CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
DECEMBER 1, 2008, 7:00 P.M., COUNCIL CHAMBERS
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Chairwoman Paula Zelenko led the Invocation and Pledge of Allegiance.
The Regular Meeting was called to order by Council President Tom Martinbianco at 7:05 p.m.

MEMBERS PRESENT: Martinbianco, Zelenko, Tinnin, Haskins, Heffner, Conley and Ellenburg.
MEMBERS ABSENT: None.
OTHERS PRESENT: Mayor C. Smiley, Atty. R. Austin, G. Kray, DPW Director and J. Adams, Deputy City Clerk.

Haskins moved and Heffner seconded the following motion:
Approve and authorize the minutes of the following meeting: Regular Council Meeting on November 17, 2008 at 7:00 p.m. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley stated the DPW did an outstanding job with snow removal. We have some great employees in our city with a lot of dedication and commitment and they show it day in and day out. City Hall will be closed during the Christmas Holiday. The Department of Public Works will be open. There is a drop box residents can use to pay their property taxes. This has been in place since 1992 and there have not been any problems. The City's Tree Lighting Ceremony is scheduled for this Friday, December 5th.

Mayor Smiley stated he sent a letter to residents with their tax bills regarding Town Hall Meetings about Pebble Creek. He is going to request a Special Council Meeting for December 10th at 6:00 p.m. to share with Council suggestions we received from our residents as to ways to sell the Pebble Creek property.

Mr. Martinbianco asked the Mayor to elaborate more on his expectations for the meeting of December 10th. He applauds him wanting to get public input. We are talking about a 2 million dollar property that we may not necessarily need to parcel out and our objective is to sell it as possibly a whole unit. I don't know what ideas might come out of the residents as opposed to hiring professionals that are educated in the field and interested in the kind of product that we have available between low city taxes, the multitude of services we offer, and Grand Blanc Schools which is a big benefit.

Mayor Smiley stated he doesn't really know what kind of ideas he is going to get from the residents until he has that meeting. The purpose of the meeting with Council is to share with you the input I receive from residents and hopefully, we can work together and come up with a plan so we can get that property marketable and back on the tax rolls, as well as other properties we are getting from the County this year. We need to have a policy in place to dispose of our property and we need to work on that.

Mr. Martinbianco made reference to conversations he had with Mr. Kray about Palace Gardens, 3266 S. Dort Highway.

Mr. Kray stated he spoke with the owner of Palace Gardens and they still are interested in rebuilding. I told him we would need a plan from them in place by Council's meeting on December 15th and we will have this on the agenda with our standard 4 options to move forward with demolition. They will need to prepare a plan for us as to what they are going to do with that property regardless of whether they have insurance money coming in or not because the City needs to know.

Mr. Martinbianco said the problem they will endure is part of the setback requirements from the right-of-way. Years ago it probably met that criteria when Hemphill was a two-lane road. Rebuilding might not be a practical solution given their building envelope.

COMMITTEE REPORTS:

Mrs. Tinnin said the Legislative Committee met tonight at 6:30 p.m. on two proposed ordinance amendments. We voted unanimously to move 156.24 (D) (3) (b) to the next Council's agenda. The ordinance that covers the special assessment petition process, 150.03 (A), amending Section 1, will be moved to the Council's agenda. That was by a 2-1 vote. Mrs. Tinnin asked that copies be given to all Council.

AUDIENCE PARTICIPATION:

John Stapish, PO Box 190134, Burton, MI, indicated pictures were shown of his property on Wells St. at the last Council meeting. He would like to show pictures that were taken before that. He indicated the ground was seeded about two weeks ago but he does not feel with the snow and winter weather it will do any good. Top soil was not put on. Mr. Stapish referenced the golf dome and said the plastic was cleaned up. He spoke of concerns of the Burton View's articles on demolition of properties and setting a precedence.

Mr. Martinbianco suggested he wait till next spring to see if the grass grows.

COUNCIL DISCUSSION:

In reference to Item #2, Mrs. Tinnin asked Mayor Smiley where they are at with the bargaining unit contracts that expired in July. Mayor Smiley said at the next Council Meeting they will be going into Executive Session to bring Council up-to-date on the tentative agreements we have reached with 3 of the bargaining units. AFSCME is meeting tonight and COAM has been ratified. He is not sure when the POAM vote is.

In reference to Item #3, Mrs. Zelenko said the August 5th date needs to be corrected to August 6th on the 2009 Council Calendar Schedule.

Regarding Item #5, Mrs. Tinnin made a motion and Mr. Haskins seconded to approve the Standard Resolution for Step V of the Burton City Demolition Procedure for 5053 Court St., Number 1. Immediate Demolition. Mr. Austin interjected to inquire as to the different structures on the property. Mr. Martinbianco stated for the record, the roll call vote be suspended. Mr. Kray said the area has been cleaned up and the vinyl plastic has been removed. Our building inspector has re-inspected the site and found no other violations. The condition of the buildings that remain are good and sound and this is usable property. Mr. Kray stated further he had a conversation with the owner and they intend to use the property as an outdoor golf range. He recommends agenda Item #5 be removed from the agenda. Both Mrs. Tinnin and Mr. Haskins acknowledged to remove Item #5 from the agenda.

Mr. Martinbianco stated in reference to Item #5, he is concerned with the stands and it needs to be removed if their intention is to have an outdoor driving range.

In reference to Item #8, Mrs. Tinnin asked if there was any reason why they couldn't go forward with immediate demolition of 3266 S. Dort Highway. Mr. Kray said at the last Council meeting, determination was made to move forward because of the amount of time that had elapsed when we gave them their 90 days at least 6 months to 9 months ago. We determined less than 10 days prior to tonight's meeting we needed to resend a certified letter to the business. Because of that, I didn't feel it was proper at this time to proceed with steps 1 through 4. We are placing it on the agenda for December 15th.

In reference to Item #8, Mr. Austin said apparently there has been an administrative determination that this property does meet the criteria for demolition. It is a nuisance that needs to be abated and the determination administratively has been made that it is going to be placed on the agenda for Council's consideration on December 15th. Mr. Austin asked if Item #8 needs to be on the agenda. Mr. Kray replied no, other than to make Council aware that it will be on December 15th with a full motion of options 1 through 4.

Mr. Martinbianco stated Council did pass one of the items 1 through 4 some time ago, which he believes was to alter by repair within 90 days, and since has elapsed. Through our fault, it did not come up within the 90 day time frame.

Mr. Austin stated the motion should be approve and authorize the placement of the Standard Demolition Resolution on the Council's agenda for December 15, 2008. Mrs. Tinnin said she would move to amend.

COUNCIL DISCUSSION ACTION:

Moved by Tinnin and seconded by Haskins to amend Item #8 to: Approve and authorize the placement of the Standard Demolition Resolution for Step 5 of the Burton City Demolition Procedure relative to 3266 S. Dort Highway, on the Regular Council Meeting agenda for Monday, December 15, 2008 at 7:00 p.m. Motion carried 7-0.

COUNCIL ACTION:

Conley moved and Zelenko seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from November 12, 2008 through November 21, 2008 in the amount of $3,992.59.

Motion carried 7-0.

Haskins moved and Conley seconded the following motion:

2. Approve and authorize the Attorney Billing of Keller Thoma, 440 East Congress, 5th Floor, Detroit, MI 48226, for October 2008, in the amount of $161.05.

Motion carried 7-0.

Ellenburg moved and Conley seconded the following motion:

3. Approve and authorize the 2009 Council Calendar Schedule.

Motion carried 7-0.

Ellenburg moved and Zelenko seconded the following motion:

4. Approve and authorize the request to Transfer Ownership of 2008 Class C Licensed Business With Dance-Entertainment Permit, located at 4050 S. Center, Burton, MI 48519, Genesee County, from Dakota Enterprises, Inc. to Sharky's LLC.

Motion carried 7-0.

Removed from the agenda.

5. Approve and authorize the Standard Resolution for Step V of the Burton City Demolition Procedure, determining said premises at **5053 Court St.** to be a public nuisance or hazard and to further require the owner(s) or occupant(s) to:

    1. Immediate Demolition, with DPW given authorization to request sealed bids and the Structure to be razed within the thirty (30) days of Burton City Council's acceptance of the low bid and the City Attorney's approval of the contract documents for execution of a contract with the Mayor and Clerk.

    2.*Alter by repair the structure to Burton City Code with a Building Permit within ________days, or

    3.*Abate (tear down) the structure to Burton City Code with a Demolition Permit within __________days, or

    4. Postpone any further action for _____________days, based on the following circumstances:

The Burton City Council is to select one (1) of the above orders. The Department of Public Works recommends the Immediate demolition, contingent upon Burton City Council's acceptance of the low bid.

* The Department of Public Works is hereby given the authority to demolish the structure(s) upon failure to comply with the Building Permit or Demolition Permit.

Haskins moved and Zelenko seconded the following motion:

6. Approve and authorize the Mayor and City Clerk to approve a contract modification with CHMP in an amount not NTE $2,830.00 to perform additional site survey, plan modifications, and permitting to comply with MDEQ requirements.

Motion carried 7-0.

Heffner moved and Ellenburg seconded the following motion:

7. Approve and authorize transfer of funds of $11,295 from General Fund-Contingency to Public Service-Land Acquisition for the purchase of seventy (70) Pebble Creek parcels.

Motion carried 5-2, with Tinnin and Conley voting no.

Haskins moved and Zelenko seconded the following motion as amended:

8. Approve and authorize the placement of the Standard Demolition Resolution for Step 5 of the Burton City Demolition Procedure relative to 3266 S. Dort Highway, on the Regular Council Meeting agenda for Monday, December 15, 2008 at 7:00 p.m.

Motion carried 7-0.

Meeting adjourned at 7:55 p.m.

jra