



CITY OF BURTON
BURTON CITY COUNCIL MEETING
JANUARY 5, 2023
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: GREG HULL

B. THE PLEDGE OF ALLEGIANCE IS LED BY: GREG HULL

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Vice President	Present	
Steven Heffner	President	Present	
Vaughn Smith	Councilman	Present	
Gregory Fenner	Councilman	Present	
Christina Conley	Councilwoman	Excused	
Greg Hull	Councilman	Present	
Christina Hickson	Councilwoman	Present	

D. APPROVAL OF AGENDA

1. Motion to Approve the Agenda as Presented.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tom Martinbianco, Vice President
SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Hull, Hickson
EXCUSED:	Conley

E. STAFF PRESENT

Duane Haskins, Mayor
Racheal Boggs, City Clerk
Charles Abbey, DPW Director/HR
Amber Abbey, Deputy DPW Director
Kirk Wilkinson, Fire Chief

F. APPROVAL OF MINUTES

1. City Council - Council Audit Workshop - Dec 19, 2022 6:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Christina Hickson, Councilwoman
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Heffner, Smith, Fenner, Hull, Hickson
EXCUSED:	Conley

2. City Council - Regular Meeting - Dec 19, 2022 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Christina Hickson, Councilwoman
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Heffner, Smith, Fenner, Hull, Hickson
EXCUSED:	Conley

G. ADMINISTRATIVE REPORTS

Mayor Haskins wished everyone a happy New Year and gave a report on the following:

- Attorney opinion regarding complaints of signs/banners throughout the city containing the slang "f" word near elementary schools. The city cannot do anything about these as they are protected under freedom of speech.
- Commercial graphics has been sending invoices to City Hall. Recently, a bill was sent to the city for the artwork for City Council's Christmas billboard. I see Mrs. Conley is not here but is there anyway she can contact them to let them know the city is not responsible for these bills?
- I spoke to Senator Cherry and former State Rep, Tim Sneller and the pension bill that we discussed at the last meeting was passed and the Governor signed it. In April the grant will be available.
- Announcement of the retirement of Battalion Chief, Chris Metropolis and his replacement, Dan Lince who will be recognized tonight. Battalion Chief, Lince is being promoted tonight from Captain. He has a great work ethic, is involved in community activities, and inspires other firefighters. We are excited and proud to be a part of this pinning tonight. Congratulations. Fire Chief, Kirk Wilkinson pinned Battalion Chief, Lince.

H. COMMITTEE REPORTS

Mr. Martinbianco stated as a reminder at 6:00 PM on January 19th, the Retail Committee will assemble to begin our organization and find out what our objectives are and how best we can accommodate them. Mr. Smith has done a lot of work on this and I applaud his efforts.

Mayor Haskins stated Don Jones will be the administrations appointment to that committee.

I. AUDIENCE PARTICIPATION

Ronny Veslack and Andrew Massimino of 4507 South Center Road spoke regarding the zoning change on the agenda tonight for BG's Party Store. We are looking to put in a canopy and gas pumps and to update the store.

J. COUNCIL DISCUSSION

Mr. Fenner stated the Planning Commission thoroughly assessed the plans and recommended approval for this zoning change. The individuals on the Planning Commission

take their job very seriously. They work hard and go through everything before sending it to council. There is no reason why we should not re-zone this as C-2 and let them put in a gas pump. I hope we can approve this tonight and proceed with a business expansion in our city. We are using our Retail Committee to lure new businesses to Burton and here we have a business already in Burton trying to expand without costing us anything. Let's think this over and vote it through.

Mr. Smith asked Mr. Massimino, what is your vision? What do you see happening here and how will it benefit the community surrounding your store?

Mr. Massimino stated the goal is to expand my business and stay in the Burton area. Right now, I am barely afloat with the business I have. A gas station will bring business and other people around the area. Other gas stations are not locally owned. I am local. It will help the community. People who come into my store know my employees and I by first name. There are no stations close by.

Mr. Smith stated if this is approved, what is the next step?

Mr. Veslack stated the outside face will be redone to get rid of the 70's look. We have bids for that. We will do gas tanks, redo the parking lot, put up the canopy and make the outside pretty. We also plan to update the inside. We will need site plan approval.

Mr. Smith asked Mrs. Abbey for clarification on the site plan review process.

Mrs. Abbey stated they will need to go to site plan review in front of the Planning Commission to approve the parking lot, gas pumps, elevations of the building, drainage, etc. That has to happen before construction starts.

Mr. Smith asked what amount of money the owner believes they will have to invest.

Mr. Massimino stated we are looking at somewhere between a \$400,000 and \$500,000 investment.

Mr. Smith asked what we are hearing from the neighbors about this expansion.

Mr. Massimino stated we talk about this with every person who comes in the store. They are excited about it and excited to support the area.

Mrs. Abbey stated we had a Public Hearing and notices were sent to everyone within 300 feet of the property and no one came to the Public Hearing. Outside of that, I spoke to the property owner across the street in Grand Blanc and he thought it was great because he is looking at developing his land at some point.

Mr. Smith asked the administration if this property can be used for marijuana.

Mrs. Abbey stated not as it sits. This would require a special use permit as well as a variance because it is too close to residential properties.

Mr. Massimino stated we have zero interest or thoughts of having anything to do with that type of business, never.

Mr. Heffner asked why the owner is trying to get a zoning change rather than a variance.

Mr. Massimino stated with a rezoning, I will not have to come back again. With a variance, I will have to come back each time I want to make a change.

Mr. Heffner asked what kind of change can you see coming up?

Mr. Massimino stated moving the building or expanding it, or what if I needed to add additional pumps later on?

Mr. Heffner stated with a variance, the city retains a lot more control over what happens there.

Mrs. Abbey stated a variance is very inconvenient for a property owner to continue to have to do. On top of that, the board today could approve it but the board two years from now may not. As an owner who is investing \$500,000 in our city, it is not right to play games with a variance. That seems like an improper way to do it. What under the C-2 zone is inappropriate to go in here that we would need this type of control? I haven't heard any objection to any of the uses allowed in the C-2 zone.

Mr. Martinbianco stated the property on the northwest corner is C-1 and owned by the land bank. Is it beneficial to zone that at C-2?

Mrs. Abbey stated that is a great idea. That corner is a little larger and maybe if it was zoned C-2, there would be more interest in it.

Mr. Heffner stated in a couple years, you may sell the business and the new owner may do things differently. The city wouldn't have the options we would have had if we granted a variance instead of a zoning change. We have to maintain some kind of control over this.

Mr. Abbey stated the controls are still with the city. If the business changes or a new business comes in, the process starts all over. Regardless of the zoning, they still have to go through site plan.

Discussion continued regarding changing the zoning as opposed to a variance and owner of the property.

Mr. Martinbianco stated he would like a personnel listing including employee status, job title and base wage. I would also like a revenue and expenditure report for the 2022 Memorial Day/50th Anniversary Event. Did the gift cards for the Christmas Decorating Contest come out of the Parks and Recreation budget?

Mayor Haskins said, I believe so, yes.

K. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Doyle) 12/14/2022 to 1/2/2023 in the amount of \$3,768.00.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Hull, Hickson
EXCUSED:	Conley

2. Approve and authorize the payment of Attorney Billing (Masud) 11/9/2022 to 11/30/2022 in the amount of \$1,464.00.

RESULT:	CARRIED AS AMENDED [UNANIMOUS]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Gregory Fenner, Councilman
AYES:	Martinbianco, Heffner, Smith, Fenner, Hull, Hickson
EXCUSED:	Conley

L. SECOND READING OF ORDINANCE

1. Approve and Authorize ZC# 330 – Yatooma Oil, LLC; c/o Michael Yatooma 51300 Danview Technology Court, Shelby, MI 48315, requests a zoning change from C-1, Local Business District to C-2, General Business District on the following described parcels: being located at 4507 S. Center Rd., Burton MI 48519 and vacant Parcel 59-34-300-053 as follows: 4507 S. Center Rd., 59-34-300-038 described as: A PARCEL OF LAND BEG AT SW COR OF SEC TH N 1 DEG 28 MIN E 166 FT TH S 88 DEG 38 MIN 32 SEC E 191.5 FT TH S 1 DEG 28 MIN W 166 FT TH N 88 DEG 38 MIN 32 SEC W 191.5 FT TO PLACE OF BEG SEC 34 T7N R7E (90) FR 5900028128 59-34-300-053 described as: A PARCEL OF LAND BEG S 88 DEG 38 MIN 32 SEC E 191.5 FT FROM SW COR OF SEC COR OF SEC TH N 1 DEG 28 MIN E 166 FT TH S 88 DEG 38 MIN 32 SEC E 158 FT TH S 1 DEG 28 MIN W 166 FT TH N 88 DEG 38 MIN 32 SEC W 158 FT TO PL OF BEG SEC 34 T7NR7E (99) FR 59-34-300-037

2. Motion to Approve and Authorize the Second Reading of ZC# 330.

Mr. Heffner asked how we are doing with recruiting Police Officers.

Mayor Haskins stated I believe we have one position to fill which will bring us to 37 officers.

Mr. Smith asked how we are doing with firefighters? Are we safe?

Chief Wilkinson stated the residents are as safe as they have always been, I will assure you of that. We have five in the fire academy. With myself and the Assistant Chief included, we are at 32 firefighters. We are always taking applications and would like to put another half dozen through the fire academy in July.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Greg Hull, Councilman
SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Hull, Hickson
EXCUSED:	Conley

AGENDAS AND MINUTES MAY BE FOUND AT WWW.BURTONMI.GOV

Meeting was adjourned at 7:40 PM.



CITY OF BURTON
BURTON CITY COUNCIL MEETING
DECEMBER 19, 2022
MINUTES

Council Chambers

Council Audit Workshop

6:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Steven Heffner at 6:00 PM.

A. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Vice President	Present	
Steven Heffner	President	Present	
Vaughn Smith	Councilman	Present	
Gregory Fenner	Councilman	Present	
Christina Conley	Councilwoman	Present	
Greg Hull	Councilman	Present	
Christina Hickson	Councilwoman	Late	6:10 PM

B. STAFF PRESENT

Duane Haskins, Mayor
 Racheal Boggs, City Clerk
 Charles Abbey, DPW Director/HR
 Jodi Holbrook, Controller

Others present:

Pam Hill, Plante Moran

C. AUDIENCE PARTICIPATION

None.

D. ADMINISTRATIVE REPORT

Ms. Holbrook deferred to Pam Hill, Plante Moran.

E. PRESENTATION

1. 2022 Audit Presentation

Pam Hill gave an overview of the financial statement audit, single audit, and financial highlights:

- GASB 87 lease changes
- Sewer fund net position comparison
- Water fund net position comparison
- Legacy costs
- Governmental fund revenue

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- Governmental fund expenditures
- Components of governmental fund balance
- General fund balance

Mr. Fenner asked about a house bill that is due to be passed. Is it smart to wait to pay the \$1 million until we see if it passes?

Ms. Hill stated we are not sure if it will go through, but it is something to watch. We cannot tell you what to do, this is a management decision.

Mr. Smith expressed concern about a drop in value. He stated the market isn't earning much on investments right now. The legislature is supposed to bring us up to 60%. The question becomes, do we wait to pay the \$1 million? Do we know the MERS deadline?

Mayor Haskins stated they are saying April. This is why the Controller didn't put this on the last agenda. We weren't sure of the timing.

Mr. Smith asked Ms. Hill to account for the substantial increase in water.

Ms. Hill stated there was a rate increase and consumption was up as well.

