

CITY OF BURTON  
REGULAR COUNCIL MEETING MINUTES  
SEPTEMBER 21, 2009, 7:00 P.M., COUNCIL CHAMBERS  
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Pastor Don Fray from South Flint Nazarene Church led the Invocation and Councilman Steve Heffner 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; Attorney R. Austin and G. Webster, City Clerk.

Haskins moved and Conley seconded the following motion:

Approve and authorize the minutes of the Regular Council Meeting on September 8, 2009 at 7:00 p.m. Motion carried 7-0.

ADMINISTRATIVE REPORT:

The Mayor attended the Shanty Creek MPELRA conference for Michigan Public Labor Relation Lawyers. He planned to attend the MML conference in Kalamazoo. He spoke to our League in reference to possible revenue sharing cuts in Lansing. He hoped to maintain the current levels of funding.

Mr. Martinbianco spoke in reference to the sewer rate increase. He was unable to finish his research with respect to the Genesee County Drain Office. He planned to comment on this issue at the first meeting in October.

COMMITTEE REPORTS:

None.

AUDIENCE PARTICIPATION:

Vaughn Smith, 1311 Clairwood Dr., gave an overview of the Heat's On program. The project started with Goyette Mechanical. They will be working with the Burton Chamber of Commerce, Goodwill Industries and other service clubs. The objective is to help service 40 Burton residents that are seniors or recently unemployed that are at risk of not having heat this winter. Goyette's technicians are going to volunteer October 17, 2009 to clean and check furnaces. Venders will be replacing parts free of charge. The City of Burton will help the Chamber and Goyette determine what residents will receive this service. While servicemen are in the homes, they will inspect the smoke alarms and carbon monoxide detectors. They will replace the batteries or units, if necessary. This is being done in recognition of the difficult economic times we are experiencing in Burton. Information and applications are available in the Burton View, at City Hall, on the website and at the Senior Citizen Center. Everyone is welcome to attend October 17, 2009. The Chamber is going to provide food for the event.

REGULAR COUNCIL MEETING MINUTES

SEPTEMBER 21, 2009 / 7:00 P.M.

PAGE 2

John Stapish, P.O. Box 190134, wanted to know why his questions were not being answered. He said that Searles Automotive should be demolished.

COUNCIL DISCUSSION:

Mr. Heffner said that he was unable to find out anything about Mr. Stapish's door from 1983. He will let Mr. Stapish know if he finds out anything.

Mrs. Tinnin said the City should let residents know that the leaf bags are available at City Hall. The Mayor indicated that the information would be put in the Burton View.

Mrs. Tinnin said that some repairs had been done on the Genesee Rd railroad tracks. She sent a letter to Mark Dupri at the railroad company. She did not receive a response. Mr. Martinbianco hoped there would be some repairs on the Lapeer and Lippincott tracks. Mrs. Tinnin suggested we initiate correspondence regarding the disrepair of the tracks.

Mrs. Ellenburg noted that the residents have saved \$141.00 in August and a total of \$984.00 by using the NLC discount prescription card for name brand drugs. She reminded residents that they could save 10% on a name brand drug. She thought the card could be used more. These cards are available at City Hall.

Mrs. Ellenburg asked for more details on the Heat's On project. The event will be held at Goyette's Mechanical at 3842 Gorey Ave. beginning at 8:00 a.m.

Mrs. Conley responded to comments made at the last meeting regarding pay raises and hiring. She indicated that the County Drain Office laid off 17 people.

Mr. Haskins was pleased with the accomplishments of Center Rd. The road is nice and smooth. He congratulated everyone involved with the Heat's On program. He said it was a good community project.

Mr. Martinbianco read a letter from an elderly lady that opposed the sewer rate increase and adding meters to well customers. She felt that all the water being registered is not going directly through the sewer lines. She suggested a better way to determine sewer usage was to count the number of residents in each household. A single person uses far less water than a large family. Mr. Martinbianco will provide a copy of the letter to the Council.

Mrs. Zelenko announced that the MML website had a City and Village survey regarding the cost of state mandates. She urged Council to look at the survey and provide input on this issue.

Mr. Martinbianco thanked DPW for the remediation that was done on Lapeer Rd. He wanted to know how much it cost to make the repairs. The Mayor will provide the cost information to the Council.

Mrs. Tinnin wanted Mr. Austin to give an update on the Fenton Rd. Waterline.

REGULAR COUNCIL MEETING MINUTES

SEPTEMBER 21, 2009 / 7:00 P.M.

PAGE 3

Mr. Austin spoke to Mr. Stein on behalf of the mobile home park, the Mayor and Mike Holzer. Mr. Stein has a couple of options available. One option was to connect to the public water supply system. Mr. Stein will be required to sign an agreement if he decides to connect to the Fenton Rd. waterline. He would need to pay his connection fee up front. Mr. Stein indicated that he couldn't afford that option. He has another option, which has drawbacks. He is currently providing bottled water to the residents. Nothing has been decided on the agreement. There is an ongoing dialog regarding this matter. The City will not move forward with the project unless Mr. Stein comes up with the connection fees. Mr. Austin did not know what the DEQ said to Mr. Stein. The preliminary engineering work was completed so the project would be shovel ready, therefore eligible for stimulus money. There is no stimulus funding at this time. Mrs. Tinnin said the area was in need of some stimulus funds.

