CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
DECEMBER 17, 2001, 7:30 P.M., COUNCIL CHAMBERS

Councilman Bob Centilli led the Invocation and Pledge of Allegiance.

The Regular Meeting was called to order by Council President, Larry Brawner at 6:00 P.M.

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

MEMBERS ABSENT: Tinnin.

OTHERS PRESENT: Charles Smiley, Mayor; D. Halstead, Fire Chief; D. Lacey, Assistant Fire Chief; C. Abbey, Administrative Assistant; R. Hamilton, City Attorney and C. Ladd, Deputy City Clerk.

Cross moved and Wells seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Meeting of December 3, 2001at 7:00 P.M. and Regular Meeting of December 3, 2001 at 7:30 P.M. Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mayor Smiley extended holiday wishes to everyone.

The Mayor noted that on Item #6, the date needs to be changed to either the 23rd or the 30th due to a conflict with Mrs. Tinnin and Mr. Cross. The meeting will be held at the Police/Fire facility and both of these dates are open. Mayor Smiley suggested this would be give the residents an opportunity to hear the auditors speak if they wish to attend the meeting.

In regards to Item #7, the Mayor stated the purpose of the workshop is to set some goals and decide what we want to do as elected officials and appointed staff to move this city forward. Michigan Municipal League has many ideas and suggestions derived from other cities. In reference to Item #8, the road study was budgeted for this year, and should Council approve the resolution, we will move forward with the study.

Mayor Smiley commented on Councilman Centilli visiting many areas throughout the city as Santa Claus. He noted that City Hall would be closed from December 21, 2001 at 5:00 P.M. until January 2, 2002 at 9:00 a.m. The DPW outside staff will be working holiday hours, as well as the Police Department.

County Commissioner Ted Hammon presented a plaque to the Burton Fire Department in honor of the work they did to raise over $200,000.00 for the 9-11-01 disaster in New York. Commissioner Hammon read the award that was given.

Mayor Smiley announced that as of December 14, 2001, Police Chief John Benthall retired. The Mayor has named Bruce Whitman as the Interim Chief and is hopeful to have a permanent replacement within the next 30 days.

Fire Chief Doug Halstead said he is extremely proud of his department. They are the best firefighters in the County. He said they raised this money on their own, he had nothing to do with raising the funds. The Chief said there was some apprehension about whether we are up to code with MIOSHA, especially on SERA Title 3. He said he took the time, primarily after Mrs. Tinnin had tried to inspect the records at the fire station, to contact MIOSHA and have them come in and do an inspection at the stations. Council has a packet of the eight violations we had, which consisted of things like a storage cabinet being too close to an exit and others that are mostly housekeeping items.

In comparison, the City of Flint had $156,000.00 worth of violations. He said he is proud that the stations are well cared for. According to the MIOSHA Agent that inspected us, our records are some of the best-kept records in the state.

Chief Halstead spoke in regards to a group of people who are involved in the Neighborhood Watch Groups and who also ride snowmobiles. Recently this group, called Operation SKIS, came to the Police and Fire Departments with a proposal that they get organized and be ready to help should we have a snow emergency. Chief Halstead stated that a small portion of the group is here this evening and would explain what they would like to do.

Dawn Elford, 6072 Hedgerow Cr., represented Operation SKIS and explained they thought it would be a good idea to help the Police and Fire Departments during an emergency. She said they have spoken with 9-1-1 and we could be called out to help anywhere in Genesee County. She said all of the members are not Burton residents, but from the surrounding areas. She said there is a phone tree set up where the police department would contact our main person. We would meet and decide who needs to go where. We would assist motorists who are stranded, shut-ins who may need food, medication or water. We can transport generators should they be needed. They have also mentioned being called out to assist in a search and rescue if an Alzheimer’s patient or a child were to wander off and get lost. It may be easier to get in on sleds than on foot. In this packet, you will find that zero tolerance is our policy. If one of the members has had anything to drink that day, they would not be allowed to drive the sled, but could be utilized in another capacity. All our machines will be marked with zero tolerance. We are also looking at the possibility of doing background checks on our members to be sure there is no one with narcotic or felony charges against them. We want to keep a tight rein on the operation.

COMMITTEE REPORTS:

There were no committee reports given.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh, spoke on Mr. Hamilton’s residency and on agenda items #4 and #5, which sets the public hearing dates before Council for Zoning Cases #266 and #267. The Planning Commission will not hear Zoning Case #267 until January 8, 2002. She questioned the fact that a hearing date is being set for Council prior to the case being heard by the Planning Commission. Another item of concern was why the Administration/Council Workshop is being held at the Senior Citizen’s Center. She also questioned a contract with Rowe Engineering.

Don Sanderlin, 4460 Killarney Park Dr., thanked Commissioner Hammon for his help in getting trees cut down on the bridge in his subdivision. He questioned what type of dirt is being dumped on property located on Center Road between Bristol and Atherton Roads. Mr. Sanderlin was concerned about having contaminated dirt dumped at that site.

COUNCIL DISCUSSION:

Mr. Cross asked Mayor Smiley if he had any information on the dirt being dumped on the Center Road property.

Mayor Smiley said this site is going to be a nursery and the dirt being dumped is from various subdivisions throughout the county. It is unlawful to dump contaminated dirt on a site such as that. DPW has shut the owner down a couple times because of dirt on the road.

Mr. Martinbianco asked if all of the state laws are being complied with as far as the Mayor knows.

Mayor Smiley replied that to his knowledge, all laws are being followed with the dumping of the dirt.

Mr. Martinbianco asked Mr. Hamilton about his residency and said he was unaware of Mr. Hamilton moving out of the City.

Mr. Hamilton said he recently sold his home in Burton and is temporarily living in a condominium he owns in Grand Blanc.

Mr. Cross asked how the charter pertains to Mr. Hamilton in regards to his living outside the city.

Mr. Hamilton replied that the charter doesn't require the attorney to live in the City, only chartered officials. He said he has represented the city from 1970 to present. The only reference to residency for the attorney is that at the time of selection of a city attorney, the first preference would be given to a resident of the city.

Mr. Martinbianco asked why Zoning Case #267 is being scheduled before Council if it hasn't gone before the Planning Commission yet? He said prior to the time that the master plan is adopted, he would be voting against both dates for the rezoning cases.

Mr. Brawner said the date to hear Zoning Case #267 was set at the last Planning Commission meeting. It is a presumption that it was going to pass.

Mr. Martinbianco addressed the issue of the location of the goal setting workshop being held at the Senior Citizen's Center. He also has some concerns about Item #3 and suggested it go before the Finance Committee.

Mayor Smiley stated the Police/Fire facility is not available for January 10th so the second choice is the Senior Citizen's Center. The Council Chambers is not adequate to bring in the entire staff, Council and others who may attend.

Mr. Cross commented that this is another argument for the city hall expansion.

Mr. Martinbianco addressed Item #3 and questioned whether the building was advertised for lease and if so, where and how? Was a sign that the building was for lease placed in front of the building?

Chief Halstead said the lease agreement was posted 28 days in advance in the Clerk's Office along with the notice regarding the building, for 15 days in advance in the local paper, as per the ordinance. There was no lease sign placed in front of the building.

Mr. Martinbianco indicated that the price of the property improvements does not equate to the price that was offered for rent. Mr. Hansen should be content in getting a place like this for $500.00 per month. He asked what options are included in the contract and also asked if Mr. Hamilton was the one who wrote the lease agreement.

Mr. Hamilton noted that Mr. Austin wrote the lease agreement

Mr. Martinbianco asked if the Ambulance Company has the option to resign the lease after one year.

Mr. Hamilton said he understands the lease is for a one-year period and after that time it is on a monthly basis. This was looked upon as an interim lease to generate an income off this property until such time it is put together with the adjoining property to the south for the purpose of improving Station #2. Mr. Hamilton said on a long-term basis, these terms don't make a commercially economic kind of decision. General rule of thumb is that 1% of value per month is the general payback on a rental.

Mr. Martinbianco questioned the collection of taxes with this property being tax exempt. He also asked how the tenant was ultimately selected if there was no outside advertisement.

Mr. Hamilton explained how the taxes would be handled.

Chief Halstead explained that at the present time we only have one ambulance operating inside the City and there have been complaints made through the Council regarding the lack of ambulance service. I went to see Mr. Hansen and found that his lease would soon be expired. We had just purchased this building and realized we need more than one ambulance in the city. Mr. Hansen has been a good provider and a good citizen in our city and informed him that the building would be going up for lease.

Mr. Bement said he misunderstood the amount being paid for the rent.

