



**CITY OF BURTON**  
**BURTON CITY COUNCIL MEETING**  
**SEPTEMBER 15, 2014**  
**AGENDA**

---

**Council Chambers**

**Regular Meeting**

**7:00 PM**

---

**4303 S. CENTER ROAD**  
**BURTON, MI 48519**

**A. INVOCATION LED BY ELLEN ELLENBURG.**

**B. THE PLEDGE OF ALLEGIANCE IS LED BY ELLEN ELLENBURG.**

**C. ROLL CALL**

**D. STAFF PRESENT**

**E. APPROVAL OF MINUTES**

1. City Council - Regular Meeting - Sep 2, 2014 7:00 PM
2. City Council - Special Meeting - Sep 10, 2014 6:30 PM

**F. ADMINISTRATIVE REPORT**

**G. COMMITTEE REPORTS**

**H. AUDIENCE PARTICIPATION**

**I. COUNCIL DISCUSSION**

**J. COUNCIL ACTION**

1. Approve and authorize the Attorney bill (Rick Austin) from 08/27/14 to 09/10/14 in the amount of \$3,879.25.
2. Approve and authorize the Attorney bill (Keller Thoma) from 08/14/14 to 08/29/14 in the amount of \$1,585.78.
3. Approve and authorize the Mayor's appointment of William Fowler as the City Assessor, per acceptance of the employment agreement, effective date September 15, 2014 through June 30, 2015.
4. Approve and authorize the Mayor and Clerk to enter into an agreement with Stantec Consulting Michigan Inc., 3754 Ranchero Drive, Ann Arbor, MI 48108-2771. Task 1 Preliminary Engineering (70%) \$120,000.00, Task 2 Detailed Design, Plan Preparation and Contract Documents \$52,000.00 and Task 3 Bidding Assistance \$8,000.00. Total not to exceed fee \$180,000.00.

**K. SECOND READING OF AN ORDINANCE**

1. Approve and authorize Second Reading of an Ordinance 2014-9-144.08 amending Chapter 144 of The City of Burton Code of Ordinances to define and prohibit the act being a Disorderly Person and to provide penalties for the violation thereof.

**DRAFT**

# CITY OF BURTON

## BURTON CITY COUNCIL MEETING

### SEPTEMBER 2, 2014

### MINUTES

**Council Chambers****Regular Meeting****7:00 PM**

**4303 S. CENTER ROAD  
BURTON, MI 48519**

This meeting was opened by President Tom Martinbianco at 7:05 PM.

**A. INVOCATION LED BY VAUGHN SMITH.****B. THE PLEDGE OF ALLEGIANCE IS LED BY VAUGHN SMITH.****C. ROLL CALL**

| Attendee Name    | Title          | Status  | Arrived |
|------------------|----------------|---------|---------|
| Tom Martinbianco | President      | Present |         |
| Duane Haskins    | Vice-President | Present |         |
| Dennis O'Keefe   | Councilman     | Present |         |
| Steve Heffner    | Councilman     | Present |         |
| Ellen Ellenburg  | Councilwoman   | Present |         |
| Vaughn Smith     | Councilman     | Present |         |

**D. STAFF PRESENT**

Paula Zelenko, Mayor  
Richard Austin, Attorney

Rik Hayman, Chief of Staff  
Teresa Karsney, Clerk

**E. APPROVAL OF MINUTES**

1. City Council - Regular Meeting - Aug 18, 2014 7:00 PM

|                  |                                                           |
|------------------|-----------------------------------------------------------|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>                               |
| <b>MOVER:</b>    | Dennis O'Keefe, Councilman                                |
| <b>SECONDER:</b> | Vaughn Smith, Councilman                                  |
| <b>AYES:</b>     | Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith |

2. City Council - Special Meeting - Aug 25, 2014 6:00 PM

|                  |                                                           |
|------------------|-----------------------------------------------------------|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>                               |
| <b>MOVER:</b>    | Dennis O'Keefe, Councilman                                |
| <b>SECONDER:</b> | Vaughn Smith, Councilman                                  |
| <b>AYES:</b>     | Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith |

**F. ADMINISTRATIVE REPORT**

Mayor Zelenko stated that Judd Road, Amy Street and Decamp Street are wrapping up, they are at the punch list points. The demolition at Bristol and Dort Highway is near complete.

We are fielding many calls regarding the Consumer's Energy construction in the City. We expect Consumers to be continuing to work through the fall.

Mayor Zelenko acknowledged that our Controller, Ginger Burke-Miller, has once again kept up the tradition and was awarded the Certificate of Achievement for Excellence in Financial reporting from the Government Finance Officers Association for fiscal year ending 2013.

