CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JANUARY 6, 2003, 7:30 P.M., COUNCIL CHAMBERS

Pastor Bruce Garner led the Invocation.

Council President Larry Brawner led the Pledge of Allegiance.

President Larry Brawner called the Meeting to Order at 7:30 P.M.

MEMBERS PRESENT: Bement, Brawner, Centilli, Cross, Martinbianco, Tinnin and Wells.

MEMBERS ABSENT: None.

OTHERS PRESENT: C. Abbey, Administrative Assistant; J. Major, DPW Director; Attorney R. Austin and G. Webster, City Clerk.

Bement moved and Cross seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of December 16, 2002 at 6:30 P.M.; Special Meeting of December 16, 2002 at 6:45 P.M.; Special Meeting of December 16, 2002 at 7:00 P.M. and Regular Meeting of December 16, 2002 at 7:30 P.M.

Mrs. Tinnin objected to the December 16th meeting based on the fact that there was not a 7-0 vote of City Council. She said special assessment districts could not be established without a 7-0 vote of Council or a valid petition. Neither one of these requirements have been met.

Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mr. Abbey provided information on Ken Wright's contract. The contract would allow Mr. Wright to conduct building inspection services, while Mr. Butzke is on sick leave. In lieu of compensation, Mr. Wright wanted the City to contribute to his health care premium. His contractual wages, scheduled for 17 weeks, would be equal to his current salary.

Mr. Major reported on the status of two commercial properties. He has sent letters informing property owners that demolition procedures have commenced for 4017 Bristol Rd and 1275 S. Center Rd. The demolition bids will be submitted February 6, 2003.

Mr. Major reported that a ten-day notice has been issued to the Bethel Assembly of God Church informing them that fill material needed to be removed from their property.

Mr. Cross asked for further clarification on Mr. Wright's contract. He wanted to know if Mr. Wright would be using a city vehicle and the actual length of the contract.

Mr. Abbey indicated that Mr. Wright would use a city vehicle to make inspections during the first 17 weeks of the contract. After that point, Mr. Wright would be paid for each inspection, as needed. He would use his own vehicle at that time.

COMMITTEE REPORTS:

Mr. Bement reported that a Planning Commission Workshop would be held January 28th from 9:00 to 11:00 a.m. to review zoning ordinances. This meeting will take place in the council chambers.

AUDIENCE PARTICIPATION:

Ellis Cronkright, 1513 Kra-Nur Dr., spoke in opposition to sidewalks being added to Davison Rd. He said area residents did not want the sidewalks and they wouldn't be utilized. He would like a change in policy that would allow people to question the Council after the close of audience participation.

Pauline Dargel, 6119 Hugh St, was gratified to hear about the demolition of two old businesses. She spoke regarding the notice of special assessments of streets. She asked for clarification on the continuation of the Burton Estates hearings. In addition, she spoke in support of the Davison Road sidewalk project, stating that the sidewalks were included on the original application and permit. She said this was a County project and any concerns should be directed to the Genesee County Road Commission.

Arthur Jankowski, 4108 Leith St, hoped that budget cuts would not affect police and fire departments. He spoke in reference to petitions and road resurfacing projects that would cost $480,000.

COUNCIL DISCUSSION:

Mr. Martinbianco felt the Council should hold a closed session to discuss the details of Mr. Wright's agreement.

Moved by Martinbianco, Seconded by Cross to go into executive session immediately following Item 2, under Section 8 (c) of the Open Meetings Act, for discussion on contract negotiations. Motion carried 6-1, with Centilli voting no.

Mr. Martinbianco was glad that the City did not have to provide winter maintenance on the county roads this season. He thought our road crews did a good job clearing the roads. He wanted an update on future capital equipment needs and personnel issues relating to the county road take over. He would like the Administration to fill positions from within our own staff first and then consider County Road Commission employees that have serviced this area.

Mr. Abbey said the process of filling positions is already underway. He gave a brief update on job related issues dealing with the road department. In addition, he said equipment needs are being reviewed and addressed.

Mr. Major said there were some equipment expenditures in the current budget and there will be more discussion in the upcoming budget to address future equipment needs.

Discussion continued in reference to preparing for the county road take over.

Mrs. Tinnin asked for an update on the special assessment projects for Burton Estates.

Mr. Abbey has discussed this issue with staff. He said Mr. Arabbo would like to stay on the agenda for next week. He planned to meet with the Administration on Thursday and present them with the appropriate documentation to satisfy Council's concerns.

Mr. Major said a meeting was scheduled with the present landowner's attorney so he would have a better understanding of the ordinance as it relates to when the lean takes place and what needs to be done to secure engineering work and bonding on behalf of Mr. Arabbo's company. Mr. Arabbo hopes to have control over the land by the January 13th meeting.

Mrs. Tinnin asked for legal clarification on the publishing of this project. She said the publication stated that it was the Council's intent, not the applicant's, to improve the subdivision. She said that wasn't the case and wanted to know if Mr. Arabbo should start the process over again.

Mr. Austin wasn't familiar with the publication. However, he said after the public hearing, it was Council that would have to express its intentions to proceed with the special assessment. He clarified that the notification simply meant that the Council, upon receiving a petition, might come to a consensus to go forward with a special assessment. It does not mean that the Council initiated the process. The process is actually initiated by Council or by petition. There is no question that this special assessment project was being initiated by petition of the owner. However, no petition has been submitted at this time. On January 13th, the public hearing will be reconvened to allow the public an opportunity, under the statue and our local ordinance, to question the sufficiency of the petition. There is nothing illegal about this process. No definitive action has been taken on the petition, nor will any action be taken until Mr. Austin is satisfied and Council's concerns have been addressed regarding the sufficiency of the petition.

Mr. Abbey said the notice simply contained the standard language from our ordinance. It always comes from the Council.

Mr. Austin agreed that the notice just contained standard language. He repeated once again, it does not mean Council initiated the process. In addition, the prior notification was sufficient because the matter was tabled.

Mr. Cross felt this issue would die on its on merit, if a sufficient petition were not submitted. He didn't think any action would be required at that time.

Mr. Austin said if the petition were not sufficient, he would make a recommendation that Council not proceed.

Mrs. Tinnin strongly opposed moving forward with the special assessment. She questioned why there would even be a public hearing, because there wasn't a 7-0 vote of Council or a valid petition to continue the process. She hoped that this would not happen again in the future.

Mr. Brawner asked for an update on the state shared revenue cuts.

Mr. Abbey said the initial cut was $110,000. The current budget has been adjusted to absorb those cuts. However, we have been advised that the new Governor will probably be making additional cuts. We are hoping that the next round of cuts will be smaller than the first. We still have an additional $77,000 earmarked for additional cuts. No personnel have been cut at this time and there are no plans to cut any public service items.

Mr. Centilli shared his concerns and opinions about a colleague's involvement in a public television program. His main concern centered on a former prosecuting attorney that was convicted of embezzling funds. This person doesn't live in the City of Burton, yet on his program he makes misleading and unproven statements about six members of our Council. He continues to accuse this Council of so called wrong doings, yet he has never once appeared before Council with proof of any of these allegations. He pointed out that Mrs. Tinnin meets with this man on a regular basis and appears on his show. He questioned Mrs. Tinnin's motivation and involvement. He invited the host of the show to come to the next council meeting and explain his motives and present proof of his allegations.

Mrs. Tinnin said Mr. Leonard is a friend and she has lunch with him.

Mr. Centilli asked if these types of accusations could be considered slanderous. In addition, he wanted to know if campaign contributions were considered to be bribes.

Mr. Austin said certain remarks could be considered slanderous if malicious intent can be proven. He said campaign contributions are not considered to be bribes.

Mr. Bement said a meeting would be held at GISD on January 30th. The keynote speaker would be Lieutenant Governor John Cherry. He felt this meeting would give Burton an opportunity to provide input along with Flint and Genesee County.

Mr. Abbey said a representative from the Administration planned to attend that meeting.

Mr. Wells thought the Legislative Committee should meet to discuss the sidewalk issues.

Mr. Cross felt the whole Council should discuss the sidewalk issue. This would help determine where everyone stood on the issue.

Mr. Martinbianco said sidewalk issues fell under the realm of Zoning Ordinance 19. He felt this issue could best be addressed by the Planning Commission.

Mr. Bement said the topic of sidewalks was one of the 16 points being reviewed by the Planning Commission.

Mr. Wells wanted to know if the Administration planned to hold a vision session in the near future. He thought our goals might need to be refocused to accommodate the loss of funding through state shared revenue cuts.

Mr. Abbey said the Mayor has tentatively set a vision and goal setting session for January 23, 2003 at 6:00 p.m. at the Burton Senior Center. This session would include the Administration, the Council and representation from the public schools. Mr. Hamilton will facilitate the session if he is available.

Mr. Cross said that date represented a conflict for him and he planned to discuss this with the Administration.

Mr. Brawner announced that Mr. Major had prepared a color-coded calendar highlighting this year's meeting schedule. In addition, Mrs. Webster has distributed the new council calendar brochure.

Mr. Brawner wanted to know when the City Hall Ribbon Cutting Ceremony would be held.

Mr. Abbey said the contractor should be done with the project in the next couple of weeks. The ceremony will probably be held at the end of March or the first of April.

Mr. Brawner wanted clarification on the meetings that were scheduled for next week.

Mr. Major said the public hearings for Burton Estates were scheduled for Monday, January 13, 2003 at 6:00, 6:30 and 7:00 p.m.

Mrs. Tinnin asked for an update on some police department positions.

A brief discussion was held in reference to a lieutenant position, a FANG position and an aide position.

Mr. Abbey gave a brief update on these positions.

Council recessed and went into executive session at 8:45 p.m.

The regular council meeting resumed at 9:20 p.m.

Mr. Austin wanted the record to reflect that there was a discussion held, but no vote was taken and no decisions were made in executive session.

Mr. Martinbianco offered an amendment to Item 3.

Moved by Martinbianco, Seconded by Tinnin to amend Item 3 to read: Approve and authorize the payment to Kenneth Wright for building inspection services on a weekly basis, not to exceed 17 weeks, in an amount not to exceed current weekly compensation; and, thereafter, on an as needed basis, as outlined in a preliminary agreement, upon approval of the Administration and the City Attorney. Motion carried 7-0.

A vote was taken on the main motion as amended. The motion carried 7-0.

COUNCIL DISCUSSION ACTION:

Moved by Martinbianco, Seconded by Cross to go into Executive Session immediately following Item 2, under Section 8 (c) of the Open Meetings Act for discussion on contract negotiations. Motion carried 6-1, with Centilli voting no.

Moved by Martinbianco, Seconded by Tinnin to amend Item 3 to read: Approve and authorize the payment to Kenneth Wright for building inspection services on a weekly basis, not to exceed 17 weeks in an amount not to exceed current weekly compensation and thereafter on an as needed basis as outlined in a preliminary agreement upon approval of the Administration and the City Attorney. Motion carried 7-0.

COUNCIL ACTION:

1. Approve and authorize the Attorney Billing (Richard Austin) from December 11, 2002 to January 2, 2003 in the amount of $2,511.25.

Moved by Bement, Seconded by Cross, Carried 7-0.

2. Approve and authorize the setting of an Audit Workshop to be held January 27, 2003 at 6:00 P.M. at the Police/Fire Facility.

Moved by Cross, Seconded by Wells, Carried 7-0.

Main motion as amended.

3. Approve and authorize the payment to Kenneth Wright for building inspection services on a weekly basis, not to exceed 17 weeks in an amount not to exceed current weekly compensation and thereafter on an as needed basis as outlined in a preliminary agreement upon approval of the Administration and the City Attorney.

Moved by Martinbianco, Seconded by Wells, Carried 7-0.

Meeting Adjourned at 9:25 P.M.

Gayle Webster
Burton City Clerk

GW/cml