

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 8, 2009, 7:00 P.M., COUNCIL CHAMBERS
www.burtonmi.us

Pastor Ben Markham of Faith Tabernacle Church and Councilwoman Tina Conley led the Invocations. Mrs. Conley led the Pledge of Allegiance.

The Regular Meeting was called to order by President Tom Martinbianco at 7:00 p.m.

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor C. Smiley; G. Kray, DPW Director; L. Moss, Park Director; Attorney R. Austin and G. Webster, City Clerk.

Haskins moved and Tinnin seconded the following motion:

Approve and authorize the minutes of the following meeting: Regular Council Meeting on August 17, 2009 at 7:00 p.m. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley announced that the Youth Group from Faith Tabernacle Church had participated in a community project. Team leaders and student volunteers painted the exterior and restored a room in a building, which will be utilized as a Police and Fire training center. Mayor Smiley, Mr. Martinbianco, Pastor Markham and Ms. Moss presented the volunteers with a certificate of appreciation honoring their community involvement. Resources for the project were donated by local businesses. In addition, the Youth Group volunteered to mow an elderly woman's lawn this summer. The Mayor thanked them for their hard work. He appreciated their dedication to our community.

The Mayor was proud to announce that Karen Foster, Controller received the Certificate of Achievement for Excellence in Financial Reporting.

The Mayor was pleased to announce that Standard & Poor has upgraded the City of Burton's bond rating to an A+. He thanked the Administration and Council for their hard work in helping the City maintain a good financial outlook.

The Mayor said the Atherton Rd demolition was due to the Webb family donating the property next to the Burton Memorial Library. Mr. Wells worked with the family to help with this endeavor. The City now owns the property. The Friends of the Library will decide how to utilize the property. There are plans to work on the parking lot. He thanked the Webb family for their donation.

Mr. Kray reported that Lapeer Road needed immediate attention. The City arranged for a very thin coat of asphalt overlay to be applied to the road. This should benefit the area for about 2-3 years until funding is approved for more repairs.

REGULAR COUNCIL MEETING MINUTES

SEPTEMBER 8, 2009 / 7:00 P.M.

PAGE 2

COMMITTEE REPORTS:

Mr. Heffner said the Finance Committee met prior to the regular meeting. They explored the possibility of alleviating some of the financial burden to well customers due to the recent sewer rate increase. Options under consideration include adjusting administrative fees and spreading out the cost of the meters on the sewer bills. No recommendations were made.

Mr. Martinbianco read a letter from an unknown person opposing the sewer rate increase.

AUDIENCE PARTICIPATION:

John Dunlap, 6370 Lapeer Rd, spoke in reference to a potential safety hazard with the pedestrian catwalk on Court St. His son was hit by a car at that location. He said the brush along the road should be cut because it obstructs the view of drivers. He would like the pedestrian overpass to be made safer.

Matt Doerr, 6170 Court, said something needed to be done to make the catwalk safer. There have been several near accidents as people, bikes, snowmobiles and go-carts exit the ramp on to the road. He suggested a barricade be installed at the end of the ramp.

Mr. Martinbianco suggested Mr. Kray contact MDOT or the school to determine what could be done to make the pedestrian walkway safer. He thanked the residents for bringing this to the Council's attention.

Laurie Dunlap, 6370 Lapeer Rd., suggested a community project to clean the weeds from the walkway.

Diane Walton, 4489 Lippincott, opposed paying a delinquent water bill for one of her tenants. The total bill was \$667.00. She was required to pay \$306.45. She had signed an affidavit waiving her responsibility. She felt it was the City's responsibility to collect the money from the tenant. It should not be charged to the landlord. She felt the overdue balances should be collected in a shorter time period to help minimize the lost.

Mrs. Tinnin said the ordinance should be administered better. She questioned if the \$225.00 deposit was sufficient, especially if it was needed to cover a six-month water bill.

John Stapish, P.O. Box 190134, referred to a delinquent water bill he had to pay for a tenant. He didn't think the water department was following proper billing procedures.

COUNCIL DISCUSSION:

Mr. Heffner suggested installing metal poles at the walkway exit, similar to barriers used to prevent vehicles from running into walls.

REGULAR COUNCIL MEETING MINUTES

SEPTEMBER 8, 2009 / 7:00 P.M.

PAGE 3

Mrs. Tinnin thought it was a good idea to have a church group clean the brush by the walkway. She suggested that the responsible party add signs indicating that this was a non-motorized walkway. However, the Attorney indicated then it would be our responsibility to enforce it.

Mr. Martinbianco said we should find out who is responsible for the safety of the pedestrian walkway and have them take care of the situation. He pointed out that the walkway was designed to accommodate pedestrian traffic, not vehicles.

Mrs. Tinnin said people are upset about the sewer rate increase. She is looking into several issues dealing with water billing procedures. She was concerned with the selective enforcement on the collection of bills. She said Crank's motel had a murder, they are behind in taxes, and still owe a \$13,610 on the water bill. She wanted to know why the water was still on. She said an owner occupied business should not owe that type of money for several years.

Mr. Holzer explained that Crank's Motel was a Flint franchise customer. The motel shared a common curb stop with a nearby business. Turning off the water would affect the other business. The City had to obtain approval from Flint to add an additional curb stop. We now have more control over the situation. We can turn off Crank's water when we are ordered to do so. Mr. Kray said the water is currently off at Crank's.

The Mayor said this issue was discussed at a previous meeting. He suggested Mrs. Tinnin come into his office and discuss these individual delinquent payments. Then she would have the facts before discussing the delinquent billings. He said residential billings are done quarterly. It is not uncommon for customer's bills to be 5-6 months late before they are turned off.

There was a brief discussion on the possibility of monthly billings. There were previous discussions during budget sessions on this issue. There would be a substantial cost increase to administer monthly billings. The unpaid water accounts are reflected in the yearly audit. The landlords are now able to obtain billing information regarding their tenants on line. This may lead to some intervention or steps being taken by the landlord to monitor unpaid billings.

A discussion was held in reference to water and sewer billing issues. Mr. Martinbianco pointed out that the recent sewer increase was due to other sources, not the City of Burton. The Mayor said the City did not increase the cost of water or sewer. It was strictly a pass through from the County. We have done everything possible to maintain costs. Some positions are not being filled as employees retire.

Mr. Austin referred to Ordinance 51.143 and 144. The Council establishes the deposit on the affidavit of non-responsibility. If the determination is made that the deposits are not adequate, it falls on the Council to adjust that amount. It is a Legislative responsibility to establish that deposit amount. The affidavit of non-responsibility, administered by the Treasurer's office, absolves the landlord from the last billing only. It is expected that the landlord will help to ensure that the other charges are kept current. The affidavit of responsibility protects the landlord on the final billing only. He felt this was fair and protects the landlord from angry tenants.

REGULAR COUNCIL MEETING MINUTES

SEPTEMBER 8, 2009 / 7:00 P.M.

PAGE 4

Mrs. Tinnin questioned why the City waited three years before turning off the water at Crank's. She wanted to know if the City was required by ordinance to have a shut off on the building, even if it was a franchise customer. She said if a permit was granted. There should be a way to turn off the water. Mr. Austin will check the ordinances and report back with that information.

Mr. Kray indicated that the motel's water has been turned off a couple of times. The Mayor said there are 12,000 water customers. There might be some issues that need to be addressed. We have a million dollar water operation in Burton. That is why Mrs. Tinnin should come in and go over these billings, so she has a better understanding of the circumstances.

Mr. Haskins acknowledged Mrs. Foster for receiving the Certificate of Achievement for Excellence in Financial Reporting. He was proud of her for earning this award for a number of years. He read the letter from the Government Finance Officers Association.

Mr. Haskins acknowledged the Faith Tabernacle Youth Program. He said they did a great outstanding job. He was proud that they were involved with their community.

Mr. Haskins referred to the land that Mr. Webb had donated to the library. Mr. Wells put him in contact with the right people to accomplish his goal. He was proud of Mr. Webb's generosity.

Mr. Haskins was pleased that the City of Burton received an upgraded financial rating to an A+ from Standard & Poor's. The Administration and Council should be very proud of their fiscal responsibility. The Legislative Branch and the Administrative Branch have worked together to accomplish this goal. He read the correspondence from Standard & Poor's.

Mr. Haskins spoke on the water and sewer rate issues. He read the Finance Committee's recommendation from the May 13, 2009 meeting sending the increase to the full Council. Mrs. Tinnin voted yes. The committee is responsible for reviewing financial issues, before going to the Council. It was out of the Council's control that the County increased the rates. The City is not receiving any more money. We are unable to sustain the surplus with out passing on the County's increase. He asked Mrs. Tinnin what other things could have been done? Mrs. Tinnin said she voted no on the sewer increase. She said they could have addressed raises, pension costs, filling positions and several other issues. She felt there was a large surplus that could have absorbed the increase with out passing it on to the residents.

Mr. Haskins asked Mrs. Tinnin if the water department did not fill the vacant positions, do you think the County would not still pass on the sewer increase? Mrs. Tinnin raised a point of order. She preferred not to debate the issue any further. Mr. Haskins felt that cutting services and not hiring people, etc would not resolve the issue that the County was passing on sewer rate increases.

Mr. Martinbianco was pleased with the bond rating upgrade from Standard & Poor's. The Council was a contributing factor to the upgrade. He was proud of Karen Foster for receiving the financial excellence award. He said that she has done a good job, carrying on the tradition of Mr. Becker. She has put forth the same effort.

REGULAR COUNCIL MEETING MINUTES

SEPTEMBER 8, 2009 / 7:00 P.M.

PAGE 5

Mr. Martinbianco felt the whole Council should have received this positive information in a timely fashion. The Mayor indicated that he had just received the information. Mr. Haskins came into his office today and he shared the good news.

The Mayor asked Mr. Martinbianco if he would present the Sewer's Unappropriated Surplus to City Council at the next meeting. Mr. Martinbianco would be glad to do so.

Mrs. Tinnin said the Burton Estates minimum bid auction would be held Thursday. This includes 85 parcels. She wanted to know why there was not a report to Council on this issue. Mayor Smiley suggested she contact the County Treasurer for this information.

In regards to the County's substantial sewer rate increase, Mr. Kray wanted to know if anyone had contacted the Drain Commission and asked them to lay their people off, cut back on their services, personnel, chemical treatment, etc. It was not the City of Burton's increase it was the County's.

In reference to the attorney billing, Mr. Martinbianco asked for clarification on tax tribunal issues. Mr. Austin suggested Mr. Martinbianco contact Mrs. Heidenberger regarding tax tribunal issues.

Mrs. Tinnin asked for clarification on the August 28th attorney billing regarding city business. Mr. Austin said the meeting was in reference to an employee not repaying disability payments. Criminal charges have been filed against the employee. The City planned to fully recoup these funds.

Mrs. Ellenburg spoke in opposition to approving a charitable gaming license for Ice Mountain Youth Hockey Association. She felt the increase in charitable gambling was having a negative impact on the community.

Mr. Martinbianco would like the City to acknowledge the Webb family for their generous donation of property. The Mayor said there were plans to recognize Mrs. Webb with a plaque and sitting area at the library.

Mr. Heffner asked if any permits were pulled on the Columbine house after the demolition hearing. Mr. Kray said no permits were pulled or engineering plans submitted. They were given 120 days to complete the work. Mrs. Ellenburg visited the site. She said the lawn was mowed. However, it looked like nothing had been done with the foundation. She felt it was a potential safety hazard to children playing in the area.

The Mayor presented the Council with the letters from Standard & Poor's and the Government Finance Officers Association.

COUNCIL ACTION:

Haskins moved and Conley seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from August 12, 2009 through September 2, 2009 in the amount of \$11,543.50.

Motion carried 7-0.

REGULAR COUNCIL MEETING MINUTES

SEPTEMBER 8, 2009 / 7:00 P.M.

PAGE 6

Ellenburg moved and Conley 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 July in the amount of \$85.10.

Motion carried 7-0.

Tinnin moved and Heffner seconded the following motion:

3. Approve and authorize the request of the Youth & Community Fund of Genesee County, Inc. (also known as Ice Mountain Youth Hockey Association), 5371 Daly Farms, Burton, MI 48509, County of Genesee, that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming license. All proceeds raised by this organization shall be used solely for the purpose stated.

Motion carried 6-1, with Ellenburg voting no.

Ellenburg moved and Zelenko seconded the following motion:

4. Approve and authorize the acceptance of the low bid and allow the Mayor and Clerk to enter into a contract, contingent upon the submittal and approval by the City Attorney of the required bonds and insurance documents, on behalf of the City of Burton with Bartman Excavating, 4068 Dowdall St., Flint, MI 48506, in the demolition amounts of the following:

1) 4024 Atherton \$5,380.00

Motion carried 7-0.

Heffner moved and Haskins seconded the following motion:

5. Approve and authorize the Standard Resolution for Step V of the Burton City Demolition Procedure, determining said premises at **3491 Columbine** to be a public nuisance or hazard and to further require the owner(s) or occupant(s) to:

1. Immediate Demolition, with DPW given authorization to request sealed bids and the Structure to be razed within the thirty (30) days of Burton City Council's acceptance of the low bid and the City Attorney's approval of the contract documents for execution of a contract with the Mayor and Clerk.

Motion carried 7-0.

Meeting adjourned at 8:35 p.m.

Gayle K. Webster, CMC
City Clerk