

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
MAY 15,2000, 7:30 P.M., COUNCIL CHAMBERS

Councilman Ted Hammon led the Invocation and Pledge of Allegiance.

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

MEMBERS PRESENT: Brawner, Centilli, Cross, Hammon, Martinbianco, Tinnin and Zelenko.

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor Charles Smiley; R. Hamilton, City Attorney and C. Ladd, Deputy City Clerk.

Martinbianco moved and Cross seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of May 1, 2000 at 7:00 P.M. and the Regular Meeting of May 1, 2000 at 7:30 P.M., as printed. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley said he would be handing information to the City Council from Standard and Poor, the finance company, regarding our bond rating. Our rating stayed a triple B+, but as you read through the information, you will find that the information is positive. The Mayor read a brief synopsis of the financial report.

Mayor Smiley said he attended the Regional Meeting and they spoke about the Juvenile Justice System and the Legislative Updates. He said he would make copies of the information. One of the big topics was "Let Local Votes Count". This will be a ballot question in the November election. The Mayor then read a list of items which have affected the local units of government through passage by the state legislature. It is important to encourage the voters to vote for local control.

Mayor Smiley said he is in the process of putting together a citizen's academy, which will be a six to eight week course, and will probably be held twice each month. Items to be discussed are things that deal with local government.

In the future, anyone that he appoints to a board or committee, will have to complete the citizen's academy. The Mayor said he hopes to have the classes start in August or September. He said he would pattern his over what Linden is doing. If Council would like to have input, please stop by his office.

COMMITTEE REPORTS:

None.

AUDIENCE PARTICIPATION:

Terryl Sperlich, 1253 Howe Rd., asked for a response from her inquiry at the previous council meeting. She said she was unable to attend the Parks and Rec meeting and asked for an update. She hopes that all issues are revived before leaving the meeting.

Don Sanderlin, 4460 Killarney Park Dr., spoke about not receiving a notice in regards to the S & K business located at the corner of Maple and Dort Highway. The residents should be notified of what is happening in their area. He spoke against the request that S & K has proposed for a zoning change.

Al Roberts, 4371 Great Oaks Dr., Grand Blanc, inquired about the master plan, request for zoning change from R-1 to Multi-Family and traffic lights and the congestion on Maple Road by Belsay Road.

Connie Ezell, 1350 Thompson Rd., Fenton, MI, said she owns and operates Flint City Towing. She spoke concerning a memorandum from Mayor Smiley in regards to the City now using one towing company exclusively. She asked if there was an interpretation from Attorney Hamilton, in regards to the so-called contract between her company and the City.

Pauline Dargel, 6119 Hugh St., inquired about when the committee reports would be given by Council. She noted that the Parks and Recreation Committee did take action at their meeting and there was a tremendous turnout at the last Planning Commission Meeting. The Council representative should make a report from the committee they represent. Mrs. Dargel also inquired about the City's web page, and she spoke about an FOIA request concerning council correspondence.

Larry Petrella, 1081 Howe Rd., inquired about the status of the PILOT Ordinance; whether Attorney Hamilton was paid for attending the last Planning Commission meeting and the Parks and Recreation workshop held at the police and fire facility. He also asked for an update concerning the recent murder in the City.

COUNCIL DISCUSSION:

Mr. Cross asked the attorney if he had done any research on the towing issue.

Attorney Hamilton replied that he reviewed the documentation that was provided at the meeting and also reviewed the provisions of the City Charter and the provisions of the City Procurement Ordinance, which authorizes different functions and procedures for establishing city commitments pursuant to contract. The document did not appear to have the characteristics of being a contract because it didn't bind either party to payment or to perform services. The document that was submitted, was basically a listing of criteria under the terms of various different vendors or service providers. I also reviewed the ordinance that deals with the authority of the Mayor to enter into purchasing for goods and services, indicating that if a service is rendered to the City for consideration of less than \$500.00, the Mayor has the authority to make that commitment on behalf of the City. Mr. Hamilton stated that to his knowledge, there never has been a specific contract between the City and a towing vendor. He noted that he received a letter from Attorney Frasier and he would meet with him to discuss the issue. There is no commitment on behalf of the City to pay anything for this service, nor is there a commitment to place the work in any specific place.

Mr. Martinbianco asked which city ordinance states that the City will be responsible for calling, or making sure that a competent towing company would be called, and how would this involve the Mayor.

Mr. Hamilton replied there is no such ordinance. He said that the authorization would come from the department head. The Mayor's involvement is because he is the Chief Administrative Officer and all of the department heads are directly responsible to respond to his directions. Mr. Hamilton said the main issue is public safety for the residents of the City.

Further discussion continued regarding the towing issue.

Mrs. Tinnin asked Mr. Hamilton about Sections 6.3 and 4.1 of the City Charter regarding how this relates to the towing policy issue. She said she has had a complaint from a resident because he was unable to select the towing service. She asked Mr. Hamilton to give the Council a response, in writing, after meeting with Mrs. Ezell's attorney, prior to the next meeting.

Mr. Centilli noted that the financial report given by the Mayor, was an excellent report and we should be proud of this positive report. He also reported that the budget workshops are going well and should be completed by next week.

Mr. Martinbianco thanked the administration for bringing attention to the road commission of the pothole problem on Belsay Road. He also noted that there is a problem with potholes on Center Road at Atherton Road. He gave an update on the PILOT Ordinance, noting that action has been postponed until literature is received from MSHDA and another meeting is held. He said the committee stands together in wanting the best for the development of Center Road and want to make sure proper decisions are made.

Mr. Martinbianco said in reference to Mr. Roberts's question, the City does have a master plan, which was revised in 1988. He also questioned why a letter from the State Department of Treasury was delivered to his home rather than at city hall where he normally receives his city mail. He asked if anyone had given his home address out. Mr. Martinbianco also noted that the letter has a postmark of March and he didn't receive it until May. He questioned the promptness of communications reaching the Council. Mr. Martinbianco commented that Mr. Sanderlin's issue of residents being notified of meetings, will be on a future Legislative meeting agenda.

Mayor Smiley addressed the towing package issue, stating there were no guidelines in place in 1992, and he has changed the towing package more than once since that time. He said he has not violated the City Charter by making a change in the use of towing companies. In regards to Council's mail, he stated the administration is looking into the possibility of getting new mailboxes for both the Council and the Administration. He didn't know if anyone had given out Mr. Martinbianco's address or not, and he wasn't aware of what Mr. Martinbianco had received from the State.

Mr. Cross commented that in regards to the towing issue, he is concerned about public safety.

Mr. Centilli explained that the nature of the letter from the State Treasury Department deals with the out-of-pocket expense he had when working on the Veteran's Memorial. He said he asked to be reimbursed for the out-of-pocket expense, but didn't mind doing the work for free. He also noted that when building the memorial, he was not a City Councilman. Mr. Centilli noted that he turned in an invoice with his bill, but it wasn't itemized. Mr. Centilli commented that Genesee County does not have time to maintain our roads. If we take the roads over, the DPW can maintain them and do a good job like they currently are with the ones under our jurisdiction. Mr. Centilli concurred with the statement from Mr. Roberts concerning a light on Maple Road.

Mr. Brawner spoke concerning the towing issue. He said he agrees with Mr. Martinbianco that when it becomes an issue of public safety, the chief law enforcement officer, or the chief of police would have an input about what wreckers are used. However, that has never been the case during his tenure with the City. We have always had from one to five wreckers and that has always been a decision made by the Mayor. He said he looks forward to getting this issue settled and is hopeful this can be done through the meetings with Mr. Frasier. Mr. Brawner also stated that he would like to get the master plan updated as soon as possible.

Mayor Smiley said that due to a shortage in personnel, partial blame falls on the City for the delay in getting the master plan completed.

Mrs. Tinnin asked Mr. Martinbianco about the \$1,000.00 disbursement in 1998. She asked whether the auditing firm had given the Council advise on how this should have been handled. She asked how the Mayor received a copy of the letter sent from the Treasury Department. The letter must have been intercepted by the Mayor, if he wrote back to the Treasury Department.

Mr. Martinbianco replied yes, advise was given, but that issue is now settled. His concern was that he received a letter at his home address rather than City Hall.

Mayor Smiley said he did not intercept the letter, that Mr. Becker had received a copy of it and gave him a copy.

The Mayor said Brad did the audit and wrote the letter back to the State Treasury. Brad signed the letter and I approved it.

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Mrs. Tinnin inquired about the S & K Zoning Case scheduled to be heard on Thursday. She said that she attended the Park and Rec Workshop, and asked several questions at that meeting concerning Kelly Lake access and the roadbed that would be laid. She was told that the money is in this year's budget and will take place in the near future. She confirmed that there would be a three way stop on Maple and Belsay, with no lights and no signals.

Mr. Cross said he was at that intersection this evening and people are not properly stopping.

Mrs. Zelenko said she would contact Ms. Sperlich regarding the five-year plan for Kelly Lake. She also gave an update on the justification for the out-of-pocket expenses for the Howe Road paving.

Mrs. Zelenko requested that Councilman Centilli give a report, under Committee Reports, for any of those committees that he represents.

Mrs. Zelenko addressed the questions raised by Mr. Petrella. She informed him that Mr. Hamilton was paid for his attendance at the Planning Commission Meeting, but was not paid when he attended the Parks and Rec Workshop. Concerning an update on the murder, Mr. Petrella was told this is still under investigation and there is no information available at this time.

Mr. Cross noted that by releasing information, the safety of the citizens could be jeopardized.

Mrs. Zelenko said in reference to the Web Page, there is currently a glitch with the computer person, but this should be taken care of in a timely fashion.

Mrs. Tinnin asked about the status of Mr. Thurman and if he is still employed with the City.

Mayor Smiley said issues are being discussed and if Council has any questions, they are welcome to discuss this in his office.

COUNCIL ACTION:

Centilli moved and Brawner seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from April 26, 2000 to May 10, 2000, in the amount of \$1,422.50.

Motion carried 7-0.

Centilli moved and Cross seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from April 13, 2000 to May 10, 2000, in the amount of \$1,620.00.

Motion carried 7-0.

Cross moved and Centilli seconded the following motion:

3. Approve and authorize the setting of a Second Public Hearing for Zoning Case #250 on June 19, 2000 at 6:00 P.M. (Gary Cockman, 4020 Waterland Ave., Metamora, MI 48455)

Motion carried 7-0.

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Centilli moved and Martinbianco seconded the following motion:

4. Approve and authorize the setting of a Second Public Hearing for Zoning Case #251 on June 19, 2000 at 6:30 P.M. (The Lockwood Group, 30100 Telegraph Rd., Bingham Farms, MI 48025).
Motion carried 7-0.

Centilli moved and Hammon seconded the following motion:

5. Approve and authorize the setting of a Second Public Hearing for Zoning Case #253 on June 19, 2000 at 7:00 P.M. (Blake Rizzo, 5273 Empress Dr., Grand Blanc, MI 48439).
Motion carried 7-0.

Meeting Adjourned at 9:10 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML