

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JULY 19, 1999/7:35 P.M., COUNCIL CHAMBERS

Invocation and Pledge of Allegiance was led by Councilperson Alta Walls.

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

MEMBERS PRESENT: Centilli, Cox, Cross, Hammon, Martinbianco, Walls and Zelenko.

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor C. Smiley; C. Abbey, Personnel Director and G. Webster, City Clerk.

Zelenko moved and Cross seconded the following motion:

Approve and authorize the minutes of the following meeting(s): Special Council Meeting of May 25, 1999 at 3:15 P.M. and Regular Meeting of July 6, 1999 at 7:30 P.M., as printed. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley pointed out that Mr. Cross questioned the Clerk's minutes at the June 21st council meeting. He said this has happened before at previous meetings. After reviewing the tape and Mr. Cross' remarks, the Mayor felt the Clerk's minutes were correct. He offered to play the tape of the meeting for verification of the minutes.

Mr. Cross said if it was a mistake, he stood corrected.

Mr. Hammon indicated this was in reference to public records that Mr. Cross asked to be changed. Upon his word, Council voted to change that public record. After listening to the tape he found out, in fact, the Clerk's minutes were correct. If he was in doubt, Mr. Hammon suggested Mr. Cross could listen to the tape.

Mr. Cross said that he would come back and change this set of minutes again, if he needed to.

Mayor Smiley suggested the council president could review future changes before altering the minutes. There will be no problem correcting the minutes, if they are found to be wrong. Records have been altered, if in fact, Mr. Cross didn't actually say these things at that meeting.

In reference to Item #2 dealing with the transfer of 1997 CD allocations, Mayor Smiley said the money had to be transferred or it would be lost. This money would be used for watermain improvements. In addition, he said some residents have voiced concerns on where Burton Neighborhood Housing Service allocations have been spent. He has requested a report from the County detailing where the last \$70,000 has been spent.

The Mayor was proud to report that we were successful in capturing the DARE grant award for elementary, junior and senior high students.

COMMITTEE REPORTS:

Mr. Cross reported that the Legislative Committee met July 7, 1999 at 4:00 p.m. to review the proposed Fire Cost Recovery Ordinance. The committee sent it back to the attorney for revisions. Another legislative meeting will be scheduled at a later date for further review of this ordinance.

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AUDIENCE PARTICIPATION:

Tina and Keith Flynn, 2433 Nebraska, Flint, asked that council give them permission to obtain a building permit for construction on Hazel Drive, which is a private road.

Mr. Hamilton said there was a specific ordinance that deals with this issue. Ordinance 45, Section 3 deals with obtaining a building permit for a private drive.

Larry Petrella, 1081 Howe Rd., spoke in reference to a speed bump that was left in the middle of Court St. near Belsay Rd. after the recent road repair.

Mr. Hammon asked if Mr. Major could look into the situation.

COUNCIL DISCUSSION:

Mr. Cox asked for clarification on minute revisions.

Mrs. Webster said Council approves regular and special council minutes. Committee meeting minutes are not approved. The first draft of council minutes is kept along with the revisions. After council approves a set of minutes, the document becomes a permanent record.

Mr. Hamilton indicated minutes could be changed by a vote of the council, if there was an error and a correction needed to be made.

Mr. Martinbianco asked what time span would be covered in the BNHS report. He indicated some progress has been made in rehab work over the last few years. This should be reflected in the audits once they are completed.

The Mayor requested a report on the last three years of BNHS expenditures.

Mr. Martinbianco said that dumping continues to be a problem at the newest phase of Maple Point Subdivision. He would like the Mayor's office to have DPW look into the situation.

Mr. Martinbianco asked for clarification on the parcel the Flynns purchased on Hazel Drive.

Mrs. Flynn said the parcel of land is 7.5 acres with a 495-foot frontage on Hazel Drive.

Mr. Hamilton asked if this was an existing parcel or was it divided from a larger piece of property.

Ginny Brawn, Real-estate representative for the Flynns, said the land was part of two separate parcels on different sides of the road. These parcels were sold separately. She indicated area residents were happy to have the Flynns built on the private drive to help share cost of snow removal and plowing.

Mr. Martinbianco asked if they understood all the ramifications of building on a private drive. He wanted them to be aware that the city does not offer all services on the private drive.

Mr. Flynn said they are researching all aspects of building on a private drive.

