

CITY OF BURTON
SPECIAL COUNCIL MEETING MINUTES
OCTOBER 18, 2010, 6:45 P.M., COUNCIL CHAMBERS
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The Special Council Meeting was called to order by President Steven Heffner at 6:45 p.m.

MEMBERS PRESENT: Ellenburg, Haskins, Heffner, Martinbianco, Smith, and Zelenko

MEMBERS ABSENT: Wells

OTHERS PRESENT: Mayor C. Smiley, A. Frost Sr. Clerk and Clerk Gayle Webster

**PURPOSE OF THE MEETING: Public Hearing regarding the Vacating of the 30' of
Unimproved Milano St. R.O.W. adjacent to Lot 23
Torino Gardens.**

PRESENTATION:

Ms. Frost said Chris Taylor applied to vacate the right of way, to fence it off and potentially use it for his own uses

AUDIENCE PARTICIPATION:

Ron Jenkinson, 4437 Meadowlane Ct., stated he is against the vacating. He and his family use the pathway for biking and a walkway path to Kelly Lake. He feels as well as many of the other neighbors, harassed by Mr. Taylor regarding the Milano St. right of way.

Patty Sorenson, 2131 Amy, said her son jogs and frequently uses the ROW. Her family and others should not be harassed for using public property.

Ray Fielder, 2358 S Genesee Rd, stated that he and his wife walk every morning and enjoy the path rather than walking along Genesee Rd. Without the easement, he feels the school buses will not be able to turn around at the end of the road.

Jim Jackson, 4421 Meadowlane Ct., stated he is against the vacating because he tried buying the property years ago and was told no. Why would someone else be able to block it off for his or her personal gain if it is public property.

Krystal Britton, 2141 Amy St, said she likes to use the easement to cut thru and go to the park. Recently, the path has been blocked with debris making it difficult to pass and on occasion, she has been harassed for using the path.

Chris Taylor, 2240 Amy St., said he is the one who requested the vacating of the Amy St. right of way. For 11 years he has been dealing with others being on his property and not just the ROW. He would just like to put up a fence instead of the city to protect his property. He feels it would better protect his property and stop people from degrading and misusing the property.

Paula Jenkinson, 4437 Meadowlane Ct., said she bought her property knowing that Milano St. has an easement. She uses the ROW for a dog walking path and never has seen any trouble or people misusing the easement.

Rick Fuhst, 1208 Genesee Rd., said he knows this area is being used by the public and why can't Mr. Taylor fence in his own property and leave the public alone.

COUNCIL DISCUSSION:

Mr. Martinbianco stated this 30 ft. property was deeded right of way many years ago. The 30 ft. cannot be used for any kind of egress or ingress. The City of Burton has made dedication to be a walk able community and people are trying to utilize it for just that. Mr. Taylor should not have to feel unsafe, no one should, but the right of way is public property and it is also wrong if anyone has personal property no matter what it is, it should not be on city property. He also states the city should survey the area and see if there is anything out of place or in the right of way.

Mrs. Zelenko said she agrees with Mr. Martinbianco and would suggest to vote in the negative on vacating the property and follow thru with surveying the property and removing the personal property.

Mrs. Ellenburg asked Ms. Frost if the property has been surveyed. She would like to keep it walk able.

Ms. Frost said it has not been surveyed and the neighborhood has always used the vacancy as a walking trail.

Mr. Smith said he seen the graffiti and that the area is kind of overgrown. He suggests maybe fencing off a path on the easement.

Mayor Smiley suggests trying to utilize the property to everyone's advantage by safeguarding both sides to the residents. He also sent DPW supervisor Chris Howser out to check the easement for room for a turnaround. Mr. Howser is going to put in limestone to allow a proper turnaround for the bus, but he thinks the property would be better to remain as city property to be used for right of way and recreational use.

Mrs. Zelenko asked Mr. Haskins, the parks and recreation representative, if this is something they may want to takeover and explore.

Mr. Haskins would like council to consider turning this over to parks and recreation.

Attorney Austin stated that if a written objection has been filed, a 2/3 vote would be required in order to vacate the alley, since there is not a written objection it is simply a majority vote.

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Mr. Heffner said he spoke with a GISD representative and they stated without the easement they would not have room to turn around.

Mayor Smiley said limestone would be added to accommodate the school bus.

COUNCIL ACTION:

Haskins moved and Smith seconded the following motion:

1. Approve and authorize the vacating of the 30' of Unimproved Milano St. R.O.W. adjacent to Lot 23 Torino Gardens.

Motion failed 6-0, with Ellenburg, Haskins, Heffner, Martinbianco, Smith and Zelenko voting no.

Meeting adjourned at 7:40 p.m.

jma