Mr. Martinbianco stated the general fund loaned the water fund \$670,000. He asked if it would be wise to add that as part of a net debt that the water fund has accrued on the balance sheet? Is this more logical?

Ms. Hill stated there would have to be supporting records to show the transfer and cash position would have to be stable.

Discussion ensued regarding surplus in water fund and paying back the general fund for the loan of \$670,000.

Mr. Fenner asked if there are formulas or guidelines that can give us a number that is healthy?

Ms. Hill stated water and sewer is not as straight forward as general fund due to emergency reserves and water and sewer ordinances. It is capital intensive and it depends on the infrastructure you have.

Mr. Abbey stated we buy water wholesale from Genesee County and we don't have control over that. Keep in mind there will be additional needs. We are not up to full staff and they are charged off to the work they actually do. Two thirds of our system is aging. We have had four water main breaks in the last three months. My suggestion is take this slow and monitor it for awhile until we know we are healthy.

Mr. Martinbianco stated why don't we lump together the Amy Street fund deficit elimination plan and the 50/50 re-pavement program.

Ms. Hill stated we talked about this during our post audit meetings. There are different ways to account for some of these special assessment projects so that you don't have to have a deficit elimination plan every year for every project. We can

talk more about this at a later time.

Mr. Smith stated the Controller has done something that is very rare. There were no corrections on this audit, at all. Thank you, Jodi for all your hard work.

Mayor Haskins stated this is just a standard practice we initiated with this administration so, it is no surprise to us that our great administrative staff does this well.

Meeting was adjourned at 6:55 PM.

Minutes Acceptance: Minutes of Dec 19, 2022 6:00 PM (APPROVAL OF MINUTES)



CITY OF BURTON

BURTON CITY COUNCIL MEETING

DECEMBER 19, 2022

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: GREG FENNER

Mr. Fenner recognized a moment of silence for the passing of Bob Wilson who was a member of our Parks & Recreation Commission and involved in our Veteran Ceremony for many years.

B. THE PLEDGE OF ALLEGIANCE IS LED BY: GREG FENNER

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Vice President	Present	
Steven Heffner	President	Present	
Vaughn Smith	Councilman	Present	
Gregory Fenner	Councilman	Present	
Christina Conley	Councilwoman	Present	
Greg Hull	Councilman	Present	
Christina Hickson	Councilwoman	Present	

D. APPROVAL OF AGENDA

1. Approve the agenda as presented.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tom Martinbianco, Vice President
SECONDER:	Gregory Fenner, Councilman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

E. STAFF PRESENT

Duane Haskins, Mayor
 Racheal Boggs, City Clerk
 Charles Abbey, DPW Director/HR
 Jodi Holbrook, Controller
 Amber Abbey, Deputy DPW Director
 Brian Ross, Police Chief
 Kirk Wilkinson, Fire Chief

F. APPROVAL OF MINUTES

Minutes Acceptance: Minutes of Dec 19, 2022 7:00 PM (APPROVAL OF MINUTES)

1. City Council - Regular Meeting - Dec 5, 2022 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Gregory Fenner, Councilman
SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

G. ADMINISTRATIVE REPORTS

Mayor Haskins gave a report on the following:

- We all have heavy hearts with the passing of Bob Wilson. He was appointed to the Parks & Recreation Commission in 2014. He had a huge passion for the City of Burton. He was a member of the DAV and VFW and served the military for 32 years. Prayers for his wife and family. Bob will be missed.
- We were finally able to find office chairs that City Council budgeted for. We are getting them ordered and should have them in a couple months.
- For the first time ever, we have an elected official appointed to the Executive Board of the Genesee County 911 Consortium. Congratulations to Mr. Fenner. I know you will serve us well.
- Reminder, City Hall is closed December 23rd until January 3rd. There are no bills that are due during that time.
- The winners of the 'Twas the Lights Before Christmas: Third Place and judges Choice was the Tyler household on Fox Run. Second Place and Best Holiday Spirit Award was the Wilson household on Dudley Street. Our First Prize Winner and Clark W. Griswold Award goes to the Smith household on East Bristol Road. Congratulations to the winners and thank you to all those who participated. A special thank you to the seniors who volunteered to judge the contest.

H. COMMITTEE REPORTS

Mr. Hull stated it was a pleasure serving with Bob Wilson on the Parks & Recreation Commission.

I. AUDIENCE PARTICIPATION

Patrick Dargel of Hughes Street in Burton spoke and posed questions regarding the engineering for Belsay Road between I69 and Lapeer Road, state funding for MERS, and tax reverted property.

Chris Henessey of Fleis and Vandenbrink Engineering spoke regarding a DNR Spark Grant and a resolution needed by City Council. This can be used for park improvements such as restrooms, parking and other improvements at Kelly Lake Park. I would encourage the council to share ideas with the Mayor and city staff.

Mr. Heffner stated he would like to see it used for Settlement Park. If you can find the information on this park and give it to the administration, that would be helpful.

Discussion continued on DNR Spark Grant.

Rick Fuhst of Forest Avenue would like an update on if we are gaining ground with the extra \$1 million MERS payment and contributions by employees. How many more of these payments will we need to make?

J. COUNCIL DISCUSSION

Mr. Smith stated we had a meeting with Plante Moran and we are making progress with MERS. I think we are 52-55% funded. Next year, our equities will drop by an estimate of \$4 million. Tonight we will have to discuss whether we want to make another \$1 million payment on December 31st because the state is providing municipalities funding up to 60%. We need to decide if it is wiser to keep the money until the state provides funding in April. The City of Burton has a Retail Committee and we went to a conference and a company called Retail Strategies was there. They assist municipalities in retail recruitment. We have done this in the past with The Retail Coach who would not provide the council sufficient updates on their progress. The difference between the two companies is that Retail Strategies has assured us that they will give consistent feedback through software so the council and administration can keep track of the companies they are in contact with. I have reached out to several municipalities in Illinois, Tennessee, Virginia and Ohio who have used Retail Strategies. Two municipalities have contacted me back. One had a very positive experience with the company and the other was not as positive. This is going to be a long term process. I also contacted Retail Strategies who stated they are expanding into Michigan in 2023 and will be available for a Zoom presentation at any time. I would like to have a Retail Committee Meeting at 6:00PM in January.

