CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JUNE 4, 2001, 7:30 P.M., COUNCIL CHAMBERS

Councilman Danny Wells 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; J. Major, DPW Director; Attorney R. Hamilton and G. Webster, City Clerk.

Cross moved and Tinnin seconded the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of May 21, 2001 at 7:30 P.M., as printed. Motion carried 7-0.

ADMINISTRATIVE REPORT:

The Mayor thanked everyone who helped with the Memorial Day Festivities. He thought the weekend was very successful. He is planning an appreciation dinner for all the committee chairs that worked on the Memorial Day events.

In regard to the ongoing busing problems on Vineland, the Mayor said bus-loading signs have been ordered and a meeting is being planned for residents and Atherton Road Sales to discuss this issue.

The Mayor reported on WFPA 1710 and 1720 in regard to the implementation of new guidelines. He said revenue sharing and Act 51 dollars are in question. In addition, he has met with Consumers Energy officials to discuss the increase in natural gas prices and the impact this will have on our residents and the city. People can expect a 40% increase in natural gas bills. We have no control of that. As part of the Steering Committee of Energy and Environment Natural Resources, he has been working on the issue of deregulation of electricity. These issues need to be looked at to determine the best way to benefit our residents.

The Mayor indicated that the first reading of Ordinance 68-C was on the agenda. He clarified that three administrators would receive a 3% raise, while the other two would receive a 2.5% increase with the adjustment being designated for health care.

COMMITTEE REPORTS:

None.

AUDIENCE PARTICIPATION:

September Misener, 3328 S. Vassar Rd., wanted the public hearing date for ZC #259 rescheduled, due to the July 4th holiday, so more people could be present. She asked that all council members be present at the meeting.

Kathryn Livingston, 3084 Vineland, commented on the ongoing bus loading problems on Vineland. She would like the city to intervene to resolve this issue. She suggested the street be widened, paved and sidewalks added to provide better safety for the children.

Pauline Dargel, 6119 Hugh St, commented on the increase in gas prices, cell phone usage and Ordinance 68-C. She wanted Section 6 and a portion of Section 8, B, 3, dealing with Medicare deleted from Ordinance 68-24 C.

Mr. Martinbianco moved and Mrs. Tinnin seconded the motion to allow Mrs. Dargel to extend her comment time. No vote was taken. Mrs. Dargel was given an additional minute to finish her comments.

Greg Jones, Bridgeport, requested Council's permission to build a home on Dortch Drive, which is a private road.

Linda Burris-Croley, 6223 Crabtree Ln, spoke in opposition to Ordinance 68-24 C and council meeting rules. In addition, she commented on the Mayor's re-appointments. She felt all board appointments should be published.

Larry Petrella, 1081 Howe Rd, commented on the Master Plan, the Zoning Board of Appeal Alternate positions, Item #4 relating to the moratorium of cell towers and a Flint Journal article relating to Mr. Centilli.

Barb Haus, 3064 Vineland, spoke in reference to ongoing bus problems on Vineland. She wanted a safe spot to be designated for school bus parking.

Nadine Williams, 3092 Vineland, commented on the bus loading problems on Vineland. She said Atherton Road Sales employees block bus parking on the street. She would like a safe place for the children to board the bus.

Warren Nimcheski, 2429 N. Genesee, spoke on a recent robbery at his home. He requested additional patrol cars be added to cover the city.

Faith Moss, 3147 S. Eugene, requested that the public hearing for ZC #259 be re-scheduled, due to the July 4th holiday. This would allow for fair resident representation.

Chris Breeden, 3340 S. Vassar, requested that the public hearing for ZC #259 be re-scheduled, due to the July 4th holiday. This would allow for fair resident representation. He would like all board members to be present.

COUNCIL DISCUSSION:

In reply to the Vineland residents, Mr. Centilli gave a brief report on the bus parking issue on behalf of the Mayor and Mr. LaDuke. They met with a representative of Atherton Road Sales to discuss this issue. Mr. Centilli indicated that there would be bus-parking pick up allowed on both sides of the streets. Special school bus parking signs are going to be installed in the near future. The company did request a 30ft parking clearance around their driveway.

Mr. Martinbianco said we should make sure we still preserve the intent of no parking on both sides of the street.

Mr. Major said the signs would allow parking for loading and unloading of school children only. The signs are ordered and a traffic control order will be implemented.

Discussion continued in reference to the bus loading issue.

The Mayor said residents should contact Mr. Major in reference to initiating street paving and sidewalk projects.

Mr. Centilli outlined the process of appointing two Zoning Board Alternate positions. He said all six names would be put into nomination. Each position would be filled separately and the first round of voting would begin with Mr. Wells. The first candidate to receive four votes would fill the first alternate position. Then voting would resume to pick the second alternate position.

Mr. Cross suggested voting be conducted after all residents questions were answered.

In reply to Mrs. Dargel's comments, Mr. Cross asked who pays the radio cost on the Verizon phones.

Mayor Smiley said the employees pick up the radio cost on the phones.

Mr. Cross asked if the Mayor had Verizon service and if it was the same as everyone else.

The Mayor indicated that he had Verizon service. It is not the same service as everyone else.

In reply to Mrs. Croley comments, Mr. Cross asked the Mayor to comment on advertising for his appointments.

The Mayor does not advertise for appointments. He does have a file for residents that have shown an interest in these positions. He briefly reviewed the appointments on tonight's agenda. He indicated that some candidates needed to meet specific guidelines to be appointed.

Mrs. Tinnin asked for clarification on Item 19, the Mayor's reappointment of Richard Hamilton to the Downtown Development Authority. She asked if Mr. Hamilton had acted as a voting member in the past.

Mr. Hamilton indicated that he was on the board and had not voted prior to the approval of this year's budget. He did not bill the city for attendance at that meeting.

Discussion continued in reference to the appointment of Attorney Hamilton to the DDA board.

Mr. Martinbianco did not have a problem with Mr. Hamilton's DDA appointment, if he was not acting in the capacity of the city attorney.

Mrs. Tinnin would like to see a copy of the DDA by-laws. She felt Item 19, relating to the reappointment of Richard Hamilton, should be deleted from the agenda.

In response to residents' comments, Tinnin moved and Cross seconded the following motion to amend Item 3 to read: Approve and authorize the setting of a second public hearing for the date of Monday, July 16, 2001 at 6:30 P.M. for Zoning Case #259. The motion carried 7-0.

Mrs. Tinnin suggested Mr. Jones review Ordinance 45 relating to no city services on a private drive.

Mr. Jones was verbally informed that city services would not be provided on a private drive. He was aware of all the circumstances.

Mr. Major indicated that Ordinance 45 didn't pertain to this particular circumstance. The private drive lot would have sanitary sewer hook up. Other public services would not be provided.

Mr. Martinbianco wanted to know if Mr. Jones would need to meet the same standard criteria when hooking up to the sanitary sewers.

Mr. Major indicated that Mr. Jones would have to connect to the sanitary sewer system meeting all standard criteria.

Discussion continued in reference to Mr. Jones building a house on a private drive.

Mr. Jones was aware of all circumstances involved when building on the private drive and he could opt out of this resolution if he decides not to build. This street will remain a private drive in the future.

Mr. Cross did ask Mr. Petrella to resubmit a new application for the ZBA alternate position. This way his name would remain on file.

Mr. Cross asked for clarification on cell tower placements.

Mr. Hamilton indicated that the priority preference is to utilize City property when placing cell towers. However, other options are allowed under our ordinance.

In reference to Item 4, Mrs. Tinnin commented on the moratorium of the cell towers. She felt the cell tower ordinance language should be revised to accommodate the co-location rental fees. In addition, she felt more information should be provided on the Roadrunner tower revenues before lifting the moratorium.

Discussion continued in reference to the cell tower ordinance.

A Nextel tower is proposed for Atherton School property on Center Rd. City property was not available to accommodate the required service area. The school district will receive approximately $22,000 a year rental fees for the Nextel tower. There will be no co-locations added in the future.

Mr. Hamilton explained that the moratorium issue would not affect the previously negotiated Roadrunner property. They are in place and operating. The issue regarding rental revenues is between the Roadrunner and the City. This will be handled independent of the Trinity people. Future rental payments will be paid to the City. Mr. Austin completed his research on this topic and recommended that the moratorium be lifted.

Discussion continued on the cell tower ordinance and specifying co-location rental fees.

Mr. Hamilton said the co-location fee is a function of the rental revenues for new leases that will be located on City owned sites. It is not a regulatory issue. It is a contractual issue with regards to the terms of the leases that would be entered into in the future between the City and cell tower company that is locating on city property.

Discussion continued in reference to the cell tower ordinance and co-location issues. It was specify that co-location issues are covered under the scope of the current ordinance, therefore, no ordinance revisions are necessary.

