

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
OCTOBER 6, 2003, 7:30 P.M., COUNCIL CHAMBERS

Pastor Steve Hamman of River of Life Church led the Invocation.

Councilman Bob Centilli led the Pledge of Allegiance.

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

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

MEMBERS ABSENT: None.

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

Bement moved and Wells seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of September 15, 2003 at 6:00 P.M., Special Meeting of September 15, 2003 at 7:00 P.M. and the Regular Meeting of September 15, 2003 at 7:30 P.M. Motion carried 6-0. Mr. Centilli was not present for the vote.

ADMINISTRATIVE REPORT:

Mr. Abbey stated that the Mayor was unable to attend the meeting tonight because he was receiving an award from the AFL-CIO.

Mrs. Webster invited the Council, the Election Commission and the public to attend a viewing of the new election equipment October 20th at 6:00 p.m. Genesee County Director of Elections Robert Coffman, along with Mrs. Webster will be available to answer any questions Council might have regarding the new equipment.

Mr. Abbey said there were some minor changes to the Community Development Block Grant allocations. The Senior Citizen's portion can only be up to 15% of the total amount.

Mr. Brawner reviewed the changes that were made to Item 5.

Fire Chief Halstead said that Mrs. Tinnin implicated all the employees in her flyer. She indicated that city employees were running all over the place, charging personal items along with legitimate purchases for the City. He said Mrs. Tinnin's expense voucher included two receipts signed by her husband for meals that were charged on a city credit card.

Mr. Halstead said Mrs. Tinnin's salary for 2002 was \$9,180.00 and her fringes totaled \$5,493.03. He was tired of Mrs. Tinnin attacking his fire department on a political level. He did a wage comparison using a couple of the firefighters. They often work long hard hours into the evening. Mr. Gould made an average of \$15.56 an hour with no fringes. Les Hawtin made an average of \$27.37 an hour with no fringes. He then pointed out that Mrs. Tinnin made an average of \$130.95 an hour plus fringes. He verified this information with her meeting attendance. He said his firefighters worked very hard and he was tired of them receiving that kind of abuse to meet Mrs. Tinnin's political agenda. He would like her to put a stop to the ongoing accusations against the fire department.

Mr. Martinbianco asked if he had done this research on his own time.

Mr. Halstead indicated that he had done it on his own time.

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COMMITTEE REPORTS:

None.

AUDIENCE PARTICIPATION:

Art Jankowski, 4108 Leith St., felt the fire department should receive a lot more of the Community Development allocations. He thought that the City had been built up by the people, not the Mayor. He said that taxes have gone up every year.

Pauline Dargel, 6119 Hugh St., thought that Mr. Halstead's comments regarding a candidate were out of place. She asked for clarification on the jurisdiction and judge regarding the Kelly vs. Burton case. She spoke in reference to the Zoning Board of Appeal appointment, the percentage of funds for Senior Citizens CD allocations and the need to amend ordinance 58-6C relating to the new drunk driving law. She felt Council should consider other applicants when there is a potential vacancy on the ZBA. She said that work had been begun at Pebble Creek without the approval of the Drain Commission. She wanted to know if Rizzo Development owned this property.

Bud LeGrande, 2105 E. Buder, said the firefighters work their hearts out for little pay. He pointed out that Mrs. Dargel doesn't make the ordinances. That was up to the Council. He felt the administration had worked hard to develop and upgrade the City. He was very proud of what the City of Burton had become. He said we have the lowest taxes in the county and they haven't been raised for a long time.

Richard Fletcher, 5141 Dortch Drive, was told that he had to hook up to the City's sewer system because his dwelling was within 200 feet of the sewer system. He said that his home is 285 feet from the sewer hook up and he has a brand new septic system. He did not want to be forced to hook up to the City's sewer system.

Nancy Card, 2908 Delaney, was concerned with water and sewer bills that are being written off due to bankruptcy. She felt Burton had a misunderstanding of the state law and how they apply it.

Gary Card, 2098 Delaney St., said the firefighter conference story was first released through a Detroit TV station. He had no objection to our fire department. He was only concerned with accountability and how our money was being spent. He commented on the new driveway that was installed at the Davison Rd Taco Bell.

Gary Isham, 3443 Saxon St., spoke regarding standing water and ditching problems on Clarice Street. In reference to Item 3, he felt the City should advertise for the ZBA position, so they would be able to obtain the best person for the job. He felt the contractors that worked on the council table did substandard work. He wanted to know when it would be fixed and who was going to fix it.

COUNCIL DISCUSSION:

In reply to Mr. Isham's comments, Mr. Cross said that the contractors are working to remedy the problem with the council table.

Mr. Isham wanted to know who the contractor was that did the work on the council table.

