CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
FEBRUARY 19, 2001, 7:30 P.M., COUNCIL CHAMBERS

Councilperson Laurie Tinnin led the Invocation and Pledge of Allegiance.

The Regular Meeting was called to order by Bob Centilli, Council President, at 7:30 P.M.

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

MEMBERS ABSENT: Brawner.

OTHERS PRESENT: Mayor Charles Smiley; C. Abbey, Administrative Assistant; J. Major, DPW Director; D. Halstead, Fire Chief and C. Ladd, Deputy City Clerk.

Cross moved and Bement seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of January 29, 2001at 5:30 P.M.; Regular Meeting of January 29, 2001 at 7:30 P.M.; Special Meeting of February 5, 2001 at 6:30 P.M.; Special Meeting of February 5, 2001 at 7:00 P.M.; Special Meeting of February 5, 2001 at 7:15 P.M. and Regular Meeting of February 5, 2001 at 7:30 P.M., as printed. Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mayor Smiley recognized County Commissioner Ted Hammon and said he would like to make a presentation.

Commissioner Ted Hammon , 3240 Eastgate St., Burton, MI, said he previously made mention that as the Burton Health Clinic progressed and the final stages were near, he would bring before the Council the individuals who are involved at the County level. This new building will be going in at the corner of Saginaw and Hemphill Road and we have brought some renderings of the structure. We believe construction will start at the end of April and hopefully they will take occupancy the first part of next year. This will be a 16,000 square foot building and will cost approximately $2 Million. Mr. Hammon introduced Robert Pestronk, Director of Genesee County Health Department, Mark Vouchek, Division Director at Health Department and Kelly Lawson and Dale Grainger from Grainger Associates.

Bobby Pestronk, Director of Genesee County Health Department, said the Health Department has leased space for about 20 years on S. Saginaw Street. The services we provide have outgrown the space that we currently have. In the past two years, we have discussed constructing a medical center at the southeast corner of Saginaw Street and Hemphill Road. We hope to begin construction soon. This center is heavily used by the residents of Burton and the surrounding area. Mr. Pestronk said the center will house health department staff, a primary-care facility, a Women, Infant, Children (WIC) services and a dental clinic that will provide a full range of dental services to people who use the center. There will be ample parking and we believe there will be between 30 and 35 employees. Mr. Pestronk gave a brief overview of the site plan for the building and presented renderings of the plans.

Mr. Cross inquired if there would be certain criteria for people to be eligible to use the clinic.

Mr. Petronk replied that services would be available to everyone, with fees based on a sliding scale.

Mr. Martinbianco inquired about the hours of operation.

Mr. Petronk said the center’s hours would be 8 a.m. to 5 p.m. weekdays.

Mr. Hammon thanked the gentlemen for the presentation and commented that he was glad to see county money coming into the City of Burton.

Mayor Smiley gave a report on the fire that occurred at Boulder Creek on February 10, 2001. He said being part of the relief efforts was rewarding and thanked Councilmen Danny Wells and wife and Bob Centilli for their assistance in helping with the disaster. The Mayor noted that a sign has been placed in the Council Chambers thanking all of the businesses and people for their donations to the cause. He said All-Safe Storage and Ashley Storage have donated storage areas for the people to use during this time of need. Monetary contributions came in from various groups and organizations and there has been about $4,500 donated to date. There may be more funds coming in. He said he would like to give each family a check as soon as possible. The Mayor also thanked the firefighters and the police department in preventing any loss of life during this tragedy.

Chief Halstead commended the firefighters from Burton, as well as from the other areas who assisted in the fire. He said the men put their lives on the line when fighting such a fire.

Mr. Centilli also commended the firefighters with their dedication and cooperation between the different departments fighting this fire. He said he has never seen a braver group of men and women.

Mayor Smiley said that with the arrest being made, this has brought some kind of closure to the case.

COMMITTEE REPORTS:

Mrs. Tinnin reported that the Genesee County Metropolitan Planning Commission, in conjunction with the Flint Chamber of Commerce, is undertaking a study for the I-69 and I-75 corridor. That study will produce a plan for the regions of Genesee, Lapeer, Saginaw, Shiawassee, St. Claire and possibly Oakland Counties. This may become an intermodel freight transfer service. Hopefully this study will reveal ways to produce jobs and generate additional wealth and improve the quality of the region's life and the citizens of the region. The Corridino Group is the one that is undertaking the study and they are a national planning, engineering and architectural firm.

Mr. Centilli said he appointed Mr. Bement, as council representative, to the Parks and Recreation Committee. (This appointment will replace Mr. Centilli).

