



CITY OF BURTON
BURTON CITY COUNCIL MEETING
AUGUST 20, 2018
MINUTES

Council Chambers

Regular Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Steven Heffner at 7:00 PM.

A. INVOCATION LED BY: DUANE HASKINS

B. THE PLEDGE OF ALLEGIANCE IS LED BY: DUANE HASKINS

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Present	
Duane Haskins	Vice President	Present	
Dennis O'Keefe	Councilman	Present	
Steven Heffner	President	Present	
Danny Wells	Councilman	Present	
Vaughn Smith	Councilman	Present	
Christina Conley	Councilwoman	Excused	

D. STAFF PRESENT

Rik Hayman, Chief of Staff
Amanda Doyle, Attorney
Bette Bigsby, Acting City Clerk
Robert Slattery, DPW Director
Charles Abbey, Deputy DPW Director
Mike Odette, LT

E. APPROVAL OF MINUTES

1. City Council - Budget Workshop - May 30, 2018 6:30 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Duane Haskins, Vice President
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith
EXCUSED:	Conley

2. City Council - Budget Workshop - Jun 5, 2018 6:30 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Duane Haskins, Vice President
SECONDER: Tom Martinbianco, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith
EXCUSED: Conley

3. City Council - Regular Meeting - Jun 7, 2018 6:30 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Duane Haskins, Vice President
SECONDER: Tom Martinbianco, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith
EXCUSED: Conley

4. City Council - Regular Meeting - Jun 18, 2018 7:00 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Duane Haskins, Vice President
SECONDER: Tom Martinbianco, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith
EXCUSED: Conley

5. City Council - Public Hearing - Jul 2, 2018 6:00 PM

RESULT: **ACCEPTED [5 TO 0]**
MOVER: Duane Haskins, Vice President
SECONDER: Tom Martinbianco, Councilman
AYES: Martinbianco, Haskins, Heffner, Wells, Smith
EXCUSED: Conley
RECUSED: O'Keefe

6. City Council - Regular Meeting - Jul 2, 2018 7:00 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Duane Haskins, Vice President
SECONDER: Tom Martinbianco, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith
EXCUSED: Conley

7. City Council - Regular Meeting - Jul 16, 2018 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Duane Haskins, Vice President
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith
EXCUSED:	Conley

8. City Council - Regular Meeting - Aug 6, 2018 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Duane Haskins, Vice President
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith
EXCUSED:	Conley

F. ADMINISTRATIVE REPORTS

Mr. Hayman spoke on behalf of Mayor Zelenko. He did a review of the agenda.

G. COMMITTEE REPORTS

Mr. Smith spoke on the Planning Commission meeting. He spoke on Central Business District designation. He also proposed giving the Chairperson of the Planning Commission and Zoning Board of Appeals a \$10.00 stipend.

Mr. Heffner asked if that would include the Park & Recreation Director in the stipend.

Mr. Wells is having a meeting on the LED Committee the following week.

Mr. Heffner asked about a Legislative Committee meeting. Mr. Martinbianco stated he would set one next month

H. AUDIENCE PARTICIPATION

Deborah Jackson stated she has lived in Burton her entire life. She has made complaints about things going on There has been driveways blocked cars parked up to the intersection. Complaints filed letters to the Mayor. If its being reported we need someone to back us up. It is not just her people in area having problems with same people. Codes are not being enforced. They are repeat offenders. Wants to know why nothing being done.

Jerry Cross introduced himself as a candidate running for County Commissioner.

Rick Fuhst asked about item #3 attorney billing about City Clerk. How many more of tax dollars of mine and the citizens of Burton are going to spend to resolve this issue. John Gleason sent a letter about a month ago. We have a perfectly capable person here who can do that job. Pretty sure they all knew who he was talking about. Why have we not give her this position? We have spent enough of the taxpayers money on this issue.

I. COUNCIL DISCUSSION

Mr. Smith asked Mr. Abbey about the situation on Wells Street.

Mr. Abbey stated he had just recently become aware of the situation. They have had some conversation internally about this situation with code enforcer. Mr. Wells had also called about the situation. Pulled up a violation summary. Mr. Abbey proceeded to outline the

violations and remedies that were suggested to the occupant. Code enforcer did see some movement on cleaning up the violation. Vehicles were tagged because they were not plated. As of 8/15/18 all vehicles are plated and operable.

Mr. O'Keefe stated at the last Legislative Committee meeting he proposed salary ranges for the Charter 5 to take back to the administration. Wondered how they were progressing. Mr. Hayman stated they were looking for additional information to compare benefits. Mr. O'Keefe would like salary ranges brought forward.

Mr. O'Keefe asked for the update for the 5 year forecast as well as on the two enterprise funds. He is also looking for an update on the internal review by Plante and Moran.

Mr. Wells stated for people commenting on the City Council page. We are running on a skeleton crew. He asked for patience.

Mr. Heffner asked to have Ordinance forwarded to Clerk's office.

Mr. Heffner spoke about a house on Allen Street that has 20-30 cars in yard. Mr. Abbey stated he has 30 days to remove. The resident felt he was grandfathered in because his grandfather had run a business there.

Mr. Smith stated that there was a disagreement between the Council and the Administration on the budget issue. We have been spending a lot of money on legal. We owe the residents accountability on how the money has been spent. Right now he could not tell what the cost of that budget issue was. Should know what the cost is. We spent a lot of money on legal. No one really knows what it cost us. Ask administration for the bill so he can share with residents. Wants bill for Attorney Belzer and Greenfelder from start to end.

Mr. Hayman stated invoices are all available for Greenfelder and Belzer.

Mr. Smith stated they had to increase the budget line a couple of times this year.

Mr. Heffner asked to get clarification as to what line item they were paid out of.

Mr Haskins spoke about item number three on agenda. It specifically breaks out Belzer and Council President attorney billing. How come this one appeared on agenda? Mr Hayman stated it was a courtesy. On July 6, 2017 Mr. Belzer was hired to represent the Council in any litigation were the City attorney cannot represent the Council in litigation.

Mr. Hayman stated that this particular billing there was no conflict of interest. The City attorney gave an opinion on the Clerk. You also had an opinion from Mr. Leadford. Not sure the billing by Mr. Belzer was authorized under your action of July 2017.

Mr. Smith stated the first bill was for \$25,000.00 at the very start then never saw a bill from Greenfelder.

Mr. Wells stated a couple of weeks ago we had a nice presentation about water rate studies. Alluded to 1.1 million in the red in water department. Coincide with water lines we put in off Hemphill road. Do we have anything from the State of Michigan that they are going to reimburse us for that?

Mr. Heffner stated that he did have a letter saying they would not pay us back for door-to-door water deliveries.

Mr. Hayman stated they had a meeting with the Legislative delegation. There is another meeting in Lansing with Nick Khouri and continuing to push for reimbursement at least some of it.

Mr. Wells asked how could you guys have vote to do that job if you nothing in writing from the state to begin with.

Mr. Heffner stated our residents were drinking poison. Our number one priority as Council people is the safety and welfare of our residents. So, we had to do whatever it took to take the poison out of their house and give them fresh , clean water.

Mr. Wells stated they were getting clean water as part of being on the Flint water line. I agree I wanted them hooked up to Burton water line. Until you knew you were going to get \$1.1 million back from state I don't know how you could have gone forward with that.

Mr. Heffner replied that when it comes to poisoning children and people not being able to bathe in their own homes, we had some tough choices to make. All seven of us agreed that we needed to do something. We were told Burton would get everything Flint got but Flint did not offer door-to-door water deliveries. That is why we did not get paid for that.

Mr Hayman stated we did get reimbursed for some of the door-to-door deliveries. But the Governor's office assured us we would be included. Not just Burton but all associated entities.

Mr. Wells asked for updates as they come in. We cannot afford to give away \$1.1 million dollars.

Mr. Haskins stated we could not afford to give up the \$1.1 million for our residents. Seems to remember that there was a communication prior to the replacement on the reimbursement.

Mr. Heffner stated we did use some Community Development Block Grant money for the project.

Mr. O'Keefe reiterated his concern that Flint was getting all the limelight on this issue. He is still concerned that the children continue to be covered for anything like Flint children. Play nice now but if they do not continue we need to take the gloves off.

Mr. Hayman commented we want to play nice. State said we planned to do it as part of the DWRP anyway. State needs to know we did not plan on it because it was not our infrastructure.

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Doyle) 7/31/2018to 8/13/2018 in the amount \$6,725.75.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Duane Haskins, Vice President
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith
EXCUSED:	Conley

2. Approve and authorize the payment of Attorney Billing (Masud) June 28, 2018 - July 31, 2018 in the amount \$4,446.00

RESULT:	CARRIED [5 TO 1]
MOVER:	Duane Haskins, Vice President
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Smith
NAYS:	Wells
EXCUSED:	Conley

3. Approve and authorize the Attorney Billing for Jack Belzer (July 2018 consultations with Council President) in the amount of \$568.75.

Mr. Martinbianco offered an amendment to strike the parenthetical notation what the consultation was all about on the billing. He feels it singles out the Council President. If you don't like somebody's opinion you go get another one.

Mr. Smith made speech about being transparent to our residents about where our attorney fees are going. How many opinions do you need on this?

Mr. Heffner stated we could not talk about it in public. He will talk about it privately.

Mr. O'Keefe state because of pending litigation.

Mr. Wells stated you have a little loop hole going. You can support if you want.

Mr. Heffner said he could not call all the Council but he did talk to the Finance chair and the Legislative Chair. Both encouraged him to call the attorney.

Mr. Wells stated you already contacted Mr. Gleason. He said you already have a Clerk. Ms. Doyle already gave you an opinion.

Mr. Heffner stated that Mr. Gleason stated they had no help to offer us.

Mr. Wells stated he said you already had a certified Clerk.

Mr. O'Keefe I have a different slant on this. When we hired Mr. Belzer we went through the motions and hired him. It was just for a specific purpose. I think we need to have another motion. One person cannot spend money. I think right now we are going against. Has to be put in motion and voted upon.

Mr. Smith asked to consult the City Attorney on this issue. Council president right doing his due diligence. Mr. Heffner was directed to send a correspondence to state

and to County. We did not do a vote on it at the time. We left thinking it was going to happen. Do we need to do a vote on what Dennis said? Can we deal with as it is?

Ms. Doyle asked if Mr. Belzer was retained for this particular issue if you don't feel he was then you would need to vote on it. If you believe this is a separate issue you would have to retain him again for that separate issue.

Mr. Wells stated we are going down treacherous road here. You may have hired Mr. Belzer in regards to the last topic you were arguing with the Mayor about this is a totally different topic. This is the City Clerk. If your going to open door and you three guys make a decision for the whole Council, I am totally opposed to that. It shouldn't be that way. I think you know that Madam Attorney.

Mr Haskins stated he would withdraw his motion to approve and pay until we can come up with a motion to make sure Mr. Belzer was retained in the right fashion with a proper motion. This is possible litigation again. It is Clarification of what we are trying to understand here. It has been talked about in open meetings. You were here for the meetings. This isn't a big surprise to anybody except for what exactly was discussed. I am not exactly privy to that. I would be happy to withdraw my motion and make a tabling motion until we can get this addressed at a different fashion to pay it. I honestly believe from our last motion that Mr. Belzer retained in the right fashion because if this goes to court Mr. Belzer would have to represent us again.

Mr. Hayman read original motion to hire Mr. Belzer. Motion is to hire Mr. Belzer for any litigation in which the City Attorney cannot represent the Council due to conflict of interest.

Mr. Haskins withdrew his withdrawal. Probably going to have to have an executive session with Mr. Belzer. Voting on this to pay then Council should be in the loop. It might need to be explained before we pay.

Mr. Heffner asked if would like to have a closed session with Mr. Belzer. Mr. Wells stated not if it was going to cost us money. What is the conflict of interest with our own attorney? Didn't you give an opinion on the Clerk? I think you did.

Ms. Doyle stated we don't know what those consultations were for. If it was for potential litigation with regard to the City Clerk by the Council there would have been a conflict. I don't know what the consultations were about so I don't know if I would have been conflicted out or not.

Mr. Wells said it is just an interpretation of the Charter. The Charter says the Mayor has 30 days to bring forward a Clerk and Council rejected it then she came back with another one and Council rejected it. This could go on and on. I don't want to see another \$1.1 million pissed away on the Clerk when it is very simple solution. Part of the solution is to quit playing politics. We have a certified Clerk right there.

Mr Heffner stated actually we don't. She wasn't confirmed by the Council.

Mr. Wells stated that's not the administration's fault they are following the Charter. She keeps throwing them at you and you keep throwing them back. Do you want to name your own Clerk.

Mr Heffner stated that is not how the Charter works. The council confirm or doesn't conform.

Mr. Wells stated if people, watch these meetings people don't want to come here and be Clerk much less anything else. We can't find suitable people for position right now.

RESULT:	CARRIED AS AMENDED [4 TO 2]
MOVER:	Duane Haskins, Vice President
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Haskins, Heffner, Smith
NAYS:	O'Keefe, Wells
EXCUSED:	Conley

4. Approve and Authorize the Mayor and City Clerk to execute a contract with ROWE Professional Services Company, 540 S. Saginaw Street, Flint, MI 48502, for Preliminary Engineering of Center Road from Davison Road to the north City limit (DPW Project No. 18-006-P), at an estimated cost of \$129,687.23, contingent upon approval of the City Attorney.

Mr. Martinbianco asked if it was the preliminary engineering on the project and wondered if it was 2019 or 2020 construction.

Mr. Slattery replied they were hoping to do that in 2019. The state infrastructure bank loan has approved and things are looking very good to do this next summer.

RESULT:	CARRIED [5 TO 1]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, O'Keefe, Heffner, Wells, Smith
NAYS:	Haskins
EXCUSED:	Conley

5. Approve and authorize the sale of Lot 25 in the Burton Estates Subdivision number 1 - commonly known as 6084 Burton Estates Drive, Parcel No. 59-24-502-025, to give first and final approval for the sale of this parcel to VIP Land Holdings, LLC, 52188 Van Dyke Ave., Suite 105, Shelby Township, MI 48316, for the sum of \$7,142.80 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

Mr. Wells stated this sticks in his craw. Million of dollars the taxpayers have into sidewalks and infrastructure. This guy bought now he is cherry picking. City had to come out and mow lawn because he didn't do it. Close to \$2,000.00.

Mr. Smith stated he does not own all that property he just has first option. The City still owned them.

Mr Hayman stated that is true if you remember three years ago you approved a sale for Mallard Ponds, Cross Creek and we sold three lots in Burton Estates. With the first right of refusal for \$7,000.00 part of sales agreement. He is attempting to exercise part of sales agreement

Mr. Smith said we didn't have He has first option a choice. Mallard ponds is sold out going for over \$200,000.00. We have Cross Creek they are building like crazy. I think it was a phenomenal move. These are not cheap homes. The gentleman is abiding by his agreement. Families coming in shopping in Burton. Best we could with what we had.

Mr. Wells stated If we offered them to residents of Burton for \$7,200.00 we could have sold them again.

Mr. Smith stated we had lots of lots we could not get rid of. Builder worked away from.

Mr. Heffner stated we were stuck with the special assessments that former Council approved and you were part of that.

Mr. Wells stated times changes there is an ebb and flow. At that time people were building in Burton. Sticks in craw that people would buy a lot and we give a guy first right of refusal.

Mr Heffner stated try to fix a mistake prior Councils made.

RESULT:	CARRIED [5 TO 1]
MOVER:	Duane Haskins, Vice President
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Smith
NAYS:	Wells
EXCUSED:	Conley

6. Consumers Energy Company Gas and/or Electric Franchise Ordinance Approve and Authorize, AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services, and to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas and/or electric business in the CITY OF BURTON, GENESEE COUNTY, MICHIGAN, for a period of thirty years.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Duane Haskins, Vice President
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith
EXCUSED:	Conley

Agendas and minutes may be found at www.burtonmi.gov

Meeting was adjourned at 8:08 PM.
