

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
OCTOBER 19, 2009, 7:00 P.M., COUNCIL CHAMBERS
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Councilwoman Paula Zelenko led the Invocation and 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; L. Moss, Parks Director; Attorney K. Tucker and G. Webster, City Clerk.

Haskins moved and Heffner seconded the following motion:

Approve and authorize the minutes of the Regular Council Meeting on October 5, 2009 at 7:00 p.m. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley said technicians from Goyette Mechanical serviced 41 furnaces for seniors and low-income families through the Heat's On program, October 17th. Hopefully, we will be able to do this again next year.

Ms. Moss said Goyette serviced 41 homes. The homeowners were very thankful to have their furnaces serviced at no cost. She said it was a wonderful heartwarming experience. The vender response was amazing. The Goodwill, Elga Credit Union and the Chamber of Commerce participated. In addition, the Parks Commission and Elga Credit Union helped to purchase smoke and carbon monoxide detectors for the event. Ms. Moss received more applications today. There may be an option to help some of those individuals.

Ms. Moss said the City was involved with the Human Society this weekend at Mott College. There was a mutt masquerade and costume contest. She was a judge. There was a wonderful turnout.

County Commissioner Jamie Curtis presented Mayor Smiley with a resolution honoring him for receiving the Best Public Official Award from the Burton Chamber of Commerce. The Genesee County Commissioners acknowledged the Mayor's life long dedication to public service. Mr. Curtis congratulated the Mayor for receiving his award.

Boy Scout Chris Niles was present at the meeting. He was working on a special merit badge.

COMMITTEE REPORTS:

Mrs. Ellenburg announced that the Friends of the Library were having a book sale October 23rd from 1-4 p.m. and October 24th from 9-5 p.m. She invited everyone to attend. The group appreciates the City's support.

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Mr. Heffner announced the Trick or Treat Trail was being held October 24th at Kelly Lake from 4-8 p.m. He invited everyone to attend. He said residents were welcomed to hand out candy. He encouraged the Council to participate. They will begin setting up for the event at 9:00 a.m.

AUDIENCE PARTICIPATION:

Kevin Rush, 5215 Cypress Circle, announced that he was exploring the opportunity to run for the position of 67th District Court Judge in 2010. He is a lifelong resident of the area. He has been a practicing Attorney for 20 years.

Carl Fenner, 1146 Kettering, said the railroad tracks on Genesee Rd. were repaired. Now, Burton needs to repair the street. This is creating a safety hazard because the road is higher than the tracks. He said this should be addressed immediately.

Colleen Gorsuch, 10447 S. Horton, Goodrich, spoke regarding a home at 3114 Coin St. She provided the Council members with a list of items that were removed from her property. She wanted permission to enter the condemned house on Coin St. to turn on the furnace and winterize the property. Mr. Martinbianco said there would be discussion with the DPW and the City Attorney regarding this issue.

Art Jankowski, 4108 Leith, spoke on his concerns with the Whitman lawsuit, the filling of potholes, increases in sewer bills for well customers, issues with Mr. Abbey and voting equipment.

Mr. Curtis spoke regarding the County installing a new water pipeline to Port Huron. A task force has been formed with the Genesee County Regional Chamber to promote the economic benefits of the new line. The County does have a permit to use 85 million gallons of water per day. He wanted to break ground on this project as soon as possible. The pipeline will be 62 miles long. We own the land in Sanilac County. We are trying to put the best plan together for this project. He spoke on Detroit water related issues. He spoke on the potential of forming a water authority. For more information regarding these issues contact Mr. Curtis.

Mr. Curtis spoke regarding the Hall's request to move the bus stop from the Woodrow location. He said if there were any problems with the site within the next ninety days, the MTA would move it to Risedorph. It is supposed to be a drop off for residents in the area. Mr. Martinbianco wanted the agreement in writing. Mr. Curtis said the Hall's were in agreement with this issue.

Nancy Card, 2098 Delaney, spoke regarding franchise water customers and the inability to have them shut off in a timely fashion. She offered assistance in contacting Flint to speed up the process. In addition, she asked for clarification on how the City handled bankruptcies. She expected a phone call regarding this issue.

Gary Card, 2098 Delaney, was concerned that the Taco Bell driveway on Delaney St. was not designed to handle the truck traffic in the area. He said the traffic has ruined the end of the street. He wanted to know who was responsible for the repairs.