Mayor Zelenko said that the City Charter Section 3.14(a) speaks to the Council filling the vacancy within 30 days but it does not speak to the procedure that Council shall use to make the determination of which applicant to appoint. The actual procedure has varied from council to council through the years and tonight you will need to have discussion how you want to go about the procedure such as any interviews, individual nominations, putting all names in nomination and the date when you will want to take action. Thirty days will expire September 17, 2014. You should all have the letters of application and or resumes of eleven citizens interested in serving. The City Clerk has verified that all eleven of the applicants meet the Charter requirements of being electors and residents of the City of Burton.

Mayor Zelenko went over the rest of the items on the agenda. She stated tomorrow its Good Neighbor Day at Bentley Florist at 9:00 a.m. Saturday at 4:00 p.m. at Trapper Joes in Burton Firefighter Fundraiser Holiday Foods Drive. The Genesee County Metropolitan Planning Commission Hazardous Waste & Electronic Waste Collection day is Saturday, September 27, 2014 from 10:00 a.m. to 2:00 p.m.

#### **G. COMMITTEE REPORTS**

Mr. Smith stated that we had a Finance Committee Meeting to discuss the effects of the new water rates and how the KWA pipeline will effect us.

#### **H. AUDIENCE PARTICIPATION**

Rick Fuhst of Burton brought to the attention of the Council about Consumer Energy digging up Center Road. Some of their patching is done being done incorrectly.

Deb Walton of Burton has Neighborhood Watch signs if anyone wants one. Mrs. Walton would like to know what is going on with 1205 Carmen. The 1225 Carmen lot was sold but there is a small strip of land that was not sold with it and she was wondering why.

John Stapish of Burton wanted to know if we are having selective enforcement on landlords.

#### **I. COUNCIL DISCUSSION**

1. Review and discussion of City Council applications. Filling of Vacancies per City Charter Section 3.14 (a) If a vacancy occurs in the Council, except in the case of recall, the Council shall fill the vacancy by appointment within thirty (30) days thereafter. Each such appointment, except as otherwise provided in this Charter, shall be for a term ending on the second Monday following the next regular City election.

It was decided by Council that we will have a Special Council Meeting on Wednesday, September 10, 2014 at 6:30 p.m. for 10 minute interviews with each candidate. The City Clerk will notify the candidates.

#### **J. COUNCIL ACTION**

1. Approval of Attorney Billing (Richard Austin) from 08/01/14 to 08/27/14 in the amount of \$9,748.35.

**RESULT:** CARRIED [UNANIMOUS]  
**MOVER:** Duane Haskins, Vice-President  
**SECONDER:** Steve Heffner, Councilman  
**AYES:** Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith

2. Approve and Authorize the Genesee County Metropolitan Planning Commission to transfer \$54,008.15 in Community Development Block Grant funds from DPW project #13-001-W Judd Road Water Main to DPW project #13-006-P DeCamp Paving.

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

#### K. FIRST READING OF AN ORDINANCE

1. First Reading of an Ordinance 2014-9-144.08 amending Chapter 144 of The City of Burton Code of Ordinances to define and prohibit the act being a Disorderly Person and to provide penalties for the violation thereof.

**RESULT:** CARRIED [UNANIMOUS]  
**MOVER:** Duane Haskins, Vice-President  
**SECONDER:** Steve Heffner, Councilman  
**AYES:** Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith

#### L. SECOND READING OF AN ORDINANCE

1. Second Reading of Vicious Dog Ordinance 2014-8-133.06, an ordinance amending Chapter 134 of the City of Burton Code of Ordinances to define and regulate vicious dogs kept or found within the City of Burton and to provide criminal penalties for the violation of such regulations.

**RESULT:** CARRIED [UNANIMOUS]  
**MOVER:** Duane Haskins, Vice-President  
**SECONDER:** Ellen Ellenburg, Councilwoman  
**AYES:** Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith

Meeting was adjourned at 7:55 PM.

**DRAFT**

# CITY OF BURTON

## BURTON CITY COUNCIL MEETING

### SEPTEMBER 10, 2014

### MINUTES

**Council Chambers****Special Meeting****6:30 PM**

**4303 S. CENTER ROAD  
BURTON, MI 48519**

**This meeting was opened by President Tom Martinbianco at 6:37 PM.**

**A. ROLL CALL**

| Attendee Name    | Title          | Status  | Arrived |
|------------------|----------------|---------|---------|
| Tom Martinbianco | President      | Present |         |
| Duane Haskins    | Vice-President | Present |         |
| Dennis O'Keefe   | Councilman     | Present |         |
| Steve Heffner    | Councilman     | Present |         |
| Ellen Ellenburg  | Councilwoman   | Present |         |
| Vaughn Smith     | Councilman     | Present |         |

**B. STAFF PRESENT**

Paula Zelenko, Mayor  
Marvin Epperson, Fire Chief  
Teresa Karsney, Clerk

Rik Hayman, Chief of Staff  
Tom Osterholzer, Police Chief

**C. AUDIENCE PARTICIPATION**

None

**D. COUNCIL ACTION**

1. Ten minute interviews of each applicant for the open Council seat and appointment.

Each applicant was given an opportunity to give an opening statement about themselves and was given 10 minutes for questions from the City Council. Then the applicant was given a chance to make a closing statement about themselves.