Mr. Martinbianco wanted to be kept up to date on the Fenton Rd. waterline. He said we should not spend any more money speaking to Mr. Stein on the same legal issues. Mr. Stein could speak to Mr. Holzer or the Mayor. He wanted to know why the DEQ was allowing Mr. Stein to furnish bottled water, instead of resolving the water issue. Mr. Martinbianco suggested he had two options if we construct the Fenton Rd watermain. One was to hook up to the City system on Fenton Rd or the other was to go through Green Briar. Mayor Smiley indicated that the Fenton Rd water issues have been very challenging over the years.

Discussion was held in reference to Palace Gardens and the transfer of ownership of the escrowed liquor license from PG-HRN to Donald and Mary Daniels.

Mr. Austin explained that the Daniels' attorney Mr. Isaac contacted him regarding this issue. They are the original owners of the Palace Gardens. Mr. Starnes rehabbed the building and saved it from demolition. The liquor license was not transferred at that time. It was kept in the name of PG-HRN. The Daniels' are asking for the liquor license to be transferred in anticipation that Mr. Starnes does not have the necessary funds to take over the liquor license, business and the building. They want to make sure the liquor license is secured.

The Daniels' indicated that Palace Gardens was a nice building. The property was being repossessed due to lack of payments on the land contract. The Fischer's had sold the building to Mr. Starnes. The Daniels' are trying to have the liquor license transferred back to their name so they can eventually sell the property. Mr. Starnes has applied for a bank loan, using the building as collateral. The Daniels' did not know the status of the loan. Mr. Starnes has only paid \$1,350 on the land contract. He has put a lot of money into rehabbing the building.

The Daniels' foreclosed on the Fischer's, which is known as PG-HRN. Mr. Starnes did all the remodeling. They want to transfer ownership of the escrowed liquor license from PG-HRN back to Donald and Mary Daniels. They owned the Palace Gardens from 1967-2004 when they sold it on land contract to the Fischer's. They changed the name of the business. They want to change it back to the original owner and escrow the account. The Daniels' don't plan to operate the business.

The Daniels' hoped there would be a new business at the old Palace Gardens. They will sell the liquor license to anyone who comes up with the money. Mr. Starnes is trying to sell the property

REGULAR COUNCIL MEETING MINUTES

SEPTEMBER 21, 2009 / 7:00 P.M.

PAGE 4

but he doesn't own it. The liquor license would need to go back to Council after the final inspection of the building. Mr. Starnes has put up new drywall. Mr. Austin said should the liquor license go back to the owner of the property, there would need to be a final inspection, before it is accepted by liquor control.

Mrs. Conley asked for clarification on the Palace Gardens. She wanted to know if the license would go back to the Daniels' or Mr. Starnes. She pointed out that Mr. Starnes paid to fix the building.

Mr. Austin said the liquor license would go to whoever owned the land contract on the building. Mr. Starnes did not acquire the liquor license, only the building. He would have to pay what he owes on the building. Then he would have to negotiate with the owners to acquire the liquor license.

Mr. Martinbianco indicated there would be a couple vacancies or reappointments on the ZBA. The Council would make those determinations. Further details will be discussed at a later date.

COUNCIL ACTION:

Haskins moved and Zelenko seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from September 2, 2009 through September 16, 2009 in the amount of \$4,297.12.

Motion carried 7-0.

Ellenburg moved and Zelenko seconded the following motion:

2. Approve and authorize the Attorney Billing (Keller Thoma) 440 East Congress, 5<sup>th</sup> Floor, Detroit, MI 48226, for the month of August in the amount of \$169.20.

Motion carried 7-0.

Heffner moved and Haskins seconded the following motion:

3. Approve and authorize Councilwoman Ellen Ellenburg as the voting delegate to the National League of Cities Annual Business Meeting to be held at the Henry B. Gonzalez Center, San Antonio, Texas, November 10-14, 2009.

Motion carried 7-0.

Conley moved and Zelenko seconded the following motion:

4. Approve and authorize Councilman Steve Heffner as the voting alternate to the National League of Cities Annual Business Meeting to be held at the Henry B. Gonzalez Center, San Antonio, Texas, November 10-14, 2009.

Motion carried 7-0.

Ellenburg moved and Haskins seconded the following motion:

REGULAR COUNCIL MEETING MINUTES

SEPTEMBER 21, 2009 / 7:00 P.M.

PAGE 5

5. Approve and authorize the request to Transfer Ownership of Escrowed 2005 Class C Licensed Business with Dance-Entertainment Permit, located at G-3266 S. Dort., Burton, MI 48529, Genesee County, from PG-HRN, Inc. to Donald Daniels and Mary Daniels, subject to final inspection.

Motion carried 6-1, with Conley voting no.

Tinnin moved and Zelenko seconded the following motion:

6. Approve and authorize the acceptance of the Report to the Burton City Council on Investigation of Potential Nuisance or Hazardous Condition of Premises on the following properties located in the City of Burton and set a Public Hearing date and time to consider any objections and/or favorable comments relative to the referenced premises. This public hearing can be scheduled at various times below on Monday, October 19, 2009, should the Council find this favorable or any other date and time Council prefers, allowing 20 days notice to property taxpayers for the scheduled hearings.

**Monday, October 19, 2009**

- 1) **1096 Bristol at 6:15 p.m.**
- 2) **2039 Parkwood at 6:30 p.m.**

Motion carried 7-0.

Meeting adjourned at 7:55 p.m.

Gayle K. Webster, CMC  
City Clerk