



CITY OF BURTON
BURTON CITY COUNCIL MEETING
SEPTEMBER 16, 2019
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: VAUGHN SMITH

B. THE PLEDGE OF ALLEGIANCE IS LED BY: VAUGHN SMITH

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Late	7:09 PM
Duane Haskins	Vice President	Present	
Dennis O'Keefe	Councilman	Present	
Steven Heffner	President	Present	
Danny Wells	Councilman	Present	
Vaughn Smith	Councilman	Present	
Christina Conley	Councilwoman	Present	

D. STAFF PRESENT

Paula Zelenko, Mayor
Amanda Doyle, Attorney
Rik Hayman, Chief of Staff
Bette Bigsby, Acting Clerk
Charles Abbey, Deputy DPW Director
Mike Odette, Police Chief
Kirk Wilkinson, Fire Chief
Ann Abbey, Assessor
Amber Abbey, Superintendent of planning, zoning

E. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Aug 8, 2019 7:00 PM

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

2. City Council - Regular Meeting - Sep 5, 2019 7:00 PM

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

F. ADMINISTRATIVE REPORTS

Mayor Zelenko noted that the August revenue and expenditure report was in the Council packet.

She explained item #3 on the agenda is a budget amendment Major Streets for southbound Grand Traverse St. The PE was scheduled for 2021 and construction for 2022. In order to accommodate another community. We have been asked to move our project up one year. This means that PE would start in 2020 and construction would be in 2021.

Item #4 is setting a public hearing for an Industrial Facility Tax Exemption.

Mayor Zelenko talked about having Austin Farmer from Retail Coach come to the Council meeting on October 7th and do a presentation to Council. The Retail Coach assists Cities and municipalities to bring in business to municipalities.

Mayor stated they are looking to schedule a workshop with Plante Moran for the Specialized Internal Control review.

1. Revenue and Expenditure Report as of August 31, 2019

G. COMMITTEE REPORTS

Mr. Smith spoke about how Austin from Retail Coach did a presentation to the Planning Commission. Mr. Smith asked the Retail Coach who were the municipalities they have worked for in the past. He gave the council the list. We are looking for revenue. He sees them as a marketing company on steroids. They look at numbers. Important for council to evaluate. Retail sector could benefit from this. We have lots of positives. We don't have the skill sets in the city. Part of the Master Plan for the city.

Mr. Smith spoke about Project Heat's On will be held on October 19, 2019 and when the applications would be available. They have 30 plus sponsors for this program.

Mrs. Conley spoke about the Parks & Recreation Commission Trick or Treat Trail on October 26th. We are asking vendors to come and people will have a chance to shop. We have the Veteran's Honor Run on November 2, 2019. Went to the Downtown Development Authority meeting and someone from Mass Transportation Authority was there and they are putting a bus shelter on the corner of Whittemore and Saginaw. We are having a new event for Park & Recreation, A tree lighting ceremony, the Downtown Development Authority donated \$1,000.00 to Park & recreation for this event.

Mr. O'Keefe spoke about the Genesee County 911 Consortium. They had their budget meeting. The legal counsel is leaving in six months. They have an eight million dollar budget. The year before they have over 13 million dollars but last year there was a six million dollar debit come out for the equipment distributed throughout the county. We worked on this for one hour. It was a breeze to sit there.

H. AUDIENCE PARTICIPATION

Steve Shay spoke about trying to get a fire hydrant fixed for six months. They had it fixed once. It broke again. I called and they put an orange container on it back on June 6th. This is the third call to the city. He was promised they would look into it. We have a million dollars for a fire house why can't we fix this. Don't have manpower to fix it. Fire hydrant is very important. Sitting with a orange tent on it not able to use it.

Jackie Poplar stated she has a concern is about Lovedale cemetery that is owned by Mr. Butt, where her parents are buried. She knows the city has tried to work with Mr. Butt and the horrible condition of the cemetery. Mr. Butt has taken it upon himself to not care about our loved ones. I am asking the Burton City Council to stay on Mr. Butt's butt on this situation.

Sherrod Pyge stated there is over 6,500 bodies in Lovedale cemetery. He is appalled at the condition of that place. I want to thank Mr. Haskins for coming out there for the press conference. Something has to be done. No difference in knuckle busters and Lovedale it is inhumane. People are crying because they don't know what to do. Not sure what can be done. There are 13 other cemeteries he is running under a church. If you drive down Bristol road you can see vaults sitting out by the road. If a child climbed into one of those and died we would be here for a different reason. You guys have ticketed him and he has snubbed his nose.

Roberta Compton stated the city of Burton is breaking her heart. You sold the land to GM, did you consider the wildlife? Now you are attempting to sell the property on Covert Road. That land was declared a wetland in 2002. You built that warehouse and you didn't even use people from Michigan. This was sneaky. Covert Road is a good road. I am appalled and heartbroken. If I could sell my land now I would.

Malinda Burnash stated On Thursday, June 20 this year we attended a Zoning Meeting. Al Reno wanted to change the zoning on his lots. I am thinking he wanted to store cars. This would have turned Muffler Man into a junk yard. The people on Delaney complained. He was running loaders at night. The zoning did not pass. We were happy for that. He was given until September 4th to move the cars. On Saturday, I walked onto his lot and counted the cars. There was 105 cars still on the lot. Wondering if anyone is monitoring the SWIP. I worry about gas, oil and other contaminants, antifreeze and degreaser. Please have code enforcement look into this.

Mrs. Burnash went on to say, there are people here in the audience tonight that have lived in the covert road area for many years. Angela has lived there 52 years. My husband and I have lived there for 34 years. She detailed several neighbors that are in attendance and the length of time they have lived there. I visited three offices in the city. I was told I would have to bid on the property. I would have to take it to Council. I would have to do a title search. I was told the taxes were over \$4,000.00. I would have to start planning in a timely fashion. I was told this land was given to Parks & Rec in 2002. Mr. McHale picked it up for \$12,500.00 that is nine thousand dollars less than I would have paid. That is a 33% percent savings for this man. The realtor said no one would even know he was back there. What end does this serve. She had pictures of tress that fell on the power line cutting out power to the neighborhood. The people that are cutting the trees into the Kings yard as well as mine. There is a Facebook ad for free wood. There are double bottom semi's on my road. Numerous trailers with SUV's picking up trees. You hurt us when you decided you would give that land to him for \$12,500.00. There was an eight point buck on Beechwood. Chain saws running until eight o'clock at night. This is not right. Want someone to investigate this deed at county. I want it to go back to Parks & Rec.

Tommy McHale stated he is the owner of the property in question. She asked about building on the property. He told her you could build a house or two back there. He is

putting in a driveway back to where he is going to build a house. He does have it for sale. We are hauling wood out of it. Has to have an easement. Permit to put a culvert in. Woods came up to the road. There was a tree that fell in the guys back years he called me and I was at his house in 15 minutes. Make sure something was done about it. Confusion in the property more feet. Scheduled to be staked and surveyed. Neighbors that I may move into some day are not friendly. Sell it and see what I can do. Knocked 5 doors north and 5 doors south to see if someone wanted to purchase it.

Duane Burnash stated for the record. His wife does not lie. Everything she said was the absolute truth. What she heard, verbatim we all heard. This was a document I received from the City of Burton in 2008. Gentleman who owned the property tried to sell it to a housing developer. He came to the city to get a tax abatement and MSHDA to get a loan. Mr. Gutterman donated it to the city and to Parks & Rec. Mr. Wells met him in the parking lot and told him it was donated to Parks & Rec. He displayed pictures of the property showing how it impacts the whole neighborhood.

Steven King stated he did talk to the realtor about trees on top of my trees. Took five days. I feel we got a raw deal when this property was donated to the city. Don't think Mr. Gutterman would be very happy. Who is responsible for his trees?

Ashley Randall stated we need to call this guy out on his word. I would like to all get together and buy it back and turn it back into a park.

Lewis King stated he is a long time business man. His office is on Atherton and Term. He has been there 40 years. He owns the house next door. He got a letter that the city wanted it demolished because it is not inhabitable. The city sent his brother, who is handicapped a couple of registered letters. He has a contract with Burnash wrecking to have it demolished. When he went to pull the permit he was told the city had a contract with someone else. He thinks his contract is less expensive. He didn't realize how fast the city was going to act.

Another resident spoke about the amount of speeders on his road.

Sandra Lord stated there was a fire in the woods over the weekend. The Fire department had to come put the fire out. There is no water back there. It Looks like young kids are working back there . You can smell Marijuana. The chain saws are going from sun up to sun down. The police have come out there several times. We care about our city. We feel that we have been let down by the city. The residents will definitely buy it back.

I. COUNCIL DISCUSSION

Mrs. Conley asked if there was an answer for the gentleman who lives on Melody.

Mr. Slattery stated he texted Mr. Marshke and he will have someone check on it tomorrow and get it back in action.

Mr. Haskins asked if the property was given to Parks & Recreation? He was not on the council in 2002 and he was not aware of it.

Mr. Abbey stated the property was on the City website. Can't donate property to Parks & Rec. He did tell Mrs. Burnash he would check with the county. Can only tell what the documents show. Property is zoned for residential homes. Not a wetlands. There is nothing in the records to show it is a wetland. There are a lot of steps that would have to be taken for someone to put in forty houses on that property.

Mr. Haskins stated there is a process that has to be followed for Lovedale cemetery. Mr. Butts was cited about the vaults and it is getting close to the end.

Mr. Heffner asked what the city would do if nothing was done.

Mr. Haskins stated he believed the Chief could send a car over there on Covert Road. Mr. Abbey stated the Chief has put cars over there. We can use the solar speed signs to remind people about there speed.

Mr. King's issue with the demolition. This is the third one that has come to us to save on the demolition. Have not had so many people come to us after the fact. Mr. Abbey stated we have a process. We had hearings then we came back with the bids and you awarded the bids. They get notified somehow after the facts then they show up here. No one showed up to the hearings. Curious why they are coming back after the fact.

Mr. Abbey stated if they had taken care of them on their own we wouldn't be here. There is a process and it was followed.

Mrs. Conley asked where we are with Muffler Man.

Mrs. Abbey stated they have moved 70 of the cars out. At the request of their attorney we have extended the timeline. We have been advised to work with them as long as they are removing the cars.

Mr. Wells stated in 2002, that was the first time he had met the Burnash family. They are not afraid to pull documents and have the facts in front of them. Mr. LaDuke and Ms. Moss wanted to turn it into a park. We always thought it was a wetland. I don't know how the property got back out for bid. Some of us agree there was a purpose to it. Got out of hand fast. Gentleman trying to make it right. Hopefully the administration can help with it. Hope there is no hard feelings when it is all said and done.

Mr. Wells stated there are a lot of cemeteries that are in poor shape all around the country. In 2010 he was doing some work for find a grave. There was three people buried out at Lovedale. At that time you could not find a headstone or anything. The old Mr. Butts gave me a shovel. I found a couple. Dale Kildee said that Churches and cemeteries are entities they cannot dictate. We really have no recourse except to stay up to code. The city does not have the resources to buy the cemetery.

Mr. Wells stated on the demo if it is not too late to stop that give the guy a call. If it is too late it is too late. We notify them 2 or 3 times. Mr. Abbey stated we are demolishing more than we ever have.

Mr. Smith stated the only thing missed was the fire in the woods.

Chief Wilkinson stated they did respond to a fire on Covert Road for an open burn. Station 3 responded to an unpermitted fire with no water source. Battalion Chief notified Chief. Chief contacted city hall to stop a burn permit from being issued.

Mr. Heffner apologized for his absence at the last meeting due to his having a procedure.

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Doyle) 8/28/2019 to 9/10/2019 in the amount \$5,733.00.

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

2. Approve and authorize the Attorney Billing (Masud) 8/02/2019 to 8/29/2019 in the amount \$1,748.00.

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

3. Approve and authorize the following 2019-2020 budget amendment in the Major Streets Fund: Increase 2002-0000-574.0665 Federal/State Construction Revenue by \$42,200; Increase 2002-4051-802.7606 S.B. Grand Traverse St (Bristol-Hemphill) by \$52,700; and Decrease 2002-0000-390.0000 Unappropriated Surplus by \$10,500.

Mr. Martinbianco asked if the council approved the machine to plane the bumps in the road. When will the machine be delivered? Mr. Abbey stated it should be in any time. Mounts to our skid loader. Does both asphalt and concrete.

Mr. Heffner stated they budgeted \$30,000.00 Stated there should be a substantial saving because he believes the one ordered should be a lower price.

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

4. APPROVE AND AUTHORIZE scheduling a special city council meeting for the purpose of a public hearing on Monday, October 7, 2019 at 6:45 p.m. to consider any objections and/or favorable comments relative to the expansion of the Industrial Development District to be located at 59-33-502-008 Owner: Genesee Polymers Corp 59-33-503-001 Owner: Genesee Polymers Corp 59-33-100-007 Owner: Genesee Polymers Corp.

Mr. Haskins asked if there was going to be another meeting. The one for Plante Moran. It was stated it would be set at a later time.

Mr. Heffner asked that the council get a copy of the draft report before the meeting.

Mayor Zelenko stated that as soon as they get it, they would send it out.

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

5. Approve and authorize the request for a Residential Sanitary Sewer & Water Installer's License for Waldorf & Sons Inc. 9118 N. Dort Hwy, Mt. Morris, MI 48458.

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

6. Approve and authorize the request for a Residential Sanitary Sewer & Water Installer's License for Pro Ex, Inc., 5403 S. Dort Hwy, Flint, MI 48507.

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

K. SECOND READING OF ORDINANCE

1. Approve and authorize the second reading of amended Ordinance 157. An ordinance to amend Chapter 157, the Zoning Ordinance, of the Code of Ordinances of the City of Burton to regulate Commercial Marijuana Establishments (recreational marijuana)

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

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

Meeting was adjourned at 8:15 PM.