Discussion was held in regard to the process of appointing two ZBA alternate positions. After the two candidates are selected they would be added to the agenda as Items 22 and 23.

Martinbianco moved and Cross seconded to: Approve and authorize six candidates be enrolled for consideration by the city council as ZBA alternates, with the first person receiving four votes being the first alternate and the second person receiving four votes being the second alternate. The motion carried 7-0.

Mr. Bement asked if there was a potential for a conflict of interest with any of the candidates.

Discussion was held in reference to the conflict of interest issue involving the ZBA alternate candidates.

Mr. Hamilton pointed out that there could be a potential conflict for everyone involved. Anyone of these people at some point in time may have cause to come before the zoning board of appeals requesting a variance for themselves or someone they know. He didn’t think anyone should be disqualified from sitting on a board because of their employment. The conflict occurs when the facts present themselves only.

Mr. Cross said the conflict of interest issues would be addressed in the new by-laws being adopted by the Zoning Board.

After two rounds of voting Mr. Welch and Mrs. Weatherford were appointed as the two alternate representatives.

Mr. Cross commended the Council for their quick voting procedure on this issue. He said this reflected a good working relationship within the Council.

Martinbianco moved and Brawner seconded to: Approve and authorize Council to vote on Items 5-20 inclusive, in a block.

Mr. Cross asked for clarification on removing an item from the block.

Mr. Martinbianco indicated that certain items could be removed from the block.

Mrs. Tinnin asked to pull Item 19 out of the block, so it could be voted on separately.

Martinbianco moved and Tinnin seconded to amend the motion to delete Item 19 from the block and vote on it separately. Motion carried 6-1, with Centilli voting no.

Mr. Bement did not have a problem voting on the appointments; however, he preferred to see all board positions advertised in the future.

Clarification was made that these were mayoral appointments on the agenda tonight, while the ZBA appointments were Council's responsibility. That is why the ZBA appointments were advertised.

Council voted on the main motion to: Approve and authorize Council to vote on Items 5-20 inclusive in a block, deleting Item 19 from the block. Motion carried 7-0.

Mr. Martinbianco moved the Introduction of Ordinance 68-24 C for the purpose of discussion.

Mrs. Tinnin had several concerns with Ordinance 68-24 C. She felt a raise was not warranted at this time. This issue was addressed earlier in the year when wage equity adjustments and bonus incentives were given. She felt this ordinance should not be addressed for another year. Personally, she would like to forgo any raises and give something back to the residents.

Mr. Martinbianco clarified his concerns with Ordinance 68-24 C. He suggested deleting Section 6 that would allow for a bonus payment and Section 8, H referring to tenure. He felt that Section 6 addressed last year's one time wage adjustment only.

Mr. Abbey explained that Section 8, H was noted in the document for reference purpose only. This could be removed from the document, if council wished to do that.

Mr. Martinbianco was concerned with Section 8, B, 3 that dealt with employees Health Insurance and Medicare benefits.

Mr. Abby said this language was inclusive to all union contracts and safe guarded the city. This specifies that as soon as you're eligible to apply for Medicare you have to do so. The City's liability is not to provide the total health care cost only to supplement that level.

Discussion continued in reference to the master medical plan that is incorporated in this document.

Mr. Abbey clarified that ½% of the proposed 3% raise would go to health care coverage, except for three administrators that do not receive health care. They will receive a 3% raise.

Martinbianco moved, Tinnin seconded to amend 68-24 C to delete Section 6 in its entirety; remove the language that references tenure, Section 8, H; and withhold authority on Section 8, B, 3 Hospitalization. (The retiree shall be required to apply for Medicare at its first availability. At that point, the Employer's exposure to retiree health care premiums shall be limited to the cost of the Medicare supplement.)

Mr. Brawner would like to postpone any changes on Ordinance 68-C, particularly Section 6, until he has had more time to research this issue.

Mayor Smiley clarified that if this motion passed there would no longer be a Section 6 to clarify.

Mr. Brawner asked for more clarification on Section 6, dealing with a proposed bonus of up to 5%.

Mayor Smiley commented on the bonus section as it related to the chartered administrators.

Discussion continued in reference to Section 6 relating to administrative bonuses.

Mr. Hamilton indicated that the ordinance could be amended at the second reading, as well.

Mr. Wells asked for clarification on the amendment as it relates to Section 6.

The motion failed on the amendment 3-4, with Bement, Brawner, Centilli and Bement voting no.

Mr. Martinbianco was not in agreement with the document. Because the amendments failed, he would be voting in the negative on Ordinance 68-24 C.

Mrs. Tinnin strongly opposed the Ordinance 68-24 C. She felt this ordinance should not be discussed again until January 2002.

COUNCIL DISCUSSION ACTION:

Martinbianco moved and Tinnin seconded the motion to allow Mrs. Dargel to extend her comment time. No vote was taken.

Tinnin moved and Cross seconded the motion to amend Item #3 to read: Approve and authorize the setting of a second public hearing for the date of Monday, July 16, 2001 at 6:30 P.M. for Zoning Case #259.
Motion carried 7-0.

Martinbianco moved and Cross seconded the motion to, Approve and authorize six candidates be enrolled for consideration by the City Council as ZBA alternates, with the first person receiving four votes being the first alternate and the second person receiving four votes being the second alternate. The motion carried 7-0.

Martinbianco moved and Brawner seconded the motion to, Approve and authorize Council to vote on Items 5-20 inclusive, in a block.

Tinnin moved and Martinbianco seconded to amend the motion to delete Item 19 from the block and vote on it separately. Motion carried 6-1, with Centilli voting no.

Council voted on the main motion to:
Approve and authorize Council to vote on Items 5-20 inclusive in a block, deleting Item 19 from the block. Motion carried 7-0.

Martinbianco moved and Tinnin seconded to amend Ordinance 68-24 C to delete Section 6 in its entirety; remove the language that referenced Tenure, Section 8, H; and withhold authority on Section 8, B, 3 Hospitalization. The retiree shall be required to apply for Medicare at its first availability. At that point, the Employer's exposure to retiree health care premiums shall be limited to the cost of the Medicare supplement. Motion failed 3-4, with Bement, Brawner, Centilli and Wells voting no.

COUNCIL ACTION:

Cross moved and Bement seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from May 16, 2001 to May 30, 2001, in the amount of $331.50.

Motion carried 7-0.

Cross moved and Martinbianco seconded the following motion:

2. Approve and authorize the waiver of Ordinance #45, empowering the DPW authority to issue a building Permit to Gregg Jones to place a new home on Parcel #59-23-100-031 (5182 Dortch Drive). Said parcel being situated in Section 23, City of Burton, and being entirely serviced by a private drive.

Motion carried 7-0.

Martinbianco moved and Brawner seconded the following motion as amended:

3. Approve and authorize the setting of a second public hearing for the date of Monday, July 16, 2001 at 6:30 P.M. for Zoning Case #259.

Motion carried 7-0.

Martinbianco moved and Brawner seconded the following motion:

4. Approve and authorize Council to terminate the moratorium placed on Cellular Towers/Wireless Communication Facilities.

Motion carried 7-0.

Martinbianco moved and Brawner seconded the following motion:

5. Approve and authorize the Mayor's reappointment of Allen Matter, 6412 Pinebrook Lane, Burton, MI 48509, to the Board of Review for a term ending July 1, 2004.

Motion carried 7-0.

Martinbianco moved and Brawner seconded the following motion:

6. Approve and authorize the Mayor's reappointment of Ian Hohloch, 4222 Hedgethorn Ct., Burton, MI 48509, to the Flood Control Board of Appeals with term ending May, 2005.

Motion carried 7-0.

Martinbianco moved and Brawner seconded the following motion:

7. Approve and authorize the Mayor's reappointment of Jeffrey M. Major, DPW Director, City of Burton, 4093 Manor Dr., Burton, MI 48519, to the Flood Control Board of Appeals with term ending May, 2005.

Motion carried 7-0.

Martinbianco moved and Brawner seconded the following motion:

8. Approve and authorize the Mayor's reappointment of Tom Strasser, Deputy Planning Official, City of Burton, 4093 Manor Dr., Burton, MI 48519, as the Alternate to the Flood Control Board of Appeals with term ending May, 2005.

Motion carried 7-0.

Martinbianco moved and Brawner seconded the following motion:

9. Approve and authorize the Mayor's appointment of Gerald Grantner, 1409 Clairwood Dr., Burton, MI 48509,

to the Flood Control Board of Appeals with term ending May, 2005.
Motion carried 7-0.

Martinbianco moved and Brawner seconded the following motion:

10. Approve and authorize the Mayor's appointment of Jimmy King, 6178 Golfview Dr., Burton, MI 48509, to the Salary Commission with term ending May, 2007.
Motion carried 7-0.