Mr. Centilli commented that he thinks the city is better off having the building occupied, insured and taxes being paid than to have it sit empty. After a year it will be rented on a month by month basis.

Mr. Wells inquired as to how the $500.00 figure was arrived at. He was advised that $500.00 was the price Mr. Hansen was previously paying. It was also a rough figure of the 1-% that Mr. Hamilton spoke of.

Mr. Cross questioned how the situation would be handled if there needs to be an increase in the rent.

Chief Halstead replied that Mr. Hansen is paying the expenses on the building. The only thing we would maintain would be the exterior, which is why we have insurance.

Mr. Bement said he thinks the rental fee is a little low but he would rather have someone in the building than to have it sit empty. We are also providing a public service to our residents.

Further discussion continued regarding Item #3.

Mr. Martinbianco noted he would be voting against Item #3.

Mr. Martinbianco inquired as to whom would be invited to the goal setting workshop.

Mayor Smiley replied the Planning and Zoning Boards might be invited.

Mr. Martinbianco suggested that the school districts be invited so we know what direction they are striving for.

Mayor Smiley said he agreed, but the one that is planned for January 10th will be to review our financial outlook.

Mr. Martinbianco then suggested that another workshop be held and include the school districts.

Mr. Martinbianco spoke concerning the language in Item #8 indicating that a study would be done on revenue and expenditures, which are common place items. Was that the intent or would we get core studies done of Belsay Road or Center Road to tell us what is needed for these roads to be reconstructed.

Mr. LaDuke said the intent of the study would tell us the conditions of the roads by any of the data that Rowe can get. He thinks a core study would not occur. His questions such as what equipment, manpower and cost would it take to do the roads would be addressed by the study. They are going to rate the conditions of the roads and tell us what we need to do the job. At that time we can make an educated decision on whether it is good or bad for the city.

Mr. Cross asked if the city has received a dollar amount of how much money we have received from the last county road take-over.

Mayor Smiley stated that Jeff Major could give the history background and Brad Becker would be the person to know the dollar value. The Mayor said that because of the financial problems in Lansing, we haven't received what we should have.

Mr. Abbey said that presently we could manage the 11 miles with our current staff and that is what part of the study will show. To take over the rest of the county roads, we are probably talking about additional manpower.

Mr. Cross said he thinks the city could maintain the roads better than what we are currently getting from the county.

COUNCIL DISCUSSION ACTION:

Martinbianco moved and Cross seconded the motion to table Items #4 and #5 indefinitely. Motion failed 2-4 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 November 28, 2001 to December 12, 2001 in the amount of $2,156.00.

Motion carried 6-0.

Centilli moved and Cross seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from November 19, 2001 to December 12, 2001in the amount of $1,489.50.

Motion carried 6-0.

Centilli moved and Walls seconded the following motion:

3. Approve and authorize the Mayor and City Clerk, on behalf of the City of Burton and its Council, to enter into a Lease Agreement with Hansen E.M.S., Inc., by its President, James Hansen, for rental of the real property at 1314 S. Belsay Rd., Burton, MI.

Motion carried 5-1 with Mr. Martinbianco voting no.

Bement moved and Wells seconded the following motion:

4. Approve and authorize the setting of a 2nd Public Hearing for Zoning Case #266 on Monday, January 21, 2002 at 7:00 P.M.

Motion carried 4-2 with Cross and Martinbianco voting no.

Moved by Martinbianco, seconded by Wells to table Item #5.

5. Approve and authorize the setting of a 2nd Public Hearing for Zoning Case #267 on Monday, February 18, 2002 at 7:00 P.M.

Motion carried 6-0 to table Item #5.

Centilli moved and Cross seconded the following motion:

6. Approve and authorize an the setting of an Audit Workshop to be held on January 23, 2002 at 6:00 P.M. at the Police/Fire Facility.

Motion carried 6-0.

Centilli moved and Wells seconded the following motion:

7. Approve and authorize the setting of a Goal Setting Workshop with the Administration and Burton City Council on January 10, 2002 at 6:00 P.M. at the Burton Senior Citizen's Center.

Motion carried 6-0.

Centilli moved and Wells seconded the following motion:

8. Approve and authorize the Mayor and City Clerk to execute a contract with Rowe Engineering in the amount not to exceed $30,000 for a Revenue/Expenditure Study to take over county primary road system.

Motion carried 6-0.

Meeting Adjourned at 8:46 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML