CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JANUARY 15, 2001, 7:30 P.M., COUNCIL CHAMBERS

COUNCILMAN TOM MARTINBIANCO LED THE INVOCATION AND PLEDGE OF ALLEGIANCE.

THIS REGULAR MEETING WAS CALLED TO ORDER BY COUNCIL PRESIDENT BOB CENTILLI AT 7:30 P.M.

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor C. Smiley; J. Major, DPW Director; B. Becker, Controller; Attorney R. Hamilton and G. Webster, City Clerk.

Approve and authorize the minutes of the following meetings: Regular Meeting of December 18, 2000 at 7:30 P.M.

Moved by Cross, Seconded by Martinbianco, Carried 6-0.

ADMINISTRATIVE REPORT:

Mayor Smiley welcomed everyone back and highlighted accomplishments from the previous year. Highlights included Memorial Day, Paint for Pride, and the Tree Lighting Ceremony. There were improvements made in park programs and youth activities. The city added new fire, police and voter equipment. Water lines were installed in Lapeer Heights. The Police and Fire department received thousands of dollars in grant money. Fireman Chris Metropolis and Police Officer Jim Duplanty were named hero of the year by the Flint 100 Club.

Mayor Smiley briefly discussed his goals for the upcoming year. These goals included an emphasis on communication, parks and recreation, education and a scholarship program. There is a need to take over county roads, improve all city services and work with community organizations for the betterment of the City of Burton. A citizen's academy is being planned to help educate residents on city government.

The scholarship dance will be held March 17, 2001. The dance will provide a recreational opportunity for youth in our community and raise funds for the Burton Scholarship Program. Scholarship contributors will be recognized for their participation.

The Mayor would like the council, residents and administration to meet and discuss their ideas for the upcoming budget year.

The annual audit workshop will be held January 22, 2001 at 6:00 p.m. at the Police/Fire Facility. The public is welcomed to attend this informational meeting.

The Mayor announced there would be a Special Council Meeting January 29, 2001 at 7:00 p.m. for the purpose of discussing water rate increases. The rate increase passed on from the County will be 11.1%.

The Mayor presented Brad Becker with a Certificate of Achievement for Excellence in Financial Reporting and acknowledged this was the fifteenth year that he has received this award. He congratulated Mr. Becker for a job well done.

Mr. Becker was proud to accept this award. He said it was a huge task to complete the 300-page audit.
He planned to continue this type of excellent reporting in the future.

Mayor Smiley read a resolution supporting and designating January 2001 as School Board Member Recognition Month.

Darene Woodbury, President of the Governmental Clerks of Genesee County, presented Deputy Clerk Cheryl Ladd with the distinguished Loretta Manwaring Award in recognition of innovative work practices and dedication to public service. Mrs. Ladd is the first Deputy Clerk to receive this award.

Al and Ruth Hindes from the Disabled American Veterans, Chapter 3, presented Bob Centilli with an award for recognition and gratitude for his participation in building the Burton Veterans Memorial. He was thanked for a job well done.

Major Smiley presented Bob Centilli with a community tribute on behalf of Dennis O'Keefe of Bank One. He was recognized for outstanding community service and for his role as Santa Claus, which provided enjoyment to everyone during the last holiday season.

The Mayor announced that there would be a brief swearing in ceremony for the new council member, followed by a welcoming reception on January 29, 2001 at 6:00 p.m.

COMMITTEE REPORTS:

Mrs. Tinnin reported on the Metropolitan Alliance meeting that was recently held. Funds have been allocated for a Your Ride terminal that will be located near the Lippincott senior housing project.

Mr. Cross reported on the Emergency Food and Shelter meeting that was recently held. He said several charities that met specific requirements received funding.

Mr. Centilli reported on the last parks meeting. Amy McMillan from the Genesee County Parks and Recreation Committee was present and indicated that Burton was doing a good job with their park's programs.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St, commented on problems with planning notices and the schedule of the upcoming citizen's academy. She opposed a council fact finding hearing for Mrs. Tinnin.

Jan Bolen, 1169 Howe Rd, spoke in opposition to the city hall holiday schedule, combining high schools, building inspection fees and FOIA procedures.

Linda Burris-Croley, 6323 Crabtree, spoke in opposition to the timely distribution of minutes, the city hall holiday schedule and the pending grievance involving Mrs. Tinnin.

Don Sanderlin, 4460 Killarney Park, spoke in favor of the scholarship dance, parks program and sports activities providing positive opportunities for children.

Robert McCullough, 2028 E. McLean, would like the names of firefighters that came to his home. He commented on the grievance and felt there should be more communication between the administration, council and public.

Denise Paliani, 2313 Deer Hollow, complained of poor snow removal by her home.

Mayor Smiley said the city has a lot of pride in their snow removal and any future problems should be reported immediately.

Ralph LaDuke, 2292 Meadow Lane Ct, commented on the city hall holiday schedule. This has been a negotiated contractual approved benefit since 1992/1993. For this time period employees used a combination of designated holiday days and personal days. He indicated that the idea to combine school districts was his own opinion as a resident. In reference to the SEIU grievance, he stated that all contractual procedures have been followed.

Larry Petrella, 1081 Howe Rd, spoke on car alarms in the mall parking lot. He wants to review the new city policies that have been implemented. He commented on the number of sewer units that are available in the city.

Mayor Smiley commented on administrative policies and indicated that they were available for public review.

After exploring the situation, Mr. Cross thought the shielded lighting at Lowe's was adequate.

Mr. Petrella indicated that he didn't notice any difference.

COUNCIL DISCUSSION:

Mrs. Tinnin referred to Mrs. Bolen's building inspection fees. She wanted council to decide whether Mrs. Bolen should be reimbursed for a stop work order.

Mrs. Tinnin moved and Mr. Cross seconded the following motion to add as Item #13, Approve and authorize the City of Burton to refund the amount of $35.00 to Kendall Bolen, 1169 Howe Rd, Burton, MI 48509 for inspection fees within (10) days from the date of January 15, 2001.

Mr. Centilli said this would be setting precedence if we refunded building inspection fees.

Mr. Cross supported the motion for discussion. He thought this topic had been sent to the legislative committee for review.

Mr. Martinbianco indicated that the legislative committee planned to review the practice, policies, and penalties dealing with building permit fees, so there would be uniformity in the text. This incident was prior to any committee action and has no bearing on this issue before us tonight. This motion stands on its own merits.

The motion to add Item #13 to the agenda carried 5-1, with Centilli voting no.

Mr. Martinbianco referenced the upcoming water rate increases. He said the Detroit Water Board would be conducting a public hearing to discuss this issue. He asked for clarification on the water supply contract.

Mayor Smiley said the Water and Waste Board is responsible for providing us with water.

Discussion continued in reference to water rates, water supply and water contracts.

Mr. Martinbianco referred to the disrepair of Belsay Rd. He questioned if the patch job was done properly a couple years ago. Mr. Daley assured him it would be repaired, at least to a passable level as soon as the weather breaks. He suggested the city assess the cost of the county roads before taking them over.

Mr. Cross spoke on the bad conditions of the county roads, especially Belsay and Lapeer Rd. He called DPW and the county in reference to these roads. Mr. Chapin assured him that something would be done with Belsay Rd. as soon as weather permits. He indicated that it would cost the city $250,000 to repair the road properly.

Mr. Major said Belsay Rd would not be repaired until spring. The shallow patching or micro-surfacing won't stick until the weather is dry and warm.

Discussion continued on the disrepair of Belsay and Lapeer roads.

Mr. Major opposed refunding money on building permit code violations. There was a stop work order placed legally and we shouldn't institute a policy to refund a stop work order.

Mr. LaDuke felt the violation was handled properly by the DPW and no refund should be given. If this were to be done it would set precedence for others.

Mrs. Tinnin thought building inspection fees should be uniform and comply with language in the text. She felt fees have not been uniformly charged. She supported a refund for Kendall Bolen.

Mr. Major clarified that an additional inspection was made due to the stop work order. There is a charge for each inspection.

Discussion continued in reference to this issue.

Mrs. Tinnin spoke in reference to Mr. Brawner's comments from the last council meeting regarding the grievance that was filed. She felt the union and the administration were politically attacking her and the grievance was filed as a diversion tactic to take the focus off of retroactive payments. She felt this was a direct violation of the city charter. In addition, she felt it was up to the courts, not the council to decide if she had violated the charter. She spoke in opposition to other issues involving Ordinance 68-23C.

Mrs. Tinnin requested information on retroactive payments and sick and personal day payments. She wanted to know the procedure for city council members to obtain information from the city.

Mr. Brawner clarified that the incident began when Mrs. Tinnin insisted that a roll call vote did not take place, when it was obvious that a motion and a roll call vote did take place at the November 9th meeting. The tape reflected that action.