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COUNCIL DISCUSSION:

Mrs. Ellenburg and a representative from Senator Cherry's office went to the Hall's home. He contacted MTA about the situation and they agreed to move that bus stop within the week. The Hall's and other neighbors have already had people at their doors wanting to use their restroom and phone. Debris from the stop is blowing into the Hall's yard. The Hall's are not happy and want the bus stop moved back to the previous location. Mr. Curtis will contact MTA to move the bus stop. Mrs. Tinnin agreed the Hall's and Mr. Anderson wanted the bus stop moved. She would appreciate it if Mr. Curtis could have the bus stop removed from Woodrow.

Mrs. Tinnin was concerned with the arsenic level in the water at Delta and Twin Meadows mobile home parks on Fenton Rd. She contacted the DEQ several times regarding this issue. They set timelines that are well past due. The mobile home parks were supposed to put in a new well system. The Genesee County Health Dept. is supposed to make sure water is safe for drinking. She said water is being distributed to the residents, rather than drinking from their faucets. She wanted Mr. Curtis to follow up on this issue.

Mr. Martinbianco suggested Mr. Curtis contact the City regarding the current status with Mr. Stein. There were several prospects being discussed, including the construction of the water main between Bristol and Maple Rd. The other option was to go through a right-of-way and attach to the back of other property. Mrs. Tinnin said according to Mr. Austin, Mr. Stein was unwilling to pay for these projects.

Mrs. Zelenko discussed this water issue with Senator Cherry. She was working with the legislative liaison for DEQ to see if we could expedite a resolution to this problem. She said this was another piece of the puzzle Mr. Curtis needed before moving forward.

Mrs. Tinnin said the roadbed by the railroad tracks on Genesee Rd was elevated. She said the City needed to do something to lower the road near the tracks. She felt this represented a safety hazard. She wanted a report on this issue.

Mrs. Tinnin was concerned that the City took four years to get a shut off valve at Crank's Motel. She felt there were discrepancies on who installed the shut off valve and how long it took. She felt the valve should have been installed a long time ago. Mrs. Tinnin said Mrs. Card should be contacted regarding bankruptcy issues. Mrs. Tinnin said delinquent water bills should be added to the taxes. This is not being done. She wanted to know the status of the Crank's Motel billing.

Mayor Smiley said the City boarded up Crank's Motel. He invited Mrs. Tinnin to meet with him to discuss the status of the motel. He does not have those documents at the meeting.

Mr. Haskins said the Fire Department hosted an open house on Saturday and it was a huge success.

In reference to the shut off valve, Mr. Haskins said that Mr. Holzer mentioned that there was a recent change in supervision at the Flint water department. That's when the valve was installed.

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Mrs. Conley did not think the property at 3114 Coin St was that bad. She said the neighboring home definitely needed a ticket. She said the code enforcer has not done anything to clean up her neighbor's property. She said Ms. Gorsuch shouldn't have to pay her clean up bills if others are not forced to clean their property. Mrs. Conley wanted to know the status of the Coin St belongings. She said the owner should be able to turn on the heat.

Mr. Martinbianco wanted to know if the property owner could remedy some of the situations. He said a list of missing property was submitted to the Council. The building inspector would need to make a determination on the structure. Mr. Tucker was not familiar with the property. He planned to research the issue and report back to Council.

Mr. Martinbianco spoke regarding the proposed water pipeline. He said Detroit was preparing to build a secondary line and maybe a south end loop, as well. He thought this would have an effect on the pricing structure.

Mr. Curtis said there was going to be a new water line built. The question was who will build it and for how much. Detroit's water loop is predicted to cost \$720 million. They want Genesee County to pay for it. In the last eight years, the water costs to the County has doubled. We have no control over the pass through charges. There will be another increase in December. The total cost of the Port Huron water project would cost \$660 million. It will cost \$253 million for 62 miles of water lines. The additional cost will be distributed amongst the partners along the way. Genesee County's portion is around \$400 million. We plan to bring raw water from Port Huron to a treatment plant in Genesee County. The facility would be owned and operated by Genesee County. We want everyone to control their own destiny. Everyone that is a part of this water authority and pays will be able to tap in. They will be able to treat the water and sell it to customers. That is how the waterline is going to work. This is the perfect opportunity to control our rates. If we don't build, Detroit will dictate and control the rate structure. We want to provide affordable water to our residents. This project would be bonded and paid back through user fees. No additional tax increases are required. He would like the project to break ground in the spring. He predicted it would take 3-4 years to build the line.

Mr. Martinbianco spoke about the Great Lake Water Compact that discusses the diversion of Great Lakes water outside of the area, specifically to Chicago. Mr. Curtis said we would not be able to obtain a permit in five years. He said it was important to proceed with the waterline now. He predicted the project would create 700-800 jobs lasting 3-4 years. When the project was completed there would be water treatment jobs available. In addition, Mr. Curtis asked Council to support the two proposed clean coal plants to be built in Michigan. We need those energy plants. If we don't, we will be buying additional energy from outside of the state. Mr. Martinbianco thanked Mr. Curtis for his input on the pipeline. This was vital for Burton, Genesee County and the thumb area to prosper and grow. He felt we should seize the opportunity when it becomes available. He said the DEQ would still require us to have a second back up water source. Mr. Curtis said Detroit and Genesee County would rely on each other for an emergency sources. In addition, we have the Flint River, lagoons and lakes as optional water sources. There are three different plans at this time.

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Mr. Martinbianco wanted to know who was responsible for fixing the road near the Genesee railroad tracks. He said the work needed to be done before winter.

In reference to road repairs, Mr. Martinbianco explained that ACT 51 dollars have significantly declined. Therefore, there is less money available to make road repairs. We can't even afford to finish major road projects. He felt the City was doing what they could do with the limit amount of resources that are available. Filling the potholes is considered emergency maintenance.

Mr. Martinbianco briefly explained that the increase in sewer rates was due to Genesee County changing the fee structure. They indicated the increase was due to energy and chemical costs. The well customers are paying a more equitable user fee. He suggested Mr. Jankowski and others obtain a copy of a chart that details the recent sewer increase. The City did not receive any money from the increase. The City cannot continue to subsidize treatment costs out of budget reserves. Therefore, the costs had to be passed on to the customers.

Mr. Martinbianco appreciated Mrs. Card's offer to help with Flint franchise customers. He wanted to know the procedure for handling bankruptcies. Mayor Smiley invited Mr. Martinbianco to meet with Mrs. Piske on this issue.

Mr. Martinbianco spoke regarding the Taco Bell driveway being used by delivery trucks. He will research this issue.

Mr. Martinbianco read a correspondence from Senator Cherry's Office addressed to Mrs. Ellenburg regarding the walkway over I-69. MDOT inspected the ramp and planned to fix a metal grate and fencing at the site. They asked the City to clear out the brush in the area.

Mrs. Ellenburg drove by the walkway and DPW had cut the brush. She said the area looked nicer. She hoped these steps would help to make the walkway safer for pedestrians. She thanked the DPW for their input on this project.

In reference to the Attorney billing charges, Mrs. Ellenburg suggested Council members contact the Chair on agenda items before calling the Attorney. Hopefully, he could answer the questions without contacting the Attorney and being billed for it.

COUNCIL ACTION:

Conley moved and Heffner seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from September 30, 2009 through October 14, 2009 in the amount of \$4,635.75.

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Motion carried 7-0.

Heffner moved and Ellenburg seconded the following motion:

2. Approve and authorize setting a Special Council Meeting for October 22, 2009 at 5:00 p.m. for the Acceptance of an Application for an Industrial Facilities Exemption Certificate filed by Thomas A. Panek, CEO Paramount Improvements, Inc., for a public hearing to hear and consider any objection submitted by any interested person with respect to the Application.

Motion carried 7-0.

SECOND READING OF AN ORDINANCE:

Tinnin moved and Ellenburg seconded the following motion:

1. Approve and authorize the Second Reading of Ordinance 2009-8-155, amending Chapter 155 of the Code of Ordinances of the City of Burton by designating the City of Burton as the local administrative and enforcement agency of the State Construction Code and Michigan Building Code and by the adoption of the September 25, 2009, FEMA Flood Insurance Study for Genesee County and the Flood Insurance Rate Map.

Motion carried 7-0.

Meeting adjourned at 8:20 p.m.

Gayle K. Webster, CMC
City Clerk