Mr. Martinbianco stated the first meeting will be more organizational. We will need to set a goal and objectives as well as the process we will use to prioritize.

Mr. Smith will send out the packet to Committee members from Retail Strategies as soon as he receives it. It is an open meeting and he welcomed everyone to attend. Anyone who would like the information I have received, I am more than happy to send it to you.

The Retail Committee scheduled a meeting on January 19, 2023 at 6:00PM.

Mr. Hull stated around the corner from my house, I noticed there is a billboard on Bristol Road that says Merry Christmas and Happy New Year from the Burton City Council. All of the council members names are listed except mine and Mr. Fenner. I am curious, who authorized this? It seems this should have been a decision made by the council as a whole. Why were we left off? It seems hard to believe that it was simply an oversight. Ironically, we are the only two that live in the south side where it is located. Why was I left off the billboard?

Mrs. Conley stated the council didn't pay for it.

Mr. Heffner stated the City didn't pay for it.

Mr. Hull stated this looks like it is a representation of the council as a whole because it says from Burton City Council.

Mr. Fenner stated I think this is a pretty simple question. Who organized it? Why did they represent the council as a whole? Are they allowed to represent the council as a whole without being the council as a whole?

Mr. Heffner stated I don't think it was a representation of the council as a whole.

Discussion continued on the writing on the billboard.

Mr. Hull stated it still begs the question of why we were left off?

Mr. Heffner asked Mrs. Conley, did you try to get a hold of them?

Mr. Hull said, no.

Mr. Fenner stated Mr. Hull and I generously donate to anything we are asked. The fact is that neither one of us were contacted. It does not say Burton City Council Members and then list your names. It says from Burton City Council. That is representing the council as a whole. Maybe we need the attorney's opinion?

Mr. Heffner stated I think we earned the title just like you earned the title. We have the right to use the title just like you do.

Mr. Fenner asked for the attorney's opinion regarding if council members can represent the council as a whole in this fashion without being the council as a whole.

Attorney Doyle stated without a vote of City Council, you cannot do something as a whole council. No one can act alone and represent the entire council. If it was council members listed separately that might be a different issue. If it says Burton City Council, that's tricky.

Mr. Hull stated I would still like to know why I was left off?

Mr. Heffner stated I didn't do it.

Mr. Fenner stated that was another question, who organized it? Somebody paid the billboard people and collected the money.

Mr. Heffner stated I think it looks nice. It adds a little color to a dreary area.

Mr. Hull stated it seems petty.

Mr. Fenner stated the DDA announced their Christmas Decorating Contest winners this morning. Third Place was Applied Ecosystem. Second Place was Winn's Lighting and First Place went to Ike's Small Engine Repair. One other question to Mrs. Abbey is the house on Judd Road, have they come in with an insurance bond?

Mrs. Abbey stated they have not. We have not heard from them. The deadline was 5PM today. The house is on the demo list. You will need to accept the bid.

Mr. Martinbianco stated construction engineering on Belsay Road is expected to begin in June?

Mr. Abbey stated probably July - September.

Mr. Martinbianco asked about the sale of city property.

Mr. Abbey stated they are in the process. The Attorney will do a quiet title and we will bring them to council for sale of property.

Mr. Heffner asked if anyone has driven down Saginaw Street to see the lights? Do you remember how much they cost?

Mayor Haskins stated around \$20,000-25,000.

Mr. Heffner stated we should do some lights on Center Road. There are a lot of businesses and homes there. I know it will cost more because the fixtures aren't on the poles.

Mayor Haskins stated I agree. The big thing will be the man power to get them up and working.

Mr. Smith stated we had the first reading for the gas station at the last meeting. There were a lot of questions last time. Can the administration fill us in?

Mrs. Abbey stated I did watch the video from the last meeting and I will try to address all your concerns tonight. The Zoning Board or Appeals is a board that is used as a tool when all other options are not able to be met. The ZBA should not be the first option nor should we promote it to be. The applicant is proposing a zoning change because it is more appropriate based on his future plans. If he moves forward with what he has planned, he will permanently alter the property. That type of investment should be protected as a permitted use and they should not be expected to get a variance every time they need to alter the property. What that means is, if he went the short route and got a variance and invested all this money into underground tanks, every time a change is made, he will be required to get another variance. When I give a recommendation to the planning commission, I remind them to take all permitted uses into consideration before making the action. This is a mechanism to review all uses that are allowed and understand that the applicant may sell the property some day and another permitted use might go in there. As for this property, the administration and planning commission examined the property and the uses around it before making an approval recommendation. One of the uses mentioned by the council was medical marijuana. I am here to assure you that it is not a permitted use within that zone. By approving a zoning change, you are not approving a medical marijuana facility nor is it a permitted use within that zone. This property would not even meet the requirements of that. This shouldn't be a consideration at all because it can't be there.

Mr. Heffner asked, what would stop it? When I looked it up, it was under C-2 uses.

