

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JUNE 15, 2009, 7:00 P.M., COUNCIL CHAMBERS
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Father Timothy McDonald of Holy Redeemer Church led the Invocation and Councilwoman Ellen Ellenburg led the Pledge of Allegiance.

The Regular Meeting was called to order by President Tom Martinbianco at 7:10 p.m.

MEMBERS PRESENT: Conley, Ellenburg, Haskins, Heffner, Martinbianco, Tinnin and Zelenko.

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor C. Smiley; K. McArdle, Personnel Director; G. Kray, DPW Director; Attorney R. Austin and G. Webster, City Clerk.

Heffner moved and Haskins seconded the following motion:

Approve and authorize the minutes of the following meeting: Regular Council Meeting on June 1, 2009 at 7:00 p.m. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley spoke in reference to a May 29th letter from Mrs. Tinnin regarding her concerns with delinquent billing practices. Mrs. Tinnin read the letter at the last council meeting when he was absent. She discussed a part time employee's delinquent water account. The Mayor felt this was humiliating for the employee and her family. Mrs. Piske gave Mrs. Tinnin all the information she requested before the June 1st Council meeting, free of charge. This contained approximately 90 pages of information. Mrs. Piske and her staff answered several questions regarding the billing report for Mrs. Tinnin. The Mayor said Mrs. Tinnin then submitted the same letter with a FOIA request dated June 8th. She had already received the information. The Mayor's letter, the employee's name and information regarding delinquent billings appeared in the paper and online on several occasions. Mrs. Tinnin kept insisting she did not receive the information. Mayor Smiley referred to Mrs. Tinnin's accusations of alleged ordinance violations. He said no ordinances were violated. He provided more information on the employee's water billing issues. The employee had disputed her large bill due to a water leak. This has been corrected. She continues to pay on her bill. He felt Mrs. Tinnin had misled the media on several issues and questioned the possibility of her starting another lawsuit regarding her FOIA request. She had already received information on the delinquent billings.

The Mayor said that he would continue to do everything possible to help residents. In the future, he expected Councilmembers to be professional and tactful by speaking to him regarding sensitive issues, before exposing them to the media without having all the facts. He felt Mrs. Cox's issues were sensationalized in the media. He said the public comments and media attention had embarrassed and humiliated her family. Therefore, the Mayor felt Mrs. Tinnin and the Flint Journal should apologize to Mrs. Cox.

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Mayor Smiley read a memo from Greg Kray that indicated a Finance Meeting was held May 13th. The committee unanimously approved the referral of the rate proposal by Bendzinski & Co. to the whole Council for consideration.

Mayor Smiley said Lt. Governor John Cherry would be holding a forum at Mott College on Tuesday, June 16th. He will be discussing ideas on how to revamp State departments.

COMMITTEE REPORTS:

Mr. Heffner said the Finance Committee met earlier in the evening. The committee unanimously approved a \$50.00 fee for registration of abandoned structures. The fees will be reevaluated in January 2010. This item was referred to the next Regular Council Agenda scheduled for July 6, 2009.

AUDIENCE PARTICIPATION:

Roberta Compton, 5347 Lapeer Rd., opposed the City hiring someone that didn't pay their bills. She felt we have lost enough union jobs. She felt the sewer bills should not be increased.

Debbie Williams, 4379 Timberline Lane, made special arrangements to pay her water bill. She thanked Mayor Smiley for his compassion and understanding during that time. Now, she is "Paying It Forward" by helping other families in need.

John Stapish, P.O. Box 190134, asked for clarification on the Keller Thoma billing. He opposed the sewer rate increase for well users. He said there should be consistency when dealing with water shut offs.

Mr. Martinbianco said this Keller Thoma billing should complete the negotiations in reference to the Whitman case.

Rebecca Hoeft, 3521 Fern, indicated that she had problems paying her bills in the past. She said it was a shame that someone could not ask for help without it being publicized. She felt this was embarrassing and humiliating for Mrs. Cox. She was proud that Mayor Smiley was helping the residents. She made a \$100.00 donation to help pay Mrs. Cox's bill. She challenged members of the City Council to do the same. Remaining funds should be donated to help others in need.