Martinbianco moved and Brawner seconded the following motion:

11. Approve and authorize the Mayor's reappointment of Robert Carpenter, Commercial Builder, 8305 S. Saginaw St., Grand Blanc, MI 48439, to the Building Board of Appeals with term ending May, 2006.
Motion carried 7-0.

Martinbianco moved and Brawner seconded the following motion:

12. Approve and authorize the Mayor's reappointment of Ted Hu, Architect, 508 Church St., Flint, MI 48502, to the Building Board of Appeals with term ending May, 2006.
Motion carried 7-0.

Martinbianco moved and Brawner seconded the following motion:

13. Approve and authorize the Mayor's appointment of Robert Haneline, P.E. Engineer, 543 Greenway Dr., Davison, MI 48423, to the Building Board of Appeals with term ending May, 2006.
Motion carried 7-0.

Martinbianco moved and Brawner seconded the following motion:

14. Approve and authorize the Mayor's reappointment of Joseph S. Richvalsky, Richvalsky & Sons Realty, G-4387 S. Saginaw Street, Burton, MI 48529, to the Downtown Development Authority with term ending May, 2005.
Motion carried 7-0.

Martinbianco moved and Brawner seconded the following motion:

15. Approve and authorize the Mayor's reappointment of Steven A. Coates, Mann, Coates, Longroy & Rainey, Inc., 4454 S. Saginaw St., Burton, MI 48529 to the Downtown Development Authority with term ending May, 2005.
Motion carried 7-0.

Martinbianco moved and Brawner seconded the following motion:

16. Approve and authorize the Mayor's reappointment of Akeel Dakki, Fairland Foods, 4330 S. Saginaw Street, Burton, MI 48529 to the Downtown Development Authority with term ending May, 2005.
Motion carried 7-0.

Martinbianco moved and Brawner seconded the following motion:

17. Approve and authorize the Mayor's reappointment of Winford Hutcheson, Win's Electrical Supply, 4094 S. Saginaw St., Burton, MI 48529, to the Downtown Development Authority with term ending May, 2005.
Motion carried 7-0.

Martinbianco moved and Brawner seconded the following motion:

18. Approve and authorize the Mayor's reappointment of Don Kinder, Burton Printing Company, P.O. Box 114, 4270 S. Saginaw St., Burton, MI 48529, to the Downtown Development Authority with term ending May, 2005.

Motion carried 7-0.

Martinbianco moved and Brawner seconded the following motion:

19. Approve and authorize the Mayor's reappointment of Richard Hamilton, City Attorney, 702 Church St., Burton, MI 48529, to the Downtown Development Authority with term ending May, 2005.

Motion carried 6-1, with Tinnin voting no.

Martinbianco moved and Brawner seconded the following motion:

20. Approve and authorize the Mayor's appointment of Bonnie Hoffmeyer, 6215 Surrey Lane, Burton, MI 48519, to the Election Committee with term expiring September, 2002. (This appointment replaces the unexpired term of Jeanette Brown, who resigned).

Motion carried 7-0.

Cross moved and Bement seconded the following motion:

21. Approve and authorize the calling of a public hearing on June 18, 2000, at 6:15 P.M. The hearing is for the purpose of considering the proposed additional .18 mill to be levied on the 2001 tax roll for general fund operating purposes. This hearing is pursuant to Act 5, P.A. of 1982, as amended.

Motion carried 7-0.

Martinbianco moved and Cross seconded the following motion:

22. Approve and authorize the Council's appointment of Steve Welch, 5272 White Pines Dr, Grand Blanc, 48439, to Zoning Board of Appeals Alternate position, term ending May 2004.

Motion carried 7-0.

Bement moved and Brawner seconded the following motion:

23. Approve and authorize the Council's appointment of Bobbi Weatherford, 3084 S. Genesee Rd, Burton, 48419, to Zoning Board of Appeals Alternate position, term ending May 2004.

Motion carried 6-1 with Cross voting no.

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INTRODUCTION OF AN ORDINANCE:

Brawner moved and Wells seconded the following motion:

1. Approve and authorize the Introduction of Ordinance 68-24 (C), amending Ordinance No. 68 (C), an Ordinance Compensation for Administrative Officers of the City of Burton.

Motion carried 4-3, with Cross, Martinbianco and Tinnin voting no.

MEETING ADJOURNED AT 9:30 P.M.

Gayle Webster, CMC
City Clerk

GW/cml