

**OWOSSO CITY COUNCIL**

**MARCH 29, 2010**

**7:30 P.M.**

**PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK

**OPENING PRAYER:** SHELVA CEBULSKI

**PLEDGE OF ALLEGIANCE:** PAUL HEIMNICK

**PRESENT:** Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch, Councilpersons Thomas B. Cook, Michael J. Erfourth, Christopher T. Eveleth, Joni M. Forster, and Gary W. Martenis.

**ABSENT:** None.

**PRESENTATION – OPEN BURNING, TRASH COLLECTION, RECYCLING, AND BRUSH & LEAF COLLECTION**

Interim City Manager Crawford detailed the history of burning in Owosso, listed reasons for banning burning and reasons for maintaining open burning, and detailed potential resolutions to the issue.

**CITIZEN COMMENTS & QUESTIONS**

John Greenway, 115 Curwood Castle Drive, asked the Council to leave the burning ordinance as it stands or he would circulate a referendum petition to have any potential ban overturned.

Paul Rogers of Howell introduced himself as a candidate for the 22<sup>nd</sup> District State Senate seat.

Birdie Wright, 508 Jennett Street, indicated her husband had become very ill and eventually died from the effects of chemical pollutants.

Michael Belanger, 515 East Exchange Street, indicated he would like to see a vote on the issue if the Council insisted on changing the current ordinance and he encouraged the City to increase the hours of operation for the drop off site on Aiken Road. He also said he felt smoke from burning clean wood was harmless.

Bruce Kilpatrick, owner of American Waste Services, noted that customers tend to get better prices when municipalities contract for service. He also noted that his business will begin curbside recycling service as of May 1<sup>st</sup>. He also has plans to begin picking up bagged yard waste in the future.

Joseph Nowacki, 710 Ament Street, indicated he receives a lot of confidential materials from his business clients and he prefers to burn them as opposed to sending them to a shredding company. He also noted his feeling that people will continue to burn garbage whether or not the Council makes changes to the ordinance.

David Green, 604 Ryan Street, noted that he had become overcome by smoke recently and had to spend the day inside his house. He said he would like to see all burning banned, saying he used to burn but now he composts.

George Hebert, 411 Curwood Drive, indicated he felt banning burning was common sense. He said there was abundant information available noting the harmful effects of smoke. He went on to say that no one has the right to hurt another person and the City needs to prevent dangers that are within its control.

Donna Hebert, 411 Curwood Drive, said that burning has become a serious issue in her neighborhood that prevents her from enjoying her own property. She said she was very frustrated with the issue because reporting violators to the police has only caused animosity with her neighbors. She said open burning is dangerous and could trigger a deadly reaction from those with health problems.

Nicole Bruff, 409 North Chipman Street, agreed that garbage should not be burned but she did not want recreational burning banned. She indicated she would like the Council to meet people halfway on the issue. She also noted she was circulating a petition to recall the County Prosecutor.

Paul Heimnick, 1415 Olmstead Street, distributed pictures of smoldering fires that took place in his neighborhood. He encouraged the Council to separate opinion from fact. He said that if smoke presents a serious danger to some residents then it should negate the right to have a fire. He said the Council has an obligation to make such choices on behalf of the people.

Suzanne Carpenter, 120 North Washington Street, pointed out that some freedoms have fallen by the wayside for the greater good and burning should be banned for the greater good. She encouraged the Council to "first, do no harm" and stand up for the least of the community.

Bruce Noble, 215 Cass Street, indicated he is favor of keeping the current ordinance and wishes violators of the ordinance would be more responsible about burning. He encouraged an increase in enforcement efforts and said a little smoke was good for the environment.

Marsha Ladd, 735 Lingle Avenue, said that while the conditions due to burning have improved around Washington School people need to remember that the Schools cannot afford air conditioning and teachers are forced to open the windows when the weather is warm. She went on to ask for consideration of both students and teachers because they are not allowed to leave the building during school hours should it become smoky. Lastly, she said that she too had created enemies in her neighborhood by reporting nuisance and illegal burns.

The 30 minute time limit was reached.

Motion by Councilperson Forster to extend the Citizen Comment & Question period by 40 minutes.

Motion supported by Councilperson Martenis and concurred in by unanimous vote.

Pauline Hill, 415 Clinton Street, said that if burning were banned in the City the 1225 train should also be prohibited from running. She said that she feels enforcement of the current ordinance needs to be stepped up to prevent people from burning garbage and ruining it for everyone.

Shelva Cebulski, 1243 Marion Street, named a number of things that were commonly used in the past but have since been outlawed for health reasons, saying burning is no different. She said that we now know that burning is harmful and something needs to be done with this knowledge.

Michael Ferich, 1349 West King Street, said everyone has the right to health. He also pointed out that there were resources available for disposing of just about anything without burning.

Kimberly Springsdorf, 515 Brandon Street, noted that the burning issue has been a topic of discussion for years and too much time has been consumed by the issue. She said she thought the City has done an excellent job of enforcing the current ordinance and the problem seems to be exaggerated because she has never witnessed any problems.

Former Mayor Michael Bruff indicated he knew this would be a tough issue for Council. He said his personal opinion is that there is no need for burning waste of any sort but that he would like to see Council continue to allow recreational burning.

Robert Siddock, 830 South Park Street, indicated he felt the current ordinance was fine if it was enforced properly.

Bozena Bienias, 1432 Mallard Circle, said she would like to see the issue voted on. She said she would like to see a ban on burning yard waste and a ban on burning barrels. She encouraged the formation of neighborhood groups to help enforce the ordinance.

Neil White, 1214 Devonshire Court, indicated he felt alcohol abuse and the health hazards it presents were a bigger problem than burning.

Gayle Harris, 712 Jerome Avenue, indicated she burns once a week in a burn barrel and has never seen a problem with burning in her area. She asked Council to remember that a recreational fire lasts a lot longer than her burning her papers in a burn barrel.

Former Councilman Michael Cline indicated he had extensive experience with the burning issue during his time on the Council. He said he had no problem with removing Tuesday and Thursday burning but insisted Council continue to allow recreational burning. He said he would circulate petitions to recall Council members if they voted to end recreational burning.

Eddie Urban, 601 Glenwood Avenue, expressed his disappointment that the meeting was unable to be video taped for broadcast on channel 95.

Mayor Frederick noted that he had spoken with Betty Coon and she requested her position in support of burning be noted for the record.

There was a brief recess from 9:00 p.m. to 9:05 p.m.

There was a brief discussion regarding anticipated absences for the next Council meeting.

Motion by Councilperson Erfourth to move the regular meeting scheduled for April 5, 2010 to April 12, 2010 to accommodate spring break.

Motion supported by Councilperson Martenis and concurred in by unanimous vote.

**DISCUSSION**

There was extensive Council discussion regarding the burning issue with almost all Council members giving their positions on the issue. The thoughts expressed included: the feeling this is a health issue, the rights of the minority, the responsibilities of representative government, the level of support for recreational burning, the necessity of increasing waste disposal options, beefing up enforcement of the current ordinance, sending the question to the ballot, respecting the votes held in the past, allowing only recreational burning, efforts made in other communities to curb burning, mandating trash and brush pick up, and concern whether city wide trash service would push out small local contractors.

There was further discussion regarding implementing an immediate ban on burning during the school day to relieve the problems the schools have with smoke coming into school buildings.

There was general support for a comprehensive effort to encourage other methods of waste disposal regardless if any changes were made to the ordinance. There was further support for exploring options for brush pick up. Council requested staff prepare cost options for brush pick up. Some Council members again expressed a desire to see a ballot question while others felt the Council should act to ban burning for health reasons, and yet others wanted to ban open burning but keep recreational fires.

Motion by Mayor Pro-Tem Popovitch to direct staff to produce sample ordinances banning open burning but allowing recreational fires and cooking fires with a permit and banning open burning except for outdoor grilling.

Motion supported by Councilperson Forster.

Roll Call Vote.

AYES: Councilpersons Martenis, Erfourth, Forster, Cook, and Mayor Pro-Tem Popovitch.

NAYS: Councilperson Eveleth and Mayor Frederick.

Councilperson Erfourth expressed his feeling that some members of Council had voted against a motion to explore options.

Mayor Frederick noted his disappointment that a ballot question was not included in the motion.

Councilperson Martenis noted his disappointment that recreational fires were still being considered as they are just as harmful as other types of burning.

**ADJOURNMENT**

Motion by Councilperson Eveleth for adjournment at 10:18 p.m.

Motion supported by Councilperson Martenis and concurred in by unanimous vote.

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Benjamin R. Frederick, Mayor

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Amy K. Kohagen, City Clerk