Mr. Cross will find out who the contractor was and relay the information to Mr. Isham.

Mr. Cross had a conversation with the attorney regarding the new drunk driving law. The attorney said we did not have to revise our current ordinance to accommodate the new law.

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Mr. Hamilton said we have adopted the Michigan Motor Vehicle Law as our ordinance. Our local ordinance automatically changes and parallels the state law. Therefore, we do not have to continually make changes in our ordinance every time the state adopts a new driving law. We will be able to issue tickets and collect fees for these types of violations. We don't need to amend our ordinance because the provisions will automatically change when the Michigan Motor Vehicle Law is revised.

Mr. Cross wanted to know why Mr. Fletcher had to hook up to the sewers, if he had his own septic system.

Mr. Abbey said our ordinance does stipulate that you must hook to the sewer lines if you are within 200 feet. It does not stipulate whether the dwelling is a garage or a house.

Discussion continued in reference to sewer hook up on Dortch Drive.

Mr. Hamilton will research the issue to determine what the provisions of the sewer ordinance stipulate. He will report back to Council with his findings.

Mr. Abbey will have DPW review Mr. Fletcher's situation and hopefully they could resolve his problem.

Mr. Hamilton said several variables would need to be determined, such as the definition of the structure, where it is located, if water is available in the structure and where the sewage emanates. He was hopeful that something could be worked out.

Mr. Cross asked for clarification on filing for bankruptcy and what influence it has on paying the water and sewer bills.

Mr. Abbey was not aware of any problem with this type of issue. It is the first he has heard about filing for bankruptcy as it relates to paying the bills. He will check with Brad Becker and report back to council with his findings.

Mr. Wells wanted to know if the new alcohol level would be incorporated in to our ordinance through the codification process.

Mr. Abbey and Mr. Hamilton gave further clarification on this ordinance. Mr. Hamilton said that we had adopted the Michigan Motor Vehicle by reference. This seems to be the norm in most communities. We do not have to make revisions or modify our local ordinance every time the law is revised. It is done automatically. These laws are established and prepared by someone else. If we had to adopt a new ordinance every time the state made changes, we would have to make some changes about every month.

In reference to Item 3, Mr. Wells wanted to know if there were any Zoning Board of Appeal applicants on file.

Mr. Abbey said there wasn't any problem in the past with just reappointing someone to a board.

Mr. Brawner thought that a seat was considered vacant when the seat became opened or the member left the City. This was just an expired position.

Mr. Cross suggested that the Council should discuss what should be done in this instance.

Mr. Wells said that Mr. Curtis has worked hard on the ZBA board and he wasn't aware of any problems.

Mrs. Tinnin said Mr. Curtis was running for council. She suggested that the Council hold off on the appointment and advertise the position.

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Mr. Cross said the ZBA board would be short a member. However, there is an alternate that could fill in until after the election. He didn't have a problem filling the position after the election.

Mr. Brawner indicated that Mr. Curtis was the president of the ZBA. The vice president would have to move up to chair the meetings.

Mr. Bement said we could keep it the same. There is nothing wrong with a reappointment. If council preferred we could appoint someone else. If we did open it up, it would make good business sense to advertise.

Council planned to discuss the ZBA vacancy more during council discussion.

Mr. Abbey said if a new business eventually occupies the Taco Bell site, they would be required to have a site plan review. A new business may or may not be able to use the current drive off of Delaney St. The Planning Commission would be responsible for making that decision.

Mr. Martinbianco thought the relief that was given to the current business would probably be made part of that property. He referenced what happened at the Davison Rd Rental property as an example.

Mr. Martinbianco was hoping for some comments from Mr. LaDuke. He wanted to know if anyone was connected to the Wagener Acre storm drain and how much it cost to do so.

Mr. Abbey said he would check the site and get back with the council.

Mr. Martinbianco felt there was a chronic drain problem on Maple Rd next to Maple Pt. He would like someone to look into this matter.

Mr. Martinbianco said the westbound lane of Genesee Rd. continues to deteriorate.

Mr. Martinbianco pointed out that the Kelly Lake sign on Lapeer Rd. was down. He suggested adding a low sign at that location and installing the bigger sign just before the park. He asked Mr. Wells to relay his suggestion to the Parks Commission.

Mr. Martinbianco asked for clarification on the "Notice to Quit" for Hansen EMS. He wanted to know how this deteriorated.

Chief Halstead thought the company was trying to get caught up on a \$1,000.00 bill. Attorney Rick Austin was dealing with Mr. Hansen's attorney to help resolve this issue.

Mr. Hamilton said the company was notified that they were delinquent and they were issued a Notice to Quit. We became aware that the business was operating under Chapter 11 bankruptcy. A significant portion of their debt has been paid. The company intends to pay the full amount.

Mr. Cross wanted to know how many months they were behind in their rent.

Mr. Hamilton said this issue was more to do with unpaid property taxes than anything else.

Mr. Martinbianco asked for an update on the Vineland and Eugene petitions. He thought the estimated cost of the projects would be about \$4,600 a unit. Neither of these projects has moved forward and the circulators have not been contacted. He thought these residents were ready to move forward with these projects.

Mr. Abbey will check the status of these projects and try to give some preliminary costs.

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Mr. Martinbianco asked for clarification on the Kelly vs. Burton case.

Mr. Hamilton said this case is in Genesee County Circuit Court with Judge Neithercut presiding. The case really deals more with the City of Flint. Someone purchased three separate homes near Kearsley Lake. These homes only have a portable water supply. The residents would like to acquire water through the County. We were going to install a meter pit on Covert Rd. to accommodate those homes. Then we would be credited by the system. The City of Flint promised to run lines to the development. They have not done that. The residents can't get occupancy permits until the lines are installed. Therefore, the residents filed an amended complaint naming 10 parties. Basically, because the City of Flint didn't move forward, we have to file an answer.

Mr. Martinbianco wanted the police chief's log for car no. 10 for the dates of September 27th – October 6th.

Chief Whitman planned to provide Mr. Martinbianco with that information.

Mrs. Tinnin spoke in reference to the use of city credit cards. She said that she hadn't been provided with the travel ticket information. She wanted to see the information verifying the credit card expenditures.

Mr. Abbey said that several people have seen the credit card verification. He briefly explained that two airline tickets were purchased at the same time using two separate credit cards. The airline has acknowledged their mistake.

Mrs. Tinnin said that she does not have a city credit card. She stayed within her allotted amount when she submitted her expense voucher. She was extremely proud of her low travel expenses. She said that she would compare her conference expenditures to the costs incurred by Chief Halstead and his firefighters.

Mr. Centilli said Burton residents pay the lowest taxes in Genesee County. He said that we have the finest police and fire departments in the County. Our garbage pick and roads are outstanding. He was very proud of the all the progress that has been made in the City of Burton. In addition, he said the residents would have to vote to raise the taxes in Burton. It would be their choice.

Mr. Centilli pointed out that a bank purchased the property at the corner of Saginaw and Maple Rd. This shows that the land is valuable. He felt this was a better alternative than the storage sheds. The bank will bring business offices and hopefully a small strip mall to that area.

Mr. Abbey said that he would look into the storm sewer problems on Maple Rd.

Mr. Cross wanted to know if the DEQ had approved Pebble Creek.

Mr. Abbey said to his knowledge, Mr. Rizzo purchased Mr. Eister's property on August 25th and all necessary permits are in hand.

Mrs. Dargel said the drain office hasn't reviewed this project. She said if it isn't in writing, it doesn't exist.

Mrs. Tinnin spoke in opposition to the Pebble Creek Subdivision. She wanted to know if the City would be buying back a completed project. She wanted to know if RS Young would be certifying the total project. She wanted to know whom we were buying the public utilities from.

Mr. Abbey assumed we would buy back the approved utility projects from the contractor.

Mrs. Tinnin spoke in reference to the Pebble Creek Subdivision. She heard that there were two liens on the property.

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Mr. Hamilton said she might be mixing up two different projects. There is an ongoing project in Grand Blanc Twp that involves Mr. Young. He has not heard anything about the Pebble Creek property.

Mrs. Tinnin wanted more information on the liens.

Mr. Martinbianco said if the City has no stake in the Vassar Rd project, why should the attorney look into it.

Mrs. Tinnin felt that supplying public utilities through the special assessment method at the request of developers was not in the best interest of the city. She questioned the liens on the property.

Mr. Abbey said the City would make sure that the projects were approved and the property title was clean before buying the utilities back.

Mr. Hamilton said that we were holding a lien on the property and the special assessment projects. If there were a problem with the property, it would only become significant at the time we buy back the special assessment projects. At the submission we would require the contractor's sworn statement and we would check the title before we ever acquired the work. He assured everyone that he would make sure that there was a good clean title before acquiring the utilities.

Mrs. Tinnin wanted to know who would be doing the title work.

Mr. Hamilton said a title company would do the work then he would verify the existence of those priorities before the City proceeds.

Mr. Bement said that the Planning Commission would be reviewing the changes to Ordinance 19 October 14th at 6:00 p.m. After the hearing, this would come back to the City Council for final approval.

Mr. Wells reviewed the credit card statements and he assured council that they were in order. He did not find any problems. He questioned Mrs. Tinnin's motives. He said that she has been accusing the administration of wrong doings for four years and there still hasn't been any evidence of that.

Mrs. Tinnin wanted to know who was signing the credit cards.

