CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JANUARY 20, 2003, 7:30 P.M., COUNCIL CHAMBERS

Pastor Bruce Garner led the Invocation.

Councilman Charles Cross led the Pledge of Allegiance.

Council 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; D. Halstead, Fire Chief; R. LaDuke, Deputy DPW Director; Attorney R. Hamilton and G. Webster, City Clerk.

Cross moved and Martinbianco seconded the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of January 6, 2003 at 7:30 P.M. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mr. Abbey said a new council calendar was distributed due to a typo on the first calendar.

Mr. Abbey reminded Council that a focus session would be held Wednesday, January 22nd at 6:00 p.m. at the Senior Center. We will review what was accomplished last year and determine future goals.

Mr. Abbey was pleased to announce that Standard and Poor's has given the City of Burton another excellent credit rating. Even with the poor economic climate and continued cuts in state shared revenues, Burton received an A-rating.

Mr. Abbey said we should keep the state shared revenue cuts in mind as we prepare for the audit workshop and upcoming budget.

COMMITTEE REPORTS:

Mrs. Tinnin gave a report on a recent Metropolitan Alliance Meeting. She discussed local safety program grants that might be awarded to Burton. Project areas included work on Belsay Rd, Lapeer Rd and Genesee. She hoped money would be allocated in the upcoming budget for these projects. She thanked Mr. Major for submitting the safety program grant application.

Mr. Cross felt it was important to add traffic signals to several Lapeer Road intersections.

Mr. Bement reminded Council 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:

Robert Leonard, Flint, came to this meeting to speak about allegations that were made on his show regarding Burton elected officials. He said the Burton officials and employees were in violation of the state and federal anti-racketeering laws and were running a criminal enterprise out of city hall. Allegations included conspiracy, embezzlement, larceny, and the misuse of credit cards, city vehicles, city cell phones and campaign contributions. He said there were violations of federal mail, telecommunication laws and prevailing rate law. He said conspirators padded their pockets on government building jobs, such as the Veteran's Memorial and City Hall addition.

Mr. Leonard accused officials of violating nepotism laws and using alcohol while using city cars. He was willing to provide records of this wrongdoing.

Robert Horton, 1263 S. Belsay Rd., said the fill work done at Bethel Assembly of God Church causes his property to flood. He said there was no drain in the church parking lot. He wanted a response to his problem.

Mr. Brawner said a couple letters were sent to the church. This matter would be addressed in council discussion.

Grady Jensen, Flint Twp, representative of Bethel Assembly of God, addressed the drain issue. The church spent $1,000 to have Gould Engineering draw up a topical map of the church parking lot. It reflects that the church lot drains into Brabbs. He felt the church parking lot did not contribute to Mr. Horton's flooding problems.

Mr. Brawner hoped this issue could be resolved, because it has been discussed on numerous occasions.

Tom Cole, 6242 Bedford Ave., spoke in support of Bob Centilli. He felt the half truths and derogatory remarks needed to stop. He said Bob Centilli has integrity, honesty and cares about the City of Burton. He has helped to build the youth soccer facility, the concession stand restrooms and pavilions at Broome Park, supplied youth athlete teams with equipment and the Veterans Memorial. Bob Centilli continues to care and gives freely to his community by sharing his time, talent and money when needed. On the other hand, Mr. Leonard, a former Genesee County Prosecuting Attorney, disgraced himself and the citizens of this county when he was disbarred and jailed for his improprieties. He supported the Council's good work and responsibility to their civic duties.

Pauline Dargel, 6119 Hugh St., pointed out that Mr. Centilli had supported Mr. Cole for a part time parks director position. In addition, she had concerns with Item 4 on the agenda. She asked for clarification on the petition and the source of the flooding problem. She hoped there was more information on this project.

Dan Borrows, 1281 Broadway, Flint, wanted to defer his time to Mr. Leonard.

Mr. Brawner said Mr. Borrows could speak if he wished, but he could not defer his time to someone else.

Larry Petrella, 1081 Howe Rd., wanted to know what the status was on the proposed Code of Ethics ordinance.

COUNCIL DISCUSSION:

Mr. Cross said the legislative committee would address the code of ethics ordinance in the near future. After committee review, the Council would address the issue.

Mr. Cross asked for an update on the letters that were sent to the church.

Mr. Major said some material had been dumped behind the church and it needed to be cleaned up. The church has been issued a stop work order to address the filling operations, only. As reflected in the maps, the water does not run off the church parking lot on to Mr. Horton's property.

Mr. Brawner asked Mr. Horton to refer any other questions in reference to this issue to Mr. Major, not to Council.

In regards to Item 4, Mr. Cross wanted to know if this project was initiated by petition and how many signatures were included.

Mr. Major said the City Council was the petitioner on behalf of the drainage problem that exists in the public right-of-away and on the private property. This has been done in the past. He provided additional information on the proposed drainage improvements.

