

CITY OF BURTON
SPECIAL COUNCIL MEETING MINUTES
FEBRUARY 9, 1998, 7:00 P.M., COUNCIL CHAMBERS

The Special Meeting was called to order by Ted Hammon, Council President, at 7:00 P.M.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Mayor Charles Smiley; R. LaDuke, Building Supervisor and C. Ladd, Deputy City Clerk.

PURPOSE OF THE MEETING: DISCUSSION AND POSSIBLE ACTION REGARDING THE
FOLLOWING ITEMS:

1. UPDATE TO CITY COUNCIL OF LAST YEAR'S (1997) GROUP OF DEMOLITIONS:
 - a. 2452 N. Center Rd.
 - b. 2200 Term - garage only
 - c. 3453 S. Belsay Rd.
 - d. 2113 S. Center Rd.
 - e. 5046 E. Bristol Rd.
 - f. 3318 Grand Traverse
 - g. 3406 S. Saginaw St.
2. LIST OF DEMOLITIONS FOR 1998

PRESENTATION:

Mr. LaDuke updated the Council on status of the above listed properties. Item A: Has been rehabbed; Item B: The garage has been removed; Item C: Has been purchased and he would ask that the Council remove this address from the demo list and make it item #3 on the agenda, for Council action. Item D: A 180 days extension by city council and has since torn the structure down themselves. Item E: Will be demolished once we receive bids and council approves the contract. The City has mowed the property and removed junk from the property and assessed the property for costs involved. Item F: Action was postponed by City Council for 90 days. The City Council set conditions that were to be met by the potential buyer of the property. Item G: The property was ordered for demolition, but because there was some concern regarding ownership of the property, a thirty day hold was put on any action. This is now being bid for demolition.

Mr. LaDuke also asked the Council if they had any properties that should be added to the list of demos for 1998. He provided a list of potential properties to be demolished. He said there are several vacant buildings throughout the City and he would like to see them occupied. He noted that on the 1998 demo list, 1468 Donovan has been on the demolition list before and commitments made by the owner to City Council and then nothing has been done.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh, questioned why there were only three (3) addresses listed in the legal notice instead of 7, as listed on the agenda. She asked about the property at 3453 Belsay Rd. Also, she inquired about the flood insurance addressed in Ordinance No. 14-2 C, and asked if it had been amended since it was published. She said the property at 3453 S. Belsay Rd., is in the flood plain.

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Mr. LaDuke responded, saying he is unaware whether the ordinance had been amended without looking it up. He will bring back information regarding Ordinance to next meeting. Mr. LaDuke said the property owner is aware of the property being in the flood plain.

Pat Starnes, 7261 Kessling St., Davison, said he has looked at the property at 5046 E. Bristol and knows that it is in need of a great deal of work. He said he, along with his partner, Keith Brock, are willing to clean it up and bring it back to code. Any back taxes will be paid and they are also willing to post a bond to be sure all requirements are completed. This property has been vacant for awhile and they are asking that Council give them an opportunity to get this property back to code. He said they would need about 30 days to make progress and are willing to get all necessary permits to make the improvements.

Mr. Cross asked if Mr. Starnes currently has a purchase agreement on the property. He was advised no, that the owner is out of State.

Mr. Centilli asked Mr. Starnes if he thought he would be able to obtain a purchase agreement.

Mr. Starnes said the owner is unclear as to what he wants to do with the property, but he is not interested in cleaning it up. He noted that the owner has not returned his phone calls.

Linda Hammon, 3240 Eastgate St., said she recently purchased the property at 3453 S. Belsay Rd. and is interested in rehabbing the property.

COUNCIL DISCUSSION:

Mr. Martinbianco asked why Item C is being added as Item #3 on the agenda.

Mr. Hammon said he has interest in the property.

Mr. Cox asked if they would be voting on these items in block.

Mr. LaDuke said Council has already taken action and they are getting bids to proceed with the demos that have not been done yet. The property at 5046 E. Bristol, I didn't know anyone was interested in this until late this afternoon.

Mrs. Zelenko said when she checked the Bristol Rd. property, she smelled gas. Has this been checked?

Mr. LaDuke replied that the DPW had checked the house, boarded it up and cleaned up the property and put it on the taxes.

Mr. Martinbianco stated that these properties were acted on in August of 1997. He asked how the Council would know when the property comes off the demo list.

Mr. LaDuke said it is his understanding that the Council was given an update by Mr. Major sometime ago. He apologized to the Council for not informing them of the status of the properties himself. He stated that he would be willing to give monthly reports to Council, if they so desire.

Mr. Martinbianco questioned whether the property taxes at 5046 E. Bristol Rd. was in arrears.

Mr. LaDuke said he didn't have this information.

Discussion was then held concerning the possibility of bringing each individual property to the Council for action, or continue bringing them before Council in block form, which is a more inexpensive way to handle them.

Mr. LaDuke reviewed each of the properties again and stated that the Council will have information prior to the date of February 23rd to accept the low bid and awarding of a contract, to be done at the March 2nd Council meeting.

Mr. Martinbianco asked how a property can be taken off the demo list. Mr. LaDuke stated that Council has allowed the DPW to work with the people to try and get them off the list. He noted that on the property at 3318 S. Grand Traverse, they have a \$2,000 bond. Unless this Board takes the property off the demo list it will be demolished.

Mayor Smiley said he would like to point out to Council that out of the seven (7) pieces of property that were on the list, only three (3) remain, which keeps the property on the tax rolls. He said the City Council has done a great job in getting these properties taken care of.

Mr. LaDuke said if Mr. Starnes could get a written purchase agreement from the property owner, then the Council could take this property off the demo list. However, he said he wasn't certain if Mr. Starnes would be able to get approval from the owner. He said the bids will be accepted on February 23rd and will go to Council for their acceptance on March 2nd, which gives Mr. Starnes three weeks to get a purchase agreement from the property owner.

Mr. Martinbianco said he doesn't think the DPW should provide the information. Mr. Starnes can go to other sources to get this information. Discussion continued regarding the process of getting information.

Mr. Cross asked if after the bids are accepted, are there any legal problems with tearing down the houses. He said he doesn't want to have the Bristol Road property taken off the demo list at this time. We should leave it on the list and if there is a purchase agreement brought to the next meeting, after the bids are taken, we will review at that time.

Mr. LaDuke said there would be no legal problem in tearing them down.

Mr. Cox suggested the Assessor's Office would have information to help Mr. Starnes.

Mr. LaDuke explained that the proper way for Mr. Starnes to get information is to file a Freedom of Information form in the Clerk's Office. This will allow the DPW to open up the file.

Discussion continued regarding the 1998 demo list. Mr. LaDuke said he would like to see the Council adopt something for the City so there can be no boarded up structures.

Mr. Cross stated that once it is on the demo list, that should be taken care of. The owners need to make repairs and improvements prior to the property being added to the demolition list. Mr. Cross asked if there is a legal process whereby a 10-day notice could be issued and if not complied with, then they would end up in Court.

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Mr. LaDuke said instead of going on a demolition list, we could cite the owners under the existing housing code.

Mr. Abbey suggested the Council give guidelines in how they want to handle the demolitions for 1998.

Mr. LaDuke noted that he would be coming to Council with modifications for operating under the BOCA under the 50% rule. It shouldn't be our intent to tear down structures, but keep them on the tax rolls in the community.

Mr. Martinbianco asked about the Assessor's process when the homes are on the demo list and then removed.

Mr. LaDuke stated that the Assessor takes the permits and looks at each piece of property and evaluates the property. He also reiterated that he had prepared the 1998 demo list and if any one had any other properties to be added, they could give him a list.

Mr. Hammon passed the gavel to Mrs. Zelenko.

Mr. LaDuke said he is asking that Council vote to remove Item #3 from the demo list.

Mr. Cox asked what the provisions would be for this being removed and what the timetable would be.

Mr. LaDuke said the property was inspected and a list given to Mrs. Hammon, but no timetable has been set.

Mr. Martinbianco reviewed a list of items to be done to the property at 3453 S. Belsay Road, as stated in the report, dated May 28, 1997, from the Building Inspector, Randy Stewart. Mr. Stewart indicated the property is not worth rehabbing. He asked if this property had been through the Circuit Court System and was advised no.

Mr. LaDuke said he has a copy of Mr. Stewart's letter in the file. He also stated that if a property owner wants to put money into a home and bring it up to code, it is not up to the Building Department to say whether or not the property is valuable to the property owner.

Mr. Cox asked who the person is to determine whether the properties should be demolished.

Mr. LaDuke said this Body should use the Building Department's recommendation. There are two certified Building Inspectors in the Department to make this determination.

Mr. Cross said prior to taking anything off the demo list and Council having the final say about the property, possibly this could be worked out in the Legislative Committee.

Mrs. Walls asked if Mrs. Hammon had a clear deed to the property.

Mrs. Hammon said yes, that the people live in Lincoln, MI and she has a deed from Greco Title.

Further discussion continued regarding the process with the DPW in rehabbing property and getting water into the home.

Mr. Cox asked if it is the owner's intention to bring the house back to CABO Code within 60 days. He was advised yes. He noted that the property at 5046 E. Bristol Rd. is still on the demo list, but if someone comes before Council with a purchase agreement, we would be willing to look at the proposal.

COUNCIL ACTION:

Walls moved and Zelenko seconded the following motion:

1. Approve and authorize Council to move Item C on the agenda as Item #3.
Motion carried 7-0.

Hammon moved and Centilli voted the following motion:

2. Approve and authorize that the Chairman be allowed to abstain from voting on Item #3 because of the interest in the property.
Motion carried 7-0.

Walls moved and Centilli seconded the following motion:

3. Approve and authorize the removal of Item #3, 3453 S. Belsay Road, from the demo list.
Motion carried 6-0, with Mr. Hammon abstaining.

Martinbianco moved and Cross seconded the following motion:

4. Approve and authorize Council to postpone further action on the property at 3453 S. Belsay Road, for a period of 90 days for completion, with progress to be shown to DPW and check if there is appropriate building, mechanical and plumbing permits. There needs to be no cash bond posted.
Motion carried 6-0, with Mr. Hammon abstaining.

Meeting Adjourned at 8:29 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML