



CITY OF BURTON
BURTON CITY COUNCIL MEETING
JULY 8, 2021
MINUTES

Council Chambers

Regular Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Steven Heffner at 7:02 PM.

A. INVOCATION LED BY: TINA CONLEY

B. THE PLEDGE OF ALLEGIANCE IS LED BY: TINA CONLEY

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Excused	
Steven Heffner	President	Present	
Danny Wells	Councilman	Present	
Vaughn Smith	Councilman	Present	
Gregory Fenner	Vice President	Present	
Deborah K Walton	Councilwoman	Present	
Christina Conley	Councilwoman	Present	

D. APPROVAL OF AGENDA

1. Motion to approve the agenda as presented.

Mr. Heffner stated this is a new section on our agenda. This is so we can approve the agenda as is or add and take things from it.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Deborah K Walton, Councilwoman
AYES:	Heffner, Wells, Smith, Fenner, Walton, Conley
EXCUSED:	Martinbianco

E. STAFF PRESENT

Brian Ross, Police Chief
Racheal Boggs, City Clerk
Kirk Wilkinson, Fire Chief
Amber Abbey, Deputy DPW Director

F. APPROVAL OF MINUTES

1. Budget Meeting - Budget Workshop - Jun 16, 2021 6:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Danny Wells, Councilman
SECONDER:	Deborah K Walton, Councilwoman
AYES:	Heffner, Wells, Smith, Fenner, Walton, Conley
EXCUSED:	Martinbianco

2. City Council - Regular Meeting - Jun 21, 2021 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Danny Wells, Councilman
SECONDER:	Deborah K Walton, Councilwoman
AYES:	Heffner, Wells, Smith, Fenner, Walton, Conley
EXCUSED:	Martinbianco

G. ADMINISTRATIVE REPORTS

Chief Ross stated the Mayor is otherwise engaged today and apologizes for not being here. The 911 board has an opening due to Mr. O'Keefe's resignation. If it is your wish to assign someone to the board, that would be great. The Fire Chief is here and he would like to talk about the Medstar report. Mrs. Abbey is also here to answer questions regarding the first reading of the ordinance on your agenda tonight.

Chief Wilkinson stated there was a press conference this evening prior to the council meeting. As you have probably heard through the media and I know Mr. O'Keefe reported on it several times, there is an ambulance shortage in Genesee County. We have had delayed response times in Burton because we have had to wait for ambulances to come from across the county and there have been times where we have been told that no ambulances were available. Response times are increasingly on the rise. We were approached by Medstar Ambulance, had discussions and have entered into a partnership for a service agreement to provide EMS service exclusively to Burton. This guarantees an EMS response within eight minutes on 90% of the calls for major medical emergencies in the City of Burton. Because they are large company owned by Henry Ford Hospital, Ascension Medical Group and McLaren Medical Group, they have the ability to transfer ambulances from one area or county to another. They are one of the few ambulance companies in the state that can handle something like this single handedly. This is greatly going to enhance EMS services in Burton and will guarantee our residents will have an ambulance if they call. Davison City, Davison Township and Richfield Township have done the same thing. As more municipalities get on board with this, it will enhance the service and ability to ensure the residents will have an ambulance readily available. Another thing they have assured us is that every quarter, we will get a report with statistics with the number of medicals they went to and the average response time. Our busy time in Burton for medical emergencies is between 2:00 PM and 6:00 PM. They can add extras ambulances in the city during that time of day. This will be huge to make sure our residents are taken care of and that we are providing the best possible public safety to our residents that we possibly can.

Mr. Heffner asked if there is a cost to the city.

Chief Wilkinson said, there is absolutely no cost.

Mr. Fenner asked if this will exclude any other ambulances from operating in Burton.

Chief Wilkinson stated if they don't have an ambulance available, then Genesee County will send the next closest ambulance to Burton.

Mr. Fenner stated there are some instances where it would be faster with other ambulances, correct? I am having a hard time wrapping my head around this being our exclusive and only ambulance operating in our city.

Chief Wilkinson stated this is the common way things are done. Genesee County has been an anomaly for years. We have weighed the pros and cons. If we don't enter into this type of agreement, we can't ensure that any ambulance will be available. We are hearing more and more that no ambulances are available and the response times are increasing. Swartz, for example does not have the resources to provide a guaranteed service like Medstar does. Typically, you will see that those other ambulances will not even be around. In the future, the majority of the municipalities in Genesee County will be doing the same thing. We have had discussions with Med Control at the 911 Center about ways to resolve the ambulance shortage and delayed response problem. The Med Control Director's responded that this is not 911's problem or Med Control's problem, this is each municipalities problem. He recommended we enter a service agreement with a specific agency to provide EMS.

Mr. Fenner asked if we have inquired with other ambulance services or only Medstar.

Chief Wilkinson stated Medstar approached us with a very comprehensive plan at no cost. There are a couple of things that stick out. Number one is their ownership. Last year, Medstar purchased 97 new ambulances all at one time. There is no other company that can do that. There are only two big ambulance companies in the area, Medstar and MMR. MMR is a Saginaw based company and their resources go the Clio and Mount Morris areas. The other companies are just too small. As far as I know, no other ambulance companies are seeking out municipalities to provide service.

Mr. Fenner asked if there will be Paramedics on the ambulances or just EMS drivers.

Chief Wilkinson stated there will be some that have a Paramedic on them. Some will be EMT's. This does not exclude us from the Genesee County Sherriff's Department Paramedic program. That is a countywide, millage paid program. We will still have Genesee County Paramedics in the area.

Mr. Smith asked if the ambulances will be based at the Burton Fire Stations.

Chief Wilkinson stated each ambulance has GPS and they can see where everyone is. The goal is to have one ambulance staged at each of the Fire Stations and when one goes on a call they will shift to make sure they can get anywhere in the city within eight minutes. If it is during peak hours, you may see two at the Fire Station. This is something that we do not have right now with the 911 ambulances. They don't regulate where the ambulances go. With the shortage, there have been times of the day, every single day, usually between 4:00 PM and 7:00 PM where there is only one or two ambulances available for the entire county.

Mr. Smith asked how long the agreement is for.

Chief Wilkinson stated I believe it is for five years and there is an opt-out clause so we can opt out at anytime with 90 days notice.

Mrs. Conley stated this is the first time I have heard that there is a shortage of ambulances. Since the 911 millage just passed, will they pay the drivers or any of the cost.

Chief Wilkinson stated Medstar takes care of all of that. None of the millage money has ever gone to the ambulance companies. It is strictly for the operation of the 911 Center. The FCC has been trying to regulate this more. One of the advantages of Medstar is that they are a non-profit organization unlike other companies so it will keep the billing cost down to the residents.

Mr. Heffner stated Mr. Fenner will be the 911 Consortium Representative.

Mr. Wells asked how long the shortage has been going on.

Chief Wilkinson stated the shortage became noticeable last October. A lot of it is falling on the pandemic. There was some really stringent cleaning protocols during COVID that created delays. Ambulance personnel came down with COVID creating a bigger shortage. Many EMS people got out of the service. Also, during COVID, they weren't running EMT or Paramedic schools, so they were not able to readily fill the positions.

Mr. Wells asked if we signed a contract with them and when.

Chief Wilkinson stated we signed a service agreement last week.

Mr. Wells stated that couldn't have waited a week to come to City Council? There should have been a representative here tonight. Madam Attorney, what is our liability with this?

Attorney Doyle stated it is not a contract in that regard. It is a service agreement and there is no liability that I can think of. There is no financial output for the city. I believe it is a Fire Department issue.

Discussion ensued regarding other ambulance companies.

Chief Wilkinson stated Medstar is the highest paying ambulance company so they are least likely to be impacted by the employee shortage.

Mr. Wells stated he would like a representative from Medstar to come to our next council meeting.

Chief Wilkinson said, absolutely. I can reach out and have them here to talk to you at the next meeting. In my heart, I know this is the best thing for Burton residents, City Council and our Fire Department.

Discussion continued regarding other ambulance companies.

Mr. Wells stated everyone needs to understand that if they need an ambulance, it may take a little longer. This should be on the news.

H. COMMITTEE REPORTS

None.

I. AUDIENCE PARTICIPATION

None.

J. COUNCIL DISCUSSION

Mr. Smith stated he appreciates the administration using the digital sign in front of City Hall. I have seen them use it for COVID and various events. Tonight's meeting was announced on the sign and that was very good. I hope the administration will continue this with other

meetings as well. Thank you.

Mrs. Conley stated the Burton Rotary will have music in the park on July 15th from 6:00PM-8:00PM. Hotdogs, chips and water will be provided. Music will be provided by Mike Odette. Hope to see everyone there.

Mr. Heffner stated on the agenda tonight is the first reading of an ordinance. Mr. Martinbianco asked me to let everyone know that he would like to see this go to the Legislative Committee.

Mr. Fenner asked if this is the ordinance that the Planning Commission has been working on.

Mrs. Abbey said, yes. All zoning ordinances go to Planning Commission and then to City Council. Anything other than a zoning ordinance such as police powered ordinances, go to the Legislative Committee. You should consult the attorney but the Planning Commission has already held a Public Hearing regarding this.

Mr. Fenner stated I wanted this addressed and when I brought it up, I was told I had to go through the Planning Commission. As the Legislative Chair, I am satisfied with what the Planning Commission came up with regarding this. I think they did a fine job that included extensive research. I don't see any reason to over step this.

Mr. Smith stated I had a resident ask me why the incinerators were included in the ordinance. Mrs. Abbey, can you explain this to the council?

Mrs. Abbey stated this already existed in the ordinance. Because we are unsure if there are any out there, we didn't want to eliminate it from the ordinance and cause issues with nonconforming rights. If you eliminate it, you may have something out there not being regulated. It is in our best interest to leave it.

Mr. Wells asked what prompted the discussion on the ordinance.

Mr. Fenner stated I approached the Planning Commission. On Saginaw Street, there are two or three collection boxes at some businesses. When they get full, people drop clothes off on the outside of them. Code Enforcement was trying to get the businesses to clean it up and they were arguing that the boxes do not belong to them. We had no way to contact with the owner of the boxes. The ordinance creates a permit process and ensures they will not be located out by the road. There are probably 10-12 of these on Saginaw Street from Maple to Hemphill.

Mr Heffner asked if this covers dumpsters.

Mrs. Abbey said yes. When we were doing this, we thought we should also address trash cans in residential front yards. That is included as well as the location requirement for dumpsters.

Mr. Heffner asked if dumpsters have to have fences around them.

Mrs. Abbey stated that was already in the ordinance. But, there wasn't anything that stated they had to be in the rear yard whenever possible.

Mr. Wells congratulated Amy Clous and the Gwinn family along with the sponsors and anyone else who helped with the Burton Youth League. It is a phenomenal program. We need more programs like this. I would like to see a flag football program.

Mrs. Walton stated I would like to clear the air a little bit from our last two meetings. At the budget meeting when we were discussing things, Mr. Heffner, you seemed to be agitated when things weren't going your way. The same thing happened in closed session. Lately, you seem to bully people if they don't vote your way. If I make my decision, I make it for my own reasons and for the people of Burton. I don't want you to keep trying to change my mind. Please respect us if we vote a certain way and don't agree with you.

Mr. Heffner stated I have no idea what you are talking about. You have to vote your conscience, not my conscience.

K. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Doyle) 6/16/21 to 6/30/21 in the amount of \$3,807.75.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Christina Conley, Councilwoman
SECONDER:	Gregory Fenner, Vice President
AYES:	Heffner, Wells, Smith, Fenner, Walton, Conley
EXCUSED:	Martinbianco

2. Approve and authorize the request for a Residential Sanitary Water & Sewer Installer's License for Root-A-Way of Genesee County, LLC 4101 Circle Drive, Flint, MI 48507.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Danny Wells, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Heffner, Wells, Smith, Fenner, Walton, Conley
EXCUSED:	Martinbianco

L. FIRST READING OF ORDINANCE

1. Approve and authorize the first reading of amended Chapter 157, the zoning ordinance, of the code of ordinances of the City of Burton to regulate incinerators, trash containers and collection/donation containers.

RESULT:	CARRIED TO SECOND READING [UNANIMOUS]	Next:
	7/19/2021 7:00 PM	
MOVER:	Gregory Fenner, Vice President	
SECONDER:	Christina Conley, Councilwoman	
AYES:	Heffner, Wells, Smith, Fenner, Walton, Conley	
EXCUSED:	Martinbianco	

M. SECOND READING OF ORDINANCE

1. Approve and authorize the second reading Ordinance 2021-8-72.01. An Ordinance amending the Burton City Code of Ordinances by the addition of chapter 72. A chapter to permit and regulate the use of golf carts within the city and to provide the penalty for the violation thereof.

Mr. Smith stated this mimics the state ordinance, correct?

Mr. Heffner stated that is correct. If this passes, it will become law 48 hours after tonight as long as the Mayor does not veto it. I don't think he will but it will take 48 hours for this to be legal.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Gregory Fenner, Vice President
SECONDER:	Christina Conley, Councilwoman
AYES:	Heffner, Wells, Smith, Fenner, Walton, Conley
EXCUSED:	Martinbianco

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

Meeting was adjourned at 7:52 PM.



CITY OF BURTON

BUDGET MEETING

JUNE 16, 2021

MINUTES

Council Chambers

Budget Workshop

6:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

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

A. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Present	
Steven Heffner	President	Present	
Danny Wells	Councilman	Present	
Vaughn Smith	Councilman	Present	
Gregory Fenner	Vice President	Present	
Deborah K Walton	Councilwoman	Present	
Christina Conley	Councilwoman	Present	

B. STAFF PRESENT

Duane Haskins, Mayor
Racheal Boggs, City Clerk
Jodi Holbrook, Controller
Jean Johnson, Senior Center Director
Amy Clous, Parks & Recreation Director

C. AUDIENCE PARTICIPATION

None.

D. BUDGET DISCUSSION

Mr. Smith stated so far, we have appropriated approximately \$1.2 million. The general fund started out at \$4.3 million. We have a total of \$3.1 million left in the general fund before tonight. He outlined the following changes made by the council to the proposed budget from previous budget workshops.

- Police cameras \$120,000
- Police radars \$35,000
- Traffic lights \$30,000
- Culverts \$10,000
- DPW Building \$400,000
- DPW gas storage tank \$50,000
- 10 yard dump truck with plow \$240,000
- 5 yard dump truck with plow \$150,000
- Mini excavator \$95,000
- Tornado siren \$25,000
- City Hall roof (back) \$30,000
- Internal control review \$20,000

- DPW supervisor \$10,000

Mr. Smith continued by stating historically, the city has kept \$1.8 - \$2.2million in the general fund. Our fund balance policy is \$730,000. We are not anywhere near this. I would like to suggest the council determine how far we want to go down with the general fund. The next step would be to give the administration a direction of what we would like to do with the money.

Mr. Martinbianco asked about the \$150,000 for the water tank.

Mr. Smith stated that money is already there and does not affect the general fund according to the minutes.

The administration concurred.

- Senior Center & Libraries

Ms. Holbrook stated for revenues in the Senior Center, there was \$1,000 for sale of assets from last year that is not expected this coming year so that was removed. The donation revenue and hall rental were both decreased due to COVID. There is a \$9,000 decrease in revenue for this year. For expenditures, there is a variance in salaries for DPW for mowing. Overtime decreased by \$500. There is an increase in fringes and IT expense. There is a \$5,000 decrease in supplies. ERC LED is expected to decrease. There is a \$3,000 decrease in equipment rental and a \$15,000 increase for new equipment.

Mr. Heffner asked what the new equipment is.

Mrs. Johnson stated I asked for additional funding for security cameras.

Mrs. Conley asked if there are any capital asset requests for the Senior Center.

Mrs. Johnson stated the biggest issue facing the Senior Center is that we are outgrowing our building. I would like to see an addition to the Senior Center sometime in the next five years before it becomes a crucial issue.

Discussion ensued regarding security cameras, problems with panhandling and mischief taking place in the parking lot.

Mrs. Walton suggested placing locked gates at the entrances due to things happening at nighttime in the parking lot. Boats and semis have been parking there. Parking on Carman Street is also an issue. Maybe putting up no parking signs on each side of the driveway would help.

Discussion continued regarding parking lot issues and the need for cameras.

Mr. Fenner recommends signs in the parking lot to let people know the parking lot is being monitored.

Mrs. Johnson stated she would also like to see a sign stating unauthorized vehicles may be towed.

Discussion regarding the legal issues with placing signs in a public parking lot.

Mr. Wells asked if the library is utilized.

Mrs. Johnson said, yes. There is so much wasted space at the Senior Center. The library could have its own entrance and then the foyer and lobby could become used space.

Mr. Smith suggested getting an architectural firm to take a look at the Senior Center. Jean has been here for a long time and knows the building inside and out as well as the needs of our seniors.

Discussion regarding finding a new building versus updating the current building.

Mayor Haskins stated the cost for an architect to look at it would run about \$15,000-\$20,000. This is much less than trying to find a new building.

Mrs. Johnson stated the building was bought with CDBG money so if we decide on a new building, there are liabilities about how we get rid of this one. We really need space or partitions for classrooms.

Discussion regarding how to square off the building, eliminating the exit out to Grand Traverse and adding an additional exit onto Carman.

Mr. Fenner would like to allocate up to a certain amount of money for a structural engineer to come out and get the ball rolling.

Mr. Wells stated he would like to see \$15,000 set aside for this.

Mr. Martinbianco stated the first thing to do is get a general idea of what you want, develop an RFQ, advertise and see how many engineers we get. We will then have a firm price. They can do the price estimates and report this to the council.

The council concurred to place \$15,000 in an account for architectural services for the Senior Center.

Sadonna Meyers of Burton and longtime member/current President of Friends of the Library spoke regarding the needs of the Burton Memorial Library on the corner of Center and Atherton. The windows are rotted and leaking; the pillars in the front of building are rotting and have water coming in. There is also painting that needs to be done on the exterior of the building. The breakroom floor needs to be redone because the tile is breaking up due to a leak in the bathroom. Mrs. Conley asked me to come tonight to help you make decisions on the things that need to be addressed.

Mr. Heffner asked on what page of the budget is the library.

Ms. Holbrook stated we don't budget for government buildings. There is a line item when we decide to put money for it. There is nothing planned for the library at this time.

Mr. Heffner asked which department pays for maintenance on the building.

Ms. Holbrook stated the Senior Center and Library are grouped together for maintenance.

Mayor Haskins stated we are currently getting quotes for the windows as well as parking.

Mrs. Conley stated the windows and pillars need to be fixed right away before we have a mold problem and have to shut it down.

Mr. Wells agreed.

Mr. Heffner stated there is currently \$27,500 in the Senior Center maintenance line item. How much of that will go toward the library?

Mr. Fenner stated that is the total for the Senior Center and both libraries.

Mrs. Johnson stated the \$27,000 is just for general maintenance. It is not for additional projects. If they need windows or a parking lot for example, there would be a separate line item put in for that.

Discussion continued regarding maintenance at the library.

Mayor Haskins stated if the council would like to allocate some money specifically for projects at the library, we will have the quote for the windows soon. Maintenance has been out regarding the windows and the tree that came through the building. This is the first I have heard about the pillars.

Mr. Heffner stated we need the administration to commit to sending the maintenance person over there. I would like to put \$20,000 in a line item for the library.

Council concurred to create a line item for the Center Road Library maintenance and place \$25,000 in the line item.

- IT Department

Ms. Holbrook stated for revenues, as we went through each of the departments, you are seeing the difference here from the IT allocations. For the appropriations, there is a slight increase in salaries permanent and MERS. Those are the only changes.

Mr. Heffner asked if we have something budgeted for the security issues we had a few months ago.

Mayor Haskins stated it is a complex issue that is still under investigation but we are secure. We are waiting on the reports and we will know what direction we need to go and if we will need extra security.

- Rubbish

Ms. Holbrook stated the revenue and expenditures match because we charge the amount of our fees. For this year, it is \$1,725,000.

Mr. Martinbianco asked how many stops this represents.

Ms. Holbrook said, 10,905.

Mr. Heffner asked if we were refunded money when they did not pick up the recycling.

Ms. Holbrook stated not that I know of.

Mr. Heffner stated we need to bill them for that. They cannot charge us for a service they are not performing. They missed several weeks. We are up here to make sure our resident's money is not being frivolously spent. Emterra has taken on more communities than they can handle.

Mr. Wells stated people put it back out and it was eventually picked up. It wasn't just Emterra. Every trash company was down during those same weeks. Republic still has not picked up in Flint.

Mayor Haskins stated we never charged Waste Management when they suspended bulk pick-up due to COVID.

Mr. Smith stated COVID changed so much. Emterra has done a great job under difficult circumstances. I didn't see a problem. Most people have been very patient with the situation.

Mr. Fenner agreed with Mr. Smith, COVID changed things.

Discussion continued regarding the recycling plant being shut down due to COVID and whether or not to collect from Emterra for the time when recycling was not picked up.

Mayor Haskins stated our residents pay for waste collection. According to the Emterra contract, the other two services are included per visit. It is \$12.92 per month for solid waste service. Recycling and yard waste is included in that price. I am not sure how we could get reimbursement back for something that is included.

Discussion continued regarding trash collection, clean-up week, the performance of Emterra and recycling issues.

Mr. Heffner stated we have a fund balance in garbage that we were told has to be spent on garbage.

Ms. Holbrook stated we do spend that fund balance. It covers our payments while we are waiting for tax collection.

Mr. Smith stated it is called a float. That is not an ending balance.

Ms. Holbrook stated there are some special projects that were added this year in the police fund. Because of timing and construction, they were unable to get some stuff done before the end of this fiscal year. This is the same for the parking lot and sidewalks. This will roll back into fund balance, so we would like to request to add that back in next year's budget. The equipment line item is \$182,000, building repair is \$24,500 and parking and sidewalks are \$200,000.

Council agreed to add these amounts back into the budget.

- Parks & Recreation/Race Events

Ms. Holbrook stated Parks & Recreation has individual funds as well as general fund.

Mr. Heffner asked if we put money in a Parks & Recreation fund for a specific event such as the Easter Egg Hunt and the money is not spent, it stays in Parks & Rec, correct.

Ms. Holbrook stated it stays in the department unless there is an amendment done by council.

Mr. Heffner stated Parks & Rec does not have the authority to move the money. I was very disturbed at the last Parks & Rec Meeting. Mrs. Conley came to the council and got us to move money that was going to fall back into the general fund. She got the third degree from the Parks & Rec Committee and they took a vote to see if the council could move the money. Then, I heard Amy say if this runs over will it come out of the council budget. Remember, Tina Conley is a councilperson. If the council takes action at a council meeting, she is not to be questioned by Parks & Rec Commissioners. It upsets me that she was being questioned.

Mayor Haskins asked if Mrs. Conley spoke up at the meeting. We have a new Parks & Recreation Director who is trying to learn the budget as well as a fairly new Parks & Recreation Commission with a new Chairperson. I am sure there was no malice intended. Not one person contacted me about this.

Mrs. Conley stated this is not something I shared with Steve. He watched the tape but I will say there are times with the Parks & Recreation Commission that I feel people are jabbing at me. New or not, Amy knows well that we are not going to take money out of the council budget to pay for this.

Mayor Haskins stated she does not know that well, so please watch your statements. She is learning the budget and that is not an accurate or fair statement.

Mrs. Conley stated it is to me. I can say other things that have been said that shouldn't have been said at Parks & Rec meetings but I'm not going to go there because this is a budget meeting. I felt it was a jab. If it wasn't, I apologize.

Mr. Heffner stated Mayor, I suggest you watch the tape. I felt it was very disrespectful to a councilperson.

Mr. Smith stated Amy is new. Tina did mention this to me and I felt that Amy and the Mayor should have gotten together so she understands how the charter works and how the budget works. I hope this does happen. Aside from the Zoning Board of Appeals, the final say on monetary funds in the city is the City Council. The Mayor administers those funds. We can overrule anybody according to the charter. We don't want to undermine peoples jobs. I looked at it as a possible teaching moment between the Mayor and Amy and that is how I personally would have handled it. I worked with Amy on the race and she did a great job. I know she is a good employee. This is about being new on the job. Mr. Heffner stated I think she does a great job myself. I just saw something and I felt I needed to say something about it.

Ms. Holbrook stated the Burton Youth League mirrors last year because last year, the league did not take place. It is starting back up this year and we are not sure how it is going to go. The revenues directly affect the appropriations. We don't have to worry

about overstating the revenue because if we don't have the revenue, we also don't have the expenses.

Mr. Wells asked how many kids we have this year for the youth league. Do we have money set aside for kids who can't afford to play?

Mrs. Clous said, we have 225 kids. We plan to have a fund for that next year.

Mr. Wells stated you are doing a great job. I hope that we can grow the league. I recommended we have more youth programs such as flag football. In the future, I would like to see about starting this.

Mr. Fenner agreed with Mr. Wells.

Mr. Heffner stated I would like to add \$2,500 to the Parks and Recreation Director stipend.

Council agreed to add \$2,500 to the budget for the stipend for the Parks and Recreation Director.

Discussion ensued regarding using school properties for the football league.

Ms. Holbrook stated for Veterans Memorial Park fund, there were no changes made.

Mr. Heffner stated we have the money for new pavers in the budget. I do not know the cost of walls. We will need an architect. We can charge for the pavers and use that money for more statues or walls. Grand Blanc Cement Products is willing to continue to work with us on the pavers.

Mayor Haskins stated we have been talking with a local company who would like to donate to this. It would be great if we could get some work done on it this season.

Mr. Smith asked if we would like to add more money to this fund.

Mr. Heffner stated I don't know if we can use public money for this. We will need to talk to the City Attorney. Waste Management was a huge help with donations for this in the past.

Mayor Haskins stated it shouldn't be different than other parks.

Discussion continued about pavers, other options such as concrete and maintenance on the park.

Mrs. Conley stated the flowerbeds need to be redone as well.

Mr. Wells stated the city owns the monument and is responsible for maintaining it.

Council agreed to get an opinion from the City Attorney before putting additional money into this fund.

Council went into recess at 7:40PM.

Council returned from recess at 7:52PM.

Ms. Holbrook stated for the Cancer Survivor Park fund, there is a small fund balance that generates some investment gains and interest income but there is no other activity.

Mr. Heffner asked how long are we going to keep this on the books. Is there anything we can do to make it go away?

Mr. Smith stated we were told that this money was donated for this specific reason so we can't change the reason to use the money.

Mr. Heffner asked if we can donate the money to the Cancer Society and move on with the piece of property. It would make a great splash pad for the Parks & Rec.

Mayor Haskins stated we had the aquatic center on there for about 30 years before the \$500 was disbursed. The attorney told us 20 years and it hasn't been that long. I don't know if there is anything we can do.

Mr. Smith asked the administration to ask the City Attorney about Cancer Survivor's Park.

Mr. Smith stated moving on to the Memorial Day Race fund. the Memorial Day Race went well this year. Everyone did a great job. We will be donating \$250 to Atherton High School for the use of the school facilities for this event.

Mayor Haskins stated when you are ready to do that, make sure we get something formal from you so we can attach it to the invoice.

Mr. Smith stated you should be getting a bill from the timer. We will need something showing the revenues and expenses so we know how we ended up.

Ms. Holbrook stated the Veterans Honor Run fund has no changes.

Mr. Smith stated Jim Craig is the Race Director for this event and he will be getting with the administration about this.

Ms. Holbrook stated the Burton Mile fund is next.

Mr. Smith stated the numbers didn't work to make this event financially viable. We transferred roughly \$1,800 into Memorial Day fund. Whenever the council is ready to eliminate this line item, we can do that. There is no money in there.

Ms. Holbrook said the Burton Race Series fund is next.

Mr. Smith stated Hurley is a major contributor to this. They do the medals and we keep a running total. It is all paid for by Hurley. You will see that coming in the next few weeks. The \$2,200 is from that donation.

Ms. Holbrook stated department 6090 is the Parks and Recreation fund. The first line is the change that was voted on earlier from \$10,000 to \$12,500. There are increases for MERS and fringe benefits for DPW workers when their time is allocated to this fund for maintenance and mowing. There is an increase for the IT allocation. Contractual services, there wasn't a change but it was requested to add \$19,431 to that line for a fence. There are no other changes.

Mr. Smith stated the council has already approved the fence. I think a portion of the money was coming out of Parks & Rec events that did not happen and the remainder was to come out of the general fund.

Ms. Holbrook stated it was agreed to move the money and do that this year but because the project will not happen in this year's budget, the money will fall back to the fund balance. We will need to approve it for next year. The project will begin on July 7th. With that change, the total in that line will be \$28,431. The total appropriation for Parks & Rec will be \$122,031.

Mrs. Conley stated we all know the cost of living is going up. I would like an increase of \$1,000 in each of our Park & Rec events and \$2,000 more in community events in case we need it. This year is our 50th anniversary. I would like to see a line item for that event. Will Memorial Day and the 50th Anniversary events be together? I would like to have \$50,000 for the whole thing.

Mayor Haskins stated the plan is to celebrate the 50th Anniversary during Memorial weekend and to have a three-day event. It depends on the money we have and all the activities. We will work hard to get funding. We did well with Memorial Day this year, the business community really stepped up. It would be great to have a fireworks show on Saturday, Sunday and Monday.

Discussion continued regarding the 50th Anniversary event, participation from city departments and whether to create a separate line item for the 50th anniversary or to combine it with the Memorial Day line.

Council agreed to place an additional \$20,000 in the Memorial Day event line item for funding the 50th Anniversary event during the same weekend.

Mayor Haskins asked if the council plans to allocate money to the Saginaw Street Christmas lights. We will have to get them ordered if that is the councils plan.

Discussion ensued regarding the DDA donating money to the Saginaw Street Christmas lights.

Mr. Heffner stated he would like to move \$25,000 to purchase lighted Christmas decorations to be placed on Saginaw Street in the DDA district.

Mr. Fenner stated we need to figure out how to use the banner poles that have been sitting there not being used. It has been a waste. It's a shame. I will reach out the DDA and see what we can do.

Mr. Wells suggests finding all-in-one lights for all the holidays. They make them. You flip a switch and they change for each different holiday.

Discussion continued regarding different options for Christmas lights, placement and issues with poles.

Council agrees to allocate \$25,000 for Christmas lights and to add \$1,000 to each of the following events: Easter Egg Hunt, Christmas Tree Lighting, Trick or Treat Trail and Pizza with Santa for a total of \$4,000.

- Wrap-up

Mr. Smith stated so far, we have \$15,000 for architectural services for the Senior Center, \$25,000 for the library building on Center and Atherton, \$2,500 for the Parks & Rec Director stipend, \$25,000 for the 50th Anniversary event, \$25,000 for Christmas lights, \$4,000 for Parks & Rec events, for a total of \$92,000 tonight. We are at approximately \$3 million left in the general fund.

Mrs. Conley stated we need new chairs in the Council Chambers. These are ripped and uncomfortable.

Mr. Fenner asked if there was money budgeted for furniture.

Mayor Haskins stated most of the furniture in City Hall is more than 20 years old. There have been some chairs purchased here and there but we did not budget for any upgrades.

Mr. Fenner stated I have a hard time getting new chairs with everyone else still using the old chairs.

Mr. Smith asked for each council persons agreement to approve the budget on Monday night.

Council agreed to approve the budget.

Mr. Smith stated after changes made throughout the budget meetings, we are at approximately \$3 million in the general fund. The question is what does the council want to do with that money and how far down do we want to take the general fund.

Mr. Heffner stated I would like to put \$2 million into local streets and take the general fund down to \$1 million. We have COVID money coming in. The water department owes the general fund \$672,000. If we could pay the general fund back, that would take us up to \$1.6 million in general fund. \$2 million for the re-pavement of local streets would do so much for this city.

Mr. Wells stated when we do this, let's make sure we do the ditching on each of these streets.

Mr. Heffner would like to place this in a special line item not just in local streets and let the administration decide where it goes. Then, we hold a special council meeting to decide how we want to distribute the money. Do we want to do a 50/50 match or a 75/25 split? We need to figure out how to best leverage the \$2 million.

Mr. Smith stated I spoke with the Mayor today and I am not sure how much we will be able to get done in this season before the weather changes.

Mayor Haskins stated to be able to have the contractors available for next season; we would have to start on it right away. Everyone is aware of the backlog with contractors right now. I think this is a great idea. I just don't know if I would go that low with the general fund. We worked hard to build it up and we are unsure if we will be able to use the ARP money for paying back the general fund.

Mr. Fenner stated he agrees with the Mayor. We are not 100% sure we will be able to do that and until we are I don't want to take the general fund down to \$1 million.

Mr. Heffner stated let me tell you something, Mr. Fenner, we don't get this opportunity very often and this may never come again as a council for us to do this. No other council in the last 20 years has been able to do what we are talking about doing. We all have a chance to make an impact. Property values will go up. When we repave some streets and make the neighborhood look nice, it will spread.

Mayor Haskins stated this administration has worked hard in two budgets and made some bold moves. I am all about getting the local streets done too but this is our reserves. What if something unexpected comes up?

Mr. Fenner stated I would feel comfortable going down to \$1.5 million. What if the federal government doesn't allow us to repay general fund with the COVID money? I am sold on doing roads. If the \$672,000 comes in, we can move that to local streets from the general fund.

Mr. Heffner stated you do realize that here at the city, every year that taxes get paid and the general fund money replenishes every year.

Mr. Fenner stated I do understand that until 2008 rolls around and everything crashes. I am only one vote up here and I am just making my argument.

Mr. Wells stated we are never going to get to all these streets this year. We can at least get a good start. This will get our residents pumped up.

Mr. Martinbianco stated I am torn. I have to agree with Mr. Fenner. I don't ever want to be in that place again and I wouldn't wish it on future councils.

Mrs. Conley stated I am for \$2 million for the local roads. If we have to give the money back, it will work both ways.

Mrs. Walton stated I am good with \$1.5 million for right now. I also want to focus on blight. Without the millage, we would have been in very bad shape. I am very cautious to take the general fund down.

Discussion regarding the previous administration.

Mrs. Walton stated this administration is asking you not to take the general fund down to \$1 million.

Mayor Haskins stated we are all about local streets too. I just don't know if we should take the general fund that low. If you put the \$1.5 million into local streets and then the ARP money comes in, it will leave a little balance in there and give us a little protection. This administration over the last two years has worked hard to put \$1.6 million back in the general fund. We did it by making bold moves to recoup to get to the point where we are now. I don't want to see us in a hardship. It takes five votes of council to move the money back and it takes five votes to move the money out.

Mr. Heffner stated we have given pretty close to all the employees' raises, if not all of them over the last couple of years.

Mayor Haskins stated that is not an accurate statement. AFSCME, Teamsters and SEIU unions didn't get raises.

Mr. Smith stated I am somewhat conservative, fiscally. It is because there are always unexpected things in life. I don't want to see the general fund get down that low. At some point, the administration will get confirmation of the ARP funds and if we can use it the way we have talked about. If we can confirm that, I am all for it.

Mr. Heffner asked what we are holding the money for? Do you have a plan for it? Mayor Haskins stated there are no plans for it but it is a security blanket so we don't hit the floor of the fund balance policy. If that happens, we will be in panic mode again. We would be looking at raising millage rates and levying taxes and all the stuff we don't want to go through again.

Mr. Smith stated once we can confirm that we are getting that money, I do not have a problem with it.

Mr. Fenner agreed with Mr. Smith. I would love to spend \$2 million on those roads; I will be all in once we get confirmation, no questions asked.

Mr. Heffner stated we have a once in a lifetime opportunity. Do you want to let it pass you by? We may never have this opportunity again. This is the resident's money. It is not our money. It needs to be spent to make their lives better.

Mr. Smith stated it will be spent once we know we have it.

Mr. Heffner asked, what is it going to be spent on? That's the question. Vaughn, we have talked about this.

Mr. Smith stated I think this administration has done well. Tonight, we have eluded to the mindset of the prior administration. I am not seeing that here. Part of this money is from COVID, part is from things the council has done and part of it is what this administration has done. The mindset today is not where it was a couple of years ago.

Discussion continued about the mindset and actions of the previous Mayor and administration.

Mr. Smith stated I don't believe this Mayor will do what the previous one did.

Mr. Heffner stated we have the same department heads that we had with the last administration and the same people telling us stories.

Mr. Smith stated I don't see it. He has saved \$2.2 million. Financially, we would not be where we are if the previous mindset was sitting in the Mayors chair. That mindset used to sit in that chair. There is a whole different atmosphere now.

Mr. Heffner stated it is not as different as you think. We have a different Mayor and Controller. Everything else is the same.

Mr. Smith stated the leadership is different. I can see a difference and I see a difference in the financial numbers. We would not be where we are today if we didn't make the

changes we did seven years ago. I agree with the \$1.5 million for local roads.

Mr. Fenner stated I am all for this money going to roads. It's just a matter of it going to the roads at the time it needs to go to roads.

Mr. Heffner stated it is not going to go to the roads.

Mr. Fenner stated I will not vote for it to go anywhere besides roads.

Mr. Heffner stated you may be surprised and this will be a learning experience for you.

Mr. Smith stated all you have to do is keep track of the general fund at the end of the day.

Mr. Fenner stated I think I know what Steve is eluding to.

Mr. Heffner stated you will see and there is nothing you will be able to do about it either. Vaughn knows where I am going with it too.

Mr. Smith stated I know where you are going with it but I don't believe that is going to happen.

Mr. Heffner stated it is going to happen.

Mayor Haskins stated somebody let me know what is going to happen. If you can predict the future, please let me know. I am pretty upfront and I will tell you if it is going to happen or not.

Mr. Smith stated I don't want to go there. We have the fund balance down to \$1.5 million and \$1.5 million into local roads.

Mr. Heffner stated this is for the re-pavement of local roads. We are not paving dirt roads. We are repaving local roads.

Mayor Haskins asked this is not going to be used for chip seal or anything.

Mr. Heffner said, no.

Mr. Smith stated I thought with this money, we were trying to lengthen the useful life of all the roads we could. What does the council think?

Discussion ensued regarding the chip seal in the south end and the project on Belsay Road.

Mr. Wells stated we need to spread the wealth all across the city not just in one area.

Mr. Heffner stated we need to have a special council meeting to discuss the roads and how we want to use the money.

Mr. Smith stated we can do that. I want to give the administration time to come to us and say this is how we want to maximize the use of this money.

Mayor Haskins stated it won't take that long if you are talking about resurfacing and ditching. That is very expensive so we won't get a whole lot done with it. Pick three or four of the worst streets and that's it.

Mr. Smith stated I look at it like I am not an expert in that area and the administration knows what they are talking about. I want to see them maximize the useful life of the roads as much as possible.

Mr. Fenner stated at one time you were talking about a 50/50 match. Is that what you are still talking about?

Mr. Heffner said, yes.

Mr. Fenner stated so we are only going to repave the road if someone wants to do a 50/50 match on it. That's a different story.

Mayor Haskins stated it is a special assessment 7-0 vote.

Mr. Heffner said, no. If the residents put a petition together and get 51% of the people to sign it, they pay for 50% of the road. This way, they have some skin in the game.

Mayor Haskins stated we will have to rely on the residents to sign it. I am not opposed to it, if we can get to that point.

Mr. Heffner stated I think you might be overwhelmed by the number of people who will be willing to do it.

Mr. Fenner stated it gives the residents the option and doubles the number of roads we can get done.

Mr. Heffner stated it is not like doing major roads. We can get a lot of side streets done. If we have no takers, we can put it back in the general fund. We will get quite a few takers. The chip seal in the south end bought another five to ten years on the roads but if you look at them now that the fog seal has dried, the road is in pieces that are four inches. It is going to fall apart especially during winter with a good frost.

Mr. Martinbianco stated I stand by the \$1.5 million. We need a special line item for re-paving. If you listen to the Mayors argument, which is well taken, even with a 50/50 match, we might get four to eight lane miles out of it. We need to have a special meeting.

Council agreed to set up a line item for local street repaving for the \$1.5 million.

Mr. Smith stated I would like the Mayor to bring us information on Steve's approach and what the DPW's thoughts are on how best to use the money. Then, we can set a special meeting after the holiday.

Mr. Heffner asked the Clerk about rearranging the council seats in council chambers.

Ms. Boggs stated it is just a matter of replacing all the computers back on the council bench and moving everyone down a little. Is that what you are referring to?

Mr. Heffner stated I want to get us back to the way we used to sit.

Ms. Boggs stated okay, we can do that.

Discussion on removing the plexi-glass partitions between council members.

Mayor Haskins stated I believe July 1st is the day we can do that.

Mrs. Walton stated on Camden between Hemphill and Bristol in the west side lane heading south, where the MTA bus stops, the road is getting bad from the bus sinking in. Is this something the city takes care of?

Mayor Haskins stated yes, we take care of it.

Mr. Wells mentioned a program that Ralph Laduke put together where the Atherton teachers and coaches played a ball game against our police. Can we do something like this to get our police back in the neighborhoods?

Mayor Haskins stated we are short on Police Officers at this time. We can probably do firefighters.

Meeting was adjourned at 9:44 PM.

Minutes Acceptance: Minutes of Jun 16, 2021 6:00 PM (APPROVAL OF MINUTES)



CITY OF BURTON
BURTON CITY COUNCIL MEETING
JUNE 21, 2021
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: STEVE HEFFNER

B. THE PLEDGE OF ALLEGIANCE IS LED BY: STEVE HEFFNER

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Present	
Steven Heffner	President	Present	
Danny Wells	Councilman	Present	
Vaughn Smith	Councilman	Present	
Gregory Fenner	Vice President	Present	
Deborah K Walton	Councilwoman	Present	
Christina Conley	Councilwoman	Present	

D. STAFF PRESENT

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

E. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Jun 7, 2021 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Tom Martinbianco, Councilman
SECONDER:	Deborah K Walton, Councilwoman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

2. Budget Meeting - Budget Workshop - Jun 10, 2021 6:00 PM

Minutes Acceptance: Minutes of Jun 21, 2021 7:00 PM (APPROVAL OF MINUTES)

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Tom Martinbianco, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

F. ADMINISTRATIVE REPORTS

Mayor Haskins stated I hope everyone had a great Father's Day. If you have questions for Mr. Abbey tonight, we ask that you do this as soon as possible, he has another engagement to attend. Everyone has received a copy of the budget amendments made at the budget workshops and the Controller is here to answer any questions. The budget is on the agenda this evening. Attorney Leadford is here requesting a closed session under section 8C of the Open Meetings Act to discuss contract negotiations along with the MOU for the POLC patrol unit for the Police.

G. COMMITTEE REPORTS

Mr. Fenner stated the Legislative Committee with the help of the City Attorney has our new golf cart ordinance prepared for the meeting tonight.

H. AUDIENCE PARTICIPATION

John Stapish of Burton expressed concerns about item # 3 on the agenda. Will there be sidewalks on Belsay Road? Also, on item # 12, I see there is an administrative fee of 1% and a late penalty of 4%. With the money you are receiving from marijuana sales, I don't think you need to charge these fees. I am also interested in the Council President's opinion on the golf cart ordinance.

I. COUNCIL DISCUSSION

1. Motion to go into closed session under section 8C of the Open Meetings Act for negotiation strategy.

Council went into closed session at 7:11 PM.

Council returned from closed session at 9:01 PM.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tom Martinbianco, Councilman
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

2. Motion to add to agenda: Direct Labor Attorney Leadford to prepare the AFSCME Tentative Agreement in final contract form for formal approval and ratification by the Burton City Council.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tom Martinbianco, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

J. COUNCIL ACTION

Minutes Acceptance: Minutes of Jun 21, 2021 7:00 PM (APPROVAL OF MINUTES)

1. Approve and authorize the payment of Attorney Billing (Doyle) 6/1/21 to 6/15/21 in the amount of \$4,434.75.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Christina Conley, Councilwoman
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

2. Approve and authorize the payment of Attorney Billing (Masud) 5/3/2021 to 5/28/2021 in the amount of \$2,660.00.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Gregory Fenner, Vice President
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

3. Approve and authorize the Mayor and City Clerk to execute a Contract with the Michigan Department of Transportation for performance of preliminary engineering activities for the roadway rehabilitation work along Belsay Road from Davison Road to Potter Road; and all together with necessary related work in the City of Burton, Genesee County (DPW project No. 20-012-P), MDOT Control Section STU 25000, Michigan Department of Transportation Contract 21-5114 for Job Number 207655PE at an estimated total cost of \$37,500.00, of which the City of Burton's final cost will be approximately \$8,025.00. and to authorize Amber Abbey, Street Administrator / Deputy DPW Director to digitally sign said contract on behalf of the City of Burton.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Danny Wells, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

4. Approve and authorize the acceptance of the proposal in the amount of \$14,110 and allow the Mayor and Clerk to enter into that contract, contingent upon the submittal and approval of the required bonds and insurance documents, on behalf of the City of Burton with Nelson Tank Engineering & Consulting, Inc. 16240 National Parkway, Lansing MI. 48906 for Water Tower Engineering Services for Painting Rehabilitation.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Gregory Fenner, Vice President
SECONDER:	Danny Wells, Councilman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

5. Approve and authorize acceptance of the Memorandum of Understanding Agreement between the City of Burton and the Police Officers Labor Council - Burton Patrol Officers wage reopener.

Minutes Acceptance: Minutes of Jun 21, 2021 7:00 PM (APPROVAL OF MINUTES)

Mr. Heffner asked Attorney Leadford if he drafted this agreement.

Attorney Leadford said, I drafted it, yes.

Mr. Heffner asked if Attorney Leadford agrees with this agreement.

Attorney Leadford stated the agreement does not stem from my recommendation.

Mr. Heffner asked, do you recommend this or do you not recommend this?

Attorney Leadford stated I feel there are pros and cons from a labor strategy relative to the document that could be avoided without adverse impact to the bargaining unit.

RESULT:	CARRIED [4 TO 3]
MOVER:	Danny Wells, Councilman
SECONDER:	Gregory Fenner, Vice President
AYES:	Wells, Smith, Fenner, Walton
NAYS:	Martinbianco, Heffner, Conley

6. Approve and authorize the scheduling of a public hearing for a special City Council meeting of Monday, July 19, 2021 at 6:30 p.m. to discuss the vacating of the 40' of unimproved Rose Ave R.O.W. adjacent to lot 17 County Gardens (along Connecticut St.). Should the council find this favorable or any other date and time Council prefers, allowing four weeks notice to property taxpayers and newspaper ads per Ordinance.

Mr. Fenner asked for clarification regarding the property.

Mayor Haskins stated I believe this in an alleyway that is a right of way piece of property. They are asking for the vacating so they can have it attached to their property.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Danny Wells, Councilman
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

7. Approve and authorize the Burton City Council to set a Public Hearing on Monday, August 16th, 2021 for the following properties: 6076 Lapeer Rd. at 6:30 p.m.; 3401 S. Center Rd at 6:15 p.m.; 3413 S. Center Rd. at 6:00 p.m.; to consider any objections and/or favorable comments relative to the Investigation of Potential Nuisance or Hazardous Condition of Premises on the following properties located in the City of Burton: should the council find this favorable or any other date and time Council prefers, allowing 45 days to get title search done and notice to property taxpayers for the scheduled hearings.

RESULT: CARRIED [UNANIMOUS]
MOVER: Danny Wells, Councilman
SECONDER: Gregory Fenner, Vice President
AYES: Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

8. Budget Amendment Approve and authorize the following 2020-2021 budget amendment: Increase 1001-2023-719.0000 Fringe Benefits by \$5,000, decreasing the General Fund Balance.

RESULT: CARRIED [UNANIMOUS]
MOVER: Danny Wells, Councilman
SECONDER: Vaughn Smith, Councilman
AYES: Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

9. Budget Amendment Approve and authorize the following 2020-2021 budget amendment: Increase 2026-0000-830.0000 Garbage Collection by \$181,225, decreasing the Rubbish Fund Balance.

RESULT: CARRIED [UNANIMOUS]
MOVER: Danny Wells, Councilman
SECONDER: Christina Conley, Councilwoman
AYES: Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

10. Budget Amendment Approve and authorize the following 2020-2021 budget amendment: Increase 2002-4074-706.0000 Salaries Permanent by \$10,000 and Increase 2002-4074-943.0000 Equipment Rental by \$5,000, decreasing the Local Streets Fund Balance.

RESULT: CARRIED [UNANIMOUS]
MOVER: Danny Wells, Councilman
SECONDER: Deborah K Walton, Councilwoman
AYES: Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

11. Approve and authorize the proposed 2021-2022 fiscal year Downtown Development Authority Budget.

Minutes Acceptance: Minutes of Jun 21, 2021 7:00 PM (APPROVAL OF MINUTES)

RESULT: CARRIED [UNANIMOUS]
MOVER: Gregory Fenner, Vice President
SECONDER: Vaughn Smith, Councilman
AYES: Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

12. Adopt Resolution 2021-13 to Approve and authorize the following tax millages and fees to be levied for the 2021-2022 fiscal year: General Operating 4.0000 mills; Voted Police 0.9823, Voted Police 0.9947, Voted Police 6.4655 (8.4425 total); Voted Fire 0.9947, a Property Tax Administration Fee of 1% on all tax statements and additional 4% late penalty charge when delinquent.

RESULT: CARRIED [UNANIMOUS]
MOVER: Danny Wells, Councilman
SECONDER: Tom Martinbianco, Councilman
AYES: Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

13. Approve and authorize the City of Burton Budget Resolution for all General Appropriation Act Funds for the 2021-2022 fiscal year and that the City of Burton budget be adopted on a departmental basis.

Mrs. Conley stated before we vote on this budget, I have a question for the Controller, we have the taxable value increased by 8.9% for the 2021 tax year. Proposal A is the rate of inflection or 5% lesser of the two levied, what is the revenue number for Proposal A in existing homes and what is the number for the uncapped value for Proposal A?

Ms. Holbrook stated I don't have that information. The City Assessor is the appropriate person to ask that question.

Mrs. Conley asked, can I get it or should I call the Assessor?

Ms. Holbrook stated you should probably call the Assessor.

Mr. Wells congratulated the council on a well executed, intense and time consuming budget year. Most importantly, it was fun to do it because we had some money to make our city better and give back to the residents the tax money they have paid in.

Mr. Smith stated I have an answer for you, Mrs. Conley. If you look on page 10 of your budget, under current real personal taxes, if look at the Mayor projected budget and projected activity, you will see that it went up by \$125,656 and that will be pretty consistent. If you go down to the state shared revenues, that money increased by \$224,864. These two areas are fairly solid revenue sources and you are looking at an increase of over \$350,000 over the prior year. On page 23, the police fund, you will see that because of the police millage, there is an increase of \$265,509. If you add those two up, it is over \$600,000. There is a smaller amount for the Fire Department on page 28. The city is doing very well on a long term basis.

Mr. Heffner stated I think we did a good job on the budget but we forgot to address the seawall at Kelly Lake. The administration can bring this to us at a later date.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Danny Wells, Councilman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

14. Motion to Direct Labor Attorney Leadford to prepare the AFSCME Tentative Agreement in final contract form for formal approval and ratification by the Burton City Council.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Gregory Fenner, Vice President
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

K. FIRST READING OF ORDINANCE

1. Approve and authorize the first reading Ordinance 2021-6-72.01. An Ordinance amending the Burton City Code of Ordinances by the addition of chapter 72. A chapter to permit and regulate the use of golf carts within the city and to provide the penalty for the violation thereof.

Mr. Fenner stated to be clear, there are state rules that our ordinance has mirrored. This is not free reign with golf carts. There are rules that need to be followed and will be enforced. I am glad we were able to clear this up and allow those who are willing to follow the rules to use golf carts.

Mr. Wells stated I am not against this. I hope we can enforce it and that there are no safety issues. We can always come back and tweak it if needed.

RESULT:	CARRIED TO SECOND READING [UNANIMOUS]	Next:
	7/8/2021 7:00 PM	
MOVER:	Vaughn Smith, Councilman	
SECONDER:	Tom Martinbianco, Councilman	
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley	

L. SECOND READING OF ORDINANCE

1. Approve and authorize the second reading of amended Ordinance 30.03. An ordinance to amend Chapter 30.03 (F) of the City of Burton Code of Ordinances by the increase in the compensation of the Attorney of the City of Burton and to provide for the effective dates thereto.

Minutes Acceptance: Minutes of Jun 21, 2021 7:00 PM (APPROVAL OF MINUTES)

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Gregory Fenner, Vice President
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

Mr. Heffner stated he talked to the City Attorney today and discussed adding an item to our agendas after roll call.

Attorney Doyle stated we discussed that many other municipalities have a section on their agenda for approval of agenda. It is generally done at the beginning after roll call. This is for the purpose of adding or deleting any agenda item.

Mr. Heffner stated this is something we probably should have done years ago. I would like to add it after roll call and before the administrative report.

Mr. Fenner asked, will we have to make a motion to change the agenda?

Mr. Heffner stated if we change the agenda that was presented to us.

Attorney Doyle stated this is mostly a Robert's Rules formality. You can still add things to the agenda and it is not preventing you from doing anything. It is just bringing you in line with what most other agendas look like.

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

Meeting was adjourned at 9:27 PM.

Minutes Acceptance: Minutes of Jun 21, 2021 7:00 PM (APPROVAL OF MINUTES)



ADOPTED

AGENDA ITEM (ID # 5149)

DOC ID: 5149

**Approve and authorize the payment of Attorney Billing
(Doyle) 6/16/21 to 6/30/21 in the amount of \$3,807.75.**

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



ADOPTED

AGENDA ITEM (ID # 5151)

DOC ID: 5151

Approve and authorize the request for a Residential Sanitary Water & Sewer Installer's License for Root-A-Way of Genesee County, LLC 4101 Circle Drive, Flint, MI 48507.

ATTACHMENTS:

- RootAwayWaterSewerLicense (PDF)

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Danny Wells, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Heffner, Wells, Smith, Fenner, Walton, Conley
EXCUSED:	Tom Martinbianco



City of Burton
4303 S. Center Rd.
Burton, MI 48519
www.burtonmi.gov

K.2.a

Application for Sewer & Water Installer License

Date: 5.24.21 License Expiration: _____
Name of Applicant: Timothy Hall
Applicant Address: 7207 Kessling St, Davison Michigan 48423
Phone Number: (810) 233-4376 Email: Contact@rootaway.com
Name of Business: Root Away
Business Address: 4101 Circle Drive, Flint Michigan 48507
Phone Number: (810) 233-4376 Plumbing License #: _____

LICENSE FEES	Amount	Proration	PAID
1. Sewer Installer Expires - March 31, _____	\$100.00		☒
2. Water Installer Expires - March 31, _____	\$100.00		☒

- Applicant must file a Performance Bond in the Amount of \$10,000.
- Applicant must maintain insurance against liability in the amounts of \$100,000 for injury to one person and \$300,000 per occurrence, and against liability for property damage in the amount of \$100,000.
- Each contractor shall maintain Workman's Compensation insurance covering all employees.

The undersigned hereby specifically agrees that any approval granted for license received after said approval is subject to revocation at any time by the Burton City Council, and that there shall be no liability on the part of the Burton City Council of the City of Burton, or any officers, members or employees of said units, because of any revocations and the granting of such approval of license does not create a vested right.

The undersigned hereby specifically agrees to abide by all provisions of Burton City Ordinance #112, adopted 8-4-69, effective 9-15-69, and all City Ordinances and Resolutions of the Burton City Council now in force or hereinafter adopted.

I, Timothy Hall (applicant) being duly sworn, state that I have read the foregoing application and exhibits therein contained and attached, by me subscribe and knowingly made the foregoing answers, statements, and representations therein contained and that said statement representations are true.

THIS APPLICATION MUST BE SIGNED BEFORE A NOTARY: _____

Signature of Applicant

Subscribed and sworn before me a Notary Public in and for the County of Genesee, State of Michigan this 6th day of July, 20 21.

Lindsay Bee
Notary Public

01/04/2026
Commission Expires

Y:\Documents\LICENSES\Applications\Sewer & Water Installer.docx

Attachment: RootAwayWaterSewerLicense (5151 : Residential Sanitary Water & Sewer Installer's License)

CITY OF BURTON
4303 S. CENTER RD.
BURTON, MI 48519
Phone : 810-743-1500
WWW.BURTONMI.GOV

Received From:
ROOT A WAY

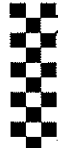
Date: 07/06/2021 Time: 1:39:48 PM
Receipt: 110708156
Cashier: 006
Workstation: Drawer: 1

ITEM REFERENCE	AMOUNT

LICENSE LICENSE FEES	
WATER	
1001-0000-450.0000	\$100.00
LICENSE LICENSE FEES	
SEWER	
1001-0000-450.0000	\$100.00

TOTAL	\$200.00
CHECK 6433	\$200.00
Total Tendered:	\$200.00
Change:	\$0.00

Attachment: RootAwayWaterSewerLicense (5151 : Residential Sanitary Water & Sewer Installer's License)

**WEST BEND**

A MUTUAL INSURANCE COMPANY

THE SILVER LINING

Continuation Certificate

WB Index: 2351478

D

Root-A-Way of Genesee County LLC
7207 Kessling St
Davison, MI 48423-2447

PRINCIPAL

Root-A-Way of Genesee County LLC
7207 Kessling St
Davison, MI 48423-2447

BOND NUMBER: 2351478**BOND DESCRIPTION:** License & Permit Compliance Bond
Sewer & Water Contractor**BOND TERM:** 06/01/2021 TO 06/01/2022**BOND PENALTY:** \$ 10,000.00

WEST BEND MUTUAL INSURANCE COMPANY hereby continues in force the bond referenced above, subject to all the covenants and conditions of the original bond.

This continuation is issued upon the express condition that the liability of WEST BEND MUTUAL INSURANCE COMPANY under said Bond and this and all continuations thereof shall not be cumulative in any term, calendar year or licensing period unless specifically required by law, statute, ordinance or regulation of the obligee and shall in no event exceed the total sum above written or any amendments, endorsements, or riders attached thereto.

