

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
MAY 5, 2003, 7:30 P.M., COUNCIL CHAMBERS

Pastor Ernest Davis of Deliverance Tabernacle Church, led the Invocation.

Councilman Charles Cross led the Pledge of Allegiance.

Larry Brawner, Council President, called the meeting to order at 7:35 P.M.

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

MEMBERS ABSENT: Martinbianco.

OTHERS PRESENT: Mayor C. Smiley; R. LaDuke, DPW Director; Attorney R. Hamilton and G. Webster, City Clerk.

Cross moved and Bement seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of April 22, 2003 at 6:45 P.M.; Special Meeting of April 22, 2003 at 7:15 P.M. and Regular Meeting of April 22, 2003 at 7:30 P.M. Motion carried 6-0.

Mrs. Tinnin said Mr. Wells made the comment at the last meeting that he did not approve the water and sewer contract. According to the minutes of July 16, 2001 the motion passed unanimously by a 7-0. She wanted to note that correction.

Mr. Wells would like to see the minutes of July 16, 2001.

Mr. Brawner said traffic control order #03-00, approved at the last meeting, should have read Davison Road - from Belsay to Vassar Road. He suggested Mr. LaDuke bring this resolution back to Council at the next regular meeting scheduled for May 19th.

Mr. LaDuke said the correction would appear on the next meeting agenda.

With consensus of the Council, Mr. Brawner made a correction to the April 7th meeting minutes. Mr. Stapish indicated that his comments were in reference to the tax tribunal not the board of review.

Mrs. Webster will make this correction to the April 7th meeting minutes.

A vote was taken to approve the meeting minutes. The motion carried 6-0.

ADMINISTRATIVE REPORT:

Mayor Smiley reported that the county roads are now under the jurisdiction of the City of Burton. Everything seems to be going well at this time.

COMMITTEE REPORTS:

Mr. Brawner requested an Executive Session at the conclusion of council action to discuss ongoing pending litigation and contract issues with one of our employees.

Moved by Cross, seconded by Wells to: Approve and authorize Council to go into Executive Session at the conclusion of Item 2 to discuss ongoing pending litigation and contract issues with an employee. Motion carried 6-0.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St, referred to a quote by James Madison and a recent Flint Journal article involving GISD. She spoke in reference to acquiring and releasing public information. She commented on the cost of previous FOIA requests and credit card issues. She wanted to know how many credit card accounts the City had.

Don Sanderlin, 4460 Killarney Pk, spoke in favor of spraying wetland areas to eliminate mosquitoes. He felt spraying was important to prevent the spread of the Nile Virus.

COUNCIL DISCUSSION:

Mr. Cross attended a meeting that advocated not spraying for mosquitoes. This group offered other alternatives to spraying, such as removing old tires and stagnate water from your yard. This group didn't want any spraying in Grand Blanc.

Mr. Brawner asked if the Mayor knew how much it cost Grand Blanc Twp to spray for mosquitoes.

The Mayor didn't have this information.

Mr. Brawner planned to contact Mr. Hammon regarding the cost of spraying for mosquitoes.

Mrs. Tinnin wanted to know when the Genesee Rd railroad tracks would be repaired. She said the Center Rd. track repairs didn't hold up. She wanted to know if these tracks could be redone.

Mr. LaDuke said the Genesee Rd railroad tracks were scheduled for repair beginning July 7th. He suggested we concentrate on one area at a time. He will make the railroad company aware of the problems with the Center Rd tracks.

Mrs. Tinnin was told that the Clerk and the Mayor were no longer using their credit card. She wanted to know if others were still using their credit cards. She wanted to know if the Mayor was going to make it a policy.

The Mayor thought other cardholders were still using their credit cards. He said there are policies in place for the use of city credit cards. Credit cards are still in the Mayor's and Clerk's names.

Mr. Wells asked for clarification on a trial involving the City. He wanted to know if there was a copy of that trial available.

Mr. Hamilton had a videotape of the court motion available.

Mr. Wells wanted to see the tape. He felt it would be a good learning tool.

Mr. Brawner suggested that Council watch the tape.

Mr. Wells asked Mr. Hamilton to explain the legal definition of a public nuisance.

Mr. Hamilton said there are two kinds of nuisances. One is public and one is private. A nuisance is basically an unreasonable activity. The violation of an ordinance is a public nuisance per say. The difference between a private and public nuisance is that a public nuisance affects more than one individual's rights. A public nuisance affects a broader scope of injury or damage than perhaps one or two people. It is an unreasonable, intentional act or behavior that effects a broader scope, involving several groups of people. Basically, it's an unreasonable behavior that causes injury or discomforts to others.

Mr. Cross wanted to know if this referred to someone that caused harm to others in a physical, mental or financial way.

Mr. Hamilton said it doesn't require a physical intrusion. He gave an example of a public nuisance of generating smoke or playing loud music around others. This would include behavior that would be offensive or disrupt the peace and tranquility of others. It does not have to involve physical or financial loss for others to claim damages.

In reference to Item 2, Mr. Wells asked for further clarification on the liquor license.

The license was being transferred to the same owner, at the same location, with a different corporate name. The application reflected that the dance permit was eliminated.

Mr. Brawner announced that Council was going into Executive Session for the purpose of discussion on contract issues with an employee and ongoing pending litigation.

Council went into Executive Session at 8:00 p.m.
Council resumed the Regular Council Meeting at 8:30 p.m.

A brief discussion was held on whether to view the tape of a recent court motion.

Council agreed not to show the tape regarding the pending litigation.

Council returned to Executive Session at 8:35 p.m.
Council resumed the Regular Council meeting at 9:10 p.m.

Mrs. Tinnin wanted to know if Council was going to make a correction to the traffic order. She felt it needed to be added to the agenda to reflect Davison Rd – from Belsay to Vassar Road.

Mr. Brawner said that Mr. LaDuke would make the necessary changes and add it to the next regular council agenda. In addition, he announced that the next budget session would be held tomorrow at 3:00 p.m.

COUNCIL DISCUSSION ACTION:

Moved by Cross, seconded by Wells to: Approve and authorize Council to go into Executive Session at the conclusion of Item 2 to discuss ongoing pending litigation and contract issues with an employee.
Motion carried 6-0.

COUNCIL ACTION:

Cross moved and Bement seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from April 16, 2003 to April 30, 2003 in the amount of \$2,358.00.
Motion carried 6-0.

Bement moved and Cross seconded the following motion:

2. Approve and authorize the request from Trevi, Inc., to transfer ownership of 2002 Class C licensed business with Dance Permit located at G-3165 S. Dort Hwy., Burton, MI 48529, Genesee County from Trevi's, Ltd.
Motion carried 6-0.

Meeting Adjourned at 9:15 P.M.
Gayle Webster, Burton City Clerk