Mrs. Tinnin said the tapes according to the minutes as approved have been altered.

Mr. Brawner had listened to the tape and was in attendance at that meeting. He insisted that a roll call vote was taken. He felt that Mrs. Tinnin had made a serious accusation when she accused someone of altering the tapes. He read the motion from the November 9th meeting and asked her if she understood the motion that was made that night.

Mrs. Tinnin said she did understand the motion and agreed Mr. Martinbianco may have made the motion, but insisted a roll call vote was not taken, so therefore there couldn't have been a motion. She said the tapes didn't reflect the minutes.

Mr. Brawner indicated that he and other members of the council would like to finalize this matter, but that is difficult when Mrs. Tinnin is accusing someone of altering the tape.

Mr. Cross indicated that he was present that night and yes there was a motion made and he supported it.

Mr. Martinbianco referred to the regular council meeting minutes of December 4, 2000, which were unanimously adopted by the city council. It would make sense to him that council did take action at that meeting and that we did take a vote on it. His recollection would not include how Mrs. Tinnin voted on that motion. However, it was his understanding that there was a unanimous vote, which was 6-0, to refer the item to council as a whole. The minutes of the December 4, 2000 meeting adopted by the city council reflected that view. He said the subsequent document, the ordinance under which is under operation, has long since past. He felt this was the last time this matter should be discussed. In the future, he said no one should be making any allegations unless they have proof. He felt Mrs. Tinnin should be able to obtain all the information she requested without filing a Freedom Information Act request.

Discussion continued in reference to the meeting of November 9, 2000.

Mr. Centilli summarized the issue at hand. He said Mr. Martinbianco made the motion, Mr. Cross seconded the motion, there was a 6-0 vote, which we have agreed upon and we have it on tape. If Mrs. Tinnin hadn't insisted there wasn't a vote taken, we wouldn't be dealing with situation. You're talking about getting this over with and she is accusing someone of altering the tapes and she wants to change the minutes to her satisfaction and on top of that, calling a 31year faithful employee a liar. He thought Mrs. Tinnin should apologize for her actions.

Mr. Brawner said he did offer a motion for a fact-finding hearing to determine if these accusations were warranted. He said two grievances had been filed against council in the last couple of months. This is he only recourse employees have to deal with this type of circumstance. He had strong concerns with the allegation of the altered tape and the insistence that a vote was taken at the November 9, 2000 meeting. He hoped a hearing would reflect the truth on this issue. If this behavior is going on, it needs to stop. He said the employees have the right to work in an environment free of any type of abusive, threatening and intimidating behavior.

Mrs. Tinnin suggested listening to the tapes.

Mr. Brawner had listened to the tapes and he was at the meeting. He knows what transpired at that meeting.

Mrs. Tinnin said she wouldn’t be going after anybody criminally right now over anything, but it is not the council’s position to hold a hearing on each other. If there is a violation of the charter, then that has to be decided by the discretion of the court and the proper venue and the proper jurisdiction.

Mr. Hamilton indicated that the only provision in the charter that relates to members is compelling attendance. He referred to Section 4.7, j of the charter. However, Rule #60 in Robert’s Rules of Order relates to disciplinary procedures. Procedural rules indicate that allegations relating to the action of a member of the body that did not occur at a meeting and not in presence of members, should hold a fact finding hearing to determine what in fact occurred. Under these provisions it is unclear what action the council should take or what consequences shall be given. It is a distressing situation because you have allegations relating to certain things that are disputed. At some point in time those allegations would relate to the provisions of the charter that talks about a councilperson dealing with employees of the city. There is a grievance still outstanding and pending. At some level a fact finding preceding is going to have to take place, if not before the council as part of the adjudication of the grievance procedure, assuming that grievance is not bargained to everyone’s satisfaction. He felt the council had the authority to conduct a fact-finding proceeding. He is not certain what the consequences would be at the end of the hearing. The administration has the responsibility to resolve the grievance in a satisfactory way. We have allegations of a certain activity and we have a denial to those allegations. To resolve the issue there might need to be a fact-finding mission, even if it needs to go before an arbitrator.

Discussion continued on the settlement of the grievance.

The Mayor felt there had been some strong statements made by Councilwoman Laurie Tinnin. She has came to the meeting before with a lengthy prepared statement regarding questions on Kelly Lake. The Mayor asked her to submit the questions in writing, so all her questions would be addressed. This was not done. His staff had to do a considerable amount of additional research and all questions were addressed. He asked her again to submit her list of lengthy concerns to the clerk’s office, so all her issues could be addressed. He was outraged by the accusations that someone had altered the tape. He said to accuse him of being involved politically was a false statement. He referred to several other issues that dealt with Mrs. Tinnin’s on going opposition to Ordinance 68-C.