Discussion continued on the property on Hazel Drive.

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Mr. Centilli asked how much was left to do on the BNHS audits.

Mr. Martinbianco said that Dupris & Ryden is continuing to work on the audits for two of the last three fiscal years. To his knowledge, Genesee County and BNHS reserves will finance the remaining audits.

Mr. Centilli asked if the City was completely out of business with BNHS.

Mr. Martinbianco said it was his understanding, that after this last transfer of \$962.70, the City of Burton is no longer offering financial support to the institution.

Mr. Cox suggested a criminal investigation might be in order to determine if there was any mismanagement of Burton Neighborhood Housing Service's funds.

Mr. Cox said according to budget records, the Council did approve a deficit budget.

Mr. Cox requested that Mr. LaDuke send Council a ninety-day update on the postponed demolition properties that were addressed earlier this year.

Mr. Abbey said some of the homes have already been completed.

Mr. Cox spoke in reference to the Attorney General's letter, per John Cherry's office, which was to determine the eligibility of back pay. He said John Cherry suggested the City Attorney could make a ruling on the matter.

Mr. Hamilton did not know the Council was awaiting a formal written opinion of this issue. He would be happy to prepare a written opinion, if Council wants him to do that.

Mr. Cox said he preferred an attorney general's response, however, by Senator Cherry's direction, he could accept a written opinion from our city attorney.

Mr. Cox said there has been several incidents of cars being broken into at the senior high rise. He would like this issue to be relayed to the Police Chief.

In addition, Mayor Smiley suggested the residents of the high rise form a block club.

Mrs. Zelenko moved and Mr. Martinbianco seconded the following motion, to add as Item #4, approve and authorize the issuance of a building permit for construction upon a lot located on Hazel Drive, identified as parcel #59-36-100-012, which is not directly and exclusively accessible to and also abutting a public roadway pursuant to the authority of Ordinance 45, Section 3.

Mr. Cox asked Mr. Flynn if he was aware of the city services that would not be available on a private drive. He indicated that building on a private drive might even effect his homeowners insurance.

A brief discussion was held in reference to services on a private drive.

Mayor Smiley said the Flynn's would still receive fire service and road service could be contracted through the city. There would be no curbside garbage pick provided by the city.

A vote was taken on adding Item #4 to the agenda. The motion carried 7-0.

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Mr. Hammon reminded council that the Michigan Municipal League Annual Conference would be held in Grand Rapids on October 6-8, 1999. To assure that council members attained a room at the convention hotel, he has

requested that all council members confirm their attendance by Thursday, July 23, 1999. He will personally make the reservations on Friday, July 24, 1999.

COUNCIL DISCUSSION ACTION:

Zelenko moved and Martinbianco seconded the following motion:

To add as agenda item #4, approve and authorize the issuance of a building permit for construction upon a lot located on Hazel Drive, identified as parcel #59-36-100-012, which is not directly and exclusively accessible to and also abutting a public roadway pursuant to the authority of Ordinance 45, Section 3.

Motion carried 7-0.

COUNCIL ACTION:

Cox moved and Zelenko seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from June 30, 1999, through July 14, 1999, in the amount of \$1,912.00.

Motion carried 7-0.

Walls moved and Centilli seconded the following motion:

2. Approve and authorize the transfer of 1997 Community Development Block Grant funds, designated #97-04 Purchase/Rehab/Resale at \$962.70 and #97-06 Neighborhood Park Improvement at \$6,810.00 to #97-02 Watermain Improvements at a revised amount of \$52,041.70 (previously #97-02 amount was \$44,269.00).

Motion carried 7-0.

Cox moved and Centilli seconded the following motion:

3. Approve and authorize the request for a Sanitary Sewer Installer's License for Ken Gunnels, dba Complete Site Development, 1211 E. Lake Rd., Clio, MI 48420.

Motion carried 7-0.

Cross moved and Zelenko seconded the following motion:

4. Approve and authorize the issuance of a building permit for construction upon a lot located on Hazel Drive, identified as parcel #59-36-100-012, which is not directly and exclusively accessible to and also abutting a public roadway pursuant to the authority of Ordinance 45, Section 3.

Motion carried 7-0.

Meeting Adjourned at 8:15 P.M.

** The August 2nd Regular Council Meeting is scheduled to be held at 6:30 P.M., per the City Council Calendar.

Gayle Webster
Burton City Clerk
GW/cml