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

Councilman Robert Bement Led the Invocation and Pledge of Allegiance.

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

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

MEMBERS ABSENT: None.

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

Martinbianco moved and Brawner seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of April 17, 2001 at 6:30 P.M.; Special Meeting of April 17, 2001 at 7:00 P.M. and Regular Meeting of April 17, 2001 at 7:30 P.M. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley requested Council add to the agenda, as Item 8, a resolution in support of Law Enforcement Officers of the United States. He asked Council members to sign the document after the meeting, if the resolution was adopted.

The Mayor reported that he had good news for the Memorial Day festivities. Meijer will sponsor our fire works display. Banners will be put together to acknowledge Meijer for their financial commitment to the city. He thanked Mrs. Centilli and Mr. Halvaty for their input on this project.

Mayor Smiley said that Bill Mathewson, legal counsel from MML, was present at tonight's meeting.

He indicated that there were some programs left from the State of the City if anyone still wanted one.

Mr. LaDuke, Parks and Recreation director reported that the Bentley Varsity Club would be sprucing up Fire Station #2. In addition, there will be a dedication ceremony for the new playscape at West Bendle on Wednesday, May 23, 2001. The Council and school board members are invited to attend.

COMMITTEE REPORTS:

Mr. Cross added to the agenda, as Item 8, to approve and authorize the resolution recognizing the Law Enforcement Officers of the United States. The motion carried 7-0.

Mr. Cross reported that there was a vacancy on the Zoning Board of Appeals. He offered the following resolution: Adding as Item 9, to approve and authorize the Council's reappointment of Marguerite Scott, 2278 Harmony Dr. Burton, MI 48509 to the City of Burton's Zoning Board of Appeals, three year term to expire 2004.

Mr. Brawner felt it was important to advertise for the ZBA position. He wanted to give other citizens an opportunity to get involved in the process. He suggested amending the resolution to advertise for the opening.

Mr. Hamilton indicated that the motion could be amended to add the advertisement.

Mr. Bement and Mr. Centilli supported Mr. Brawner's suggestion of advertising for the position.

Mrs. Tinnin felt there wasn't a vacancy on the ZBA board, it was just a reappointment. She spoke in support of keeping Mrs. Scott on the board.

Mr. Martinbianco felt it would be appropriate to reappoint someone to the ZBA board, if Council felt they were doing a competent job.

The motion to add Mrs. Scott's reappointment failed by a 3-4 vote, with Bement, Brawner, Centilli and Wells voting no.

Mr. Cross reported that Terry Parker submitted a proposed set of by-laws for the Zoning Board of Appeals, based on the City and Village Zoning Act 285. He referred this matter to the attorney for review.

Mr. Hamilton indicated that it wasn't the City Council's prerogative to establish rules and procedures for that body. The ZBA board is an independent body with a statutory jurisdiction. They would have to adopt their own rules and procedures.

Mr. Cross will inform Mr. Parker that this issue should be addressed through the Zoning Board.

AUDIENCE PARTICIPATION:

Dennis Coan, Coan & Son Inc, G-3178 Kleinpell, spoke in opposition to the bidding process that was used to award the street sweeping contract. He passed out information to the Council that detailed his concerns with the contract. He felt this was not a qualified bid.

Neil Coan, Coan & Son Inc, G-3178 Kleinpell, had concerns with the bidding procedure that was used to award the street sweeping contract. He felt the bid prices shouldn't have been released before re-bidding of the contract was awarded.

Kathryn Livingston, 3084 Vineland, spoke on the trouble she has experienced while trying to pick up her child at the bus stop. She indicated that Atherton Road Sales staff has been harassing her at the bus stop. She asked the city to install a bus loading sign at the site, so the children would have a safe place to get on and off the bus.

Carl Fenner, 1146 Kettering St, would like all lot split or variance notices to contain the particular address of the lot involved. He said residents didn't know what property was involved by only listing a lot number. In addition, he spoke on dog problems in his neighborhood. He wanted to know how many dogs were allowed per household.

In reference to the notices, Mr. Hamilton indicated that there were no addresses listed for vacant properties involving lot splits.

Barb Haus, 3064 Vineland, would like a designated bus stop area that would be safe for children. She complained that workers from Atherton Road Sales were harassing her at the bus stop.