Debbie Walton, 1224 Carmen, said she had to borrow money to pay her overdue water bill. She wanted to know why DPW was working on the ball fields, when grass needed to be mowed. She wanted to be taken care of first. She said there were drug dealers in the area.

Pat Dunnebeck, 3321 Dell, said her neighbors at 3317 Dell were neglecting their pets. She has called animal control in the past. She said cats were running all over. She wanted something done to clean up the property. She said residents couldn't afford a sewer rate increase or a Hurley millage.

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Jennifer Morquecho, 2246 Red Arrow Rd., wanted to know how much the employee has paid on her water bill. She felt City jobs should be posted to provide equal opportunity. She wanted to know how to contact the Mayor after 9:00 p.m. She suggested a drive thru payment center at City Hall. She felt employees should park by the fence, leaving the front spaces for customers. She said there was prostitution at Cranks Motel. She wanted the police to address this issue.

Lisa Williams, 1196 Carman, said since the ball fields were built up, water has run into her yard. She wanted Holy Redeemer to install a net so stray balls would not come into her yard.

Crystal Larson, 1215 Carman, was concerned with the late night drug deals and prostitution at the library. She would like police protection in the area during the festival. In addition, she said that neighbors do not take care of their yards properly. This makes the subdivision look bad.

Robin Walton, 4160 Risedorph, complained that a vacant house in her neighborhood was not repaired before being occupied. In addition, a neighboring house contains black mold. She wanted to eliminate the 10% late fee on water bills.

Mr. Martinbianco suggested residents organize neighborhood watch groups to reduce crime in their area.

Gary Card, 2098 Delaney, said City officials should contact the Attorney before hiring people and to discuss water billing issues. He wanted to know if the City was putting liens on property in bankruptcy. He said the City should be recouping this money.

Jim Craig, 6295 Hidden Trails, spoke regarding the employee's water bill. He understood it was a leak that caused a huge bill all at once. He said a lot of people would have trouble paying a bill that large. He felt Council members should check into the situation before publicizing it.

Cheryl Sclater, 2093 Woodland Pass, indicated that we are in an economic crisis. We need to explore different solutions. She felt that Council members should investigate the facts before publicizing personal information, so residents aren't embarrassed. She felt that Bobbi Cox did the right thing by contacting the City regarding her high water bill and trying to find work. She was pleased to announce that Don and Patsy Lou Williamson have donated a check for \$1,200 for Ms. Cox's water bill.

Carl Fenner, 1146 Kettering, complained about the rough railroad tracks that needed to be repaired on Genesee Rd. A CSX worker told him it was up to the City or the County to initiate the repairs. He opposed any sewer rate increases.

Bobbi Cox, 2172 Bristol Rd., wanted to know why Mrs. Tinnin published her name. She said the incident has embarrassed and humiliated her family. She felt that she would have lost her house and her son if it weren't for Mayor Smiley. She thanked Mayor Smiley for everything he has done to help her family during this hardship.

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Liz Moss, 1382 Ready, thanked Council for hearing Bobbi Cox's story. She discussed the water bill, leak situation and publicizing Ms. Cox's water bill. Ms. Moss said that she has been a very hard worker. She felt Ms. Cox deserved a public apology. Ms. Moss said the DNR free fishing weekend at Kelly Lake was very successful. Many participants enjoyed the event.

Danny Wells, 4144 Atherton, congratulated the Administration on another balanced budget. He felt we should put this water issue behind us. He felt the story was sensationalized and filled with accusations. He felt Council members should hold each other responsible for these types of situations. He said the Flint Journal should be giving all candidates equal press.

Rick Fuhst, 1208 S. Genesee, said that Canada was trying to block the new water pipeline. He supported the pipeline and processing our water. He felt City jobs should be posted in the paper to be fair and provide an equal opportunity to everyone.

Mr. Martinbianco acknowledged the Genesee County Drain Commissioner Jeff Wright. Jeff Wright, 2174 Sycamore St., indicated that Sarnia was trying to block the pipeline to Port Huron. They feel we should not be able to operate our own water system. Detroit continues to raise water rates and pass them on to us. He supported Genesee County operating their own water system.

Mr. Wright spoke on the proposed sewer rate increase. He indicated that the County has not raised the rates since 2002. He explained employees at the Drain Commission have taken a lot of concessions. In addition, they have reduced electrical consumption by 20%. However, energy costs for the operation are predicted to increase by \$1.2 million. The main reasons for the sewer rate increase were due to the increase in electrical costs and chemical costs.

The Regular Council Meeting recessed at 9:00 p.m.

The Regular Council Meeting resumed at 9:12 p.m.

COUNCIL DISCUSSION:

Mrs. Conley said that she originally brought up Bobbi Cox's name, not Laurie Tinnin. She said Council members were elected to what is right for the residents. She felt billings and employees were public information. Mrs. Conley asked for clarification on budget transfers. She wanted to know if any money was going to be transferred from the water and sewer surplus. She suggested some of these funds would be used for bond money for Pebble Creek. In addition, she spoke regarding the \$13.5 million sewer surplus. She opposed any increases in sewer rates.

Mrs. Zelenko met with the Mayor to discuss Bobbi Cox and procedures for dealing with delinquent bills. She then wrote a letter to the Flint Journal on June 12, 2009 outlining the information she obtained. Details of her letter included the following topics: She believed that her colleague had valid points questioning delinquent water bills and ordinances, the City's practices regarding delinquent water and sewer bills, Bobbi Cox as a contractual employee, extenuating circumstances regarding Ms. Cox's water leak, how it impacted her billing, how the City acted in the best interest of the residents.

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Mrs. Zelenko thanked the Mayor and the staff in the water department for their time and input on this issue. She apologized to Bobbi Cox on behalf of the Council for any embarrassment she may have endured as a result of the discussions being held in reference to the water billings.

Mrs. Tinnin thanked Mrs. Conley for her comments. Mrs. Tinnin felt hiring someone to pay off their billing was a misuse of taxpayer's money. Union employees came to her with concerns about part time people being hired. She was trying to gather the facts on this issue and the special arrangements being offered on delinquent billings. She wanted to make sure ordinances were not being violated. In addition, she referenced the Code of Ethics. She felt preferential treatment was being given to certain individuals. She continued with a discussion on delinquent water bills. She felt focusing on the employee's name being given out was just a diversion to the cover up inappropriate practices. She said the City should not discriminate by helping certain people with their billings. She felt many billings have not been collected in the City. She was concerned that the water surplus continued to decrease from \$3 million to \$1 million. She wanted to know why the Council had not received the Water Liability Study. She indicated that the sewer surplus continued to grow to more than \$13.5 million. She does not support the sewer rate increase. She said that jobs should be posted to provide for equal opportunity.

Mr. McArdle said the part time summer help has not adversely impacted the union contracts. All contracts are being honored and required procedures have been met to fill these positions. He indicated that there were 100 applications on file. Temporary summer jobs last about four months and are not posted.

Mr. Haskins appreciated that Mr. and Mrs. Williamson stepped forward to help Mrs. Cox with her water bill. In addition, he appreciated the \$100 donation from Mrs. Hoefl. He will step up to the plate and match her donation. He planned to do what ever he could to help people in need. He felt the resident's name should not have been mentioned at the last meeting. He clarified that the ordinance makes an exception for disputed billings. He discussed partisanship and the oath of office. He felt elected officials should investigate the facts, protect residents and help them to the best of their ability. He said this Council has had a good working relationship for two years. He does not want to see all these disputes sensationalized in the press. He felt conflicts should be resolved in a civilized manor. Mr. Haskins referred to ordinance violations. Then he explained non-metered sewer customers are the ones receiving free sewer under the existing rate structure. He felt it was necessary to pass through the sewer increase from the County.

Mr. Kray agreed with Mr. Haskins. He said the non-metered customers are receiving free service under the existing rate structure, which is an ordinance violation.

Mrs. Conley felt that Mrs. Dargel should receive a Key to the City for being involved with the City for so many years. Mr. Martinbianco agreed with Mrs. Conley's comment.

Mr. Austin said it was time to do the yearly update on the Codified Ordinances. He indicated that there have been some modifications and corrections to some existing ordinances. He wanted to meet with the Legislative Committee to review the ordinance amendments before sending them to be completed. There will be a charge of \$18.00 a page for the codification process to be completed.

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Mrs. Ellenburg announced that Lt. John Cherry was going to be at Mott College June 16th at 6:00 p.m. He will be taking questions from the floor regarding a State survey.

Mr. Martinbianco presented the Mayor with the check from Don and Patsy Lou Williamson. He appreciated their contribution. The Mayor received a \$100.00 donation from Becky Hoeft. Mrs. Cox had \$1,300 donated in her name.

Mrs. Conley asked for clarification on the Kellar Thoma billing regarding the POAM Class Action. Mr. McArdle did not have any information on the POAM Class Action procedure. He planned to contact the Attorney regarding this issue.

In reference to Item 6, Mrs. Tinnin wanted to know what repairs were being made. She wanted to know if work was going to be done on Fern St. Mr. Kray said this money will be used for miscellaneous street repairs. This does not include the Fern St. repairs, which were included in the water contract.

In regards to Item 7, Mrs. Tinnin thanked Mr. Wright for his input. She acknowledged the sewer rate increase in 2002. She questioned if the individual communities had the right to decide on the increase. She felt the increase for non-metered sewer customers was too high. She said the sewer surplus was \$13.5 million. She wanted to know if the City planned to sell bonds.

Mr. Heffner said the non-metered customers had the option to purchase a meter to help determine their usage. Their bill would reflect that usage.

Mr. Wright said it was up to the individual community if they wanted to meter well customers. The meter would cost approximately \$400-\$500. The customers could finance a portion of the cost for up to five years. This would be available through a program administered by the DPW.

Mr. Martinbianco clarified it was up to the Council to adopt a policy to petition to have the sewer meters. He pointed out that the water department was operating with a loss of \$302,000 in 2008. There is a projected \$722,000 loss at the end of this year. He felt the Finance Committee should address a five-year water rate plan.

COUNCIL ACTION:

Haskins moved and Heffner seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from May 27, 2009 through June 10, 2009 in the amount of \$8,305.87.

Motion carried 7-0.

Ellenburg moved and Zelenko seconded the following motion:

2. Approve and authorize the Attorney Billing (Kellar Thoma) 440 East Congress, 5th Floor, Detroit, MI 48226, for the month of May in the amount of \$510.43.

Motion carried 5-2, with Conley and Tinnin voting no.

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Haskins moved and Heffner seconded the following motion:

3. Approve and authorize the appointment of Sandra O'Reilly, 2279 Kenneth St., Burton, MI 48529, to the Parks & Recreation Commission. Term expiring April 2011. (Replacing the unexpired term of Devra Burton)

Motion carried 7-0.

Haskins moved and Heffner seconded the following motion:

4. Approve and authorize the reappointment of Robert Gazso, 2257 Savoy Ave., Burton, MI 48529, to the Parks & Recreation Commission. Term expiring June 2012.

Motion carried 7-0.

Heffner moved and Conley seconded the following motion:

5. Approve and authorize the reappointment of Larry Petrella, 1081 Howe Rd., Burton, MI 48509, to the Parks & Recreation Commission. Term expiring June 2012.

Motion carried 7-0.

Heffner moved and Haskins seconded the following motion:

6. Approve and authorize the Mayor and Clerk to enter into a contract, contingent upon approval by the City Attorney of the required bonds and insurance documents, on behalf of the City of Burton and its City Council with Eastern Asphalt. 65772 N. Dort Highway, Flint, MI 48505, for the 2009 Pavement Repair Program, in the amount of \$18,100.00.

Motion carried 7-0.

Ellenburg moved and Haskins seconded the following motion:

7. Approve and authorize a modification to the City's sewer rates and structure as follows:

- 1) A direct pass through of the Genesee County Drain Commission Division of Water and Waste Services of:

-Metered customers: \$3.414/month/sewer unit (REU), plus \$1.658/100 cubic feet (CCF)

-Non-metered customers: \$24.14/month/REU

- 2) City of Burton sewer charge of:

-\$5.93/month/REU

Motion carried 5-2, with Conley and Tinnin voting no.

Meeting adjourned at 10:15 p.m.

Gayle K. Webster, CMC
City Clerk