OBLIGEE City of Burton

4303 S Center Rd
Burton, MI 48519-1449

AGENT **21182**
GENERAL AGENCY COMPANY
525 E BROADWAY ,PO BOX 448
MT PLEASANT, MI 48858

***TELEPHONE 989-773-6981

Dated this 21st day of April, 2021

THIS "Continuation Certificate" MUST BE FILED WITH THE ABOVE BOND.**PRINCIPAL COPY**

MICHIGAN ONLY: This policy is exempt from filing requirements of Section 2236 of the Insurance Code of 1956, 1956 PA 218 and MCL 500.2236.

NB 0029 11 17

P.O. Box 620976 | Middleton, WI 53562 | Phone: (608) 410-3410 | Fax: (877) 674-2663 | www.thesilverlining.com



ROOTFG-01

JROBINSON

DATE (MM/DD/YYYY)

6/18/2021

CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER General Agency Company 525 E. Broadway Mount Pleasant, MI 48858	CONTACT NAME: Jennifer Robinson	
	PHONE (A/C, No, Ext): (989) 817-4265	FAX (A/C, No): (989) 772-1855
	E-MAIL ADDRESS: jrobinson@ga-ins.com	
INSURED Root-A-Way of Genesee County LLC 7207 Kessling St Davison, MI 48423-2447	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Employers Mutual Casualty Co	NAIC #: 21415
	INSURER B: Union Insurance Company of Providence	21423
	INSURER C: Accident Fund National Insurance Co	12305
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:			4D77232	6/20/2021	6/20/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/POP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY ☐ ANY AUTO OWNED AUTOS ONLY ☒ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY			4E77232	6/20/2021	6/20/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$ 0			4J77232	6/20/2021	6/20/2022	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 Pers/Adv Injury \$ 1,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WCV6129667	6/20/2021	6/20/2022	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

City of Burton
4303 N Center Rd
Burton, MI 48519

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



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

Meeting: 07/08/21 07:00 PM
Department: Department of Public Works
Category: Ordinance
Prepared By: Amber Abbey
Department Head: Charles Abbey

L.1

SCHEDULED

AGENDA ITEM (ID # 5150)

DOC ID: 5150

Approve and authorize the first reading of amended Chapter 157, the zoning ordinance, of the code of ordinances of the City of Burton to regulate incinerators, trash containers and collection/donation containers.

ATTACHMENTS:

- Collection Bin Ord_ (PDF)

RESULT:	CARRIED TO SECOND READING [UNANIMOUS] Next: 7/19/2021 7:00 PM
MOVER:	Gregory Fenner, Vice President
SECONDER:	Christina Conley, Councilwoman
AYES:	Heffner, Wells, Smith, Fenner, Walton, Conley
EXCUSED:	Tom Martinbianco

CITY OF BURTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2021-7-157

AN ORDINANCE TO AMEND CHAPTER 157, THE ZONING ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF BURTON TO REGULATE INCINERATORS, TRASH CONTAINERS AND COLLECTION/DONATION CONTAINERS";

THE CITY OF BURTON ORDAINS:

SECTION I

Section 157.006 of Chapter 157 of the Code of Ordinances of the City of Burton shall be amended by the addition of a definition for collection/donation containers as follows:

COLLECTION/DONATION CONTAINER. A portable container primarily designed to allow individuals to dispose of unwanted items for the purpose of donation and/or repurpose located on a commercial or industrial property not designated for same use.

SECTION II

Section 157.090 of Chapter 157 of the Code of Ordinances of the City of Burton shall be amended by the addition of collection containers and location of trash bins as follows:

§ 157.090 INCINERATORS, TRASH CONTAINERS AND COLLECTION/DONATION CONTAINERS.

(A) All commercial buildings constructed after the passage of this ordinance shall have incinerator facilities subject to all city, county, and state health requirements.

(B) Outside trash containers shall be permitted in the RM, HRM, R-O, C-1, C-2, C-3, C-4, M-1, and M-2 districts, provided that they comply with the following requirements:

(1) Adequate vehicular access shall be provided to the containers for truck pick-up either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings nearby and whenever possible be located in the rear of the property;

(2) A solid ornamental screening wall or fence shall be provided around all sides of trash containers which shall be provided with a gate for access and be of a height so as to completely screen the containers, the maximum height of which shall not exceed 6 feet;

(3) The trash container(s), the screening wall or fence, and the surrounding ground area shall be maintained in a neat and orderly appearance, free from rubbish, waste paper, or other debris. This maintenance shall be the responsibility of the owner of the premises on which the containers are placed; and

(4) There shall be compliance with all city, county, and state health ordinances and statutes.

(C) Outside trash containers shall be permitted in the SE, R-1A, R-1B, and R-1C districts, provided that they comply with the following requirements:

(1) All conditions of regulation as outlined chapter 142.04 of this ordinance in regards to littering.

(2) All trash containers located outside the building must be placed at a minimum behind the front face of the dwelling and in a manner designed to be directed away from adjoining property lines and not offensive to a reasonable person.

(3) No commercial trash container (dumpster) shall be allowed that would be intended for the collection of normal household garbage/food waste.

(D) COLLECTION/DONATION CONTAINERS. Outside collection containers shall be permitted in the RM, HRM, R-O, C-1, C-2, C-3, C-4, M-1, and M-2 districts, provided that they comply with the following requirements:

(1) PERMIT REQUIRED.

a. No person shall place, operate, maintain, or allow a collection bin within the city without having first obtained a permit issued by the Department of Public Works.

b. An application must be submitted to include all locations, along with written permission from each property owner. A permit fee shall be paid for each collection bin. At no time shall there be more than two (2) permits allowed for any one parcel.

c. A Permit fee in an amount set by resolution of the council shall be paid at the time the application is made for the license or renewal thereof. A permit issued pursuant to this chapter shall be nontransferable and non-assignable.

d. All collection containers must obtain a collection container permit and must include an affidavit **and** acknowledgement of the property owner giving permission to locate a collection container on real property on which collection containers are placed.

e. A permit issued to a collection bin that meets the requirements of this chapter shall automatically renew for successive one (1) year terms upon payment of a renewal fee, provided the city did not issue a written notice of violation of any provision of this chapter to the bin owner or property owner during the preceding one (1) year term. A license that does not qualify for automatic renewal may be renewed upon payment of a renewal fee if the bin meets the standards of this chapter and has no open citations, unpaid fines, or unresolved violations at the time of license renewal. A permit shall not be renewed for a period of one (1) year if the city issued three

or more written notices of violations of this chapter against the collection bin during the preceding twelve (12) months. The Department of Public Works shall notify the applicant in writing of the decision to deny the renewal permit and state **the** specific reasons for denial.

(2) APPLICATION AND REVIEW.

a. Any person desiring a permit pursuant to this chapter shall file with the DPW a permit fee together, which application shall contain the following information:

1) Name, address, telephone number, email, and website address (if any) of the applicant, and of each officer if a corporation or each partner if a partnership. The same information shall be provided for the collection bin operator if different from the applicant.

2) Name, address, telephone number, email, and website address (if any) of the owner of the real property on which the collection bin will be located.

3) Name, address, telephone number, email, and website address (if any), including 24-hour contact information, of the person responsible for the daily operation and management of the collection bin.

4) A signed and notarized affidavit and authorization from the property owner to allow placement of the collection bin on the property.

5) Signed and notarized acknowledgements from the property owner and from the collection bin owner acknowledging receipt of a copy of this chapter and responsibility for joint and several liability for violations of this chapter.

6) A textual description and scaled drawing or map on 8 1/2" x 11" paper or other size accepted by the city that shows:

a) The proposed location of the collection bin(s). Adequate vehicular access shall be provided to the containers for truck pick-up either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings nearby and whenever possible be located in the rear of the property.

b) The location and dimensions of all parcel boundaries, buildings, driveways, sidewalks, parking spaces, easements, and landscaped areas, and the distance from each to the proposed location of the collection bin.

c) Calculation of required, existing, and proposed number of parking spaces.

d) The distance between the proposed location of the collection bin and the nearest residential property.

e) The location and distance of all collection bins within 1,000 feet of the proposed collection bin location.

f) A photograph of the collection bin to be installed.

g) A description of the locking mechanism of the collection bin.

h) A maintenance plan that includes a plan for graffiti removal, rust protection, pick up schedule, and litter and trash removal on and around the collection bin that is sufficient to prevent and/or eliminate blight-related conditions.

(3) MAINTENANCE AND HOURS OF OPERATION.

a. Containers shall be maintained in good condition and appearance, with no damage such as holes, rust, or graffiti.

b. The collection container operator and property owner shall maintain, or cause to be maintained, the area surrounding the containers free from any junk, noxious odor, debris and donated items.

c. Collection containers shall be serviced not less than monthly or more frequently if containers are observed by the Planning and Community Development Department to be full. Servicing shall occur between 7 a.m. and 7 p.m. on weekdays and 9 a.m. and 6 p.m. on weekends. This servicing includes maintenance of the container, removal of collected material and abatement of any graffiti, litter, or other nuisance condition.

d. Containers shall have an identification plate with the name, mailing address, email address, website and phone number of the operator. This plate shall be mounted near the donation chute.

(4) EXCEPTIONS.

Notwithstanding the above regulation of this ordinance, any non-profit organization or religious institution that engages in collection of goods and materials as part of its organizational mission may maintain up to three accessory collection bins on its own building site. All such Collection Containers shall be exempt from Section 1, "Permit Required," and Section 2, "Permit Application and Review," but shall adhere to all other standards and requirements of this Ordinance. The separation and setback requirements in the above shall be replaced with the following: no bin shall be placed closer than 50 feet to any residentially zoned property nor closer than 10 feet from any other non-residentially zoned property.

(5) VIOLATIONS.

A violation of any provision or requirement of this Section is a civil infraction, subject to enforcement and the fines and penalties for civil infraction violations as set forth in this Code, in addition to the penalties set forth herein.

SECTION III

All ordinances, parts of ordinances, or sections of the City Code in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect, and the City of Burton Ordinance Code shall remain in full force and effect, amended only as specified above.

SECTION IV

The amendments of the City of Burton Code of Ordinances set forth in this ordinance do not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendments of the City of Burton Code of Ordinances set forth in this ordinance.

SECTION V

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated, and such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this ordinance shall stand and be in full force and effect.

SECTION VI

This Ordinance shall be published in a newspaper of general circulation within the City of Burton, Genesee County, Michigan, and shall become effective

SECTION VII

A copy of this Ordinance may be inspected at the City Clerk's office 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:

Enacted:

Effective date:

DRAFT



ADOPTED

AGENDA ITEM (ID # 5122)

DOC ID: 5122 E

Approve and authorize the second reading Ordinance 2021-8-72.01. An Ordinance amending the Burton City Code of Ordinances by the addition of chapter 72. A chapter to permit and regulate the use of golf carts within the city and to provide the penalty for the violation thereof.

HISTORY:

06/07/21 Legislative Committee RECOMMENDED

Mr. Fenner stated we have done some extensive research on this. There are quite a few state laws governing this that we cannot change. We can adopt an ordinance and we can add restrictions but we cannot change what the state dictates. This is allowable for populations of 30,000 and under and we fall just below that.

Attorney Doyle stated I would like to make clear which vehicles we are discussing today. Are we speaking about only golf carts or are we including ORV's?

Mr. Fenner stated we are only here tonight to address golf carts. This is not for ATV's, ORV's or four wheelers. The state allows a 15 MPH maximum speed limit. They cannot go on roads with a speed limit exceeding 30 MPH. They cannot be driven on sidewalks. They have to be driven only by individuals 16 years or older with a valid driver's license. These are all state rules we will have to abide by. There are other things we can add such as obtaining a permit and brake lights.

Mr. Martinbianco stated if we make the determination to allow this on local streets, our neighbors in the Genesee and Lippincott area will not have a good chance to get off of Genesee or Lippincott until they come back to the subdivisions Lapeer Manor or Lapeer Heights. Do we have to make an exception for limited travel on those streets for these individuals?

Attorney Doyle stated I do not believe we can make an exception. They are allowed to cross the road or use a path alongside the road.

Mr. Martinbianco asked if the shoulder of the road is considered a path.

Attorney Doyle said, no it is not. The law says you can only cross the road when necessary.

Discussion ensued regarding speed limits, maximum speed of a golf cart and enforcement of golf carts.

Mrs. Conley stated I don't mind golf carts. I think you need to have a license. As long as kids aren't on them abusing them.

Mr. Fenner stated there are golf carts going down Saginaw Street or on the sidewalk and that is not allowed. In light of all the state rules, there are other things we can add to this such as a permit policy or different signals and lights. I wouldn't mind seeing a brake light on them. Can we ask them to show proof that this has been added to the home owners policy?

Attorney Doyle stated it is tricky. Michigan is a no fault state and the statute excludes golf carts from having auto insurance. Are we preempted by the state from doing that? I would argue, no but that is something we will have to get into later.

Mr. Fenner stated we need to consider the amount of paperwork required by our city staff. I am in favor of golf carts being allowed in the manner in which the state dictates.

Mr. Martinbianco asked if there was anything from the county regarding this.

Mr. Fenner stated the county deferred it to the cities under 30,000 in population.

Mr. Martinbianco wants to know how the 2020 census numbers could impact this decision. Do we have preemptive rights if our numbers go over 30,000?

Attorney Doyle stated it is based on the 2010 census according to the state statute.

Mr. Fenner stated the state does not allow golf carts to be operated after dark. We can require other things such as mirrors and lights however, I do not want to burden our residents with anymore than just following the state guidelines.

Mr. Martinbianco stated we are trying to be proactive and neighborly. I would like the Police Department to communicate problems with the administration so we can handle them.

Attorney Doyle will draft an ordinance for City Council that mirrors the state statute and provide it to the City Clerk for the first reading.

06/21/21 City Council

CARRIED TO SECOND READING

Mr. Fenner stated to be clear, there are state rules that our ordinance has mirrored. This is not free reign with golf carts. There are rules that need to be followed and will be enforced. I am glad we were able to clear this up and allow those who are willing to follow the rules to use golf carts.

Mr. Wells stated I am not against this. I hope we can enforce it and that there are no safety issues. We can always come back and tweak it if needed.

COMMENTS - Current Meeting:

Mr. Smith stated this mimics the state ordinance, correct?

Mr. Heffner stated that is correct. If this passes, it will become law 48 hours after tonight as long as the Mayor does not veto it. I don't think he will but it will take 48 hours for this to be legal.

ATTACHMENTS:

- 2021-6-72.01 golf cart ordinance (DOCX)

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

CITY OF BURTON
COUNTY OF GENESEE, MICHIGAN

ORDINANCE 2021 - 6 -72.01et seq.

AN ORDINANCE AMENDING THE BURTON CITY CODE OF
ORDINANCES BY THE ADDITION OF CHAPTER 72. A CHAPTER TO
PERMIT AND REGULATE THE USE OF GOLF CARTS WITHIN THE
CITY AND TO PROVIDE THE PENALTY FOR THE VIOLATION
THEREOF.

THE CITY OF BURTON HEREBY ORDAINS:

SECTION I

Chapter 72, is hereby added and shall read as follows:

72.01 PURPOSE

These regulations are intended to secure the public peace, health and safety of the residents and property owners of the City of Burton by the regulation of the use of golf carts on public roads within the City and to provide penalties for the violation of these provisions.

72.02 DEFINITIONS

- A. Golf cart means a vehicle designed for transportation while playing the game of golf. Off-road vehicles, such as Gators, all-terrain vehicles (ATVs), a multitrack or multi-wheel drive vehicle, dune buggy, or like-vehicles are not considered golf carts.
- B. Maintained portion means that portion of a road improved, designated or ordinarily used for vehicular traffic.
- C. Operate means to ride in or on, or be in actual physical control of the operation of the golf cart. Operator means a person who operates or is in actual physical control of the operation of a golf cart.
- D. Street means a road, roadway, street or right-of-way within the City of Burton street system, but does not include a private road.
- E. The terms road, roadway, street and right-of-way are interchangeable.
- F. Sunset and sunrise mean that time determined by the National Weather Service on any given day.

72.03 OPERATION OF GOLF CARTS ON CITY STREETS

A person may operate a golf cart on City streets, subject to the following restrictions:

- A. A person shall not operate a golf cart on any street unless he or she is at least 16 years old and is licensed to operate a motor vehicle.
- B. The operator of a golf cart shall comply with the signal requirements of MCL 257.648, as amended, that apply to the operation of a vehicle.
- C. All golf carts are required to have a red reflector on the rear of the golf cart that shall be visible from all distances up to 500 feet when in front of lawful low beams of headlamps on a motor vehicle.
- D. The operator of a golf cart shall obey by all sections pertaining to traffic in the Michigan Vehicle Code and the Uniform Traffic Code.
- E. A person operating a golf cart upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- F. A person shall not operate a golf cart on a state trunk line highway. This subsection does not prohibit a person from crossing a state trunk line highway when operating a golf cart on a street of the City, using the most direct line of crossing.
- G. Where a usable and designated path for golf carts is provided adjacent to a road or street, a person operating a golf cart shall be required to use that path. A golf cart shall not be operated on a sidewalk constructed for the use of pedestrians.
- H. A person operating a golf cart shall not pass between lines of traffic but may pass on the left of traffic moving in his or her direction in the case of a two-way street, or on the left or right of traffic, in an unoccupied lane, in the case of a one-way street.
- I. A golf cart shall be operated at a speed not to exceed 15 miles per hour and shall not be operated on a roadway or street with a speed limit of more than 30 miles per hour except to cross that roadway or street.
- J. A golf cart shall not be operated on the streets of the City during the time period from one-half hour before sunset to one-half hour after sunrise.
- K. A golf cart shall not be used to carry more persons at one time than the number for which it is designed and equipped.
- L. Golf carts shall not be operated on a road or street in a negligent manner, endangering any person or property, or obstructing, hindering, or impeding the lawful course of travel of any motor vehicle or the lawful use by any pedestrian of public streets, sidewalks, paths, trails, walkways or parks.
- M. This section does not apply to a police officer, City officials, employees, contractors or volunteers in the performance of City duties.

72.04 PARKING REGULATIONS

The parking, stopping, and standing regulations provided in the City Code, which may be adopted by reference therein, shall also apply to golf carts operated in the City, as if they are motor vehicles under those provisions.

72.05 VIOLATIONS AND PENALTIES

- (A) Any person violating any provisions of this article shall be responsible for a civil infraction. The penalty for the first offense shall be \$100.00. For any second or subsequent repeat offense, the fine shall be no more than \$250.00.
- (B) A court may order a person who causes damage to the environment, a road, or other public property as a result of the operation of a golf cart to pay full restitution for that damage above and beyond the penalties paid for civil infractions.

SECTION II – SEVERABILITY

If any part of this ordinance shall be determined to be unenforceable by a court of competent jurisdiction, that part shall be deemed to be severed and removed from the body of this ordinance, and the rest shall remain in full force and effect.

SECTION III – IMMUNITY

The City of Burton is immune from tort liability for injuries or damages sustained by any person arising out of the operation or use of a golf cart on maintained or unmaintained roads, streets, shoulders, and rights of way over which they have jurisdiction.

SECTION IV – PRIOR ORDINANCES

All City ordinances and resolutions or a part thereof, insofar as the same may be in conflict herewith, are hereby repealed.

SECTION V

This Ordinance shall be published in a newspaper of general circulation within the City of Burton, Genesee County, Michigan, and shall become effective upon publication.

SECTION VI

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

CITY OF BURTON,

By: DUANE HASKINS, MAYOR

By: RACHEAL BOGGS, CLERK

Ordinance introduced on: 6/21/21

Second Reading:

Publication date:

Effective date:

Attachment: 2021-6-72.01 golf cart ordinance (5122 : Second Reading of Golf Cart Ordinance)