Leona Stepens, 3049 Vineland, spoke on the skimming of the zoning ordinances as it relates to the declining quality of life in her community. She referenced the problems with the children at the bus stop.

Al Bontumasi, 1450 Alberta Ave, commented on an incident where the State Police briefly retained him when answering a fire call. He felt the police statement did not reflect the event accurately. In addition, he spoke in favor of turning the fire sirens on so the children playing in the nearby park would be safe.

Don Sanderlin, 4460 Killarney Park, had concerns with the closing of SK Services. He wanted to know who would be responsible for the clean up of the site. In addition, he asked for clarification on whether Chupek's is doing business at the old site.

Ms. Haus gave Council a letter written by Brandy Carpenter that referenced problems with Atherton Sales & Service in regards to the safety of the children at the bus stop.

Larry Petrella, 1081 Howe Rd, spoke in opposition to the Master Plan workshops that were scheduled. He wanted to know when the tapes would be available for the public. In addition, he complained about debris blowing from businesses along Court Street and he wanted to know who the legislative chair was so he could provide him with some information.

Pauline Dargel, 6119 Hugh St, spoke in support of the ZBA reappointment of Mrs. Scott. She asked for clarification on the city wide clean up, free towing of vehicles, Sargent Udell's computer position, silencing fire sirens and the cell phone policy.

Mr. Bontumasi commented briefly on a budget workshop session he attended.

COUNCIL DISCUSSION:

Mr. Martinbianco referred to a letter written by Mrs. Carpenter that detailed several incidents involving Atherton Road Sales in regards to the safety of the children at the bus stop.

Mr. Martinbianco commented on the bid process and suggested that Items 3 and 4 regarding the street-sweeping contract be postponed until further investigation was done on the issue.

Mr. LaDuke gave a detailed explanation of the street sweeping bids. When the original bids were opened, he found several inconsistencies with the bid proposals. The original bids were thrown out and all contractors were notified. The new contract specified the number of sweeps and new bids were taken. The contract was awarded to the low bidder, Four Seasons Maintenance. DPW followed standard procedures, while processing this contract.

Discussion continued in reference to the street sweeping contract.

Mr. LaDuke said there was no reason to postpone action on the bids. It was in the best interest of the city to clarify and clear up the mathematical discrepancies in the original bids.

Mr. Major agreed with Mr. LaDuke's comments. He felt the bidding process was appropriately handled.

Mr. Martinbianco referred to the problems at the Vineland bus stop. He suggested the Mayor contact the police chief and the Davison School safety department in regards to this matter, so the children will have a safe place to board the bus.

Mayor Smiley planned to discuss this issue with the police chief.

In reference to Mr. Sanderlin's comments, Mr. Martinbianco asked if the assistant fire chief has made a recent report on SK Services. He wanted to know if the site would be cleaned up after the business closes.

The Mayor indicated the site has been inspected on a regular basis and all guidelines have been met. The property is currently being leased from the Railroad Company. The city will work with the DEQ to make sure the site is cleaned up properly.

Mr. Cross asked for clarification on the circuit court case involving this company.

Mr. Hamilton said the Zoning Board of Appeal case was reprimanded by the circuit court back to the Zoning Board to determine to conduct another hearing to make a specific finding as to the basis upon what their decision was rendered. To his knowledge there is no activity at that site. He was hesitant to go through another hearing at this time.

Mr. Major thought the business was still operational up to last Friday.

Mr. Cross asked for clarification on the circuit court ruling.

Mr. Hamilton said that SK's appeal case was reprimanded back to the Zoning Board for another hearing. They are required to make a specific finding based upon why that particular decision was rendered. He heard they were not operational at that site. However, if they are going to continue to operate at that site, the judge has ruled that they should go back to the Zoning Board of Appeals to conduct another hearing. This could be scheduled for the next zoning meeting.

Discussion continued in reference to the closing of SK Services on Dort Hwy.

Mr. Abbey was informed that the business lost the contract with GM and will no longer be doing business after June 1st. They are winding down their operations and plan to clear out of the area in the near future.

Mr. Hamilton will let the Zoning Board know the intentions of the business before setting a new hearing. If the business closes, it would not be necessary to set another hearing.

In reply to Mrs. Livingston's comments, Mr. Bement asked if Davison Schools had been contacted in regard to the bus problems on Vineland. He felt the chairman of transportation at the school should take action to resolve the bus problems. In addition, he felt the school board might be helpful in initiating some action on this matter. He asked the Mayor to check with the school to see if anything can be done to alleviate the problems.

Mrs. Tinnin felt there should be some conversation and cooperation between the school, the business owners, and the police department to resolve this issue. She will personally look into this issue.

Mr. Brawner said there has been ongoing problems with the residents on Vineland and Atherton Road Sales. This has maybe enhanced the situation. He hoped the Mayor would look into this situation tomorrow morning.

Discussion continued in reference to the bus problems on Vineland.

Mr. Bement asked for clarification on setting a public hearing for the Master Plan.

Mr. Major recommended the Planning Commission hold an evening public hearing to review the Master Plan. However, that was up to the pleasure of the Planning Commission.

Mrs. Tinnin read Neil Coan's letter indicating that he objected to the bid process that was used to award the street sweeping contract. She asked for clarification on the bid process.

Mr. LaDuke briefly explained the bid process. He indicated that all standard procedures were followed in awarding the street sweeping bids.

Mr. Major agreed with Mr. LaDuke's comments. He felt the bidding process was appropriately handled.

Discussion continued in reference to street sweeping bids.

Mrs. Tinnin asked for clarification on the availability of a tape of the Master Plan Workshop. In addition, she felt there should be minutes of the workshops.

Mr. Major said discussion was held by the Planning Board, Rowe Engineering and the DPW Director to determine whether tapes would be made available. There is no requirement to take minutes of the workshop. The decision was made not to tape or provide minutes of the Master Plan Workshop sessions.

Mrs. Webster indicated that there would be brief minutes provided for the Council's Budget Workshops.

In reply to Mr. Fenner's comments, Mr. Cross asked for clarification on the lot split notices.

Mr. Hamilton said vacant property does not have an address only a parcel number. There is no requirement to put an address on these notices. He suggested the application form could be modified to include an address if there was one available. The address could then be included on the notice.

A brief discussion continued in reference to putting an address on notices.

In response to Mr. Fenner's comments, Mr. Cross asked for clarification on animal control issues.

Mr. Hamilton indicated that animal control is a county function. Burton does have an ordinance that pertains to the number of dogs per household.

Mr. Major said the ordinance allows homeowners to have up to two dogs and puppies up to a certain age.

Mr. Wells will look into the dog situation that is troubling Mr. Fenner.

Mrs. Tinnin asked Mr. Centilli to read Brandy Carpenter's letter regarding the bus stop problems on Vineland.

Mr. Centilli read the letter from Brandy Carpenter, 3065 Vineland. She had concerns for children's safety at the bus stop on Vineland, due to ongoing problems with Atherton Road Sales. She would like something to be done about this situation, so the children will be able to board the bus safely.

In reply to Mrs. Dargel's comments, Mr. Brawner clarified Sargent Mark Udell's computer position. It was his understanding, that several departments would compensate Mr. Udell's salary. His current position would be replaced at the police station.

Discussion continued in reference to Sargent Mark Udell's new position.

Mr. Udell will still be a certified police officer, but he will not be available for road patrol. The vacant Sargent position will be filled. Mr. Udell will remain in the same MERS program and become a non-union non-charter administrator. If the computer position were eliminated, he would be able to resume his current job at the police department. He will meet the police departments general computer needs, as well as being available to work on cyberspace crimes.

Mr. Wells asked what the timetable was for a community cleanup.

The Mayor indicated that there wasn't any specific time scheduled for cleanup. He suggested anyone could turn in addresses that needed attention. He wanted everyone to work together and be on the same page before attempting a city wide cleanup.

Mr. Abbey will be working with the DPW to help get details worked out on a clean up program. He will be looking at some problem areas and working to clean up those identified sites.

Mr. Wells spoke in reference to future ZBA appointments. He felt there should be a consistent procedure used to fill these types of positions. In addition, he suggested Mr. Wells spoke in reference to future ZBA appointments. He felt there should be a consistent procedure used to fill these types of positions. In addition, he suggested Council should be accepting applications for these positions.

Discussion continued in regards to the vacancy of two Zoning Board alternate positions. A suggestion was made to advertise for those positions, as well.

Mr. Wells commented on the increases in the water bills. His bill increased $60.00 from the last billing cycle. He thought dollars should be set aside for a water study to review our options relative to water usage.
Council should be accepting applications for these positions.

Discussion continued in regards to the vacancy of two Zoning Board alternate positions. A suggestion was made to advertise for those positions, as well.

Mr. Wells commented on the increases in the water bills. His bill increased $60.00 from the last billing cycle. He thought dollars should be set aside for a water study to review our options relative to water usage.

Mr. Abbey was researching the elevated bills and will report back to Council with his findings.

Mr. Cross asked for further explanation on the city wide clean up and the cost for picking up junk cars. He suggested the city auction unclaimed cars that had been towed.

Mayor Smiley said more research was needed before undertaking a city wide clean up. He said someone would have to assume the financial responsibility for picking up unwanted vehicles.

Mr. Brawner said the storage cost of the vehicles far outweighs the price that we would collect at an auction.

In regard to Mr. Petrella's comments, Mr. Cross indicated that Mr. Martinbianco is the Legislative Chair.

Mr. Cross spoke briefly on the clean up of a Kettering Street property. Atlas Realty was supposed to clean up the site.

Mr. Major said the DPW is prepared to clean up the Kettering Street property in the near future. He said that the home has been condemned.

Mrs. Tinnin asked the attorney if the Council could override the fire siren policy or the cell phone policy.

The Mayor has contacted some Council members, the fire chief and the regional office in regard to the fire siren policy. He has set up a meeting for May 14th to discuss this issue with the firemen. There will be no Council, press or video taping of this meeting. The firemen will not be paid for this meeting.

In regard to the phone policy, the Mayor said Council should be pleased and supportive with our new policy. Currently, the employees receive a phone allowance of $40.00. The employees have their own policy and are responsible for their own equipment. This policy provides a better service for our residents at a greatly reduced cost.

Discussion was held in reference to the ZBA appointments. Mr. Bement and Mr. Centilli felt that all positions should be advertised. However, a majority of the Council agreed to reappointment Mrs. Scott to the ZBA. The two vacant Zoning Board alternates positions will be advertised in the paper. The deadline to submit applications was set for May 18th at 5:00 p.m.

Moved by Cross, seconded by Tinnin to add as Item 9, Approve and authorize the Council's reappointment of Marguerite Scott, 2278 Harmony Dr. Burton, MI 48509 to the City of Burton's Zoning Board of Appeals, three year term to expire 2004. Motion carried 5-2, with Bement and Centilli voting no.

Moved by Martinbianco, seconded by Cross to add as Item 10, Approve and authorize the clerk's office to advertise for two available positions for Zoning Board of Appeals alternate, with the application deadline to be set for May 18, 2001 at 5:00 p.m. Motion carried 7-0.

Mr. Martinbianco had a question regarding Mr. Austin's billing. He requested that $22.50 be subtracted from his billing until he could clarify the entrée. The billing was adjusted to $3,302.94.

Moved by Martinbianco, seconded by Tinnin to amend Item 1 to read, Approve and authorize the Attorney Billing (Richard Austin) from April 11, 2001 to May 2, 2001 in the amount of $3,302.94. Motion carried 7-0.

In regard to Item 5, Mrs. Tinnin asked for clarification on the Utility Deregulation Commission appointments.

Mr. Major explained that this commission attends meetings that deal with telecommunications and utility issues, such as Comcast Cablevision, Consumers Energy, telephone issues, PROTECT issues. This board reports and makes recommendations to the administration.

A brief discussion continued in reference to the PROTECT organization.

In regard to Item 9, Mr. Wells hoped Council would be more consistent with nominations and appointments for the zoning board.

Mr. Cross suggested that Council fill the zoning board vacancies through the alternates in the future.

A brief discussion was held in reference to filling the Zoning Board of Appeal alternate positions. The applications will be accepted at the next regular council meeting and interviews to fill the positions will be conducted in June.

COUNCIL DISCUSSION ACTION:

Moved by Cross, seconded by Tinnin to add as Item 8, Approve and authorize the resolution recognizing the Law Enforcement Officers of the United States. Motion carried 7-0.

Moved by Cross, seconded by Tinnin to add as Item 9, Approve and authorize the Council's reappointment of Marguerite Scott, 2278 Harmony Dr. Burton, MI 48509 to the City of Burton's Zoning Board of Appeals, three year term to expire 2004. Motion denied 3-4, with Bement, Brawner, Centilli and Wells voting no.

Moved by Cross, seconded by Tinnin to add as Item 9, Approve and authorize the Council's reappointment of Marguerite Scott, 2278 Harmony Dr. Burton, MI 48509 to the City of Burton's Zoning Board of Appeals, three year term to expire 2004. Motion carried 5-2, with Bement and Centilli voting no.

Moved by Martinbianco, seconded by Cross to add as Item 10, Approve and authorize the Clerk's Office to advertise for two available positions for Zoning Board of Appeals alternate, with the application deadline to be set for May 18, 2001 at 5:00 p.m. Motion carried 7-0.

Moved by Martinbianco, seconded by Tinnin to amend Item 1 to read, Approve and authorize the Attorney Billing (Richard Austin) from April 11, 2001 to May 2, 2001 in the amount of $3,302.94. Motion carried 7-0.

COUNCIL ACTION:

Brawner moved and Wells seconded the following motion as amended by Council:

1. Approve and authorize the Attorney Billing (Richard Austin) from April 11, 2001 to May 2, 2001 in the amount of $3,302.94.

Motion carried 7-0.

Cross moved and Bement seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from April 3, 2001 to May 2, 2001 in the amount of $696.00.

Motion carried 7-0.

Brawner moved and Wells seconded the following motion:

3. Approve and authorize the acceptance of the low bid of Four Seasons Maintenance, Inc., G-3125 Kleinpell, Burton, MI 48529, in the amount of $29,573.11 for three sweeps for the project known as: 2001-02 Local Street Sweeping.

Motion carried 6-1, with Tinnin voting no.

Bement moved and Brawner seconded the following motion:

4. Approve and authorize the Mayor and Clerk to enter into a contract with Four Seasons Maintenance, Inc., G-3125 Kleinpell, Burton, MI 48529, in the amount of $29,573.11 for three sweeps for the street sweeping Contract for the City of Burton, contingent upon approval by the City Attorney and the City Controller.

Motion carried 6-1, with Tinnin voting no.

Martinbianco moved and Wells seconded the following motion:

5. Approve and authorize the Mayor's appointment of Jeffrey M. Major, DPW Director, 2106 Crestline Drive, Burton, MI, to the Utility Deregulation Commission. Term to expire May 2004.

Motion carried 7-0.

Martinbianco moved and Brawner seconded the following motion:

6. Approve and authorize the Mayor's appointment of Stephen Perez, Purchasing Agent, 6075 Davison Rd., Burton, MI, to the Utility Deregulation Commission. Term to expire May 2004.

Motion carried 7-0.

Martinbianco moved and Bement seconded the following motion:

7. Approve and authorize the Mayor's appointment of Richard Hamilton, City Attorney/Richard Austin, Deputy City Attorney, 702 Church Street, Flint, MI, to the Utility Deregulation Commission. Term to expire May 2004.

Motion carried 7-0.

Cross moved and Martinbianco seconded the following motion:

8. Approve and authorize the resolution recognizing the Law Enforcement Officers of the United States.

Motion carried 7-0.

Cross moved and Martinbianco seconded the following motion:

9. Approve and authorize the council's reappointment of Marguerite Scott, 2278 Harmony Dr. Burton, MI 48509 to the City of Burton's Zoning Board of Appeals, three year term to expire 2004. Motion carried 5-2, with Bement and Centilli voting no.

Motion carried 5-2, with Bement and Centilli voting no.

Martinbianco moved and Cross seconded the following motion:

10. Approve and authorize the clerk's office to advertise for two available positions for Zoning Board of Appeals alternate, with the application deadline to be set for May 18, 2001 at 5:00 p.m. Motion carried 7-0.

Motion carried 7-0.

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Meeting Adjourned at 10:20 P.M.

Gayle Webster
Burton City Clerk

GW/cml