2. Motion to nominate all the candidates (Mr. Cox, Mr. Smiley, Mr. Rapacz, Mr. Hatfield, Ms. Brown, Mr. Cross, Ms. Kedovary, Mr. Ellis, Mr. Stapish, Mr. Fuhst) for the City Council Seat.

|                  |                                                           |
|------------------|-----------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                                |
| <b>MOVER:</b>    | Steve Heffner, Councilman                                 |
| <b>SECONDER:</b> | Dennis O'Keefe, Councilman                                |
| <b>AYES:</b>     | Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith |

3. The City Clerk would do a round robin roll call of each City Council Member starting with Mr. Martinbianco for the first round and then start with a different Council person for each additional round. Each City Council member would state which candidate they were voting for until one candidate received (4) votes.

**Round One results were:**

Mr. Martinbianco voted for Mr. Cox  
Mr. Heffner voted for Mr. Smiley  
Mr. O'Keefe voted for Mr. Hatfield  
Mr. Smith voted for Mr. Hatfield  
Mrs. Ellenburg voted for Ms. Brown  
Mr. Haskins voted for Mr. Hatfield

**Round Two results were:**

Mr. Heffner voted for Mr. Smiley  
Mr. O'Keefe voted for Mr. Hatfield  
Mr. Smith voted for Mr. Hatfield  
Mrs. Ellenburg voted for Ms. Brown  
Mr. Haskins voted for Mr. Hatfield  
Mr. Martinbianco voted for Mr. Cox

**Round Three results were:**

Mr. O'Keefe voted for Mr. Hatfield  
Mr. Smith voted for Mr. Hatfield  
Mrs. Ellenburg voted for Ms. Brown  
Mr. Haskins voted for Mr. Hatfield  
Mr. Martinbianco voted for Mr. Cox  
Mr. Heffner voted for Mr. Smiley

**Round Four results were:**

Mr. Smith voted for Mr. Hatfield  
Mrs. Ellenburg voted for Ms. Brown  
Mr. Haskins voted for Mr. Hatfield  
Mr. Martinbianco voted for Mr. Cox  
Mr. Heffner voted for Mr. Smiley  
Mr. O'Keefe voted for Mr. Hatfield

**Round Five results were:**

Mrs. Ellenburg voted for Ms. Brown  
Mr. Haskins voted for Mr. Hatfield  
Mr. Martinbianco voted for Mr. Cox  
Mr. Heffner voted for Mr. Smiley  
Mr. O'Keefe voted for Mr. Hatfield  
Mr. Smith voted for Mr. Hatfield

**Round Six results were:**

Mr. Haskins voted for Mr. Hatfield  
Mr. Martinbianco voted for Mr. Cox  
Mr. Heffner voted for Mr. Smiley  
Mr. O'Keefe voted for Mr. Hatfield  
Mr. Smith voted for Mr. Hatfield  
Mrs. Ellenburg voted for Mr. Hatfield

After six rounds of voting Mr. Hatfield received four votes. The City Clerk then swore Mr. Hatfield in a new City Council Member and he took his seat on the Council.

Meeting was adjourned at 8:55 PM.

Minutes Acceptance: Minutes of Sep 10, 2014 6:30 PM (Approval of Minutes)



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

Meeting: 09/15/14 07:00 PM  
Department: Clerk's Office  
Category: Attorney Billing  
Prepared By: Teresa M. Karsney  
Department Head: Teresa M. Karsney

**J.1**

**SUBMITTED**

**AGENDA ITEM (ID # 1213)**

*DOC ID: 1213*

---

**Approve and authorize the Attorney bill (Rick Austin) from  
08/27/14 to 09/10/14 in the amount of \$3,879.25.**



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

Meeting: 09/15/14 07:00 PM  
Department: Clerk's Office  
Category: Attorney Billing  
Prepared By: Teresa M. Karsney  
Department Head: Teresa M. Karsney

**J.2**

**SCHEDULED**

**AGENDA ITEM (ID # 1218)**

*DOC ID: 1218*

---

**Approve and authorize the Attorney bill (Keller Thoma) from  
08/14/14 to 08/29/14 in the amount of \$1,585.78.**



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

Meeting: 09/15/14 07:00 PM  
Department: Mayor's Office  
Category: Contract  
Prepared By: Sue Warren  
Department Head: Paula Zelenko