Mr. Wells said a Belsay Rd family initiated this project last summer. He has been working with the family, the State, FEMA, the County, city administrators and elected officials to determine the best way to alleviate the seasonal flooding in that area. The young man will end up losing his home if something is not done to correct this problem. It was determined that this was the best way to alleviate the drainage problem.

Mr. Martinbianco pointed out that the farm property seemed to be the water generator. During the Nelson Ct street paving hearing, homeowners indicated that this Belsay Rd intersection contributed to the flooding. He felt something certainly had to be done to the non-functioning drain. It is imperative to remember that the sub grade at both intersections of Sitka and Nelson Ct could be impaired if we don't make the necessary improvements prior to any major reconstruction on Belsay Rd.

Mr. Cross agreed with Mr. Martinbianco's comments. He thought the work should be done before Belsay Rd was reconstructed, so flooding would not damage the road.

Mr. Major agreed that the flooding would have an adverse effect on the pavement.

Mr. Hamilton said there were different procedures for initiating drain projects. This particular project would be initiated by the municipality rather than by the owners.

Mr. Cross said we, as a City, have initiated these types of projects in the past.

Mrs. Tinnin was concerned that Council did not have maps, drawings, cost estimates and other pertinent information available on this project.

Mr. Hamilton said this resolution deals with the initiation of the project. The next step is to provide information and hold a public hearing. This is the very first step in the process.

Mr. Major said a board of determination and board of assessment would be held on this project.

Mrs. Tinnin wanted to know why the people that were involved would not come forth with a petition.

Mr. Wells said the property owner didn't know what his options were. After discussing the problem with numerous people, it was determined this would be the best way to approach the issue.

Mrs. Tinnin did not oppose the project. However, she was concerned that the residents in the area hadn't been informed. Normally residents would come forth with a petition.

Mr. Wells said this was the first step in the process. No one has been informed yet.

Mr. Major said that the contributors to the problem might not come forward and circulate a petition to help alleviate the problem. That's why we have the board of determination address this issue and decide the correct way to handle the situation. This is how these types of problems are handled county wide. The homeowners will be notified and it will be printed in the paper, then they will have a public hearing with the drain commission.

Mr. Cross suggested setting up a hardship board for people who couldn't afford to pay the assessment.

Mr. Abbey said this is not our project. This is a County issue. We're just asking the County to fix their drains. He provided more background history on the drains and flooding in the area. This is the only alternative we know that will help with the ongoing flooding in the area. Also, this will help alleviate potential problems with our roadways.

Mr. Martinbianco asked for clarification on the meetings that were reconvened until January 13, 2003, but were later canceled at the request of the petitioner. He wanted to know if Council needed to rescind its action from January 6th or move to close the districts as they were captioned, SS-02-1, W-02-1 and P-02-3.

Mr. Hamilton said no districts were established and no further action was needed. We had no jurisdictional basis to establish the district. These meetings could not be reconvened at a later date. Mr. Perlman does intend to come back later, but they will initiate a separate proceeding with a new petition after they have closed on the transaction.

Mr. Martinbianco felt we should proceed more cautiously with these types of projects. These issues should first go before the Planning Commission and residents should be notified.

Mr. Martinbianco referred to a recent newspaper article that addressed a potential 37% water rate increase. He said the Mayor of Detroit pledged that the rate increase would only average 9% for 2003-2004. Mr. Wright thought the 37% increase was absurd. Mr. Martinbianco thought this would trigger a problem with growth and development with our own water system. He felt people might want to drill their own wells rather than hook up to the city water system. The city has strived to provide a good quality product at a fair price. He felt the city was being held for ransom again by the City of Detroit. He referred to proposed legislation that would create an oversight board to investigate potential abuses in water rate pricing.

Mr. Martinbianco would like a summary of what dollars have been cut and any proposed cuts that would result from the loss of state shared revenues. He would like this information by the time of the audit.

Mr. Abbey said they have that information now. The original $110,000 cut has been made. We have a proposal for another $77,000 cut. We will share that plan with the Council.

Mr. Martinbianco said the cuts seemed to be done pretty easy. I wouldn't want to think that there was $200,000 fluff in last year's budget.

Mr. Abbey assured Mr. Martinbianco that there was going to some unhappy people once the cuts have been revealed.

Mr. Cross wanted to know the status of Ordinance 19 that deals with rotating signs.

Mr. Hamilton worked last week with Mr. Strasser on some language. He hoped to have a sample ordinance in about a week. He wanted to know if this would be a zoning ordinance that would give non-conforming use and affect existing signs or should it be a police power ordinance that would not have that effect.