Mrs. Abbey stated it is not a permitted use. It requires a special use permit from the Planning Commission which is a whole other consideration. On top of that, the property is too close to residential homes so it doesn't meet the requirements for that either. There are two things here that wouldn't allow that type of use. As far as the other three corners around this property, they are all vacant. The one that is in Burton is zoned C-1 and has been for sale for many years, has gone through the land bank and there is no interest in it. There has been zero interest in the C-1 zone so, why keep it? To change the zoning, allows for some investment opportunity here. C-1 zoning has been diluted by home occupations because most of the uses within this zone are similar to what you can now do within your home. A lot of people are choosing to do this such as a one chair beauty salon or sewing/tailoring. A lot of people do this from their homes now and don't rent, buy or build space to do that. Another thing we look at before recommending approval of a zoning change is if approval would create a spot zone and that is when a property is stuck right in the middle and it doesn't belong. This is not the case because the zoning next to this property isn't the same anyway. Regarding the site plan review issues that the council brought up at the last meeting, these are items that the Planning Commission will take into consideration during the site plan approval process. There is a council representative here who sits on the Planning Commission and all of these concerns you have can be brought at the time of the site plan review. The proposal here is a rezoning. It is not a gas station approval. That is the applicants plan but, it is not what we are here to do. We are not here to discuss the gas station. We are here to discuss a rezoning that will allow a gas station and again, all other uses within the C-2 zone. When looking at those uses, there is not a use that is permitted within the C-2 zone that would be inappropriate at this corner. That is why we recommended approval.

Mr. Martinbianco stated the property to the north is R-O zone and the east is residential. Whether it is vacant or not is immaterial. Under C-2 zoning, are they permitted to put a car wash in?

Mrs. Abbey said, yes. A car wash is permitted. I don't see physically how that would fit there but it is allowed.

K. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Doyle) 12/1/22 to 12/13/22 in the amount of \$4,201.00.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Christina Conley, Councilwoman
SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

2. Approve and authorize the 2023 City Council & Board of Review Meeting Calendar.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tom Martinbianco, Vice President
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

3. Approve and Authorize the Mayor and City Clerk to execute a contract with OHM Advisors, G3101 West Bristol Road, Flint, MI 48507, for Construction Engineering of Belsay Road, Lapeer Road to I-69 (DPW Project No. 21-021-P), at an estimated cost of \$108,016.61, contingent upon approval of the City Attorney.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Greg Hull, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

4. Approve and authorize the City Treasurer to pay MERS a lump sum of \$1,000,000 via wire transfer by 12/31/22 to be applied to the unfunded liability of the City of Burton pension plan.

Mr. Smith asked for the council's opinion regarding making this payment now or waiting.

Mr. Heffner stated we need to stay the course. We went from being 32% funded to 56% funded by doing this. We don't know what the state is going to do.

Mr. Fenner stated I am more in favor of waiting it out for a little bit by sticking it in a certificate of deposit earning 4% on it until May.

Mr. Heffner stated if I remember right, didn't we write a letter of understanding with the state about this? It was during the Zelenko administration.

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Mayor Haskins stated it was part of our corrective action plan. This was the only thing I recall when they changed the law requiring us to present what we were doing to take care our debt, pension and OPEB were both a part of this.

Mr. Hull stated can we just change the date to May 1st and not have to do anything else.

Mr. Abbey stated it doesn't need to be in May. We get the new MERS valuation sometime in January.

RESULT:	TABLED [UNANIMOUS]	Next: 1/19/2023 7:00 PM
MOVER:	Greg Hull, Councilman	
SECONDER:	Tom Martinbianco, Vice President	
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson	

L. FIRST READING OF ORDINANCE (TABLED ITEM)

1. Approve and Authorize ZC# 330 – Yatooma Oil, LLC; c/o Michael Yatooma 51300 Danview Technology Court, Shelby, MI 48315, requests a zoning change from C-1, Local Business District to C-2, General Business District on the following described parcels: being located at 4507 S. Center Rd., Burton MI 48519 and vacant Parcel 59-34-300-053 as follows: 4507 S. Center Rd., 59-34-300-038 described as: A PARCEL OF LAND BEG AT SW COR OF SEC TH N 1 DEG 28 MIN E 166 FT TH S 88 DEG 38 MIN 32 SEC E 191.5 FT TH S 1 DEG 28 MIN W 166 FT TH N 88 DEG 38 MIN 32 SEC W 191.5 FT TO PLACE OF BEG SEC 34 T7N R7E (90) FR 5900028128 59-34-300-053 described as: A PARCEL OF LAND BEG S 88 DEG 38 MIN 32 SEC E 191.5 FT FROM SW COR OF SEC COR OF SEC TH N 1 DEG 28 MIN E 166 FT TH S 88 DEG 38 MIN 32 SEC E 158 FT TH S 1 DEG 28 MIN W 166 FT TH N 88 DEG 38 MIN 32 SEC W 158 FT TO PL OF BEG SEC 34 T7NR7E (99) FR 59-34-300-037

Mr. Smith stated I would like to make a motion to un-table the first reading of the ordinance. Mr. Hull seconded the motion.

Mr. Martinbianco asked if the vacant property to the immediate east is part of the application.

Mrs. Abbey said, yes. Also, there is only one owner. At the last meeting Mr. Heffner thought the properties were owned by two different people. That is not correct, they are owned by the same people. I don't know where that came from.

Mr. Martinbianco stated there were two different individuals listed on the application.

Mrs. Abbey stated that says all interested parties, not owners. There are multiple people on all rezoning applications. There is usually an owner and someone interested in buying it.

Mr. Martinbianco asked if there is a reason the interested individual is not here tonight?

Mr. Abbey said, I talked to them and I don't know why they're not here.

Inaudible discussion occurred amongst council members.

Ms. Boggs stated there is a motion on the floor made by Mr. Smith and supported by Mr. Hull to un-table the first reading of the ordinance.

Mr. Heffner stated first off, I have to hear motions before they are recognized. They can say anything they want to say but, unless the chair hears it and recognizes it, it didn't happen.

2. Motion to untable First Reading of Ordinance: Approve and Authorize ZC# 330.

RESULT:	CARRIED [6 TO 1]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Greg Hull, Councilman
AYES:	Martinbianco, Smith, Fenner, Conley, Hull, Hickson
NAYS:	Heffner

3. Motion to Approve and Authorize the First Reading of Ordinance ZC# 330

Carried to second reading on Thursday, January 5, 2023.

RESULT:	CARRIED [4 TO 3]
MOVER:	Greg Hull, Councilman
SECONDER:	Gregory Fenner, Councilman
AYES:	Smith, Fenner, Hull, Hickson
NAYS:	Martinbianco, Heffner, Conley

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

Meeting was adjourned at 8:20 PM.



Burton City Council
4303 S. Center Road
Burton, MI 48519

Meeting: 01/05/23 07:00 PM
Department: Clerk's Office
Category: Attorney Billing
Prepared By: Racheal Boggs
Department Head: Racheal Boggs

K.1

ADOPTED

AGENDA ITEM (ID # 5589)

DOC ID: 5589 A

**Approve and authorize the payment of Attorney Billing
(Doyle) 12/14/2022 to 1/2/2023 in the amount of \$3,768.00.**

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Hull, Hickson
EXCUSED:	Christina Conley



Burton City Council
4303 S. Center Road
Burton, MI 48519

Meeting: 01/05/23 07:00 PM
Department: Clerk's Office
Category: Attorney Billing
Prepared By: Racheal Boggs
Department Head: Racheal Boggs

K.2

ADOPTED

AGENDA ITEM (ID # 5587)

DOC ID: 5587

**Approve and authorize the payment of Attorney Billing
(Masud) 11/9/2022 to 11/30/2022 in the amount of \$1,464.00.**

RESULT:	CARRIED AS AMENDED [UNANIMOUS]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Gregory Fenner, Councilman
AYES:	Martinbianco, Heffner, Smith, Fenner, Hull, Hickson
EXCUSED:	Christina Conley



SCHEDULED

PUBLIC HEARING (ID # 5588)

DOC ID: 5588

Approve and Authorize ZC# 330 – Yatooma Oil, LLC; c/o Michael Yatooma 51300 Danview Technology Court, Shelby, MI 48315, requests a zoning change from C-1, Local Business District to C-2, General Business District on the following described parcels: being located at 4507 S. Center Rd., Burton MI 48519 and vacant Parcel 59-34-300-053 as follows: 4507 S. Center Rd., 59-34-300-038 described as: A PARCEL OF LAND BEG AT SW COR OF SEC TH N 1 DEG 28 MIN E 166 FT TH S 88 DEG 38 MIN 32 SEC E 191.5 FT TH S 1 DEG 28 MIN W 166 FT TH N 88 DEG 38 MIN 32 SEC W 191.5 FT TO PLACE OF BEG SEC 34 T7N R7E (90) FR 5900028128 59-34-300-053 described as: A PARCEL OF LAND BEG S 88 DEG 38 MIN 32 SEC E 191.5 FT FROM SW COR OF SEC COR OF SEC TH N 1 DEG 28 MIN E 166 FT TH S 88 DEG 38 MIN 32 SEC E 158 FT TH S 1 DEG 28 MIN W 166 FT TH N 88 DEG 38 MIN 32 SEC W 158 FT TO PL OF BEG SEC 34 T7NR7E (99) FR 59-34-300-037

ATTACHMENTS:

- Backup for Council (PDF)

Case No. 330

CITY OF BURTON
GENESEE COUNTY, MICHIGAN
ORDINANCE NO. 157. _____
AMENDMENTS TO CITY OF BURTON ORDINANCE CHAPTER 157, AS AMENDED
THE CITY OF BURTON ORDAINS:

That Ordinance Chapter 157, being City of Burton Zoning Ordinance, be amended as follows:

Section 1

City of Burton Ordinance Chapter 157, designated "City of Burton Zoning Ordinance" and the zoning district map attached thereto and made a part thereof, are hereby amended by rezoning the following described property in the City of Burton from present zoning classification to C-2, General Business District on the following described parcels located at 4507 S. Center Rd., Burton MI 48519 and adjoining vacant Parcel 59-34-300-053 as follows:

4507 S. Center Rd., 59-34-300-038 described as:

A PARCEL OF LAND BEG AT SW COR OF SEC TH N 1 DEG 28 MIN E 166 FT TH S 88 DEG 38 MIN 32 SEC E 191.5 FT TH S 1 DEG 28 MIN W 166 FT TH N 88 DEG 38 MIN 32 SEC W 191.5 FT TO PLACE OF BEG SEC 34 T7N R7E (90) FR 5900028128

59-34-300-053 described as:

A PARCEL OF LAND BEG S 88 DEG 38 MIN 32 SEC E 191.5 FT FROM SW COR OF SEC COR OF SEC TH N 1 DEG 28 MIN E 166 FT TH S 88 DEG 38 MIN 32 SEC E 158 FT TH S 1 DEG 28 MIN W 166 FT TH N 88 DEG 38 MIN 32 SEC W 158 FT TO PL OF BEG SEC 34 T7NR7E (99) FR 59-34-300-037

Section 2

The penalty for violation of this Ordinance shall be the same as those penalties set forth in Chapter 157.999 of the City of Burton Zoning Ordinance Chapter 157.

Section 3

Notice of this Ordinance shall be published in a newspaper circulated within the City of Burton, Genesee County, Michigan.

This Ordinance shall become effective upon publication.

A copy of this Ordinance may be inspected at the Burton City Hall, 4303 S. Center Road, Burton, Michigan, during regular business hours.

CITY OF BURTON

By: _____
Duane Haskins, Mayor

By: _____
Racheal Boggs, City Clerk

Ordinance introduced on: _____

Second Reading: _____ Publication date: _____ Effective date: _____

Attachment: Backup for Council (5588 : ZC# 330)

CASE NO. 330SPR#: 22-38

City of Burton

4093 Manor Drive
Burton, MI 48519
(810) 742-9230

5535

DATE FILED: 10-7-22
FEE PAID: 1000
RECEIVED BY: L. Swamy

EMMAILED BURTON VIEW 10-25-22
FOR 10-27-22

PETITION FOR ZONING CHANGE

We the Owners, Contract Purchasers, Optionees and Leaseholders of the hereinafter described property do hereby petition your Honorable Body to rezone property described as:

Zoned C-1 (Local Business District) and is subject to the following conditions: (Gas Stations are only allowed in C-2 Zoning), therefore, a variance request or Zoning Change shall be applied for.

Parcel ID#: 59-34-300-038 & 59-34-300-053

Located at: 4507 S. Center Road, Burton, Michigan
(address of property to be rezoned)

and change the zoning district classification from C-1 to C-2

for the purpose of Proposed Gas Station & Convenience Store and such other uses permitted by the proposed zoning district.

APPLICANTS NAME: Yatooma Oil, LLC; c/o Michael Yatooma

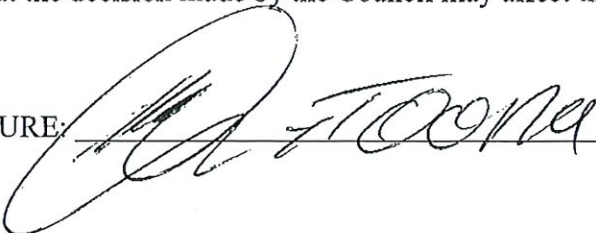
APPLICANTS ADDRESS: 51300 Danview Technology Court

CITY: Shelby, MI 48315

APPLICANTS PHONE: Office: 586-327-1100; Cell: 586-202-2355

APPLICANTS EMAIL: michael@yatoomaoil.com

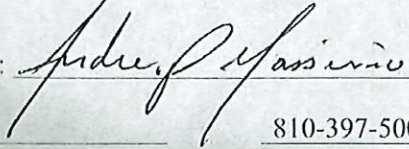
I agree the statements made on the attached application are true, and if found not to be true, any action that may be taken may be void. Further, I agree to give permission to officials of the City of Burton to enter the property subject to this application for the purposes of inspections. Further I understand that this is an application and any fees paid will not be refundable regardless of the decision of the Council. I further acknowledge that the decision made by the Council may affect the use and/or future uses of the parcel.

APPLICANTS SIGNATURE: 

Attachment: Backup for Council (5588 : ZC# 330)

CASE NO. 330SPR#: 22-38**INTERESTED PARTIES ACKNOWLEDGMENT:****ALL OWNERS, CONTRACT PURCHASERS, OPTIONEES AND LESSEES OF THE LAND PROPOSED FOR REZONING SIGN HERE:**

I agree the statements made on the attached application are true, and if found not to be true, any action that may be taken may be void. Further, I agree to give permission to officials of the City of Burton to enter the property subject to this application for the purposes of inspections. Further I understand that this is an application and any fees paid will not be refundable regardless of the decision of the Council. I further acknowledge that the decision made by the Council may affect the use and/or future uses of the parcel.

Name: Andrew Paul MassiminoSignature: 9487 Shyre Circle, Davison, MI 48423

Address

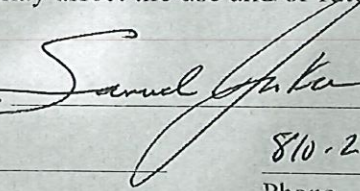
810-397-5009

Phone

andrewmass1203@gmail.com

Email

I agree the statements made on the attached application are true, and if found not to be true, any action that may be taken may be void. Further, I agree to give permission to officials of the City of Burton to enter the property subject to this application for the purposes of inspections. Further I understand that this is an application and any fees paid will not be refundable regardless of the decision of the Council. I further acknowledge that the decision made by the Council may affect the use and/or future uses of the parcel.

Name: Samuel DykaSignature: 8176 Carpenter Road, Flushing, MI 48433

Address

810-240-2797

Phone

Email

Dyka1@hotmail.com

I agree the statements made on the attached application are true, and if found not to be true, any action that may be taken may be void. Further, I agree to give permission to officials of the City of Burton to enter the property subject to this application for the purposes of inspections. Further I understand that this is an application and any fees paid will not be refundable regardless of the decision of the Council. I further acknowledge that the decision made by the Council may affect the use and/or future uses of the parcel.

Name: _____

Signature: _____

Address _____

Phone _____

Email _____

Attachment: Backup for Council (5588 : ZC# 330)

CASE NO. 330SPR#: 27-38**INTERESTED PARTIES ACKNOWLEDGMENT:****ALL OWNERS, CONTRACT PURCHASERS, OPTIONEES AND LESSEES OF THE LAND PROPOSED FOR REZONING SIGN HERE:**

I agree the statements made on the attached application are true, and if found not to be true, any action that may be taken may be void. Further, I agree to give permission to officials of the City of Burton to enter the property subject to this application for the purposes of inspections. Further I understand that this is an application and any fees paid will not be refundable regardless of the decision of the Council. I further acknowledge that the decision made by the Council may affect the use and/or future uses of the parcel.

Name: Andrew Paul Massimino

Signature: _____

9487 Shyre Circle, Davison, MI 48423

Address

810-397-5009

Phone

andrewmass1203@gmail.com

Email

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Name: Samuel Dyka

Signature: _____

8176 Carpenter Road, Flushing, MI 48433

Address

Phone

Email

I agree the statements made on the attached application are true, and if found not to be true, any action that may be taken may be void. Further, I agree to give permission to officials of the City of Burton to enter the property subject to this application for the purposes of inspections. Further I understand that this is an application and any fees paid will not be refundable regardless of the decision of the Council. I further acknowledge that the decision made by the Council may affect the use and/or future uses of the parcel.

Name: _____

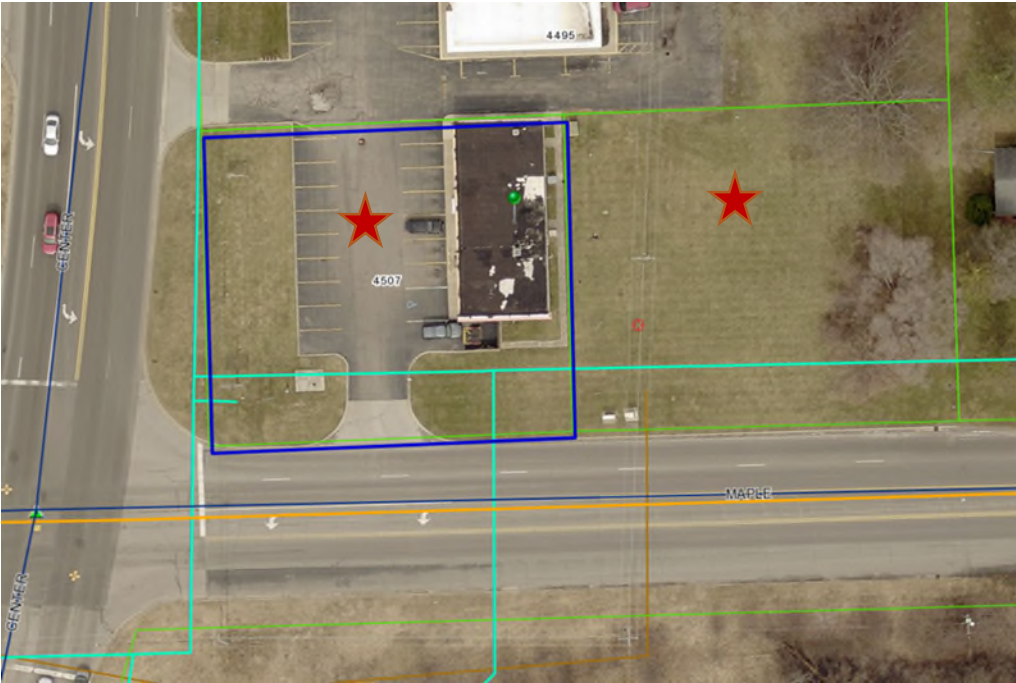
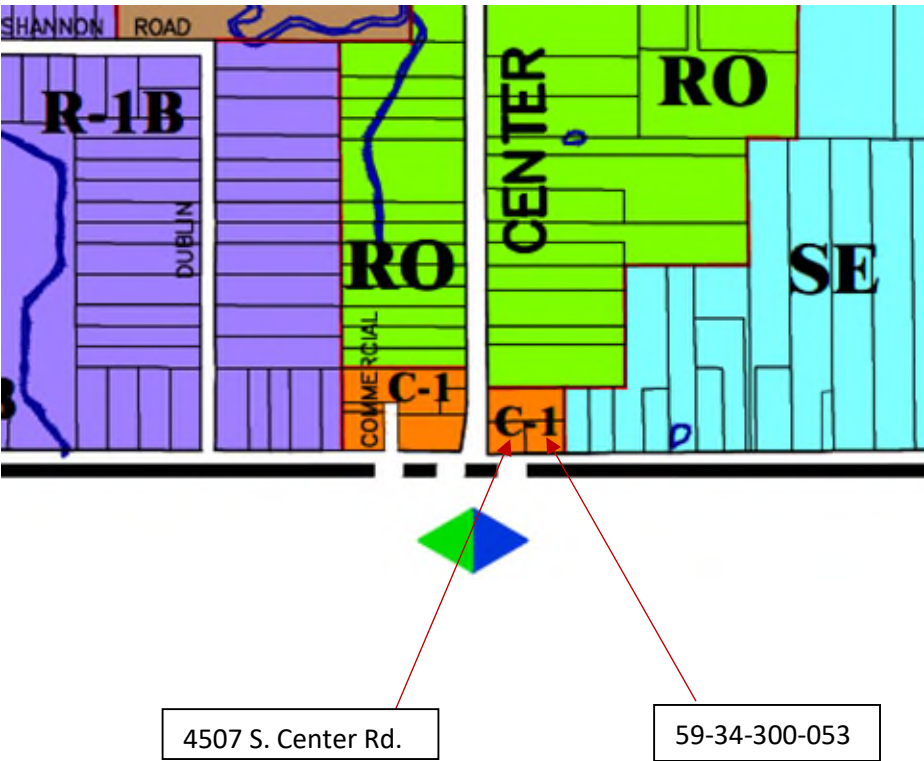
Signature: _____

Address

Phone

Email

Attachment: Backup for Council (5588 : ZC# 330)





City of Burton
DEPARTMENT OF PUBLIC WORKS

4093 MANOR DRIVE
BURTON, MI 48519
PHONE (810) 742-9230
FAX (810) 742-8015
www.burtonmi.gov

Marked
10-25-2022

L.1.a

Case No. 330

TO THE RESIDENTS OF THE CITY OF BURTON

PLEASE BE NOTIFIED there will be a public hearing of the Burton City Planning commission on Tuesday November 15, 2022, at 5:00 p.m. at the Burton City Hall, 4303 S. Center Road Burton, Michigan.

The following change of zoning will be considered:

Case No. 330

Yatooma Oil, LLC; c/o Michael Yatooma 51300 Danview Technology Court, Shelby, MI 48315, requests a zoning change from C-1, Local Business District to C-2, General Business District on the following described parcels: being located at 4507 S. Center Rd., Burton MI 48519 and vacant Parcel 59-34-300-053 as follows:

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File may be examined at the Department of Public Works, 4093 Manor Drive, Burton, Michigan during regular business hours.

If you are interested you may attend the meeting and be heard.

/s/ Racheal Boggs

Prepared by:

Amber Abbey,
Deputy DPW Director

*Equal Opportunity Employer
Michigan Municipal League Member*



Attachment: Backup for Council (5588 : ZC# 330)