



CITY OF BURTON
BURTON CITY COUNCIL MEETING
NOVEMBER 4, 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: TINA CONLEY

Mrs. Conley shared condolences for the Cokley family for the passing of Bill Cokley.

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

Mrs. Conley asked Brendan Craig from Boy Scout troop #178 to lead the pledge of allegiance. She thanked him for his Eagle Scout project, for the beautification of Kelly Lake.

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. APPROVAL OF AGENDA

Mr. Martinbianco asked, if we have changes to the agenda, we do that through typical protocol correct?

Mr. Heffner said, yes.

Mr. Martinbianco stated he will retract his reservations.

E. STAFF PRESENT

Duane Haskins, Mayor
Brian Ross, Police Chief
Kirk Wilkinson, Fire Chief
Charles Abbey, DPW Director/HR
Katie Malin, Clerk's Office

F. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Oct 18, 2021 7:00 PM

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

G. ADMINISTRATIVE REPORTS

Mayor Haskins gave a report on the following:

- Congratulations to Councilman Vaughn Smith on a successful reelection and congratulations and welcome Councilman Elect Greg Hull and Councilwoman Elect Christina Hickson. The swearing in ceremony will be at the next council meeting on November 15, 2021.
- Wrapping up the audit with Plant Moran and the audit presentation is scheduled for December 6, 2021 at 5:30 PM.
- November 11, 2021 at 11:11 AM we will be honoring our veterans at the Veterans Memorial.
- John O'Brien from Genesee County Water and Waste will be attending our Council meeting on December 6, 2021 to update on the sewer rate increase that will take effect January 2, 2022.
- Redistricting Maps check out the website Michigan.mydistrict.com
- 2nd Annual 'Twas the Lights Before Christmas Contest will take place again this year. Please contact the Parks & Rec Director for details.
- The Downtown Development Authority will be having their 3rd Annual Christmas Decorating Contest for the businesses in the DDA District.
- The new Christmas decorations for the poles on Saginaw Street will be up this year.
- Due to the rise in Covid cases we will go back to the mask mandate for employees.
- The Clerk apologizes for not being here. She wanted to let everyone know that the City of Burton had a smooth November 2, 2021 General Election. All precincts balanced and there were no issues with the tabulations of votes. The City of Burton was one of the first jurisdictions in the county to have results transmitted. Great job to election workers and staff.

H. COMMITTEE REPORTS

Mr. Fenner Made a motion to go into Closed Session prior to Audience Participation.

Mrs. Conley reported the following on Parks & Rec:

- Reminder all the Parks & Rec Events are free.
- Thank you to all the volunteers that helped with the Trick-or-Treat Trail.
- We are looking for volunteers to help put up Christmas lights for the Christmas Tree Lighting Ceremony at Fire Station # 1 on November 13, 2021.
- Thank you to Conley's Collision for donating a tree for the tree lighting ceremony and thank you to Gray's towing, they will be putting the tree in.

Mr. Smith stated we had another successful Project Heats On. It was our 13th year, we helped 55 Burton residents. We have the Veterans Honor Run on Saturday, November 13, 2021 that starts at 11:11 AM.

1. Motion to go into closed session under Section 8E of the Open Meetings Act prior to Audience Participation for the purpose of discussion on pending city litigation.

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

2. Motion to add to agenda: Approve and accept the case evaluation award in the FEMA property matters authorize the City Attorney to prepare documents effectuating same.

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

I. AUDIENCE PARTICIPATION

City Council went into closed session at 7:24 PM.

City Council returned from closed session at 7:43 PM.

None.

J. COUNCIL DISCUSSION

Mr. Wells stated I am still receiving calls regarding the issue with the neighbor on Belsay Road. This time it was regarding him revving his engine and doing donuts on Belsay Road at 1:00 AM. There were several calls to the police. Please help these people out.

The Mayor explained they need to call the police, the police cannot make up charges and barge in on people and arrest them, they have to follow the laws. If they are called and see something, they will cite him or arrest him. I am not denying that this is going on or that he is not playing the system, but our police have laws they have to follow.

Mr. Wells stated I cannot believe they have never caught him.

Mayor Haskins stated they have caught him, he has gone to jail.

Mr. Wells stated I just don't see why they call the police and nothing is being done.

Mayor Haskins stated the last time you reported on this, the Police Chief pulled the records and there were no calls to 911.

Mr. Martinbianco asked if the Police Chief knows this person, I would like to hear from him.

Chief Ross said yes, I have been over there several times. I have received phone calls from some of the neighbors. Usually their complaint is midday on Friday or Saturday, when he is riding dirt bikes out back, which is not against the law. I've tried to explain that to them, that this is not against the law and he has plenty of acreage to shoot his gun. Anything during the night, I do not find out until the next day. I have pulled the records and I believe in the last year we have only been called out to that house six times.

Mr. Martinbianco asked, did you say you've only been called six times?

Chief Ross said, don't quote me on it, but yes there had only been six or seven calls to 911 in the past year. It has never been three or four times a day.

Mayor Haskins asked the Police Chief to explain how he requested a mediation.

Chief Ross stated I asked Gary if he would be willing to sit down with his neighbor at our Police Department and have a mediation. This is basically just neighbors who are arguing and it just keeps spilling over. He said, yes he was willing to do that. I then asked the neighbor and he said he is not willing to sit down or be in the same room with Gary. I explained to him it would be at the Police Department. He then said he is scared to death of him and he doesn't see why anyone would ever sit down in a room with him. So, we have tried going beyond just responding to their calls.

Mr. Heffner asked if we could put under covers out there to monitor the situation. I know it would cost money, but it seems like it is affecting a lot of residents if what I am hearing is correct.