**J.3**

**SCHEDULED**

**AGENDA ITEM (ID # 1223)**

*DOC ID: 1223*

---

**Approve and authorize the Mayor's appointment of William Fowler as the City Assessor, per acceptance of the employment agreement, effective date September 15, 2014 through June 30, 2015.**



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

Meeting: 09/15/14 07:00 PM

Department: Clerk's Office

Category: Contract

Prepared By: Teresa M. Karsney

Department Head: Teresa M. Karsney

J.4

**SCHEDULED**

**AGENDA ITEM (ID # 1225)**

DOC ID: 1225

**Approve and authorize the Mayor and Clerk to enter into an agreement with Stantec Consulting Michigan Inc., 3754 Ranchero Drive, Ann Arbor, MI 48108-2771. Task 1 Preliminary Engineering (70%) \$120,000.00, Task 2 Detailed Design, Plan Preparation and Contract Documents \$52,000.00 and Task 3 Bidding Assistance \$8,000.00. Total not to exceed fee \$180,000.00.**



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

Meeting: 09/15/14 07:00 PM  
Department: Clerk's Office  
Category: Ordinance  
Prepared By: Teresa M. Karsney  
Department Head: Teresa M. Karsney

**K.1**

**SCHEDULED**

**AGENDA ITEM (ID # 1214)**

DOC ID: 1214

**Approve and authorize Second Reading of an Ordinance  
2014-9-144.08 amending Chapter 144 of The City of Burton  
Code of Ordinances to define and prohibit the act being a  
Disorderly Person and to provide penalties for the violation  
thereof.**

**ATTACHMENTS:**

- disorderly ordinance burton 2014-9-144.08 (DOCX)

CITY OF BURTON  
GENESEE COUNTY, MICHIGAN

**ORDINANCE NO. 2014- 9 - 144.08**

AN ORDINANCE AMENDING CHAPTER 144 OF  
THE CITY OF BURTON CODE OF ORDINANCES  
TO DEFINE AND PROHIBIT THE ACT BEING  
A DISORDERLY PERSON AND TO PROVIDE  
PENALTIES FOR THE VIOLATION THEREOF

**THE CITY OF BURTON ORDAINS:**

**SECTION I**

Section 144.08 of Chapter 144 of the Code of Ordinances of  
the City of Burton is hereby amended by the redaction of  
Section 144.08 and replacement with the following:

SECTION 144.08 DISORDERLY PERSON

- (A) It shall be unlawful hereunder for a person to be a  
disorderly person.
- (B) A person is a Disorderly Person if any of the  
following:
  - (1) A person creates or unlawfully engages in any  
disturbance, fight or quarrel in any public  
place, except in reasonable self-defense when  
attacked without reasonable provocation or in  
reasonable defense of another who was so  
attacked;
  - (2) A person disturbs the public peace and quiet by  
loud, boisterous or vulgar conduct or language;
  - (3) A person disturbs or unreasonably interferes  
with any service of worship or any other  
assembly gathered for lawful purposes;
  - (4) A person, without proper authority, conducts  
himself or herself in any public place so as to  
obstruct the free and uninterrupted passage of  
the public.

- (5) A person wanders about the streets, alleys, or other public ways or places, or who is found in those places at late or unusual hours in the night without any visible or lawful business and not giving a satisfactory account of himself or herself;
- (6) A person is intoxicated in a public place and is either directly endangering the safety of another person or persons, or who is acting in a manner that causes a public disturbance;
- (7) A person engages in obscene or indecent conduct;
- (8) A person loiters in or about a police station, police headquarters building, county jail, hospital, court building, or other public building or place for the purpose of soliciting employment of legal services or the services of sureties upon criminal recognizances; or
- (9) A person loiters, loafs, wanders, stands, or remains idle in a public place so as to do either of the following:
  - (a) Obstruct a public street, highway, sidewalk, place or building by hindering, impeding or threatening to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians therein or thereon.
  - (b) Obstruct or interfere with the free and uninterrupted use of property or business lawfully conducted by anyone in, upon, facing or fronting any such public street, highway, sidewalk, place or building as to prevent the free and uninterrupted ingress or egress thereto or therefrom; and who refuses or fails forthwith to obey an

order by a police officer to cease such conduct and to move and disperse.

## **SECTION II**

All other provisions of this Chapter shall be and are hereby ratified.

## **SECTION III**

The violation of the terms of this Ordinance shall be punishable by up to 90 days in the county jail, a fine of not more than \$500.00, or both.

## **SECTION IV**

This Ordinance shall be published in a newspaper of general circulation within the City of Burton, Genesee County, Michigan, and shall become effective 30 days after publication.

## **SECTION V**

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: PAULA ZELENKO, MAYOR

---

By: TERESA KARSNEY, CLERK

Ordinance introduced on: September 2, 2014  
Second Reading:  
Publication date:  
Effective date: