CITY OF BURTON

BURTON CITY COUNCIL MEETING

JANUARY 18, 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: DANNY WELLS

B. THE PLEDGE OF ALLEGIANCE IS LED BY: DANNY WELLS

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	Present	

D. STAFF PRESENT

Paula Zelenko, Mayor
Sue Warren, Human Resources
Charles Abbey, DPW Deputy Director
Amber Abbey, Planning/Zoning
Amanda Doyle, City Attorney
Rik Hayman, Chief of Staff
Ginger Burke-Miller, Controller
Bob Slattery, DPW Director
Lt. Mike Odette, Police Dept.

E. APPROVAL OF MINUTES

1. City Council - Council Audit Workshop - Dec 19, 2017 5:30 PM

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

F. ADMINISTRATIVE REPORTS

Mayor Zelenko stated, the resolution for the master plan is on your agenda tonight. The Planning Commission has worked very hard on this document, Planning Commission Chairman Deb Walton, Deputy Planning and Zoning official, Amber Abbey are her tonight, as well as Mr. Doug Piggott, from Rowe to give a brief presentation on the Master Plan. I would like to allow him a few minutes near the end of this administration report to allow for his presentation.

In addition, Mr. President, I am requesting a closed session as allowed by the Open Meetings Act Section 8 (d) to consider the purchase or lease of real property. There is possible action to be taken tonight, so I would request that the closed session take place following Mr. Piggott's presentation.

During the late night of January 15, there was an electrical related fire in the DPW yard that damaged 3 of our large snow plow/dump trucks. The good news is that no one was injured. However, as you know, being down these three trucks is especially problematic this time of year. The insurance adjuster has been out and the claim started. Mr. Slattery and Mr. Abbey have been working out the logistics. I will briefly defer to them to update you on the situation.

Other items on the agenda:

- Note that the Treasurer has attached the investment report.
- There are appointments and re-appointments to the Park and Recreation Commission, the Planning Commission, and the Board of Review.
- Several budget amendments are before you tonight, Controller Ginger Burke-Miller is present to address any explanation
- First reading of an Ordinance to be consistent with Michigan Water Quality Standards modifications.
- First reading of an Ordinance to amend a correction in the cell tower ordinance changing the maximum height from 40 to 42 feet.
- Second reading of an Ordinance is the change of zoning from C-2 to M-1.
- Introduce Doug Piggott from Rowe, Inc.

After return from closed session: Mayor Zelenko stated, I would like to introduce representatives from NorthPoint Development. Brent Miles, Vice President Economic Development and Angela Harshbarger, Incentive Specialist.

As you know, I have been working to promote our city to recruit new business, new jobs, and economic growth. The Flint and Genesee Regional Chamber and the Next Michigan Development Corporation along the I-69 International Corridor have assisted me with these efforts in attracting National and International companies. Over the holiday break, I accepted a Letter of Intent from NorthPoint regarding the possible purchase of the property located at Genesee and Davison Roads. In addition, in order to protect the clients represented by NorthPoint, I have accepted and signed a Non-Disclosure Agreement that will remain in effect until such time their clients are prepared to announce their identity. Those two documents were presented and discussed during closed session. During closed session it became known that NorthPoint is prepared to offer a purchase agreement. Under the Open Meetings Act, now that a purchase agreement is offered, discussion for this council to make a decision to accept the purchase agreement must be done in an open meeting.
I would request that the city council add this to the agenda as item #3(a).

Once the item is added to the agenda, but still subject to the terms of the Non-Disclosure Agreement, you may deliberate on this item as you would on any of your action items. Mr. Miles, and Ms. Harshbarger have agreed to stay to assist you with inquiries.

We have been working hard to promote this City to recruit new business, new jobs and economic growth. I have been working with the Flint and Genesee Regional Chamber the next Michigan Development Corporation, and the I-69 International Corridor. They have assisted me in these efforts. I have accepted a letter of intent from NorthPoint Development regarding possible purchases of the City owned property at the corner of Genesee and Davison Road. In order to protect the clients represented by NorthPoint, I have accepted and signed a nondisclosure agreement that will remain in effect until the clients are prepared to announce their identity. Brett Miles, Vice President of Economic Development and Angela Harshbarger, Incentive Specialist from NorthPoint Development are here tonight. They have offered a purchase agreement.

In wrapping up my report, Mr. President, Atty. Leadford is planning to attend your February 5th or February 19th meeting for strategy and negotiation strategy in closed session.

The Assessor will be placing the 2018 Poverty Exemption Policy & Application before you for approval at the February 5th meeting.

I have an update on the Winding Creek Development that we were going to purchase. This was donated to Eastgate Baptist Church and they couldn't afford the taxes. It was sold to Win Cooper Developments and Real Estate, so it is back on the tax roll now.

1. Investment Report

2. Add as #3 (a) to accept the purchase agreement of parcel #59-10-200-003, located at 12920 Davison Rd., Burton, MI. 48509, from NorthPoint Development, 4825 NW 41st St., Ste 500, Riverside, Missouri 64150, in the amount of Two Hundred Sixty-Eight Thousand Dollars ($268,000.00) and to further authoirze the Mayor and Clerk to execute at closing all reasonable and customary documents for this transaction subject to review and approval of the City Attorney.

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

G. PRESENTATION BY ROWE ENGINEERING

Mr. Piggott went over the following steps that were taken for the Master Plan Process:

- Plan Research
- Public Input
- Goals, Objectives and Strategies
- Plan Implementation

1. Motion to go into closed session as allowed by the Open Meetings Act, Section 8 (d), immediately following the Master Plan presentation by Mr. Piggott.

   Went into closed session from 7:20 PM to 8:00 PM.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Christina Conley, Councilwoman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

H. COMMITTEE REPORTS

Ms. Conley said the January Burton Library Book Sale has been cancelled. I will keep you posted on the Park and Recreation events. The Hot Fudge Race will be February 17, 2018.

Mr. Smith said this is our 6th annual Hot Fudge Run and Walk. It takes place at Bentley Middle School. This is a very popular race. This generated over $10,000 last year for the Burton Kawanis to bring back into our community. This year they are adding Texas Roadhouse Chili along with Hot Fudge treats. People come from miles around. Last year we had close to 400 people. You can register online at Newton Timing.

I. AUDIENCE PARTICIPATION

Chris Johns of Burton thanked the Council and Mayor for the opportunity to serve on the Planning Commission. I also think the proposed development at Southmoor Golf Course will be beneficial to the City of Burton.

Rick Fuhst of Burton said I don't think the use of nick names should be used by council members or anyone else. This is a government, public and professional meeting.

Emily Pinkel said she is not in favor of the medical marijuana facility going in at Southmoor Golf Course.

J. COUNCIL DISCUSSION

Mr. Smith said I am very appreciative to the Planning Commission and Amber Abbey for all their hard work on the Master Plan. This is visioning for our community for the next 20 years. Everyone has worked very hard and have done a very thorough job. I strongly endorse this. I also want to stress how important it is to provide all references, time to review and discussion on all action items so that nothing is misinterpreted.

Mr. Wells agreed that the new Master Plan is very intricate, good work. I am touched and want to thank you all for including me on this Master Plan.

Mr. Haskins said the announcement of the NorthPointe Development facility coming into Burton is very exciting. This will provide many jobs for the area.

K. COUNCIL ACTION

1. Approve and Authorize the attorney billing (A. Doyle) from 12-22-17 to 1-9-18 in the amount of $4,702.75.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Duane Haskins, Vice President
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

2. Approve and authorize the Attorney Billing (Masud) 12/1/17-12/31/17 in the amount of $4,536.78.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Duane Haskins, Vice President
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

3. (a). Approve and Authorize the Mayor and City Clerk to accept the purchase agreement of parcel #59-10-200-003, located at 12920 Davison Rd., Burton, MI. 48509, from NorthPoint Development, 4825 NW 41st St., Ste 500, Riverside, Missouri 64150, in the amount of Two Hundred Sixty-Eight Thousand Dollars ($268,000.00) and to further authoirze the Mayor and Clerk to execute at closing all reasonable and customary documents for this transaction subject to review and approval of the City Attorney.

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

3. Approve and Authorize the resolution that the Burton City Council does hereby approve the City of Burton Master Plan including all maps and documents and hereby authorizes the submission of copies of the plan as adopted to the surrounding municipalities as required by the Michigan Planning Enabling Act.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Duane Haskins, Vice President
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

4. Approve and authorize the Mayor’s re-appointment of Phillip Rose, 2437 N. Vassar Road Burton, MI 48509 to the City of Burton Board of Review. Term to expire January 2021.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

5. Approve and authorize the Mayor’s re-appointment of Jim Craig, 6295 Hidden Trails Burton, MI 48519 to the City of Burton Parks and Recreation. Term to expire February 2021.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

6. Approve and authorize the Mayor's appointment of Jeremy Scharrer, 3092 Threadcreek Dr. Burton, MI 48529 to the City of Burton Parks and Recreation. Term to expire February, 2021.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Duane Haskins, Vice President
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

7. Approve and authorize the Mayor's reappointment of MaryAnn White, 2476 Clayward, Burton, MI 48509, to the Burton Planning Commission, term to expire February, 2021.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

8. Budget Amendment (Budget #1995-1996) Approve and authorize the following 2017-2018 budget amendment: Decrease (2006-2006-707.0000 Part-time Firemen) by $3,000; Increase (2006-2006-934.0000) by $3,000.

   Mrs. Burke-Miller stated this was a request from the Fire Chief. He is asking that money be moved from the part time firefighters line item to equipment repair because that line item is getting depleted.

   Mr. Haskins asked why it is getting depleted.

   Mrs. Burke-Miller said it has to do with motorpool has been short staffed for several months and having to send work out to outside venders and it is more costly.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

9. Budget Amendment (Budget #1997-1999) Approve and authorize the following 2017-2018 budget amendment: Decrease (1001-0000-390.0000 General Fund Unappropriated Surplus) by $200; Increase (1001-8001-864.0000 General Fund Planning Training) by $150; Increase (1001-8005-864.0000 General Fund Zoning Training by $50.00).

Mrs. Burke-Miller said this is for training the Planning and Zoning administrator.

Mr. Haskins said we are funding something that is already spent. If there is not money in the line item, how do you justify spending it. You need to stay within the guidelines of that line item and the money that was designated for that line item. You don't go outside of it, spend it and then ask Council for a transfer.

Mr. O'Keefe said over the last few years we have had a line item budget. I have brought up two proposals, how to manage this process. Right now we have no way to manage 6,000 general ledger accounts. We need to have a process in place.

RESULT:	**CARRIED [5 TO 2]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, O'Keefe, Heffner, Wells, Smith
NAYS:	Haskins, Conley

10. Budget Amendment (Budget #2000-2001) Approve and authorize the following 2017-2018 budget amendment: Decrease (1001-0000-390.0000 Unappropriated Surplus) by $40,000; Increase (1001-9099-999.7094 Transfer to other funds) by $40,000.

    Mrs. Burke-Miller said the reason for the variance in this line item is due to title companies paying off special assessments early and we settle with the County after the last meeting in June. I don't get the information until last minute when we are closing the books. I there is a shortfall in any of those special assessment funds we have to transfer money from General Fund to help those so they don't go into deficit. For several years it has been holding steady at about $120,000 but we need it to be increased by another $40,000. Most of those special assessments are getting ready to be completed. That is why we are seeing that larger number.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Danny Wells, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

11. Budget Amendment (Budget #2002-2005) Approve and authorize the following 2017-2018 budget amendment: Decrease (2002-4069-818.0000 Major Street-Drainage-Contractual Service) by $6,500; Increase (2002-4069-705.0000 Major Street- Drainage-Supervision) by $4,000; Increase (2002-4069-717.0000 Major Street-Drainage-MERS Active by $500; Increase (2002-4069-718.0000 Major Street-Drainage- MERS Retirees by $2,000.

    Ms. Burke-Miller stated was due to extra work to the drainage that was not anticipated. This was done in house.

    Mr. Abbey said these were emergency projects.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

12. Budget Amendment (Budget #2006-2007) Approve and authorize the following 2017-2018 budget amendment: Decrease (2002-4078-943.0000 Major Street-Winter Maint.- Equipment Rental) by $4,000; Increase (2002-4078-709.0000 Major Street-Winter Maint.- Overtime) by $4,000.

    Mrs. Burke-Miller said this pertains to the snow plowing over the holidays. We had exceeded the overtime that was budgeted.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

13. Budget Amendment (Budget #2008-2009) Approve and authorize the following 2017-2018 budget amendment: Decrease (2002-4081-943.0000 Major St. - Roadside Cleanup-Equipment Rental) by $600; Increase (2002-4081-709.0000 Major Street-Roadside Cleanup- Overtime) by $600.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

14. Budget Amendment (Budget #2010-2011) Approve and authorize the following 2017-2018 budget amendment: Decrease (2003-4078-943.0000 Local Streets-Winter Maint.- Equipment Rental) by $2,000; Increase (2003-4078-709.0000 Local Streets-Winter Maint. Overtime) by $2,000.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

15. Budget Amendment (Budget #2012-2013) Approve and authorize the following 2017-2018 budget amendment: Increase (2006-0000-501.0000 Federal AFG FEMA Grant Revenue) by $2,0000; Increase (2006-2006-977.0000 FEMA Siren Grant Expenditure) by $2,000.

    Mrs. Burke-Miller said we received the invoice for the labor cost well after anticipated. We needed to get this paid and we were reimbursed through the grant.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

16. Budget Amendment (Budget #2014-2015) Approve and authorize the following 2017-2018 budget amendment: Decrease (6061-6061-706.0000 Motor Pool Salaries Permanent) by $9,000; Increase (6061-6061-706.7007 Motor Pool Equipment Maintenance) by $9,000.

    Mr. Abbey said for the past several months, we have had to use outside sources for repair work due to not having a mechanic in the Motorpool.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

17. Add to the agenda as item #17 a straw pole vote on keeping millage rate at 4.0 or raise to millage rate to 4.707.

    Mr. Haskins said this would be a poll vote count from the Council to see where the stand so that the Mayor will have direction on where to guide the budget.

    Attorney Doyle said she will send a letter to the administration on the opinions of the Council.

    AUDIENCE PARTICIPATION:

    Bob Johnson from Burton said I am appalled that we set here tonight and discuss this issue. We have been here before and it has been said by every one of you that we're broke. We need to address our budgets now.

    Jim Craig from Burton said it makes more sense to keep the tax rate the same so that people don't think they are getting a tax raise when in truth it's just going back to where it was originally. The money could be used to pay down MERS.

    Mr. Smith said I would support that money going into MERS. Until we get a hold on legacy costs, everyone will have to make up the bill.

    Results of straw vote are as follows:

Danny Wells	4.707 Mills
Dennis O'Keefe	4.707 Mills
Vaughn Smith	4.0 Mills
Duane Haskins	4.0 Mills
Steve Heffner	4.0 Mills
Tina Conley	4.0 Mills
Tom Martinbianco	4.0 Mills

RESULT:	**CARRIED [6 TO 1]**
MOVER:	Duane Haskins, Vice President
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Smith, Conley
NAYS:	Wells

L. FIRST READING OF ORDINANCE

1. Approve modification of Section 54.14 (A) (1) of Ordinance No. 2015-2-54-SO to ensure consistency with Michigan Water Quality Standards as required by the National Pollution Discharge Elimination System (NPDES)

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

2. Approve and authorize the second reading of an ordinance to amend Section 152.13(c)(2) of Chapter 152 of the City of Burton Code of Ordinances to regulate distributed antenna systems/small cell wireless facilities located in the City Road right of way.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

M. SECOND READING OF ORDINANCE

1. Approve and Authorize ZC# 319 - Wilson Boji 3761 Coolidge Troy, MI 48084, requests a zoning change from C-2 General Business to M-1 Light Industrial on the following described parcel: being located at 4312 S. Dort Hwy. as follows: 59-32-400-030 parent parcel pending split described as: Parcel A: BEGINNING AT THE EAST 1/4 CORNER OF SAID SECTION 32; THENCE S01o12’00”W ALONG THE EAST LINE OF SAID SOUTHEAST ¼ OF SECTION 32, 255.00 FEET: THENCE N88o50’00”W AND PARALLEL TO THE NORTH LINE OF SAID SOUTHEAST ¼, 1306.76 FEET; THENCE N01o05’20”E, 255.00 FEET TO A POINT OF SAID NORTH LINE OF THE SOUTHEAST 1/4; THENCE S88o50’00”E ALONG SAID NORTH LINE OF THE SOUTHEAST ¼, 1307.26 FEET TO SAID EAST ¼ CORNER AND THE POINT OF BEGINNING; PARCEL CONTAINS 7.65 GROSS ACRES OF LAND Parcel B: COMMENCING AT THE EAST ¼ CORNER OF SAID SECTION 32; THENCE S01o12’00”W ALONG THE EAST LINE OF SAID SOUTHEAST ¼ OF SECTION 32, 255.00 FEET TO THE POINT OF BEGINNING; THENCE S01o12’00W CONTINUING ALONG SAID EAST LINE OF THE SOUTHEAST 1/4 , 748.21 FEET; THENCE N88o44’00”W, 798.75 FEET; THENCE S01o12’00W, 600.19 FEET; THENCE N88o46’30”W, 505.40 FEET; THENCE N01o05’20”E, 1346.49 FEET TO A POINT 255.00 FEET SOUTH OF THE NORTH LINE OF SAID SOUTHEAST ¼ OF SECTION 32; THENCE S88o50’00”E AND PARALLEL TO SAID NORTH LINE OF THE SOUTHEAST ¼, 1306.76 TO A POINT ON SAID EAST LINE OF SOUTHEAST ¼ AND THE POINT OF BEGINNING; PARCEL CONTAINS 29.37 GROSS ACRES OF LAND.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

Meeting was adjourned at 9:28 PM.

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