Chief Ross stated if we are going to spend money on specialized enforcement, we have plenty of other things in the city that are more deserving of specialized treatment at this time.

Mr. Heffner stated this is what we seem to be hearing the most of. You are the expert. Is there something extra we can do?

Mayor Haskins stated one thing we could do is hire five more Police Officers and start a special task force for every resident complaint that has these type of issues. The only thing you need to remember is these noise violations are misdemeanors, all these other things going on like drugs, are felonies. We can do it, we just have a lot of issues. We need more Police Officers to do it.

Mr. Smith asked for the City Attorney's prospective on the situation.

Attorney Doyle stated the neighbors should call 911 and our Police Department responds. I have prosecuted him twice now. It is a misdemeanor. We can't just bust in the door. Something has to be committed in our presence or we have to have a complainant that is willing to sign a complaint for us. His neighbor is not willing to do that.

Mr. Wells asked the Mayor and Chief if they would be willing to have a meeting with the neighbors.

Mayor Haskins stated I am more than happy to meet with them.

Mr. Martinbianco asked if she gets contacted by Police Departments with questions for situations like this.

Attorney Doyle said, yes.

Mrs. Walton asked, can a PPO be put against this individual for the area near this person?

Attorney Doyle stated we could not do that, it would have to be done by the neighbors. They could go to circuit court and ask for a PPO if they are being terrorized.

Mr. Fenner stated the house at 1461 Schumacher is owned by the Land Bank, this individual was the one that operated the flea market behind the fabric store and we had to shut it

down. Now he occupies this residence owned by the land bank. So, he is basically squatting. Is there anyway the city can step in and evict this individual?

Attorney Doyle, stated we do not own the house, so we cannot evict him. We can have it condemned and we already have. Another possibility is to file a circuit court nuisance action. That will still take awhile and is costly to the city.

Mr. Abbey stated we can make another call to the Land Bank.

Mrs. Walton stated it has been a pleasure to serve on the council for the residents and employees. Thank you, Mayor Haskins, Mr. Abbey, and all the staff. Thank you to our Police and Fire Department for your service. Thank you, Mr. Wells for your service to our community.

Mr. Heffner thanked Mr. Wells and Mrs. Walton for their service to the community.

Mr. Wells thanked everyone and stated he loved serving the City of Burton.

K. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Doyle) 10/14/21 to 10/26/21 in the amount of \$5,791.00.

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

2. Approve and authorize the sale of Vacant Lot - Brady, Parcel No. 59-32-552-089, to give first and final approval for the sale of this parcel to Angelita Drouin, 6085 Wendt Dr., Flint, MI 48507, for the sum \$225 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

Mr. Smith asked is this a situation where properties are adjoining?

Mr. Abbey stated it does not look like it because they have a Flint mailing address.

RESULT:	CARRIED [6 TO 1]
MOVER:	Deborah K Walton, Councilwoman
SECONDER:	Christina Conley, Councilwoman
AYES:	Heffner, Wells, Smith, Fenner, Walton, Conley
NAYS:	Martinbianco

3. Approve and authorize the sale of Vacant Lot - Sandalwood, Parcel No. 59-22-529-064, to give first and final approval for the sale of this parcel to Kristopher Traxler, 2096 Cherrywood Dr., Burton, MI 48519, for the sum \$400 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

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

4. APPROVE and AUTHORIZE the acceptance of a paving petition for Maplewood Meadows Subdivision in Section 35, using mill and resurface standards

Mr. Martinbianco asked if we took official action that we are going to pay 50 percent.

Mr. Abbey stated when it was discussed all of council said yes. That was an acknowledgment that, that is how it would be done.

Mr. Martinbianco asked, is there a budget?

Mr. Abbey stated there will be after this project is complete.

Mr. Smith stated I think this is great.

Discussion continued on the local road project.

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

5. APPROVE and AUTHORIZE to improve Maplewood Meadows Subdivision by asphalt mill and resurface including required drainage repairs.

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

6. APPROVE and AUTHORIZE that improvement to Maplewood Meadows Subdivision to be assessed against the lands and premises as indicated in Chapter 150. A. Proceed with district for improvement of asphalt mill and resurface including required drainage repairs. B. Place preliminary district maps and cost estimates with the intention of City Council to provide a 50% match, on file with the Clerk's Office for examination. C. Determine improvement to be necessary. D. Accept cost estimate.

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

7. APPROVE and AUTHORIZE the City Clerk to Set First Public Hearing for Monday December 6, 2021 at 6:30 p.m. at City Hall, or any later date of City Council choice; (a minimum of fourteen (14) days is required between this Council meeting and the proposed public hearing date), and instruct the Clerk's Office, to publish and mail notices to hear and consider any favorable comments and/or objections which may be submitted by any interested person with respect to the making of the improvements and to the assessing of the cost of the improvements to the lands in the aforesaid special assessment district Maplewood Meadows Subdivision Project #21-019-P.

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

8. Budget Amendment Approve and authorize the following 2021-2022 budget amendment: Increase 2006-2006-775.1000 Supplies Hundred Club Grant by \$3,160; Increase 2006-2006-775.0000 Supplies Walmart Grant by \$2,500; Decrease Fire Fund Balance by \$5,660.

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

9. Approve and accept the case evaluation award in the FEMA property matters authorize the City Attorney to prepare documents effectuating same.

RESULT: CARRIED [6 TO 1]
MOVER: Vaughn Smith, Councilman
SECONDER: Deborah K Walton, Councilwoman
AYES: Martinbianco, Heffner, Smith, Fenner, Walton, Conley
NAYS: Wells

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

Meeting was adjourned at 8:50 PM.