In reply to Mr. Leonard's comments, Mr. Centilli said if there was evidence of wrong doing it should be turned over to the proper authorities to determine if there was merit. Mr. Centilli referred to a letter that was sent to the Department of Treasury three years after the Veteran's Memorial was built. The response from the Treasury Department recommended that all reimbursements be supported by detailed documentation of expenditures. They did not reveal any internal control deficiencies or other irregularities. He provided documentation at that time for the $1,000.00 expenditures. A year later, Mr. Centilli submitted a bill for $83,000.00 for expenses incurred over the three-year period. This was done for donation purposes through a corporation. Attached to the bill, submitted the same day, the State Treasury Department, per their letter to the city, recommended this invoice be turned in for donation purposes. The balance due on this building for three years of labor was about $83,470, which is a donation to the City of Burton. The memorial has been estimated at close to ½ of a million dollars. He asked why Mr. Leonard would make false accusations and call him degrading names on television, when they hadn't even met.

Mrs. Tinnin said a member of the Council had accused her of unfounded allegations. She said the former prosecutor was invited to attend this meeting and substantiate comments he made on his program. She wanted to know if Mr. Leonard's claims were true. She felt he needed more time to address these issues. She said if you do not let him address these concerns, then I feel what he said must be true. Then, I will go on his show and discuss these issues.

Mr. Brawner said this was not the time or place to continue this matter. Mr. Leonard spoke and made several allegations. If he has any evidence or facts to back up what he said, then it should be turned over to the prosecutor's office. He said the council meetings are not going to be a forum for people to address their dislikes for each other. He said the Council was there to take care of city business.

In reference to Item 1, Mr. Martinbianco asked for an update on the demolition of the Embers' property. He thought the Jumbo Video Store was going to open at that location.

Mr. Major said a building permit has been issued to the contractor to rehab that building.

Mr. Cross asked for a clarification on the demolition update. He wanted to know what attorney was handling this matter.

Mr. Major provided a status list on the demolition hearing.

Mr. Hamilton said both attorneys were handling these cases. Judge Ransom granted Mr. Stapish an extension and required a progress report schedule. In reference to 1447 Donovan, the judge granted a stay on the condition that the exterior is cleaned up and the building secured. That did take place and this case is still pending. The Barkman properties are set to go to demolition contract. Contracts have been submitted to me. However, there was a deficiency in the certificate of insurance that was provided to me. This issue will be resolved shortly and the proceedings will continue.

Mr. Major said Mr. Stapish's attorney proposed a set of requirements. The city, as well as Mr. Austin, found them unacceptable. After modifying that proposal we returned it to his attorney. Mr. Stapish is trying to get more time than the 120 days.

Mr. Hamilton said if we can't agree on the scheduling it would go back to the judge. Mr. Stapish was given 120 days for completion, with the submission of a staging plan. We have submitted a more realistic plan.

Mr. Major said our attorney has related that same sentiments to the judge during the court hearings. Mr. Major is aggressively pursing these demolitions on a daily basis.

Mr. Hamilton said the judge does not like to see any home taken down.

Mr. Cross wanted the demolitions to proceed. He doesn't like to see homes come down either. However, they need to be improved and brought up to the standard of the neighborhood.

Mrs. Tinnin wanted to know the demolition status on 4017 Bristol Rd.

Mr. Major said the City goes out for demolition bids on 4017 Bristol Rd. and the old Action Automotive Station February 10th.

COUNCIL ACTION:

Bement moved and Cross seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from January 2, 2003 to January 14, 2003 in the amount of $1,741.50.

Motion carried 7-0.

Centilli moved and Wells seconded the following motion:

2. Approve and authorize that the City of Burton Board of Review will be in session from March 10 through March 12 and on March 18, 2003. 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 12, 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.

Motion carried 7-0.

Martinbianco moved and Cross seconded the following motion:

3. 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.

Motion carried 7-0.

Wells moved and Martinbianco seconded the following motion:

4. Approve and authorize the Mayor and City Clerk on behalf of the City of Burton and its City Council, authority to execute a petition as prepared by the Genesee County Drain Commission for the establishment and/or re-establishment of a county drain to serve the area of Nelson Ct.,/ Sitka St./ Belsay Rd. intersection and all contributing lands within Section #25 & #26 and prepare the appropriate maps, drawings, cost estimates necessary to hold the hearings, to create the assessment districts assign the costs and contract the drainage improvements necessary.

Motion carried 7-0.

Cross moved and Bement seconded the following motion:

5. Approve and authorize the Mayor's reappointment of Mary Ann White, 2476 Clayward Dr., Burton, MI 48509, to the City of Burton Planning Commission with a term to expire January 2006.

Motion carried 7-0.

Wells moved and Bement seconded the following motion:

6. Approve & authorize the Mayor's reappointment of Steve Perez, 6075 Davison Rd., Burton, MI 48509, to the City of Burton Planning Commission with a term to expire January 2006.

Motion carried 6-1, with Mrs. Tinnin voting no.

Meeting Adjourned at 8:50 P.M.

Gayle Webster
Burton City Clerk

GW/cml