell or Camden, if possible.

Mr. Wells stated it may have to go to the State and the Attorney to look into this.

Mr. Curtis inquired whether flyers were picked up around Genesee Road and if Mr. Austin could assign community service to individuals to pick up handbills. Mr. Austin stated he does give informal public service assignments washing police cars. Then there is public service, where there needs to be supervision and someone signing off the work that actually was done. Here, there would be no way to have supervision and someone signing off. Mr. Austin stated he might be able to find a youthful offender who is guilty of not much more than a youthful indiscretion.

Mr. Wells stated he would like to remove Item 1, Introduction of an Ordinance, from the agenda. He believes there is no reason to have Item 1 on the agenda right now, due to this being part of the codification of ordinances. He does not see the need to rush through it because it will cost $1,100 to $1,200 by time of publication.

Mr. Curtis stated Council worked hard on this and he requests that everyone stays to the agenda as much as possible.

Mr. Wells stated he would like to send to the Legislative Committee a Charter amendment. To change the way we choose replacements for City Council instead of appointing them, he thinks the next Council candidate from the last election cycle should be the one up on the list and if they didn't want it, they should go to the next person.

Mr. Cross stated Council looked at that when Sandy Buchanan was overlooked and she was the next highest vote getter.

Mr. Wells suggested discussing Council appointments at a later date.

Mr. Isham stated he would like the Mayor's Administrative Report available by Thursday at noon, just like the council agenda, so if there is something we need to discuss with you we can do so before the 7:00 p.m. meeting.

Mayor stated Council has brought different items to a meeting and voted the same night. Further discussion continued between Mr. Isham and the Mayor with respect to agenda items.

Mayor stated it was Council who wished to have his Administrative Report in writing. It is more work for him to put the report in writing and it is always prepared the same day as the Council meeting.

Mr. Wells inquired if Council was aware that the Administrative Report is just what is going on in the City and from Thursday at 5:00 until Monday night, a lot of events may happen that the Mayor would want to bring up at the meeting.

Discussion ensued concerning attendance at the National League of Cities Conference. The Mayor stated he was going. Mr. Wells stated he may be going and council could put his name in tentatively. He would withdraw by the end of the week if he was unable to go.

Mr. Cross stated he didn't believe Council should send anyone to Reno, Nevada. He believes they get more out of the MML conferences than they do the National League of Cities.

COUNCIL DISCUSSION ACTION:

Mr. Curtis called the question to add as Item No. 5. to have the Administrative Report available on Thursday by noon. A roll call vote was taken. Motion carried 6-1, with Mr. Wells voting no.

COUNCIL ACTION:

Curtis moved and Conley seconded the following motion:

Approve and authorize the Regular Council Consent Agenda items 1,4,5 for November 20, 2006. Motion carried 6-1, with Mr. Wells voting no.

Curtis moved and Conley seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from November 1, 2006 through
   November 15, 2006 in the amount of $3,338.50.

Motion carried 6-1, with Wells voting no.

Isham moved and Conley seconded the following motion:

2. Approve and authorize Mayor C. Smiley as the voting delegate and Wells as the voting alternate at the National League of Cities Annual Business Meeting to be held in Reno, Nevada on Saturday, December 9, 2006.

Motion failed 5-2, with Major, Tinnin, Conley Curtis and Cross, voting no.

Curtis moved and Major seconded the following motion:

3. Approve and authorize the Standard Resolution for Step V of the Burton City Demolition Procedure, determining said premises of 3155 Hemphill Rd. to be a public nuisance or hazard and to further require the owner(s) or occupant(s) to:

   4. Postpone any further action for 30 days, based on the following circumstances:
      That the owner of record be notified of Council's intent to demolish at the 30 day mark and

the City Attorney send a certified letter to two parties which include the alleged attorney and the owner of record.

Motion carried 7-0.

Curtis moved and Conley seconded the following motion:

4. Approve and authorize Paul Morrow to purchase four (4) years of MERS pension generic service time. The total cost of $73,376 will be at the employee's expense.

Motion carried 6-1, with Mr. Wells voting no.

Curtis moved and Conley seconded the following motion:

5. Approve and authorize to have the Administrative Report available on Thursday by noon.

Motion carried 6-1, with Mr. Wells voting no.

INTRODUCTION OF AN ORDINANCE:

Curtis moved and Conley seconded the following motion:

1. Approve and authorize an Introduction of an Ordinance, Ordinance 62-1(C), amending Ordinance 62(C), Creating a Planning Commission and providing for the performance of certain functions and providing for the term of office of its members.

Motion carried 6-1, with Mr. Wells voting no.

SECOND READING OF AN ORDINANCE:

Isham moved and Major seconded the following motion:

1. Approve and authorize the Second Reading of an Ordinance, being the Soil Erosion and Sedimentation Control Ordinance.

Motion carried 7-0.

Meeting adjourned at 9:30 P.M.

mrs