Mr. Abbey said the credit card charges in question have been verified. In some instances, the Mayor has given his staff authorization to sign his charges.

Mrs. Webster did not appreciate Mrs. Tinnin's repeated accusations that all city administrators were misusing their credit cards. She is part of the administration and she uses a credit card. She indicated that she had not abused her credit card. She felt these kinds of blanket statements about the administration were inappropriate.

Mr. Martinbianco spoke briefly on the new voting equipment.

Mrs. Webster said the new equipment has already been used in Genesee County and the voters seemed very receptive to the equipment. She hoped to have one of the tabulators on display in the Clerk's Office for a few days. Residents are welcome to come in and look it over.

Council briefly discussed the vacancy on the ZBA. They were in agreement to fill the position after the election. Mr. Welch would chair the meetings and the alternate would be in attendance until the position was filled.

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Moved by Martinbianco, seconded by Tinnin to remove Item 3 and publish a notice in the Flint Journal stating that the City of Burton is taking applications for the position of Zoning Board of Appeals. The deadline to submit applications will be November 21, 2003. The ZBA vacancy will be added to the regular council agenda of December 1, 2003. Motion carried 7-0.

Agenda Item 5, regarding the Community Development allocations, was approved as corrected.

Mr. Cross wanted assurance that the topless dance request had been withdrawn with the state liquor control.

Chief Whitman said that the topless portion of the request had been withdrawn.

Mr. Brawner asked Mr. Abbey to contact Mike Marshall at the Road Commission to make sure that the traffic order for the Potter Rd intersection was correct.

Mr. Abbey said that he would check to make sure the traffic control order was correct.

COUNCIL DISCUSSION ACTION:

Moved by Martinbianco, seconded by Tinnin to remove Item 3 and publish a notice in the Flint Journal stating that the City of Burton is taking applications for the position of Zoning Board of Appeals. The deadline to submit applications will be November 21, 2003. The ZBA vacancy will be added to the regular council agenda of December 1, 2003. Motion carried 7-0.

COUNCIL ACTION:

Bement moved and Wells seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from September 10, 2003 to October 1, 2003 in the amount of \$4,544.50.
Motion carried 7-0.

Cross moved and Bement seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from August 13, 2003 to September 30, 2003 in the amount of \$3,610.00.
Motion carried 6-1, with Tinnin voting no.

Removed from the agenda.

3. Approve and authorize the appointment of Jamie Curtis, 2230 Ridgemoor Ct., Burton, MI, to the Zoning Board of Appeals, effective September 1, 2003. Term to expire September 2006.

Cross moved and Wells seconded the following motion:

4. Approve and authorize the Mayor and City Clerk to execute the authorization for changes in the standard street lighting contract with Consumers Energy Company for:

- 1) Six (6) street lights in Spring Gardens Subdivision Phase I - (Installation at the developers sole cost)

Motion carried 7-0.

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Cross moved and Wells seconded the following motion:

5. Approve and authorize the current estimated allocation of \$390,635.00 for the 2004-2006 Community Development Block Grant Program monies as follows:

<u>PROJECT NAME</u>	<u>ALLOCATION (PERCENTAGE)</u>
Gravel St. Paving/Sidewalks	30%
Street Ditching	7%
Senior Citizen's Directory Salary	15%
Parks & Recreation	13%
Watermain	30%
Fire Department	5%

<u>PROJECT NAME</u>	<u>ALLOCATION (DOLLARS)</u>
Gravel St. Paving/Sidewalks	\$117,190.50
Street Ditching	\$ 27,344.45
Senior Citizen's Director Salary	\$ 58,595.25
Parks & Recreation	\$ 50,782.55
Watermain	\$117,190.50
Fire Department	\$ 19,531.75

Motion carried 7-0.

Martinbianco moved and Tinnin seconded the following motion:

6. Approve and authorize the request from PG-HRN, Inc. to transfer ownership of 2003 Class C licensed business with dance-entertainment permit, located at G-3266 S. Dort, Burton, MI 48529, Genesee County, from Palace Gardens, Inc.

Motion carried 7-0.

Martinbianco moved and Wells seconded the following motion:

7. Approve and authorize the Mayor's re-appointment of Carl Gusie, 6377 Brian Circle Lane, Burton, MI 48509, to the Election Commission. Term to expire October 2007.

Motion carried 7-0.

Centilli moved and Cross seconded the following motion:

8. Approve and authorize the Mayor's re-appointment of Bonnie Hoffmeyer, 6215 Surrey Lane, Burton, MI 48509, to the Election Commission. Term to expire October 2007.

Motion carried 7-0.

Meeting Adjourned at 9:20 P.M.

Gayle Webster
Burton City Clerk

GW/cml