

CITY OF BURTON
SPECIAL COUNCIL MEETING MINUTES
FEBRUARY 4, 2008, 6:30 P.M., COUNCIL CHAMBERS
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The Special Council Meeting was called to order by President Tom Martinbianco at 6:30 p.m.

MEMBERS PRESENT: Conley, Ellenburg, Haskins, Heffner, Martinbianco and Wells.

MEMBERS ABSENT: Tinnin.

OTHERS PRESENT: Mayor C. Smiley; G. Kray, DPW Director and G. Webster, City Clerk.

THE PRESIDENT READ THE PURPOSE OF THE HEARING:

THIS IS THE TIME FIXED FOR HEARING AND CONSIDERING ANY COMMENTS TO THE DEMOLITION UNDER CONSIDERATION, TO-WIT:

3266 S. Dort Hwy.

PRESENTATION:

Mr. Kray spoke regarding the exterior damage to the building. In addition, there has been some fire damage to the inside. Our inspector has been in the building. The owner, Ms. Fischer was not able to attend the meeting tonight due to a sickness in her family. She was going to have her realtor attend the meeting. She planned to turn the property into a restaurant and has already purchased the equipment. She is working with the insurance company and her attorney in order to reach a settlement so she can rehab the building. Mr. Kray would like the site to become a good productive restaurant. The taxes are currently up to date on the property. DPW is looking for a timeline and a plan to begin work so the property can be brought up to code.

Gerald Zemer, a representative for Ms. Fischer, indicated that she was unable to attend due to the death of her son. He said a formal arbitration hearing was set for March 27, 2008 to resolve the appraisal process. He was hoping to reach a resolution and obtain final payments from the insurance company. It is Ms. Fischer's full intent to restore the property. Mr. Zemer is the adjuster and has been hired to represent Ms. Fischer in the appraisal process.

AUDIENCE PARTICIPATION:

John Stapish, P.O. Box 190134, spoke in support of restoring the building. He felt this was a good location for a business.

COUNCIL DISCUSSION:

Mr. Haskins understood that the appraisal process was needed. He wanted to know if there were any other timelines associated with this property. It has been vacant for a long time.

Mr. Zemer said the biggest hold up is dealing with the insurance company. They could not move forward until that issue was resolved. The intent is to rehab the building and open up the business. The hearing date has been set and there should be a resolution by the end of March. It was his hope that the work would begin shortly after the hearing.

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Mr. Martinbianco said the Council did not have anything in writing indicating that they planned to open the restaurant. He would appreciate a letter from Ms. Fischer detailing the status of the project.

There was a brief discussion on the safety of the corner. The previous owner installed an eight-inch post in the corner of the building to help reinforce its strength. Other options include a guardrail at the corner, however that might cause more of a safety hazard to motorists.

Mr. Wells offered his condolence to Ms. Fischer due to the death of her son. He asked Mr. Zemer to keep Mr. Kray and Council informed on the court case.

Mr. Martinbianco expected a letter to the administration outlining what transpired at the hearing scheduled for March 27, 2008 and what steps will be taken after that point in time. The extension was issued to May 4, 2008 to help facilitate a conclusion.

PRESIDENT DECLARES THE HEARING CLOSED:

COUNCIL ACTION:

Wells moved and Conley seconded the following motion:

RESOLUTION: APPROVE AND AUTHORIZE the Standard Resolution for Step V of the Burton City Demolition Procedure, determining said premises at 3266 S. Dort Hwy. to be a public nuisance or hazard and to further require the owner(s) or occupant(s) to:

4. Postpone any further action for 90 days, based on the following circumstances:
 1. Due to the passing of the owner's son.
 2. Awaiting the outcome of the hearing scheduled for March 27, 2008.

Motion carried 6-0.

Meeting adjourned at 6:40 p.m.

Gayle Webster, CMC
City Clerk