

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 2, 2003, 7:30 P.M., COUNCIL CHAMBERS

Councilman Robert Bement led the Invocation and Pledge of Allegiance.

President Larry Brawner called the Regular Meeting to order at 7:30 P.M.

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

MEMBERS ABSENT: Martinbianco.

OTHERS PRESENT: C. Abbey, City Administrator; Fire Chief D. Halstead; Police Chief B. Whitman;
R. LaDuke, DPW Director; Attorney R. Austin and G. Webster, City Clerk.

Cross moved and Wells seconded the following motion:

Approve and authorize the minutes of the following meeting: Regular Meeting of August 18, 2003 at 7:30 P.M., as printed. Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mr. Abbey said the Burton firefighters raised \$14,680.30 for the Labor Day Muscular Dystrophy Telethon. He praised their efforts and dedication as they continue to work for this worthwhile cause.

Mr. Abbey said sometimes the police department goes unrecognized for their efforts. He said there has been some remarkable police work done recently. An arson fire was reported at 5:00 p.m. and by 11:00 p.m. the police department had the suspects in custody. He was proud of their quick response in dealing with this case.

COMMITTEE REPORTS:

None.

AUDIENCE PARTICIPATION:

John Davis, 1514 Alcona, spoke in reference to the use of city vehicles and some individuals playing golf. He wanted to know what the Mayor's Office planned to do about this matter and if those individuals were made to reimburse conference costs. He said Mayor Smiley's comments regarding firemen training bothered him. Also, he was concerned that untrained personnel might cause more harm than good.

Brad Howard, 1366 Kettering, asked Council to approve a fireworks permit that would allow a small firework display from a float. He provided Council with a packet of information dealing with this issue. The small display would be set off during the Bentley Homecoming Festival September 27th.

Bob Green, 5256 Ottawa St., complained that Burton cars were parked at a golf course. He would like someone to investigate this matter.

Don Sanderlin, 4460 Killarney Park, would like left hand turn lanes added to Center Rd intersections. This would make it safer and allow the traffic to flow better in the area.

Mr. Brawner asked if Mr. Sanderlin wanted left hand turn signals added to these intersections.

Mr. Sanderlin agreed that this would help with the increased traffic on Center Rd.

Pauline Dargel, 6119 Hugh Street, wanted to know if Zoning Ordinance 19 was a police power ordinance.

COUNCIL DISCUSSION:

Mr. Cross wanted to know why Mr. Howard was sent to the Council regarding the approval of a fireworks permit.

Chief Halstead said the fire department doesn't actually issue fireworks permits. That is done through the governing body. He said the fire department could inspect the site and stop someone from shooting fireworks until they were in compliance, but this body would actually give them permission to have the display.

Regarding the left hand turn lanes, Mr. Cross wanted to know if Center Rd was approved for any left hand turn lights. He asked for clarification on the Belsay and Lapeer Rd intersection.

Mr. Abbey didn't think any left hand turn lights had been approved for Center Rd at this time. He said Mr. LaDuke would be able to provide more information on this issue.

Mr. LaDuke said three intersections have been identified for improvements with federal funding. Those intersections are Lapeer Road and Vassar, Lapeer Road and Belsay, and Lapeer Road and Genesee. These intersections have been earmarked in the 2007 federally funded projects, if money is available. The Center Road intersections were not included, and he didn't know if they warranted the improvement. From time to time the county needs to redo their traffic counts to see if a certain area warrants a traffic signal. He will ask the county to do a study on the Center Road intersections. He felt that Potter and Belsay Roads were a high priority area.

After viewing the Bob Leonard Show, Mrs. Tinnin wanted to know what was being done to investigate the Tree Top conference. She felt our officers should not be playing golf, using city cars or spending gas money on the trip. She wanted to know if the registration fees were going to be reimbursed.

Mr. Abbey was not aware of what was being done. He knows that the Mayor and Fire Chief have had some conversation regarding the Tree Top issue. Today was the first that he had heard of Mr. Green's situation. He will discuss this issue with the Mayor tomorrow morning. He said earlier remarks were a poor characterization of the Mayor's comments regarding emergency personnel. He said our safety personnel are certified through the Red Cross and he was confident they would do a good job. He felt this was purely a political situation.

Mrs. Tinnin said this wasn't politically motivated. She wanted the registration money paid back to the City. In addition, she wanted a written report on this issue.

Mr. Abbey said that he would discuss this issue with the Mayor tomorrow.

Mrs. Tinnin planned to bring this issue up at the next meeting. She wanted all expenditures for the Tree Top conference reimbursed. She said they should have been at the conference learning about homeland security and instead they were at the golf course.

Mr. Brawner said we are all making an assumption that they didn't go to class. I haven't heard that they didn't go to class. I've gone to training exercises at Tree Top and played golf after class. Let's find out if they went to class before you demand reimbursements.

Mrs. Tinnin moved to turn this matter over to the prosecutor's office seeing how the police here in this town shouldn't be investigating their own people. She felt we should turn it over to the prosecutor's office. She clarified that she made a motion to turn it over to the prosecutor's office for further investigation.

Mr. Abbey asked, are you insinuating that someone did something criminal?

Mrs. Tinnin insinuated that using taxpayer's money to personally have recreation and have a good time when they are supposed to be used to go to a conference to learn about homeland security was probably some kind of willful neglect of duty.

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Mr. Brawner asked Mrs. Tinnin how she knew that they didn't go to the conference? He wanted to know if she had some other information that they did not have? She was assuming they didn't go to the conference.

Mrs. Tinnin said unless Channel 4 was wrong, it showed that at the same time the conference was taking place these people were on the golf course. Burton cars and officers were shown on TV.

Chief Halstead said the alleged infraction occurred about three months ago. He had watched the Bob Leonard Show and he actually told three truths. One truth was that the fire department personnel were at the Tree Top. The second was that they took City cars and the third was that he paid for the class. In addition, they did play golf. Beyond that, everything he said was a pure unadulterated lie. Mr. Leonard is a liar. The people played golf and missed 45 minutes of one class. If they would like that paid back, I'm sure they wouldn't mind. The other two days that they were up there they were in class and he can prove it. They paid for their own golf and after class they may participate in recreational activities if they choose. They did take in a Homeland Defense course. Mr. Halstead said we do have the best-trained fire department in Genesee County. He will stand up in front of anyone and say that. This is a matter of record. Again, Mr. Leonard told nothing but lies, all of it.

Mrs. Tinnin said she had a motion on the floor to turn this over to the prosecutor's office for further investigation.

Mr. Brawner asked if there was support for the motion. Hearing no support, the motion died for lack of support. He thanked Chief Halstead for his comments.

Mrs. Tinnin said that was a shame and she was not done with this issue.

Mr. Brawner said it was a shame that she was bringing this up three months later.

Mrs. Tinnin said that Mr. Green also brought up another issue. Mr. Green said that he was over at the golf course and city cars were being parked at that golf course. She said let's address this.

Mr. Brawner said that Mr. Abbey did address this issue.

Mr. Abbey repeated this today was the first time he had heard about this. He doesn't even know if the Mayor was aware of the issue. He will take this issue to him the first thing in the morning. He was sure that the Mayor would investigate it. We have to know about these things before we can investigate. Mr. Green just made him aware of the matter today.

Mrs. Tinnin said you should just call in the cars, so you don't have to worry about where they are.

Mr. Brawner asked if Mr. Halstead had reviewed Mr. Howard's application.

Mr. Halstead felt the application was in order.

Mr. Howard gave further explanation on the fireworks permit. He assured Council that it was quite safe. He said this is a very minor pyrotechnic device that shoots confetti into the air.

Mr. LaDuke said this was a school function and they would provide insurance if it was necessary. They insure anything that goes on at the school.

A brief discussion continued on the small fireworks display.

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Mr. Brawner wanted to know if the permit needed to be added to tonight's agenda.

Mr. Halstead agreed that this needed approval from the governing body.

Moved by Cross, Seconded by Bement, to add as Item 3, to allow Brad Howard to have a fireworks display as applied for on September 27, 2003, as written on the application. The motion carried 6-0.

Mr. Cross requested that the administration keep Council informed on the issues that were brought up by Mr. Green and Mr. Davis.

Mr. Abbey didn't have a problem with Mr. Green's request. He will discuss the issue with the Mayor the first in the morning. He felt Mr. Davis was just making a statement. He stood by his early statement that our guys were properly trained.

Mr. Cross wanted to know if they had attended the classes and if everything was on the up and up. He watched the Bob Leonard show and it was cut in and out. It didn't show the whole clip from Channel 4. You could tell the piece had been edited to fit the program. However, all programs edit to fit their views. He would appreciate any information regarding this issue.

Mrs. Tinnin didn't care how long they were on the golf course. They were supposed to be at the conference. The fact is they were sent to the conference and paid by tax dollars to attend the conference and it's wrong. Again, I would like to request that they repay the City the amount that they took up there for expenditures.

Mr. Brawner suggested the City investigate the issue first, if it needed to, before we jump to conclusions. He was not going to base anything on some edited bits and pieces from the Bob Leonard Show, which he didn't see in the first place. He pointed out that this happened three or four months ago. If this was so important, why didn't it come to light whenever it happened? Why did it all of a sudden become an important issue two months before the election?

Mrs. Tinnin said perhaps people were waiting to see if there was any kind of disciplinary action taken.

Mr. Brawner said or maybe they were just waiting for it to get closer to the election, who knows. He suggested we let the administration do their job. If we are not satisfied with their findings, we will take the next step.

Mrs. Tinnin said a lady brought up the fact that her neighbor was asked by DPW employees to file a complaint against her regarding a junk car. She felt the DPW employees should have gone to the homeowner if there was a problem, not have the neighbor file a complaint.

Mr. LaDuke doubted that this actually happened. He didn't feel that our employees would go to someone's home and ask them to file a complaint. We have pretty much steadfastly used residents', DPW, Council or administrative complaints to respond. We don't generally go out and look for junk cars. He felt there was more to this story. There might have been some kind of misunderstanding. He will check into the matter.

Mr. Abbey asked if she had the name of the employees.

Mrs. Tinnin said she did have the names of the employees.

Mr. LaDuke asked Mrs. Tinnin to share the names of the employees involved. This wouldn't be done for punitive measures. He would just like to let them know what the standard procedures are regarding complaints.

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Mrs. Tinnin said a left hand light should be added to the Potter and Belsay Rd. intersection.

Mr. Abbey has already discussed this issue with Mr. LaDuke.

Mr. LaDuke agreed. He said Davison Road should be opened soon. This should help alleviate some traffic problems in the area. He planned to monitor the area and get a traffic study. He thought this was even more important than the Genesee and Lapeer Rd. intersection. He planned to take a look at that area.

Mr. Brawner wanted to know if Genesee County or Genesee Township would share any cost of the light.

Mr. LaDuke agreed the cost would be shared with the County because they maintain the other side of the intersection. He hoped everyone concerned would work in a cooperative manner to try and accomplish this goal. If that doesn't happen we might have to do something on our own for the safety of the motorists.

A brief discussion followed on the Potter Road intersection.

Mrs. Tinnin said there are a lot of complaints about speeders in that area.

Mr. Bement congratulated the Burton Firefighters on the good work that was done over the weekend with the Muscular Dystrophy Telethon. A record amount of money was collected nationwide and our group from Burton did a great job. He said these people do a lot of work on a volunteer basis and unless we really know something illegal in nature was done, we shouldn't pursue this. He thought sometimes we get carried away and want to criticize too easily. He congratulated the firefighters on a job well done.

Mr. Bement welcomed the Bentley students that were present at the meeting.

Mr. Austin gave a response to Mrs. Dargel's question regarding police power ordinances. He offered background information relating to this issue. He said that city, townships and villages do have the authority to regulate the use of privately zoned land pursuant to the police power. Many zoning cases were heard under the umbrella of zoning, based on the Amber Reality Case of the 1800's. This was based upon the police power authority of the local municipalities. Today, we set zoning ordinances apart and don't consider them police power ordinances. We just call them zoning ordinances. Police power ordinances deal with such things as gun control, hunting or stand-alone ordinances that are adopted for the greater good to help protect and preserve the public health, safety and welfare. The stand-alone police power ordinances we refer to now typically carry maximum penalties of ninety days in jail or up to a \$500.00 fine. They are not contained within the zoning ordinance, even though back in the 1800's the whole concept of zoning was based upon the concept of local police authority.

Mr. Brawner referenced Mr. LaDuke's memo suggesting we postpone the street-paving meeting until after the first of the year. The Council agreed that the meeting was already on the agenda, so they would hold the meeting. The street-paving workshop is scheduled for September 15th at 6:00 p.m. A special council meeting for a community development needs hearing will be scheduled for 7:00 p.m.

Mr. LaDuke said he would be present at the meeting, but he had no new ideas to offer at this time. He hoped Council would come to the meeting with new ideas and develop a plan. Then we will go from there.

COUNCIL DISCUSSION ACTION:

Moved by Cross, Seconded by Bement, to add as Item 3, to allow Brad Howard to have a firework display as applied for on September 27, 2003 as written on the application. Motion carried 6-0.

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COUNCIL ACTION:

Bement moved and Cross seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from August 13, 2003 to August 27, 2003 in the amount of \$3,864.50.
Motion carried 6-0.

Cross moved and Wells seconded the following motion:

2. Approve and authorize the setting of a Special Council Meeting for Monday, September 15, 2003 at 7:00 P.M. for a Community Development Needs Public Hearing.
Motion carried 6-0.

Cross moved and Bement seconded the following motion:

3. Approve and authorize Brad Howard to have a firework display as applied for on September 27, 2003 as written on the application.
Motion carried 6-0.

SECOND READING OF AN ORDINANCE:

Cross moved and Wells seconded the following motion:

1. Approve and authorize the second reading of an Ordinance, being Ordinance No. 94-C to regulate the display of political advertising signs in the City of Burton and to provide penalties for the violation thereof.
Motion carried 6-0.

Meeting Adjourned at 7:40 P.M.

Gayle Webster
Burton City Clerk

GW/cml