Mr. Cross asked for clarification on whether a grievance could be written against an elected official.

Mr. Hamilton indicated that a grievance couldn’t be written to the city council. However, a grievance can be written on an elected official to help control the workplace. The city has a responsibility to protect the employees in the workplace and cooperate with the bargaining unit to resolve the situation. A grievance could be based on the activity of an individual or the city council.

Mr. Cross said the grievance was written to the administration about a councilperson. He felt it was the responsibility of the administration to find out if there were any violations. At that point, the charter would outline the violation in Section 4.8.

Mr. Hamilton referred to Section 4.8 that states the city council should deal with employees through the administration. Section 1.6 addresses the penalty for violation of the charter. This would possibly invoke a misdemeanor under the provision of 1.6.

Mr. Wells stated that he was present at the November 9th meeting. He knew there was a unanimous vote. He knew Mrs. Tinnin voted against Ordinance 68C at the next meeting. If anyone is in error, its not the administration, we are. The council is the one that voted for the retroactive pay raise.

Mayor Smiley reviewed Ordinance 68C as it relates to Charter and Non-Charter employees. Ordinance 68C makes reference to the five-chartered members. This includes benefits for council, administration, attorney and board of review. Council approves it each and every year. He referred to Section 6, which allows for bonuses and similar items. This does not refer to non-charter employees. Council does not set Mrs. Centilli's salary. They do approve the transfer if it is needed. This year Ordinance 68C will be made part of the budget process.

Mr. Wells said Mrs. Tinnin insinuated that the administration had done something deviant, when in fact the council approved the ordinance. He was very concerned with the allegations of tapes being altered. He doesn't want some one coming to the next meeting saying, I didn't say that. This is not what should be done at a council meeting. He would like to clarify this situation tonight, put it behind us and then get on with the pertinent city business at hand.

Mrs. Tinnin clarified minutes from the December 4th meeting, referring to the Special Council Meeting of November 9th. She said two council members indicated that they couldn't remember if a vote was taken that night. She asked that we go by the minutes that were reflected at the December 4th meeting. She didn't think it was fair to change any statements made at a meeting.

Discussion continued in reference to Ordinance 68C.

Mr. Cross felt that any council grievance issues in the future should be dealt with one on one with the administration. He doesn't feel that the whole council needs to arbitrate the grievances. He just wants to work fairly with the council and administration.

Mr. Brawner clarified that a fact-finding hearing wasn't just for his benefit. It was also for Mrs. Tinnin's benefit because there are allegations going back and forth. He was still troubled by the latest allegations of the altered tape.

Mrs. Tinnin felt the grievance should be handled between that union and the administration. She indicated that she wasn't contacted on either grievance. She said this all happened because of what happened at a city council meeting not because of what she had done.

Mayor Smiley said an employee could file a grievance for any reason. He doesn't police council under Robert's rules of order they are to police themselves under a code of conduct. An employee felt she was violated and had every right to file that grievance. The administration did not play any role in this issue. However, he planned to enforce the city charter. He said the role of the council is to concentrate on the legislative duties of government. He asked Mrs. Tinnin to file her request under the FOIA.

Mrs. Tinnin said she would be glad to submit a request for information.

Discussion continued in reference to the grievance that was filed against a council member.

Mr. Cross agreed that employees have the right to file a grievance. In the future, he preferred that the administration contact the individual council member involved and resolve the issue at hand.

Mr. Centilli reviewed the council candidate calendar for up coming events. The interviews were set for January 24th at 5:30 p.m. If there was no decision, meetings would be held January 25th and January 26th. A member needed to be appointed by the January 30th to comply with 3.14 of the charter. A swearing in ceremony is scheduled for January 29th at 6:00 p.m.

Mr. Cross said it would not violate the charter if the council position wasn't filled within thirty days.

Mr. Hamilton clarified that 3.14 referred to an appointed office not an elected office. Subsection 8 deals with a vacancy on the council.

Mr. Centilli asked council members to submit questions to be considered for the interviewing process by Friday, January 19th at 4:00 p.m. The interview and voting procedure will basically remain the same as in the past.

Mr. Martinbianco referred to the water rate issue. He preferred to hold the meeting in February, thus giving council members more opportunity to review the issue. He suggested holding the meeting February 5th at 7:00 p.m.

Mrs. Webster indicated that four meetings were scheduled for February 5th beginning at 6:30 p.m. They appear on the agenda tonight.

Mr. Martinbianco suggested holding the special council meeting February 12th at 7:00 p.m.

Mr. Becker said the meeting scheduled for January 29th would be an informational meeting. No formal action would be taken until the February 5th. He received a letter from the county stating the billing increase would take effect April 1st. This language would lead him to believe that the county would be billing water that was consumed sometime earlier. This body has had concerns in the past with passing on a rate increase with a retroactive effect. He thought this issue should be dealt with as soon as possible.

Mr. Martinbianco asked for clarification on what portion of our water usage was billed on a master meter.

Mr. Becker indicated that all of our water is billed on a master meter. He clarified the rate increase. The 7% increase announced earlier related to a 5/8-inch meter user in the townships. However, the master meter to customers, such as Burton, will be billed at 11.1%. He will provide more information on this issue at a later date.

Discussion continued in reference to the water rate issue.

There was agreement to hold the informational water rate increase meeting January 29th at 7:00 p.m.

Mr. Centilli announced that the annual audit workshop would be held January 22nd at 6:00 p.m. at the police/fire facility.

Mr. Cross asked for clarification on the Burton web page.

The Mayor said the web page is still under construction. He will provide more information on this issue at a latter date.

Mr. Cross asked that money be allocated in the upcoming budget for ten new council chamber chairs. Also, he would like all plastic chairs to be replaced in the near future. Steve Perez will need to know what color chairs to order.

Mr. Centilli asked about the defibrillator that was to be purchased for the senior center.

The Mayor thought the defibrillator was in place at the senior center.

Mr. Centilli made temporary appointments to the finance committee and legislative committee due to his recent chairman position. Mr. Brawner will assume the finance chair. Mr. Wells was added to the finance committee and Mrs. Tinnin was added to the legislative Committee.

Mr. Cross made reference to Mr. Centilli holding the chair position just until council reorganized.

A brief discussion was held in reference to the reorganizing of council, after a seven position was filled.

Mr. Hamilton said this is a procedural issue. Council could vote to reorganize at any point in time, if they so choose. The council does reorganize after an election.

In reference to Jan Bolen's comments, Mrs. Webster indicated that her FOIA request is pending and under discussion with the attorney. She would respond to other remarks at a later date.

In reply to Mrs. Linda Burris-Croley comments, Mrs. Webster said the release of meeting minutes have complied with the Open Meetings Act. She said proposed minutes shall be available for public inspection not more than eight business days after the meeting to which the minutes refer. In the future, Mrs. Webster planned to address any false accusations made about her or staff immediately as the statements are made.

Mr. Centilli asked that the clerk's office give him a copy of the early meeting requests.

Mrs. Webster said that she would provide him with that information.

Mr. Cross asked for clarification on Item #4 that dealt with rescinding of the low bid of Maverick Construction Co.

Mr. Major said the contractor requested his bid be withdrawn due to the lack of significant construction force. He had too many other jobs and would not be able to complete this project in a timely fashion. He submitted his intent in writing. Because it was such a small job, it would not be cost effective to legally pursue the bid bond payment.

Mrs. Tinnin asked for further clarification on this matter.

Mr. Major said the contractor wasn't given any time frame to begin the work. He was given his order to conform contract document after council approved the bid. He asked to be removed from the project. The next step would be to go to the second low bidder. He felt it was not cost effective to collect the $4,349 from the contractor, because it would probably cost the city at least $4,000 to proceed with the collection. He recommended that the city should not pursue this issue. Barker Brothers has not started the project yet.

Mr. Hamilton agreed that the collection was not cost effective.

Discussion continued in reference to Maverick Construction Company withdrawing their bid.

In reference to Item #5, a brief discussion was held on correcting the contract amount to reflect $94,596.25.

In regard to Item #8, Mrs. Tinnin asked if Theresa Harris was an employee of the city.

The Mayor indicated that Mrs. Harris is not an employee of the city.

In regard to Item #12, Mr. Cross asked if he should abstain from voting because he lives on Packard St.

After it was determined that Mr. Cross did not live on an adjoining lot, Mr. Hamilton felt there was no reason that he should not vote on this item.

COUNCIL DISCUSSION ACTION:

Moved by Mrs. Tinnin, supported by Cross to add as Item 13, Approve and authorize the City of Burton to refund the amount of $35.00 to Kendall Bolen, 1169 Howe Rd, Burton, MI 48509 for inspection fees within (10) days from the date of January 15, 2001. Motion carried 5-1, with Centilli voting no.

COUNCIL ACTION:

1. Approve and authorize the Attorney Billing (Richard Austin) from December 13, 2000 to January 10, 2001, in the amount of 2,078.00.

Moved by Tinnin, Seconded by Cross, Carried 6-0.

2. Approve and authorize the Mayor and City Clerk on behalf of the City of Burton and its City Council authority to grant and execute an easement to Michigan Bell Telephone Co., aka Ameritech MI, 444 Michigan Ave., Detroit, MI 48226, for SPID #25-59-03-400-005 (Fire Station #3); easement shall be 20'x20' in NE corner of said parcel adjacent to the existing Ameritech easement, per attached location sketch.

Moved by Tinnin, Seconded by Brawner, Carried 6-0.

3. Approve and authorize the issuance of permanent Traffic Control Order for:
   1) Northbound and Southbound Barnes Avenue to Stop at McLean Street.

Moved by Brawner, Seconded by Martinbianco, Carried 6-0.

4. Approve and authorize the rescinding of the 11-20-00 City Council acceptance of the low bid by Maverick Construction Co., Inc., 1150 N. State St., St. Ignace, MI 49781, in the amount of $86,992.00 relative to Associates Drive Watermain/DPW Job #00-004-W.

Moved by Martinbianco, Seconded by Cross, Carried 6-0.

5. Approve and authorize the acceptance of the second low bid of Barker Brothers Construction Co., 10517 Bishop, Diamondale, MI 48821, in the amount of $94,596.25 with a project cost of $120,000.00 (Note: Project Cost identical to amount previously approved by City Council on 11-20-00. The contract amount of $94,596.25 will be added to the existing contract with Barker Brothers Co./DPW Job #99-001-W as a contract supplement. Bonds and Insurance coverage will be updated.)

Moved by Cross, Seconded by Martinbianco, Carried 6-0.

6. Approve and authorize that the City of Burton Board of Review will be in session from March 12 through March 14, and on March 20, 2001. Meeting times will be from 9:00 a.m. to 12:00 p.m. and 2:00 p.m. to 5:00 p.m., with the exception of March 14, when the Board will meet from 3:00 p.m. to 9:00 p.m. All meetings will be held at Burton City Hall, 4303 S. Center Rd., Burton, Michigan.

Moved by Martinbianco, Seconded by Brawner, Carried 6-0.

7. Approve and authorize that a resident taxpayer may file their Board of Review appeal by letter, without a personal appearance being required. This is pursuant to section 211.30 M.C.L.

Moved by Martinbianco, Seconded by Tinnin, Carried 6-0.

8. Approve and authorize the Mayor's appointment of Theresa Harris, 5204 Roscommon, Burton, MI 48509, to the Election Commission. Term to expire January 2004. (Replaces expired term of Dave Davis).

Moved by Brawner, Seconded by Martinbianco, Carried 6-0.

9. Approve and authorize the Mayor's reappointment of Les Bertram, 3280 Shannon Rd., Burton, MI 48529, to the Election Commission. Term to expire January, 2004.

Moved by Cross, Seconded by Brawner, Carried 6-0.

10. Approve and authorize setting of a Second Public Hearing for Zoning Case #257 on Monday, February 5, 2001, at 6:30 P.M.

Moved by Martinbianco, Seconded by Cross, Carried 6-0.

11. Approve and authorize the setting of a Second Public Hearing for Zoning Case #256 on Monday, February 5, 2001, at 7:00 P.M.

Moved by Martinbianco, Seconded by Tinnin, Carried 6-0.

12. Approve and authorize the setting of a Second Public Hearing for the vacating of the Unimproved Packard Street Right-of-way from the South right-of-way of Court Street South, south 100' between Lots 46 & 71 of Garden Acres on Monday, February 5, 2001 at 7:15 P.M.

Moved by Tinnin, Seconded by Martinbianco, Carried 6-0.

13. Approve and authorize the City of Burton to refund the amount of $35.00 to Kendall Bolen, 1169 Howe Rd, Burton, MI 48509 for inspection fees within (10) days from the date of January 15, 2001.

Moved by Tinnin, Seconded by Cross, Failed 2-4, with Martinbianco, Centilli, Wells and Brawner voting no.

MEETING ADJOURNED AT 10:45P.M.