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., commented on whether the application for zoning case #258 had been withdrawn; the legal notice not being site specific for Mr. Rizzo's zoning case; contributions to the IMA resolution on the previous council agenda; and questioned charges on an FOIA request concerning W-2's.

John Stapish, 5160 E. Atherton Rd., spoke concerning a possible ordinance prohibiting people from pushing snow into the roadway. He also spoke concerning the new health clinic location.

Jan Bolin,1169 Howe Rd., commented that the gate at Kelly Lake Park is an eyesore and she would like to see it replaced. She asked Mr. Martinbianco to comment on the information she and Mrs. Croley had given him. She also commented on the history file requested under FOIA in DPW.

COUNCIL DISCUSSION:

Mr. Martinbianco asked Mrs. Ladd if there had been any changes in the FOIA forms per recent FOIA seminar and if the same information is required. He also asked if she had attended the FOIA seminar. He asked if everything conformed to state guidelines.

Mrs. Ladd replied there have been no changes in the forms and the information requested is the same. She stated that Mrs. Webster attended the FOIA seminar. There have been no changes on the forms.

Mr. Martinbianco commented that flooding was a major problem for several areas in the City. He questioned whether we would be able to get low cost loans through the FEMA. Mr. Martinbianco asked the Mayor what funds the City might receive from the December snowstorm and the recent flooding we experienced.

Mayor Smiley replied that all indications are that we will be reimbursed from the snow emergency. Mr. Becker has worked closely with that project. The flood victims were given an opportunity to call City Hall by 3:00 p.m. Friday. We had to forward the addresses and the amount of damage to the disaster coordinator. FEMA is looking at the reports now and Mr. Abbey had further conversation today regarding the flood victims.

Mr. Abbey said the City is registered with FEMA and we made a list with the appropriate information and forwarded this through the County, to FEMA. There are two qualifiers: a) those that have flood insurance and b) those who don't have flood insurance.

Mr. Martinbianco asked if further requests or questions arise, how would this situation be handled?

Mr. Abbey said this would not be taken care of locally. FEMA will deal with those individuals through their representatives. We may set up designated dates and times for them to meet, but FEMA handles these issues directly.

Mayor Smiley said the items collected were open to the flood victims also.

Mr. Abbey said this also included residents from other areas, not just Burton residents.

Mr. Martinbianco asked if FEMA would reimburse the City for whatever losses the City sustained during such a tragedy.

Mayor Smiley said the relief effort we just did would not be considered by FEMA at all. We will be receiving about 75% back from the winter snow removal. There was no staff overtime used during the relief efforts, they were all volunteers.

Mr. Cross questioned whether there was a watermain break at the Davison and Belsay Roads. He asked if there would be a cost recovery, as this is one of the new watermains in the City.

Mr. Major said the watermain is probably over two years old, but he would check the records and determine whether we can be reimbursed.

Mr. LaDuke said it would be difficult to get money back unless we contact the contractor regarding the problem.

Mr. Major said this could have been a lead break and not a watermain break. He will check further into the situation.

Mr. Bement said with our recent fires and problems with the flooding, why couldn't something be arranged in the County where items would be available and stored in a warehouse when such disaster strikes.

Mr. Cross commented that the Red Cross and Red Feather might have items stored for such occurrences.

Mr. Major stated that Red Cross was here, but they offered nothing in regards to household items.

Mr. Bement said that streets and water are two key factors people in this area have concerns with. He said when putting the budget together he would highly support a water study and find out what options the City of Burton has in this area.

Mayor Smiley said he plans to include a water study and county road takeover study in the budget.

Mrs. Tinnin asked if any funds had been received on the county roads that were taken over by the City.

Mayor Smiley said no more revenue has been received. Mr. Major is working with the State and hoping it will be resolved and if not, as elected officials, we may be able to do something.

Mr. Major stated that the state recognizes the fact we transferred those to major streets. They classified them on the map as major streets. In their numerical classification, as far as mileage goes, they made an error and put them into the local classification. I have continued to call, on a monthly basis, to the local governmental unit finance division and they are claiming they are reviewing the transfers. We are in the position of a reimbursement. The County Road Commission Director is put off by the state's inability to get this corrected. We are not the only ones who are having a problem. We may have to take this to the next level.

Mrs. Tinnin said at the last Planning Commission meeting it was mentioned that the master plan would be presented in February.

Mr. Major said Doug Piggott has the overlay system and he hasn't heard from him. He will contact Mr. Piggott and try to get this finalized.

Mrs. Tinnin asked if the City would invite the Drain Commissioner to a meeting to discuss the sewer units.

Mayor Smiley said if the Council would like to meet with Mr. Wright, he would invite him to come to a meeting. He noted that he has met with the Drain Commissioner and discussed this issue.

Mr. Martinbianco asked if the DPW wished to withdraw their request for Item #4 at this time or proceed with this hearing.

Mr. Major said he has no intentions of withdrawing the request because he believes there is a need for a classification in which to put that type of car wash in. It's his opinion that this is not a C-2 use.

Mr. Martinbianco said he and Mrs. Tinnin share the displeasure of having to increase the water rates. He said the rate increase has been passed along from the County. There are other issues that need to be discussed regarding the readiness to serve charge. He suggested that at some point, the City may need to increase the tap-in fees.

Mr. Major said Mr. Riess will give a package during budget time with recommendations concerning the commodity charge, user rate fee per cubic feet and tap-in fees. These are our three sources of revenue. You will see Rick make some adjustments to his budget and possibly Jeff Wright will make recommendations for his budget, partly based on his request that the City adopt a 40-year contract for services from them or else theory. This is still in the Advisory Committee's hands. We have no other options at the present time.

Mr. Martinbianco said he has not been a supporter of a Water Study, but after reading an article in the MML, he appreciates his colleagues comments that we find avenues to deal with the situation. It is imperative to enact this charge at this time.

Mrs. Tinnin commented on the rate increase being $1.80 instead of $1.78 as stated by Mr. Riess at the Water Workshop on January 29, 2001. He thought Flint would increase another 10%. She said she is concerned about increasing the rate now and then having to do so again. Should we table this until we speak with Mr. Wright and see what his proposals are?

Mr. Major said he doesn't recommend tabling the increase. He said he believes the increase needs to be done now, because when the City of Flint increases theirs, we will have another increase. We don't have a choice in the matter.

Mrs. Tinnin said she is a water rate user and has concerns that we may be financing future expansion of the municipal water system on the backs of the water users. She referred to the Associates Drive water main installation.

Mr. Major said this is not true. He explained that about one-half of the system on Associates Drive is being paid for by one of the businesses locating there. Water is available for the entire street at about half the cost, which increases the value of their land and the tax base of our general fund.

Mr. Abbey said he thinks it is a good thing to bring in Mr. Wright because he doesn’t think this is the only increase that we will see. He said with the increases from Detroit to Flint to the County to us, we can expect some more double digit increases. We need to take the lead and find out what our options are concerning this matter.

Mayor Smiley said also, it should be our goal to extend the watermains in areas that benefit us and that is where we get the revenue to do that.

A lengthy discussion continued concerning the water increases.

COUNCIL ACTION:

Tinnin moved and Bement seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from January 31, 2001 to February 14, 2001, in the amount of $1,365.00.

Motion carried 6-0.

Bement moved and Tinnin seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Austin) from January 10, 2001 to January 31, 2001, in the amount of $2,967.00.

Motion carried 6-0.

Cross moved and Bement seconded the following motion:

3. Approve and authorize the Attorney Billing (Richard Hamilton) from February 1, 2001 to February 15, 2001, in the amount of $1,146.00.

Motion carried 6-0.

Martinbianco moved and Cross seconded the following motion:

4. Approve and authorize the setting of a Second Public Hearing for Zoning Case #258 on Monday, March 19, 2001 at 7:00 P.M.

Motion failed 1-5 with Tinnin, Cross, Wells, Martinbianco and Bement voting no.

Martinbianco moved and Tinnin seconded the following motion:

5. Approve and authorize the water commodity charge to be increased to $1.80 per 100 cubic feet, with an effective date of April 1, 2001.

Motion carried 4-2 with Cross and Wells voting no.

SECOND READING OF ORDINANCES:

Martinbianco moved and Bement seconded the following motion:

1. Approve and authorize the Second Reading of an Ordinance for Zoning Case #256, to rezone Parcel #59-10-400-012, from M-1 to R-1A for the purpose of a Cluster Subdivision (Paul VanDoorne, 710 Ludlow, Rochester, MI 48307).

Motion carried 6-0.

Cross moved and Tinnin seconded the following motion:

2. Approve and authorize the Second Reading of an Ordinance for Zoning Case #257, to rezone Parcel #59-10-100-022, fronting on Center Road, from M-2 to C-2 for the purpose of Medical Offices, Outpatient and/or Emergency Medical Services (Delphi Automotive Systems, L.L.C., 1450 W. Long Lake Dr., Troy, MI 48096 and Genesys Health Systems, One Genesys Parkway, Grand Blanc, MI 48439).

Motion carried 6-0.

Meeting Adjourned at 9:08 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML